

Cite as 2019 Ark. 3
SUPREME COURT OF ARKANSAS
No. CR-18-758

DON AIRSMAN

PETITIONER

V.

STATE OF ARKANSAS

RESPONDENT

Opinion Delivered January 17, 2019

PRO SE MOTION FOR BELATED
APPEAL OF ORDER
[HEMPSTEAD COUNTY CIRCUIT
COURT, NO. 29CR-12-164]

HONORABLE RANDY WRIGHT, JUDGE

MOTION DISMISSED.

KAREN R. BAKER, Associate Justice

Petitioner Don Airsman asks to proceed with a belated appeal of the May 2, 2016 order that denied a pro se petition for writ of mandamus that he filed in his criminal case. In the mandamus petition, Airsman sought to have a circuit judge take responsibility for lodging Airsman's appeal from the order entered December 4, 2015, that denied his petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. Because the motion for belated appeal was not timely filed, the motion is dismissed.

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 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."

Airsman filed his motion on September 19, 2018, which was more than twenty-eight months after the May 2, 2016 order was entered. Accordingly, Airsman did not meet his burden of filing a timely motion under the Rule. It is incumbent on a petitioner to file a motion for belated appeal in a timely manner.

Motion dismissed.