

Joe Willie STEWART v. STATE of Arkansas

702 S.W.2d 2

Supreme Court of Arkansas  
Opinion delivered January 27, 1986

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING. — Where the 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.

*John Norman Warnock*, for petitioner.

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

PER CURIAM. Petitioner, Joe Willie Stewart, by his attorney,

John Norman Warnock, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to his miscalculation of 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 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.

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