

Gloria Jean POLLETTA *v.* STATE of Arkansas

CR 97-218

939 S.W.2d 310

Supreme Court of Arkansas
Opinion delivered March 17, 1997

APPEAL & ERROR — MOTION FOR RULE ON THE 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. Appellant, Gloria Jean Polletta, by her attorney, Constance G. Grayson, has filed a motion for a rule on the clerk. Appellant filed a timely notice of appeal from the denial of her petition for postconviction relief pursuant to Rule 37 of the Arkansas Rules of Criminal Procedure. Her attorney admits by motion that the record was tendered late due to a mistake on her part.

[1] 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*). The motion is therefore granted. *McCready v. State*, 325 Ark. 418, 924 S.W.2d 813 (1996) (*per curiam*).

A copy of this opinion will be forwarded to the Committee on Professional Conduct.
