

# ARKANSAS SUPREME COURT

No. CR 08-1020

STANLEY T. NORTON  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

**Opinion Delivered** November 20, 2008

PRO SE MOTION FOR BELATED  
APPEAL OF JUDGMENTS OF  
CONVICTION [CIRCUIT COURT OF  
JEFFERSON COUNTY, CR 96-302, CR  
96-5, HON. FRED DAVIS, JUDGE]

MOTION DISMISSED.

## PER CURIAM

On November 7, 1996, petitioner Stanley T. Norton was found guilty in a trial to the bench of battery in the first degree and sentenced to 264 months' imprisonment. No appeal was taken from the judgment. On December 13, 1996, petitioner entered a plea of guilty to residential burglary, attempted murder in the first degree, and rape. He was sentenced to an aggregate term of 480 months' imprisonment to be served consecutively to the 264 months' imprisonment imposed in the prior case.

On August 28, 2008, nearly twelve years after the judgments were entered, petitioner filed the instant pro se motion seeking leave to proceed with a belated appeal of the two judgments. He argues that his attorneys in the trial court were at fault for failing to perfect appeals from the judgments.

Even if petitioner had demonstrated in his motion that he was entitled to appeal from the judgment entered on a plea of guilty in his second conviction, the motion was not timely filed as to

either judgment. 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 months of the date of entry of judgment. The eighteen-month period to file a motion for belated appeal in the cases at issue elapsed in 1998.

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. *Hayes v. State*, 328 Ark. 95, 940 S.W.2d 886 (1997) (per curiam). As petitioner failed to file the motion within the period allowed by Rule 2(e), the motion is dismissed.

Motion dismissed.