

Robin WALKER v. STATE of Arkansas

RC 88-39

759 S.W.2d 791

Supreme Court of Arkansas

Opinion delivered September 12, 1988

CRIMINAL PROCEDURE — MOTION FOR RULE ON THE CLERK — ATTORNEY'S ADMITTED ERROR IN MISCALCULATION OF LIMIT FOR FILING RECORD WAS GOOD CAUSE TO GRANT. — Where appellant's attorney admitted the record was tendered late due to her miscalculation of the ninety-day limit for filing the record, the error was good cause to grant the motion.

Motion for Rule on the Clerk; granted.

*Beverly C. Claunch*, for appellant.

No response.

PER CURIAM Appellant, Robin Walker, by his attorney, Beverly C. Claunch, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to her 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 per curiam dated February 5, 1979, *In Re: Belated Appeals In Criminal Cases*, 265 Ark. 964; *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.