

Charles SUMMERS v. STATE of Arkansas

RC 89-16

771 S.W.2d 16

Supreme Court of Arkansas
Opinion delivered May 8, 1989

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.

Lynn Plemmons, for appellant.

No objection.

PER CURIAM. Appellant, Charles Summers, by his attorney, Lynn F. Plemmons, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to 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.
