

Larry GONCE *v.* STATE of Arkansas

661 S.W.2d 390

Supreme Court of Arkansas
Opinion delivered December 19, 1983

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 Clerk; motion granted.

Davis & Bracey, by: *Charles E. Davis*, for appellant.

Steve Clark, Atty. Gen., by: *Alice Ann Burns*, Deputy Atty. Gen., for appellee.

PER CURIAM. Appellant Larry Gonce, by his attorney, has filed for a rule on the clerk.

His attorney, Charles E. Davis, has attached an affidavit admitting that the record was tendered late due to a mistake on his part.

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* 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.