

Sammy Joe ELMORE *v.*
STATE of Arkansas

672 S.W.2d 48

Supreme Court of Arkansas
Opinion delivered July 9, 1984

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE TO GRANT. — 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.

John Wesley Hall, Jr., for appellant.

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for appellee.

PER CURIAM. Appellant, Sammy Joe Elmore, by his attorneys, John Wesley Hall, Jr., and Tom Hinds, has filed a motion for rule on the clerk.

The motion admits that the transcript of the case was not timely filed and it was no fault of the appellant. His attorneys admit that the transcript was filed late due to a mistake on their part.

We find that such an error, admittedly made by the attorneys for a criminal defendant, is good cause to grant the motion. See our Per Curiam opinion dated February 5, 1979, *In Re: Belated Appeal in Criminal Cases*.

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