

Michael Shane YORK v. STATE of Arkansas

RC 91-23

807 S.W.2d 933

Supreme Court of Arkansas  
Opinion delivered May 20, 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.

*David M. Clark*, for appellant.

No response.

PER CURIAM. Petitioner, Michael Shane York, by his attorney, David M. Clark, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to his failure to timely file the record in this court. *See Ark. R. App. P. 5(a)*.

[1] We find that such failure, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. *See per curiam* dated February 5, 1979, 265 Ark. 964; *Terry v. State*, 272 Ark. 243 (1981).

A copy of this opinion will be forwarded to the Committee on Professional Conduct. *In re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979).

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