

Bobby Ray GRISSOM v. STATE of Arkansas

RC 88-67

761 S.W.2d 606

Supreme Court of Arkansas

Opinion delivered December 19, 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 his miscalculation of the ninety-day limit for filing the record in the appellate court is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

*Lyons & Emerson*, by: *W. Ray Nickle*, for appellant.

No objection.

PER CURIAM. Appellant, Bobby Ray Grissom, by his attorney, Ray Nickle, 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 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.

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