

Desmond BRYAN v. STATE of Arkansas

696 S.W.2d 306

Supreme Court of Arkansas

Opinion delivered September 9, 1985

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.

John R. Mercy, for appellant.

Steve Clark, Att'y Gen., by: *Clint Miller*, Asst. Att'y Gen., for appellee.

PER CURIAM. Appellant, Desmond Bryan, by his attorney, John R. Mercy, has filed a motion for rule on the clerk.

The motion admits that the record was not timely filed and it was no fault of the appellant. His attorney 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, *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979).

A copy of this opinion will be forwarded to the Committee on Professional Conduct.

PURTLE, J., not participating.
