

Curtis GIBSON *v.* STATE of Arkansas

614 S.W. 2d 234

Supreme Court of Arkansas
Opinion delivered April 20, 1981

CRIMINAL PROCEDURE — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING. — There is good cause to grant petitioner's motion for rule on the clerk where petitioner's attorneys admit that the record was tendered late due to a miscalculation on their part.

Motion for rule on clerk; motion granted.

E. Alvin Schay, State Appellate Defender, by: *Deborah Davies Cross*, Deputy Defender; and *Joe Holmes*, for petitioner.

Steve Clark, Atty. Gen., by: *C. R. McNair, III*, Asst. Atty. Gen., for respondent.

PER CURIAM. Petitioner, Curtis Gibson, by his attorneys, James D. Gibson and Robert E. Irwin, has filed a motion for rule on the clerk. His attorneys admit that the record was tendered late due to their miscalculation of the seven-month maximum limit for filing the record in this Court. See Rule 5, Ark. R. App. P., Ark. Stat. Ann., Vol. 3A (Repl. 1979).

We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See per curiam dated February 5, 1979, 265 Ark. 964; *Terry v. State*, 272 Ark. 243 (1981).

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