

Cite as 2011 Ark. 55

SUPREME COURT OF ARKANSAS

No. CR 10-1087

SHAHID OMAR V. STATE OF ARKANSAS	PETITIONER RESPONDENT	Opinion Delivered February 9, 2011 PRO SE MOTION FOR BELATED APPEAL OF ORDER [CRAWFORD COUNTY CIRCUIT COURT, CR 2005- 491] HON. GARY COTTRELL, JUDGE <u>MOTION DENIED.</u>
--	----------------------------------	--

PER CURIAM

Moreover, even if petitioner had not already proceeded under the rule, the petition filed February 18, 2010, was not timely filed. Pursuant to Arkansas Criminal Procedure Rule 37.2(c), if an appeal was taken, a petition under the rule must be filed in the circuit court within sixty days of the date the mandate was issued by the appellate court. The February 18, 2010 petition was filed approximately twenty-seven months after the mandate was issued on affirmance of the appeal in his case. Time limitations imposed by Rule 37.2(c) are jurisdictional in nature, and a circuit court cannot grant relief on an untimely petition. *Gardner v. State*, 2010 Ark. 344 (per curiam); *DeLoach v. State*, 2010 Ark. 79 (per curiam) (citing *Maxwell v. State*, 298 Ark. 329, 767 S.W.2d 303 (1989)); *Lauderdale v. State*, 2009 Ark. 624 (per curiam); see also *Croft v. State*, 2010 Ark. 83. This court likewise lacks jurisdiction to reach the merits of an appeal pertaining to an untimely petition. *Gardner*, 2010 Ark. 344; *Wilmoth v. State*, 2010 Ark. 315 (per curiam); *Carter*, 2010 Ark. 231, ___ S.W.3d ___; see also *Lawhon v. State*, 328

Ark. 335, 942 S.W.2d 864 (1997) (per curiam).

Motion denied.