

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

RC 91-56

822 S.W.2d 849

Supreme Court of Arkansas
Opinion delivered January 21, 1992

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.

Tom Garner, for appellant.

Winston Bryant, Att'y Gen., by: *Clint Miller*, Senior Asst. Att'y Gen., for appellee.

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

His attorney, *Tom Garner*, admits by motion 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.

The motion is, therefore, granted.

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