

Jerry SCHALK *v.* STATE of Arkansas

CR 98-227

960 S.W.2d 452

Supreme Court of Arkansas  
Opinion delivered March 19, 1998

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.

*Teri Swicegood*, for appellant.

No response.

PER CURIAM. Jerry Schalk, by his attorney, Teri Swicegood, has filed a motion for rule on the clerk. His attorney admits that the transcript was tendered late due to an error on her part.

[1] We find 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).

The motion for rule on the clerk is, therefore, granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.