

Jimmy Lane WICOFF v. STATE of Arkansas

RC 91-44

814 S.W.2d 267

Supreme Court of Arkansas
Opinion delivered September 9, 1991

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.

Christopher O'Hara Carter, for appellant.

No response.

PER CURIAM. Appellant, Jimmy Lane Wicoff, by his attorney, Christopher Carter has filed a motion for rule on the clerk. His attorney admits that the record was tendered late because the ninety-day limit for filing the record in this Court, *see* Ark. R. App. P. 5(a), was not extended by a new trial motion with respect to which no record was made. *See* Ark. R. App. P. 4(c).

[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.
