

Terry Wade NICHOLS v. STATE of Arkansas
RC 90-36 796 S.W.2d 346
Supreme Court of Arkansas
Opinion delivered October 8, 1990

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.

J.R. Atkinson, Jr., for appellant.

No response.

PER CURIAM. Appellant, Terry Wade Nichols, by his attorney, J. F. Atkinson, Jr., has filed a motion for reconsideration of his 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, *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964; *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981).

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

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Professional Conduct.
