

Cite as 2010 Ark. 42

**SUPREME COURT OF ARKANSAS**

No. CR 09-37

KAREEM HOLLOWAY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** January 28, 2010

PRO SE APPEAL FROM CIRCUIT  
COURT OF PULASKI COUNTY, CR  
2000-3339, HON. WILLARD  
PROCTOR, JR., JUDGE

AFFIRMED.

**PER CURIAM**

On July 17, 2001, judgment was entered reflecting that appellant Kareem Holloway had entered a plea of guilty to murder in the first degree, aggravated robbery, and theft of property for which an aggregate sentence of 240 months' imprisonment was imposed. On September 8, 2008, more than seven years after the judgment was entered, appellant filed in the trial court a pro se motion for credit against his sentence for time spent in custody. The trial court denied the motion, and appellant brings this appeal.

This court has held that a request for credit against a sentence for time spent in custody is a request for modification of a sentence imposed in an illegal manner. *Cooley v. State*, 322 Ark. 348, 351, 909 S.W.2d 312, 313 (1995) (citing *Delph v. State*, 300 Ark. 492, 780 S.W.2d 527 (1989)). A claim that a sentence was illegally imposed must be raised in a petition filed



Cite as 2010 Ark. 42

in the trial court within ninety days of the date of entry of judgment if the conviction was obtained on a plea of guilty. Ark. R. C. P. 37.2(c) (1995); see *Reed v. State*, 317 Ark. 286, 878 S.W.2d 376 (1994) (per curiam) (holding that Arkansas Rule of Criminal Procedure 37.1 superseded the time limits imposed in Arkansas Code Annotated § 16-90-111 (Supp. 1991) for correction or reduction of a sentence).

The time limits set out in Rule 37.2 are jurisdictional in nature, and the circuit court may not grant relief on a untimely petition for postconviction relief. *Young v. State*, 2009 Ark. 556 (per curiam); *Maxwell v. State*, 298 Ark. 329, 767 S.W.2d 303 (1989). Appellant did not file his motion under the Rule within the time period allowed, and thus the court did not err when it declined to grant the motion to modify his sentence.

Affirmed.

BROWN, J., not participating.

*Kareem Holloway*, pro se appellant.

*Dustin McDaniel*, Att’y Gen., by: *Lauren Elizabeth Heil*, Ass’t Att’y Gen., for appellee.