

Avery Nathan RICHARDSON v. STATE of Arkansas

695 S.W.2d 379

Supreme Court of Arkansas  
Opinion delivered September 23, 1985

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; denied.

*Carl J. Madsen, P.A.*, by: *Mark A. Colbert*, for appellant.

No response.

PER CURIAM. The appellant has moved for a rule on the clerk to permit the late filing of the record and docketing of appeal in this criminal case.

Although the motion states “the attorney” miscalculated the time for perfecting the appeal, it does not say who the responsible attorney was.

[1] We will grant the rule on the clerk and permit the docketing of the appeal upon receipt of a proper motion accompanied by an affidavit from an attorney accepting responsibility for the failure to file the record on time. *See per curiam order of February 5, 1979, 265 Ark. 964.*

Motion denied.

PURTLE, J., not participating.

Steve K. FENDER v. Carrol GRAVETT, Pulaski County  
Sheriff

85-234

695 S.W.2d 839

Supreme Court of Arkansas  
Opinion delivered September 26, 1985

Writ of Habeas Corpus withdrawn; Appeal granted.

*Phillip A. McGough*, for appellant.

No response.

PER CURIAM. Motion for writ of habeas corpus, by agreement of counsel for the parties is considered and treated as an appeal.

A stay of execution of sentence is granted upon the posting of a \$2,500 bond approved by the clerk of this court.

The trial court's restraining order of May 23, 1985 is not stayed and shall remain in full force and effect.

The preparation of the record, transcripts and briefs shall be expedited by counsel in accordance with Rule 16.

PURTLE and NEWBERN, JJ., not participating.

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