

Cite as 2024 Ark. App. 357  
**ARKANSAS COURT OF APPEALS**  
DIVISION III  
No. CR-23-480

CORTEZ DEVANTE BANKS  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

Opinion Delivered May 29, 2024

APPEAL FROM THE PHILLIPS  
COUNTY CIRCUIT COURT  
[NO. 54CR-19-7]

HONORABLE CHALK S. MITCHELL,  
JUDGE

AFFIRMED

---

**MIKE MURPHY, Judge**

This is an appeal from the denial of a Rule 37 petition for postconviction relief based on ineffective assistance of counsel. Appellant Cortez Banks argues that the trial court erred in denying his petition because his counsel was ineffective for failure to obtain a ruling on his motion to dismiss for lack of a speedy trial or, alternatively, for counsel's failure to make a new motion to dismiss for lack of a speedy trial at the plea hearing. Because the record is deficient, we must affirm.

On March 11, 2022, Banks entered negotiated pleas of guilty to second-degree murder and first-degree battery and was sentenced to concurrent terms of imprisonment totaling fourteen years in the Arkansas Division of Correction. Four days later, on March 15, Banks filed a pro se petition for postconviction relief pursuant to Rule 37 of the Arkansas Rules of Criminal Procedure. The circuit court held a hearing on March 23, 2023, and

entered an order denying the petition on April 4. Banks now timely appeals the denial of his Rule 37 petition.

As an initial matter, the record is woefully deficient. Among other things, it does not contain the transcript of the plea hearing and the Rule 37 hearing. It contains only the order denying Banks's request for postconviction relief and the sentencing order. We should note that Banks did not file a petition for writ of certiorari or a motion to supplement the record.

A petitioner who seeks relief in this court has the burden to bring up a sufficient record on which to grant relief, including those who proceed pro se. *Jackson v. State*, 2012 Ark. 41, at 2-3. It is well settled that an appellant bears the burden of producing a record that demonstrates error. *Id.* Further, mere ignorance of appellate procedure in itself is not good cause to permit an appeal to go forward when the petitioner has failed to comply with procedural rules. *Burgess v. State*, 2010 Ark. 34.

Banks has not produced a sufficient record and has provided no evidence to support his arguments. When an appellant fails to meet his burden, this court has no choice but to affirm the trial court's decision. *Jackson, supra*.

Affirmed.

HARRISON, C.J., and KLAPPENBACH, J., agree.

Cortez Devonte Banks, pro se appellant.

Tim Griffin, Att'y Gen., by: Lauren Elizabeth Heil, Ass't Att'y Gen., for appellee.