

Johnny WHITAKER v. STATE of Arkansas
RC 90-50 798 S.W.2d 922
Supreme Court of Arkansas
Opinion delivered November 19, 1990

APPEAL & ERROR — MOTION FOR RULE ON THE 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.

Don Lloyd Cook II, for appellant.

No response.

PER CURIAM. Appellant, Johnny Whitaker, by his attorney, has filed for a rule on the clerk.

His attorney, Don Lloyd Cook II, admits that the record was tendered late due to a mistake on his part.

[1] 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.