

Timothy RAY v. STATE of Arkansas

CR 02-317

73 S.W.3d 594

Supreme Court of Arkansas
Opinion delivered April 18, 2002

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.

Wright & Vannoy, by: *Herbert T. Wright*, for appellant.

No response.

PER CURIAM. [1] Appellant, Timothy Ray, by and through his attorney, Herbert T. Wright, has filed a motion for belated appeal, which will be treated as a motion for rule on the clerk. See *Johnson v. State*, 342 Ark. 709, 30 S.W.3d 715 (2000) (citing *Muhammed v. State*, 330 Ark. 759, 957 S.W.2d 692 (1997)). Mr. Wright admits in the instant motion that the record was tendered late due to a mistake on his part. We find that such an error, admittedly made by an attorney for a criminal defendant, is good cause to grant the motion. See *In Re Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

Accordingly, we grant the motion for rule on the clerk. A copy of this opinion will be forwarded to the Committee on Professional Conduct.
