

Daryl VAUGHN v. STATE of Arkansas

CR 98-741

970 S.W.2d 816

Supreme Court of Arkansas
Opinion delivered July 9, 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.

J. Leon Johnson, for appellant.

No response.

PER CURIAM. Appellant Daryl Vaughn, by his attorney, J. Leon Johnson, has filed a motion for rule on the clerk. The motion admits that the record was not timely filed and that it was no fault of the Appellant.

This court has held that we will grant a motion for rule on the clerk when the attorney admits that the record was not

timely filed due to an error on his part. See, e.g., *Tarry v. State*, 288 Ark. 172, 702 S.W.2d 804 (1986) (*per curiam*). Here, the attorney admits that the record was filed one day late, and that he was in error in failing to file the record on time.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See *Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978). A copy of this opinion will be forwarded to the Committee on Professional Conduct.

Motion granted.
