

Willard ROBBINS v. STATE of Arkansas

697 S.W.2d 118

Supreme Court of Arkansas

Opinion delivered October 14, 1985

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — SUFFICIENT CAUSE FOR GRANTING. — Where an attorney for a criminal defendant admits that the record was tendered late due to a miscalculation on his part, this is good cause for granting a motion for rule on the clerk.

Motion for Rule on the Clerk; motion granted.

Neil V. Pennick, for petitioner.

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for respondent.

PER CURIAM. Petitioner, Willard Robbins, by his attorney, Neil V. Pennick, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to his miscalculation of the seven-month maximum limit for filing the record in this Court. See Rule 5, Ark. R. App. P., Ark. Stat. Ann., Vol. 3A (Repl. 1979).

[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, 265 Ark. 964; *Terry v. State*, 272 Ark. 243 (1981).

A copy of this opinion will be forwarded to the Committee on Professional Conduct.

PURTLE, J., not participating.