
Ronald Eugene BROWN *v.* STATE of Arkansas

CR 06-182

231 S.W.3d 725

Supreme Court of Arkansas
Opinion delivered March 9, 2006

APPEAL & ERROR — MOTION FOR RULE ON CLERK — GRANTED. —

Appellant's attorney stated in the motion that the record was tendered late due to a mistake on his part.

Motion for Rule on Clerk, granted.

Joseph P. Mazzanti, III, for appellant.

No response.

PER CURIAM. [1] Appellant Ronald E. Brown, by and through his attorney, has filed a motion for rule on clerk. His attorney, Joseph P. Mazzanti, III, states in the motion that the record was tendered late due to a mistake on his part. He explains that he failed to include in the order extending time within which to file the record a declaration pursuant to Ark. R. App. P. – Civ. 5(b)(1)(C)¹ that all parties had the opportunity to be heard on the motion or waived such right. Because Mazzanti has admitted fault, this motion is granted pursuant to *McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004). A copy of this opinion will be forwarded to the Committee on Professional Conduct.

¹ Rule 5 of the Arkansas Rules of Appellate Procedure – Civil applies in criminal cases. *Moore v. State*, 359 Ark. 370, 197 S.W.3d 447 (2004).