

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

RICHARD P. SPAULDING,

Petitioner,

v.

STATE OF OKLAHOMA,

Respondent.

JAN 25 2023

JOHN D. HADDEN
CLERK

No. PC-2022-609

ORDER DENYING POST-CONVICTION APPEAL OUT OF TIME

Petitioner, pro se, filed a petition for an appeal out of time in Tulsa County District Court Case No. CF-2017-682. The District Court recommended he be denied an appeal out of time in an order filed on May 13, 2022. Petitioner's Notice of Post-Conviction Appeal should have been filed with the clerk of the trial court on or before June 2, 2022, but was not filed until June 30, 2022. Petitioner failed to timely file the Notice of Post-Conviction Appeal within twenty (20) days from the filing date of the District Court's final order. See Rule 5.2(C)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023). The filing of the notice of post-conviction appeal with the trial court clerk is jurisdictional and failure to timely file constitutes


waiver of the right to appeal. *Id.*; see also *Pershall v. State*, 2017 OK CR 13, 400 P.3d 871.

Accordingly, the Court **DECLINES** jurisdiction and **DISMISSES** this matter. Issuance of this order concludes these proceedings before this Court.

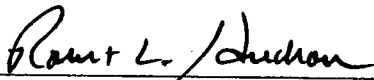
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

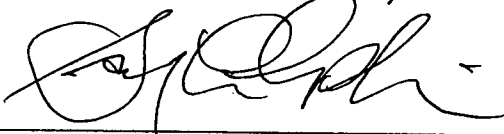
25 day of January, 2023.



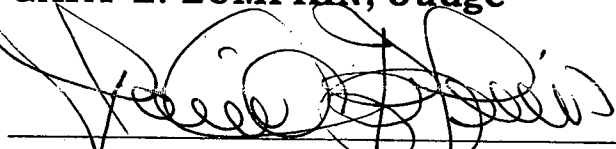
SCOTT ROWLAND, Presiding Judge



ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge

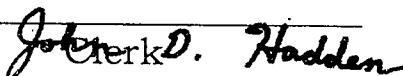


DAVID B. LEWIS, Judge

Recused

WILLIAM J. MUSSEMAN, Judge

ATTEST:


Clerk
PA