

Cite as 2015 Ark. 182

SUPREME COURT OF ARKANSAS

No. CR-14-1125

RYAN NUTT

PETITIONER

V.

STATE OF ARKANSAS

RESPONDENT

Opinion Delivered April 23, 2015

PRO SE PETITION FOR REHEARING
OR RECONSIDERATION OF
DISMISSAL OF MOTION FOR
BELATED APPEAL OF ORDER AND
MOTION FOR INFORMATION ON
STATUS OF CASE
[PIKE COUNTY CIRCUIT COURT,
NO. 55CR-11-38]

HONORABLE CHARLES A.
YEARGAN, JUDGE

PETITION TREATED AS MOTION
FOR RECONSIDERATION AND
DENIED; MOTION FOR
INFORMATION ON STATUS OF CASE
MOOT.

PER CURIAM

In 2014, petitioner Ryan Nutt filed in the Pike County Circuit Court an unverified pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (2012) in which he challenged the judgment of conviction entered against him in case number 55CR-11-38. The trial court dismissed the petition on May 9, 2014. On December 18, 2014, petitioner filed a notice of appeal, which was not timely filed in accordance with Rule 2(a)(4) of the Arkansas Rules of Appellate Procedure—Criminal (2014) inasmuch as it was not filed within thirty days of the date that the petition was dismissed. Petitioner then sought leave in this court to proceed with a belated appeal of the order. We dismissed the motion because his Rule 37.1 petition was not verified in accordance with Rule 37.1(c). *Nutt v. State*, 2015 Ark. 103 (per curiam). As a result, the petition was not properly before the trial court. *Hatton v. State*, 2012

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Ark. 286 (per curiam). Moreover, we noted that, even if petitioner had filed a properly verified petition, the motion for belated appeal would be subject to denial on the ground that petitioner did not meet his burden of stating good cause for the failure to timely file a notice of appeal. Petitioner now seeks rehearing or reconsideration of that decision.

We treat the petition as a motion for reconsideration because it concerns the dismissal of a motion rather than the affirmance of an order or judgment. *See Burks v. State*, 2013 Ark. 274 (per curiam). A request for rehearing, pursuant to Arkansas Supreme Court Rule 2-3(g) (2014), should call attention to specific errors of law or fact that the opinion is thought to contain. *Edwards v. State*, 2014 Ark. 87 (per curiam). In his request for reconsideration, petitioner's sole argument is that his Rule 37.1 petition had merit and should have been granted. Petitioner does not put forth any issues regarding an error of law or fact in the opinion denying his motion for belated appeal. As such, his motion is denied.

Petition treated as motion for reconsideration and denied; motion for information on status of case moot.