

Jacinto HENDERSON *v.* STATE of Arkansas

CR 01-616

57 S.W.3d 179

Supreme Court of Arkansas
Opinion delivered October 25, 2001

APPEAL & ERROR — MOTION FOR RULE ON 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.

Q. *Byrum Hurst, Jr.*, for appellant.

No response.

PER CURIAM. Appellant Jacinto Henderson, by and through his attorney, has filed a motion for rule on clerk. Appellant's attorney, Q. *Byrum Hurst, Jr.*, admits in his motion that the record was tendered late due to a mistake on his part.

[1] We find that such an error, admittedly made by an attorney for a criminal defendant, is good cause to grant the motion. *Jones v. State*, 338 Ark. 29, 992 S.W.2d 85 (1999)(*per curiam*)(citing *Terry v. State*, 288 Ark. 172, 702 S.W.2d 804 (1986)(*per curiam*)).

The motion for rule on the clerk is, therefore, granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct. See *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979)(*per curiam*).