

Larry RAYFORD *v.* STATE of Arkansas

CR 96-428

921 S.W.2d 954

Supreme Court of Arkansas
Opinion delivered June 3, 1996

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.

John F. Gibson, Jr., for appellant.

No response.

PER CURIAM. The appellant, Larry Rayford, has filed a motion for rule on the clerk. This is his second motion. The first motion was denied in our *per curiam* opinion dated May 6, 1996. In the *per curiam*, we ordered the appellant's attorney, John F. Gibson, Jr., to file an affidavit accepting full responsibility for not timely filing the transcript. Mr. Gibson filed the affidavit on May 16, 1996.

[1] We find that such an admission of error, 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*). A copy of this opinion will be forwarded to the Committee on Professional Conduct.

DUDLEY, J., not participating.