

Donald YORK v. STATE of Arkansas

RC 88-25

749 S.W.2d 330

Supreme Court of Arkansas
Opinion delivered May 16, 1988

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.

Donald R. Huffman, Benton County Public Defender, by:
C.J. Hardcastle, for appellant.

No objection.

PER CURIAM. Petitioner, Donald York, by his attorney, C.J. Hardcastle, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. *See Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

A copy of this opinion will be forwarded to the Committee on Professional Conduct. *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964.