

Michael Wayne BYRD *v.* STATE of Arkansas
CR 96-48 913 S.W.2d 305

Supreme Court of Arkansas
Opinion delivered January 29, 1996

APPEAL & ERROR — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that he tendered the record late is good cause for granting a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

Scott E. Smith, for appellant.

No response.

PER CURIAM. Petitioner, Michael Wayne Byrd, by his attorney, Scott E. Smith, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. *See Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam); *Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978).

A copy of this per curiam will be forwarded to the Committee on Professional Conduct. *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964.