

## Bennie L. FRY, Jr. v. STATE of Arkansas

RC 91-56

817 S.W.2d 211

Supreme Court of Arkansas  
Opinion delivered October 28, 1991

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — NO GOOD CAUSE FOR GRANTING. — An attorney for a criminal defendant who failed to concede that it was his fault that the record was tendered late due to a mistake on his part, or to show other good cause for tendering the record late did not show good cause to grant a motion for rule on the clerk and so the motion was denied.

Motion for Rule on the Clerk; denied.

*Tom Garner*, for appellant.

No response.

PER CURIAM. Bennie L. Fry, Jr., by his attorney, has filed a motion for rule on the clerk.

The motion admits that the record was not timely filed and that it was no fault of the appellee.

[1] However, the motion does not state good cause for granting the motion as discussed in our per curiam, *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979). If the

attorney for Fry will concede that it was his fault that the record was not filed, or if other good cause is shown, then the motion will be granted. The present motion for rule on the clerk is denied.

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