

Billy Kale FARMER v. STATE of Arkansas

CR 01-1104

57 S.W.3d 216

Supreme Court of Arkansas
Opinion delivered November 1, 2001

APPEAL & ERROR — MOTION FOR RULE ON 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 her part is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

Miller Law Firm, by: *Leslie Borgognoni*, for appellant.

No response.

PER CURIAM. Appellant, Billy Kale Farmer, by his attorney, Leslie Borgognoni, has filed a motion for rule on the clerk. On June 15, 2001, the Benton County Circuit Court entered an order denying appellant's motion for relief from an illegal sentence. Farmer timely filed a notice of appeal on July 13, 2001, and ultimately tendered the appellate record on October 12, 2001. However, due to a miscalculation in the due date, the record was lodged one day outside the applicable time limit.

[1] Ms. Borgognoni admits in the instant motion that the record was tendered late due to a mistake on her part. We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. *See In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*). Accordingly, we grant the motion for rule on the clerk. A copy of this opinion will be forwarded to the Committee on Professional Conduct. *Id.*
