

Johnny WHITAKER v. STATE of Arkansas

RC 90-50

796 S.W.2d 347

Supreme Court of Arkansas
Opinion delivered October 15, 1990

APPEAL & ERROR — RULE ON THE CLERK — MOTION DID NOT STATE GOOD CAUSE FOR GRANTING. — Where the motion admitted that the record was not timely filed and that it was no fault of the appellant, the motion did not state good cause for granting and was denied.

Motion for Rule on the Clerk denied.

Don Lloyd Cook II, for appellant.

No response.

PER CURIAM. Johnny Whitaker, by his attorney, has filed a motion for rule on the clerk.

The motion admits that the record was not timely filed and that it was no fault of the appellant.

[1] However, the motion does not state good cause for granting the motion as discussed in our per curiam issued February 5, 1979, 265 Ark. 964. If the attorney for Whitaker will concede that it was his fault that the record was not filed, or if other good cause is shown, then the motion will be granted. The present motion for rule on the clerk is denied.