

Jim Arthur WARD v. STATE of Arkansas

717 S.W.2d 492

Supreme Court of Arkansas
Opinion delivered October 20, 1986

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.

Bill E. Ross, for appellant.

No objection.

PER CURIAM. Appellant, Jim Arthur Ward, by his attorney, Bill E. Ross, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late because the ninety-day limit for filing the record in this Court, *see* Ark. R. App. P. 5(a), was not extended by a new trial motion with respect to which no record was made. *See* Ark. R. App. P. 4(c).

[1] We find that such error, admittedly made by the

attorney for a criminal defendant, is good cause to grant the motion. *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981).

A copy of this opinion will be forwarded to the Committee on Professional Conduct. *In re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979).
