

ARKANSAS SUPREME COURT

No. CR 05-934

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered May 18, 2006

MICHAEL LAMONT THOMAS
Appellant

PRO SE APPEAL FROM THE CIRCUIT
COURT OF PULASKI COUNTY, CR
99-3383, HON. BARRY A. SIMS,
JUDGE

v.

STATE OF ARKANSAS
Appellee

APPEAL DISMISSED

PER CURIAM

Appellant Michael Lamont Thomas was convicted by a jury of rape and sentenced as a habitual offender to forty years' imprisonment. The Arkansas Court of Appeals affirmed. *Thomas v. State*, CACR 00-643 (Ark. App. 2002). In 2004, appellant filed in the trial court a *pro se* petition for writ of *habeas corpus* pursuant to Act 1780 of 2001, codified at Ark. Code Ann. §§ 16-112-201–207 (Supp. 2003). The trial court denied the petition without a hearing, and appellant, proceeding *pro se*, has lodged an appeal here from the order.

As an initial matter, the State maintains that this court does not have jurisdiction over the instant appeal as appellant's notice of appeal failed to identify the order from which the appeal was taken, as set forth in Ark. R. App. P. – Crim. 2(a)(4). We agree. A notice of appeal must identify the order appealed, and orders not mentioned in a notice of appeal are not properly before the appellate court. *See McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004). *Accord Daniel v. State*, 64 Ark. App. 98, 983 S.W.2d 146 (1998), *citing Arkansas Dep't of Human Servs. v. Shipman*, 25 Ark. App. 247, 756 S.W.2d 930 (1988).

A petitioner has the right to appeal a ruling on a petition for postconviction relief, which includes the dismissal of a petition for writ of *habeas corpus*. See *Scott v. State*, 281 Ark. 436, 664 S.W.2d 475 (1984) (*per curiam*). With that right, however, goes the responsibility to comply with proper procedure. See, e.g., *Garner v. State*, 293 Ark. 309, 737 S.W.2d 637 (1987) (*per curiam*). The fact that a petitioner is proceeding *pro se* in itself does not constitute good cause for the failure to conform to the prevailing rules of procedure. *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (*per curiam*).

As this court lacks jurisdiction to address appellant's claims, the appeal is dismissed.

Appeal dismissed.