

# ARKANSAS SUPREME COURT

No. CR 06-213

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered June 29, 2006

FREDERICK PENNINGTON, JR.

Petitioner

*PRO SE* MOTION FOR  
RECONSIDERATION OF MOTION  
FOR BELATED APPEAL AND  
REVIEW OF CERTIFIED RECORD  
[CIRCUIT COURT OF PULASKI  
COUNTY, CR 77-1933, CR 77-1934, CR  
77-1939, HON. JOHN W. LANGSTON,  
JUDGE]

v.

STATE OF ARKANSAS

Respondent

MOTION DENIED

## PER CURIAM

In 1978, petitioner Frederick Pennington, Jr. entered a guilty plea to capital felony murder, first-degree battery, and multiple counts of aggravated robbery, and received an aggregate sentence of life imprisonment. He filed a *pro se* pleading in the trial court, in 2005, entitled “New Rule of Law for Mandamus Motion to Withdraw Guilty Plea.” The trial court denied the pleading’s request for relief and petitioner tendered the record to this court on appeal. Our clerk correctly declined to lodge the record because no notice of appeal was filed within thirty days from entry of the order, and we denied petitioner’s motion for belated appeal. *Pennington v. State*, CR 06-213 (Ark. April 6, 2006) (*per curiam*).

Petitioner filed a motion for reconsideration of the order denying his motion for belated appeal, which this court also denied. *Pennington v. State*, CR 06-213 (Ark. May 4, 2006) (*per curiam*). Now before us is petitioner’s pleading titled “Motion for Review of Certified Record,” in

which he urges us once again to permit a belated appeal and appears to alternatively argue that we should review the entire record, whether or not a belated appeal is granted, and grant petitioner a new trial or modify his sentence. Petitioner further requests a certified copy of the record for a writ of *certiorari* review by the United States Supreme Court.

Petitioner's new motion once again fails to state any good cause to grant a belated appeal. He argues that he was entitled to have an attorney appointed to him, and, apparently further asserts that the attorney who should have been appointed would have been responsible for filing a timely notice of appeal. However, he does not contend that any attorney was ever appointed to represent him. All litigants, including those who proceed *pro se*, must bear responsibility for conforming to the rules of procedure. *Peterson v. State*, 289 Ark. 452, 711 S.W.2d 830 (1986) (*per curiam*); *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (*per curiam*); *Thompson v. State*, 280 Ark. 163, 655 S.W.2d 424 (1983) (*per curiam*); *see also Tarry v. State*, 353 Ark. 158, 114 S.W.3d 161 (2003) (*per curiam*). The *pro se* appellant receives no special consideration on appeal. *Elliott v. State*, 342 Ark. 237, 27 S.W.3d 432 (2000); *see Gibson v. State*, 298 Ark. 43, 764 S.W.2d 617 (1989). As we noted in our previous decision, petitioner was responsible to perfect his appeal.

To the extent that petitioner would have us conduct an independent review of the record, he has cited no basis or precedence for such a review. This court will not consider an argument that presents no citation to authority or convincing argument. *Kelly v. State*, 350 Ark. 238, 85 S.W.3d 893 (2002).

As for petitioner's request for a copy of the record, he has provided no showing that the record is necessary in order to file a petition for writ of *certiorari* to the United States Supreme Court. We do not provide a copy of the transcript to facilitate a postconviction proceeding without

a showing that the record is necessary and that specific anticipated points cannot be properly raised without access to the transcript. *See Thomas v. State*, 328 Ark. 753, 945 S.W.2d 939 (1997) (*per curiam*). Accordingly, petitioner's motion is denied.

Motion denied.