

SUPREME COURT OF ARKANSAS

No. CR 09-910

GREGORY E. PRICE
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered October 22, 2009

PRO SE MOTION FOR BELATED
APPEAL [CIRCUIT COURT OF
SALINE COUNTY, CR 2003-542, HON.
GRISHAM PHILLIPS, JUDGE]

MOTION DISMISSED.

PER CURIAM

In 2005, petitioner Gregory E. Price was found guilty by a jury of first-degree murder and sentenced to life imprisonment. We affirmed. *Price v. State*, 365 Ark. 25, 223 S.W.3d 817 (2006). Subsequently, through counsel, petitioner timely filed in the trial court a verified petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. On January 12, 2007, the trial court entered an order that denied the petition. The partial record tendered here indicates that a notice of appeal was not filed. On August 11, 2009, petitioner filed a pro se motion for belated appeal from entry of the order that is now before us.

Belated appeals in criminal cases are governed by Rule 2(e) of the 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[.]” The eighteen-month period to file a motion for belated appeal in the case elapsed on July 12, 2008, while petitioner’s motion for belated appeal was filed here thirty-one months after entry of the order that

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denied the Rule 37.1 petition.

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. *Bennett v. State*, 362 Ark. 411, 208 S.W.3d 775 (2005) (per curiam). As petitioner failed to file the belated-appeal motion within the period allowed by Criminal Appellate Procedure Rule 2(e), the motion is dismissed.

Motion dismissed.