

**IN THE COURT OF APPEALS  
OF THE  
STATE OF MISSISSIPPI  
NO. 96-CC-01191 COA**

**WILLIE BELL, JR.**

**APPELLANT**

**v.**

**MISSISSIPPI EMPLOYMENT SECURITY  
COMMISSION**

**APPELLEE**

**PER CURIAM AFFIRMANCE MEMORANDUM OPINION**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND MAY NOT BE CITED,  
PURSUANT TO M.R.A.P. 35-B

DATE OF JUDGMENT:	9/23/96
TRIAL JUDGE:	HON. ROBERT LEWIS GIBBS
COURT FROM WHICH APPEALED:	HINDS COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	WILLIAM O. TOWNSEND
ATTORNEY FOR APPELLEE:	JAN D. GARRICK
NATURE OF THE CASE:	CIVIL - OTHER
TRIAL COURT DISPOSITION:	LEAVE TO FILE UNTIMELY APPEAL DENIED.
DISPOSITION:	AFFIRMED - 12/16/97
MOTION FOR REHEARING FILED:	12/29/97
CERTIORARI FILED:	2/25/98
MANDATE ISSUED:	5/27/98

BEFORE BRIDGES, C.J., PAYNE, AND SOUTHWICK, JJ.

PER CURIAM:

On September 27, 1995, the Circuit Court Hinds County, First Judicial District, entered an order affirming the Mississippi Employment Security Commission Board of Review's denial of unemployment benefits to Willie Bell, Jr. based upon his misconduct. On February 16, 1996, or one hundred thirteen days after the deadline for appeal, Bell filed a document styled "Motion for Out of Time Appeal to the State Supreme Court of the State of Mississippi." After a hearing upon the motion, the circuit court, on September 24, 1996, entered an order denying the motion. It is from this order that Bell appeals to the supreme court.

The procedures for appealing a circuit court judgement are set out in Rule 4(a) of the Mississippi Rules of Appellate Procedure which provides that the notice of appeal shall be filed with the clerk of the trial court within thirty days after entry of the judgment or order appealed from. Failure to file a timely appeal leaves the supreme court without jurisdiction to consider the appeal. *Bank of Edwards v. Cassity Auto Sales, Inc.*, 599 So. 2d 579 (Miss. 1992).

The circuit court entered its order denying Bell benefits on September 27, 1995. Under Rule 4(a) Bell had thirty days, or until October 27, 1995, in which to appeal the decision to the supreme court. Under Rule 4(g) Bell had an additional thirty days, or until November 27, 1995, in which to file a motion with the circuit court to extend the time for filing a notice of appeal. Bell failed to meet either of these deadlines. Instead, Bell's motion for out of time appeal was filed on February 16, 1996, or some one hundred thirteen days after the thirty day appeal deadline of Rule 4(a) and eighty- two days after the sixty day window of Rule 4(g). Having reviewed the record and briefs, we find no error. This matter is jurisdictional, and the circuit court correctly denied Bell's motion.

**THE JUDGMENT OF THE HINDS COUNTY CIRCUIT COURT, FIRST JUDICIAL DISTRICT, IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED TO THE APPELLANT.**

**BRIDGES, C.J., McMILLIN AND THOMAS, P.JJ., COLEMAN, DIAZ, HERRING, HINKEBEIN, KING, PAYNE, AND SOUTHWICK, JJ., CONCUR.**