

Byron HOOPER v. STATE of Arkansas

CR 91-232

820 S.W.2d 276

Supreme Court of Arkansas
Opinion delivered December 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 his negligence in meeting the ninety-day limit for filing the record in the appellate court was good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

George Mason, for appellant.

No response.

PER CURIAM. Petitioner, Byron Hooper, by his attorney, George W. Mason, has filed a motion for rule on clerk. His attorney admits that the record was tendered late due to his negligence in meeting 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 Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

A copy of this opinion will be forwarded to the Committee on Professional Conduct. *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964.
