

Ricky Samuel VAUGHAN v. STATE of Arkansas

RC 91-28

810 S.W.2d 327

Supreme Court of Arkansas
Opinion delivered May 28, 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.

William Isaacs, for appellant.

No objection.

PER CURIAM. Petitioner, Ricky Samuel Vaughan, by his attorney, William Isaacs, 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* our 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).