

Omar ALMOBARAK v. STATE of Arkansas

724 S.W.2d 180

Supreme Court of Arkansas  
Opinion delivered February 23, 1987

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.

*D. Scott Hickam*, for appellant.

No objection.

PER CURIAM. Petitioner, Omar Almobarak, by his attorney, D. Scott Hickam, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to his miscalculation of the ninety-day limit for filing the record in this court. *See* Ark. R. App. P. 5(a).

[1] We find that such error, admittedly made by the attorney for a criminal defendant, a 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. *In re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979).

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