

Helen Marie GATELY *v.* STATE of Arkansas

CR 04-583

187 S.W.3d 856

Supreme Court of Arkansas
Opinion delivered June 10, 2004

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 clerk.

Motion for Rule on Clerk; granted.

Law Offices of John R. VanWinkle, P.A., by: *John R. VanWinkle*,
for appellant.

No response.

PER CURIAM. Helen Marie Gately, by and through her attorney, has filed a motion for a rule on the clerk.

[1] Her attorney, John R. VanWinkle, admits in his motion that the record was tendered late due to a mistake on his part.

We find that such an error, admittedly made by the 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).

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