

Timmy TARRY v. STATE of Arkansas

702 S.W.2d 804

Supreme Court of Arkansas
Opinion delivered February 3, 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 not timely filed due to an error on his part, this is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; motion granted.

Gene Worsham, for appellant.

No response by appellee.

PER CURIAM. Appellant, Timmy Tarry, by his attorney, Gene Worsham, has filed a motion for rule on the clerk.

The motion admits that the record was not timely filed and appellant's attorney accepts full responsibility for not perfecting the appeal on time.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See our Per Curiam opinion dated February 5, 1979, In Re: Belated Appeals in Criminal Cases, 265 Ark. 964.

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

PURTLE, J., not participating.
