

David QUIGLEY v. STATE of Arkansas

RC 88-6

747 S.W.2d 92

Supreme Court of Arkansas
Opinion delivered March 28, 1988

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.

David M. Clark, for appellant.

No response.

PER CURIAM. Petitioner, David Quigley, by his attorney, David M. Clark, 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, is good cause to grant the motion. See *Terry v. State*, 272 Ark. 243 (1981); *In re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

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