

Cite as 2009 Ark. 587

SUPREME COURT OF ARKANSAS

No. CR 09-1037

FRANK R. GARNER
PETITIONER

V.

STATE OF ARKANSAS
RESPONDENT

Opinion Delivered November 19, 2009

PRO SE MOTION FOR BELATED
APPEAL OF JUDGMENT [CIRCUIT
COURT OF LITTLE RIVER
COUNTY, NO. CR 2004-61]

MOTION DISMISSED.

PER CURIAM

On September 12, 2005, judgment was entered reflecting that petitioner Frank R. Garner had been found guilty by a jury of kidnapping and rape. Consecutive sentences of 240 months' imprisonment and life imprisonment were imposed, respectively. No appeal was taken, and on September 21, 2009, petitioner filed the motion that is now before us seeking leave to proceed with a belated appeal of the judgment.

Belated appeals in criminal cases are governed by Rule 2(e) of the Rules of Appellate Procedure-Criminal. The rule provides in pertinent part that "no motion for belated appeal shall be entertained by the Supreme Court unless application has been made to the Supreme Court within eighteen (18) months of the date of entry of judgment." In this matter, the eighteen-month period to file a motion for belated appeal from the judgment of conviction entered on September 12, 2005, elapsed on March 12, 2007.

It is incumbent on a petitioner to file a motion for belated appeal in a timely manner inasmuch as an untimely motion for belated appeal is subject to dismissal. *Douglas v. State*, 2009 Ark. 468 (per curiam); *Bennett v. State*, 362 Ark. 411, 208 S.W.3d 775 (2005) (per curiam). As petitioner failed to file the motion within the period allowed by Rule 2(e), the motion is dismissed.

Motion dismissed.