

Ray McBRIDE, Sr. *v.* STATE of Arkansas

CR 04-570

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.

B. Kenneth Johnson, for appellant.

No response.

PER CURIAM. Appellant Ray McBride, Sr., by and through his attorney, B. Kenneth Johnson, has filed a motion for rule on clerk. Mr. Johnson admits responsibility for failing to timely file the record 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. 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.
