

1.4(C)(1), & 6.1(D), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2016).

On April 14, 2016, Ricki J. Walterscheid of the Oklahoma Indigent Defense System on behalf of Appellee, filed a Motion to Dismiss this matter. Although acknowledging the State's timely filing of its "Application for Accelerated Docket (Fast Track)," the Motion to Dismiss observes that since the reviewing judge's pronouncement of her January 11, 2016, final order, a period of more than ninety (90) days has lapsed without the State having filed a Petition in Error. Appellee notes, "The filing of the Petition in Error is jurisdictional and failure to timely file constitutes waiver of right to appeal." Rule 3.1(C). For these reasons, Appellee concludes that Appellant's matter must be dismissed. The Court **FINDS** Appellee's Motion should be granted.

IT IS THEREFORE THE ORDER OF THIS COURT that Appellant's Motion to Dismiss is **GRANTED**, and the unperfected appeal in Case No. CF-2015-33 is **DISMISSED**.

Issuance of this order concludes these proceedings before this Court. The Clerk of this Court shall transmit a copy of this order to the Honorable Tracy Schumacher, District Judge; to the Honorable Michael Tupper, Special Judge; to the District Court Clerk; to Melia L. Melton, court reporter; to Nathaniel Hales, Assistant District Attorney; and to Ricki J. Walterscheid, counsel for Appellee.

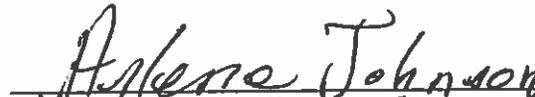
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 21st day of April, 2016.

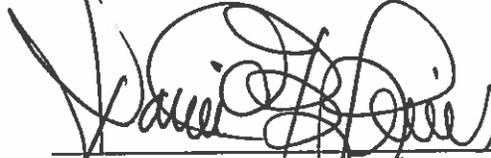

CLANCY SMITH, Presiding Judge



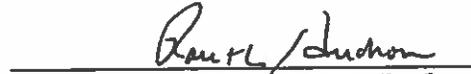
GARY L. LUMPKIN, Vice Presiding Judge



ARLENE JOHNSON, Judge



DAVID B. LEWIS, Judge



ROBERT L. HUDSON, Judge

ATTEST:



Clerk
RA