

Brian TODD *v.* STATE of Arkansas

670 S.W.2d 454

Supreme Court of Arkansas
Opinion delivered July 2, 1984

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that the trial court's order granting an extension of time was not timely filed 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.

Donald R. Huffman, Public Defender, for appellant.

No position taken by the Attorney General.

PER CURIAM. Appellant, Brian Todd, by his attorney, Donald R. Huffman, has filed a motion for rule on the clerk.

The motion admits that the trial court's order granting an extension of time was not timely filed and it was no fault of the appellant. His attorney admits that the order was filed 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 opinion 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.
