

Earl NEIGHBORS v. STATE of Arkansas

RC 90-69

800 S.W.2d 438

Supreme Court of Arkansas  
Opinion delivered December 21, 1990

APPEAL & ERROR — RULE ON THE CLERK — MOTION DENIED. — It is the responsibility of the attorney of record to see that the record and transcript are timely filed, and where the motion for rule on the

clerk was not accompanied by a proper affidavit as required by A.R.Cr.P. Rule 36.9, the motion was denied without prejudice to file a proper motion.

Motion for Rule on the Clerk; denied.

*J.F. Atkinson, Jr.*, for appellant.

No response.

PER CURIAM. J. F. Atkinson, Jr., filed a motion for a rule on the clerk on behalf of his client, Earl Neighbors. However, the motion is not accompanied by a proper affidavit as required by A.R.Cr.P. Rule 36.9. See our per curiam of February 5, 1979, reported at 265 Ark. 964, and the case of *Melton v. State*, 273 Ark. 474, 620 S.W.2d 946 (1981).

It is the responsibility of the attorney of record to see that the record and transcript are timely filed. *Nelson v. State*, 272 Ark. 287, 613 S.W.2d 598 (1981).

[1] The motion for a rule on the clerk is denied without prejudice to file a proper motion.

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