

ARKANSAS SUPREME COURT

No. CR 06-297

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered June 22, 2006

DOYLE ANTHONY JONES
Petitioner

PRO SE MOTION FOR
RECONSIDERATION OF MOTION
FOR RULE ON CLERK [CIRCUIT
COURT OF WASHINGTON COUNTY,
CR 2003-850-2, HON. KIM M. SMITH,
JUDGE]

v.

STATE OF ARKANSAS
Respondent

MOTION DENIED

PER CURIAM

Petitioner Doyle Anthony Jones was found guilty of arson and sentenced to 480 months' imprisonment. The Arkansas Court of Appeals affirmed. *Jones v. State*, CACR 04-632 (Ark. App. March 16, 2005).

Subsequently, petitioner timely filed in the trial court a *pro se* petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1 that was denied. Petitioner timely filed a notice of appeal on June 13, 2005, but failed to tender the record to this court until March 22, 2006. He then sought leave from this court to lodge the record belatedly by means of a *pro se* motion for rule on clerk. The motion was denied. *Jones v. State*, CR 06-297 (Ark. April 20, 2006) (*per curiam*).

Now before us is petitioner's motion for reconsideration of the motion for rule on clerk. Petitioner again places the fault for the untimely tender of the record on the circuit clerk and urges this court to permit the record to be lodged because he did everything possible to lodge the record

within ninety days of the date of the notice of appeal as required by Ark. R. App. P.--Civ. 5(a), as applied through Ark. R. App. P.--Crim. 4(a).

As we said when the motion was denied, it is not the duty of the circuit clerk, or the responsibility of anyone other than the petitioner, to perfect an appeal. *See Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (*per curiam*); *Bragg v. State*, 297 Ark. 348, 760 S.W.2d 878 (1988) (*per curiam*). In *McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004), this court clarified its treatment of motions for rule on the clerk and motions for belated appeal. We said that there are only two possible reasons for an appeal not to be timely, either the party or attorney filing the appeal is at fault or there is good reason. If the party believes there is good reason the appeal was not perfected, the case for good reason can be made in the motion, and this court will decide whether good reason is present. *Id.* at 116, 146 S.W.3d at 891.

All litigants, including those who proceed *pro se*, must bear responsibility for conforming to the rules of procedure or demonstrating a good cause for not doing so. *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*). Petitioner's placing blame on the circuit clerk does not established that there is good cause for this court to reconsider the motion for rule on clerk.

Motion denied.