

SUPREME COURT OF ARKANSAS

No. CR-17-35

DEONTAE FULTON

PETITIONER

V.

STATE OF ARKANSAS

RESPONDENT

Opinion Delivered March 16, 2017

PRO SE MOTION FOR RULE ON CLERK
TO PROCEED WITH MOTION FOR
BELATED APPEAL WITHOUT A
CERTIFIED RECORD
[PULASKI COUNTY CIRCUIT COURT
NO. 60CR-13-2648]

MOTION DENIED.**PER CURIAM**

In 2015, petitioner Deontae Fulton was found guilty by a jury in the Pulaski County Circuit Court of first-degree murder and sentenced to 420 months' imprisonment. The Arkansas Court of Appeals affirmed. *Fulton v. State*, 2016 Ark. App. 28.

Now before us is Fulton's pro se motion for rule on clerk in which he seeks leave to proceed in this court with a motion for belated appeal of an unspecified order without a certified record of the lower court proceedings. He contends in the motion that he cannot provide the certified record needed to appeal because he is indigent.

The motion is denied. Without a certified record, we have no foundation for assuming jurisdiction in a matter. *See Cook v. State*, 2016 Ark. 143 (per curiam); *see also Young v. State*, 2009 Ark. 608 (per curiam). We have consistently held that, without a certified record to establish jurisdiction, a motion for belated appeal cannot be filed and acted on by this court. *Bannister v. State*, 2013 Ark. 412, at 2 (per curiam), *see also Croston v. State*, 2012 Ark. 183 (per curiam) (Petitioner's motion for belated appeal could not be

filed as petitioner had failed to provide the certified record necessary to file such a motion.); *see also Williams v. Helena Reg'l Med. Ctr.*, 2012 Ark. 126 (per curiam); *Threadford v. Hobbs*, 2011 Ark. 468 (per curiam).

Motion denied.