

SUPREME COURT OF ARKANSAS

No. CR-14-975

RALPH MALONE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered February 26, 2015

PRO SE MOTIONS FOR
APPOINTMENT OF COUNSEL AND
TO FILE BELATED BRIEF [PULASKI
COUNTY CIRCUIT COURT, NO. 60CR-
07-4847]

HONORABLE BARRY A. SIMS, JUDGE

APPEAL DISMISSED; MOTIONS
MOOT.**PER CURIAM**

On February 13, 2009, judgment was entered reflecting that appellant Ralph Malone had entered a plea of guilty to rape and had been sentenced to 180 months' imprisonment. On March 18, 2014, appellant filed in the trial court a pro se motion seeking to proceed with a belated appeal of the judgment. The motion was dismissed on the ground that the trial court did not have authority to consider it, and appellant lodged an appeal in this court. He now asks by motions that counsel be appointed to represent him and that he be allowed to file a belated brief. As it is clear from the record that appellant could not prevail on appeal, the appeal is dismissed, and the motions are moot. *See Winters v. State*, 2014 Ark. 399, 441 S.W.3d 22 (per curiam).

Arkansas Rule of Appellate Procedure—Criminal 2(e) (2014) provides that only this court may grant leave to proceed with a belated appeal. *Gray v. State*, 277 Ark. 442, 642 S.W.2d 306 (1982). Accordingly, the trial court did not err in dismissing the motion.

Appeal dismissed; motions moot.

Ralph Malone, pro se appellant.

No response.