

Bernard MARKS *v.* STATE of Arkansas

CR 08-472

284 S.W.3d 482

Supreme Court of Arkansas
Opinion delivered May 15, 2008

APPEAL & ERROR — ATTORNEY ADMITTED ERROR — MOTION GRANTED.

— Where appellant's attorney admitted that the record was tendered late due to a mistake on his part, the motion for rule on clerk was granted.

Motion for Rule on Clerk; granted.

Robert F. Morehead, for appellant.

No response.

PER CURIAM. Appellant Bernard Marks, by and through his attorney, has filed a motion for rule on clerk. His attorney, Robert F. Morehead, states in the motion that the record was tendered late due to a mistake on his part.

[1] Because Morehead admits there is no excusable reason for the delay and it is plain from the Motion for Rule on Clerk that delay was caused by attorney error, 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.

Motion granted.