

## **SUMMARY STATEMENT**

*State v. Marjorie Balls Krambule*

Docket No. 44433

Margorie Balls Krambule contends that at the time of her guilty plea her right to counsel was violated. Krambule did not timely appeal from her conviction. Subsequently, after being placed on probation, her probation was revoked. She timely appealed from the order revoking probation. On appeal, Krambule contends that her underlying conviction is void because her right to counsel was denied or without valid waiver. She asserts that a void judgment may be attacked when the appeal is timely from the revocation of probation.

Krambule asserts that while “typically” this Court does not have jurisdiction to rule upon the underlying judgment from which no timely appeal was taken, in circumstances where a constitutional violation renders the judgment void, in this case the invalid waiver of counsel, the Court does have jurisdiction to review the underlying conviction when the appeal is timely from the revocation of probation. However, when a notice of appeal is timely only from an order revoking probation, the issues on appeal are restricted to that order. This appeal is not timely to challenge Krambule’s underlying conviction regardless of whether she asserts the conviction was void, is challengeable as fundamental error, or as structural error. Appellate court jurisdiction is not expanded by these claims, when the appeal is not timely from the conviction challenged. Because this Court lacks jurisdiction to consider the merits of the arguments raised by Krambule, the appeal is dismissed.