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**SUPREME COURT OF ARKANSAS**

No. CR 09-1148

MONTE RASHAD GENTRY  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered January 14, 2010

PRO SE MOTION FOR BELATED  
APPEAL OF ORDER [CIRCUIT  
COURT OF PULASKI COUNTY, CR  
2005-4252, HON. JOHN LANGSTON,  
JUDGE]

MOTION DISMISSED.

**PER CURIAM**

On August 23, 2006, judgment was entered reflecting that petitioner Monte Rashad Gentry had been found guilty by a jury of possession of a controlled substance with intent to deliver, maintaining drug premises, and simultaneous possession of drugs and firearms. He was sentenced as a habitual offender to an aggregate term of 1104 months' imprisonment. The Arkansas Court of Appeals affirmed. *Gentry v. State*, CACR 06-1377 (Ark. App. Sept. 26, 2007).

Petitioner subsequently filed in the trial court a timely pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. The petition was denied in an order entered March 13, 2008. No appeal was taken, and petitioner now seeks leave to proceed with a belated appeal of the order.

Belated appeals in criminal cases are governed by Rule 2(e) of the Arkansas Rules of Appellate Procedure-Criminal. The rule provides in pertinent part that “no motion for belated

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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 or entry of the order denying postconviction relief from which the appeal is taken.” In this matter, the eighteen-month period to file a motion for belated appeal from the order entered on March 13, 2008, elapsed on September 13, 2009. Petitioner did not file his motion until October 19, 2009.

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); see also *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.

Bowen, J., not participating.