

SUPREME COURT ARKANSAS

No. CR09-1012

WILLIAM F. YOUNG, JR.
PETITIONER

v.

STATE OF ARKANSAS
RESPONDENT

Opinion Delivered December 3, 2009

PRO SE MOTION FOR RULE ON
CLERK TO ACCEPT APPEAL
WITHOUT CERTIFIED RECORD
[CIRCUIT COURT OF SHARP
COUNTY, CR 2006-05]

MOTION DENIED.

PER CURIAM

Now before us is a motion filed by petitioner William F. Young, Jr., asking this court to accept an appeal without a certified record of the lower court proceedings. As there is no record, this court has only petitioner's statements in the motion as to the proceedings in the lower court. He states that he was found guilty of capital murder, aggravated robbery, residential burglary, and two counts of theft of property, and that he timely filed in the trial court a pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. He further states that the petition was denied on January 5, 2009, and that he filed a notice of appeal on January 26, 2009. The appeal was not perfected, and petitioner asks that this court permit the appeal from the order to be accepted without a certified record.

Petitioner argues that it was entirely the fault of the circuit clerk that the certified record was not tendered to this court in a timely manner pursuant to the notice of appeal. He contends that, if the clerk had performed her duties, the appeal would have been timely



Cite as 2009 Ark. 608

perfected or he would have at least been able to file a motion here to perfect the appeal. On the ground that the clerk failed to act, petitioner urges this court to accept the appeal and issue an order to the circuit clerk to produce the certified record for the appeal.

It is well settled that all litigants, including those who proceed pro se, must bear the responsibility of conforming to the rules of procedure. *See Ester v. State*, 2009 Ark. 442, at 1 (per curiam); *see also Marshall v. State*, 2009 Ark. 420, at 1 (per curiam). When proceeding pro se, it is not the responsibility of the circuit clerk, circuit court, or anyone other than the petitioner to perfect an appeal. *See Ester*, 2009 Ark. 442, at 1; *see also Marshall*, 2009 Ark. 420, at 1.

This court cannot assume jurisdiction of a matter without an adequate record. *See Davis v. Dennis*, 2009 Ark. 474, at 1 (per curiam). Without a certified record, we are left to rely on petitioner's statements and copies of documents that may or may not be true and accurate copies of the material filed in the circuit court as a foundation for assuming jurisdiction. This court does not proceed without a certified record where one is clearly required, and petitioner has not demonstrated that there is any good cause to make an exception in his case.

Motion denied.

William F. Young, Jr., pro se petitioner.

No response.