

Delmar Lee LEWIS v. STATE of Arkansas

RC 90-53

800 S.W.2d 722

Supreme Court of Arkansas
Opinion delivered January 14, 1991
[Opinion Corrected February 4, 1991.]

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that the record was tendered late due to a mistake on his part is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

Stephen G. Hough, for appellant:

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for appellee.

PER CURIAM. Appellant, Delmar Lee Lewis, by his attorney, has filed for a rule on the clerk.

His attorney, A. Wayne Davis, admits that the record was tendered late due to a mistake on his part.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See our Per Curiam opinion dated February 5, 1979, *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964.

A copy of this opinion will be forwarded to the Committee on Professional Conduct.
