

Hilberto HERNANDEZ *v.* STATE of Arkansas

CR 97-451

942 S.W.2d 866

Supreme Court of Arkansas
Opinion delivered May 5, 1997

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 the clerk.

Motion for Rule on the Clerk; granted.

Constance G. Grayson, for appellant.

No response.

PER CURIAM. Hilberto Hernandez, by his attorney, has filed a motion for a rule on the clerk.

His attorney, Constance G. Grayson, admits in her motion that the record was tendered late due to a mistake on her 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).

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