

Johnny Lee TUBBS v. STATE of Arkansas

706 S.W.2d 180

Supreme Court of Arkansas
Opinion delivered March 24, 1986

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; granted.

David H. McCormick, for appellant.

No response.

PER CURIAM. Appellant, Johnny Lee Tubbs, by his attorney, David H. McCormick, 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.
