

James Dennis HUDSPETH;  
Johnny "Red" Hudspeth *v* STATE of Arkansas

CR 01-1222

61 S.W.3d 842

Supreme Court of Arkansas  
Opinion delivered December 13, 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 error on his part is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

*David P. Henry*, for appellant.

No response.

**P**ER CURIAM. Appellants James Dennis Hudspeth and Johnny "Red" Hudspeth, by and through their attorney, have filed a motion for rule on clerk. Appellants' attorney, David P. Henry, states in the motion that the record was tendered late due to an illness he suffered, which he maintains constitutes excusable neglect and unavoidable casualty, thereby entitling appellants to have the record filed and the case docketed by the Clerk.

[1] We find that the attendant circumstances do not constitute excusable neglect or unavoidable casualty; however, as the error is admittedly made by an attorney for a criminal defendant, we find good cause to grant the motion. See *In Re Belated Appeals In Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*).

The motion is, therefore, granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

IMBER, J., not participating.