

Johnny SCHERRER v. STATE of Arkansas

727 S.W.2d 381

Supreme Court of Arkansas
Opinion delivered April 13, 1987

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING. — Where the attorney for a criminal defendant admits in his affidavit that it was his fault that the record was not timely tendered, this is good cause to grant the motion for rule on the clerk.

Motion for Rule on the Clerk; motion granted.

James P. Clouette, for appellant.

No objection by appellee.

PER CURIAM. Petitioner Johnny Scherrer, by his attorney, has filed a second motion for a rule on the clerk. His attorney, James P. Clouette, has by affidavit admitted it was his fault that the record was not timely tendered.

[1] We find that the error, admittedly made by the criminal defendant's attorney, is good cause to grant the motion for a rule on the clerk.

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