

Anita Cummings RUSH *v.* STATE of Arkansas

CR 98-115

959 S.W.2d 56

Supreme Court of Arkansas  
Opinion delivered February 26, 1998

APPEAL & ERROR — MOTION FOR RULE ON 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.

*Robert S. Tschiemer*, for appellant.

No response.

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PER CURIAM. Appellant Anita Rush, by and through her attorney, has filed a motion for a rule on the clerk. Her attorney, Robert S. Tschiemer, states in the motion that the record was tendered late due to a mistake on the part of appellant's former counsel, Jason Files. In support, the affidavit of Mr. Files, admitting his error, was attached an exhibit to the motion.

[1] We find that such an error, admittedly made by an attorney for a criminal defendant, is good cause to grant the motion. See *In re Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

The motion is therefore granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

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