

Jeremy TURNER *v.* STATE of Arkansas

CR 98-992

976 S.W.2d 955

Supreme Court of Arkansas
Opinion delivered October 28, 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.

David P. Price, for appellant.

No response.

PER CURIAM. Appellant Jeremy Turner filed a motion for rule on the clerk on August 13, 1998. We denied the motion because appellant's attorney, David P. Price, did not admit fault in failing to timely file the record. See *Turner v. State*, 334 Ark. 240, 973 S.W.2d 480 (1998) (*per curiam*). We indicated, however, that we would grant the motion if appellant's attorney filed within thirty days a motion and affidavit accepting full responsibility for not timely filing the record. Appellant's attorney has assumed full responsibility for the error in a second motion for rule on the clerk filed on October 9, 1998.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See *Johnson v. State*, 332 Ark. 78, 959 S.W.2d 54 (1998) (*per curiam*); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*). A copy of this *per curiam* will be forwarded to the Committee on Professional Conduct. See *Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978).