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SUPREME COURT OF ARKANSAS

No. CR-10-174

MICHAEL RAYMOND SCHNIEPP
APPELLANT

v.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered March 1, 2012

PRO SE APPEAL FROM THE BENTON COUNTY CIRCUIT COURT, NO. CR 2008-216, HON. ROBIN F. GREEN, JUDGE

AFFIRMED.

PER CURIAM

On March 12, 2009, appellant Michael Raymond Schniepp pled guilty in the Benton County Circuit Court to manufacturing methamphetamine, possession of methamphetamine with intent to deliver, simultaneous possession of drugs and firearms, possession of a firearm by certain persons, and maintaining a drug premises.[1] On June 8, 2009, he was sentenced as a habitual offender to 900 months' imprisonment in the Arkansas Department of Correction.

Subsequently, appellant filed in the circuit court a timely pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (2009). The circuit court denied appellant's requested relief, and now before this court is appellant's appeal of the circuit court's order. Because we find no error, we affirm.

This court does not reverse a denial of postconviction relief unless the trial court's findings are clearly erroneous. *Reed v. State*, 2011 Ark. 115 (per curiam); *Jamett v. State*, 2010

[1]At the time of his guilty plea, appellant was on probation for prior charges of breaking or entering, tampering with physical evidence, possession of a controlled substance, possession of a controlled substance with intent to deliver, second-degree forgery, and failure to appear. Because he pled guilty to the new charges, appellant's probation on his prior charges was revoked.

Ark. 28, 358 S.W.3d 874; *Britt v. State*, 2009 Ark. 569, 349 S.W.3d 290 (per curiam); *Davis v. State*, 366 Ark. 401, 235 S.W.3d 902 (2006) (per curiam). A finding is clearly erroneous when, although there is evidence to support it, the appellate court, after reviewing the entire evidence, is left with the definite and firm conviction that a mistake has been committed. *Reed*, 2011 Ark. 115; *Anderson v. State*, 2009 Ark. 493 (per curiam); *Small v. State*, 371 Ark. 244, 264 S.W.3d 512 (2007) (per curiam).

In his original Rule 37.1 petition, appellant alleged that there was insufficient evidence to support probable cause for the issuance of a warrant to search appellant's home, that appellant's due-process rights were violated, that the firearm that was seized during the search of his home was not listed on the search warrant and should therefore not have been subject to seizure without a second warrant being obtained, that trial counsel was ineffective for failing to object to the admission of photos of evidence that had allegedly been destroyed by the State, that trial counsel was ineffective for failing to challenge the alleged procedural errors underpinning the issuance of a search warrant for appellant's home, and that appellant's sentence was excessive.[2] The circuit court denied relief on all of these claims, holding that petitioner was entitled to no relief because he had not averred that he would not have pled guilty absent trial counsel's errors.

The circuit court's holding is a correct statement of law. *See Buchheit v. State*, 339 Ark. 481, 483, 6 S.W.3d 109, 111 (1999) (per curiam) (holding that an appellant who has pled

[2]Appellant's brief on appeal seems to assert additional claims of illegal arrest, ineffective assistance of counsel based on failure to subpoena certain witnesses, and prosecutorial misconduct. All grounds for relief pursuant to Rule 37.1 must be asserted in the original or amended petition. Ark. R. Crim. P. 37.2(b), (e); *Smith v. State*, 2010 Ark. 137, 361 S.W.3d 840. We do not consider issues that are raised for the first time on appeal. *Id.*

guilty must demonstrate a reasonable probability that, but for counsel's errors, petitioner would not have so pled and would have insisted on going to trial). However, more germane to the allegations contained in appellant's original petition is the fact that, when a defendant pleads guilty, the only claims cognizable in a proceeding pursuant to Rule 37.1 are those that allege that the plea was not made voluntarily and intelligently or was entered without effective assistance of counsel. *See Jamett*, 2010 Ark. 28, 358 S.W.3d 874; *French v. State*, 2009 Ark. 443 (per curiam); *State v. Herred*, 332 Ark. 241, 964 S.W.2d 391 (1998). Thus, appellant's sufficiency-of-the-evidence, due-process, illegal-seizure, and severity-of-the-sentence arguments were all subject to dismissal as being noncognizable due to appellant's guilty plea. *See generally Jamett*, 2010 Ark. 28, 358 S.W.3d 874 (severity of the sentence is not an issue cognizable in a Rule 37.1 petition); *French*, 2009 Ark. 443 (due-process claim not cognizable in a Rule 37.1 petition following a guilty plea).

Additionally, while appellant's original petition did raise two claims of ineffective assistance of counsel, we are barred from reviewing those arguments on appeal, as the circuit court did not provide a ruling on those issues. It is the obligation of an appellant to obtain a ruling from the trial court in order to preserve an issue for appellate review. *Watson v. State*, 2010 Ark. 27 (per curiam) (citing *Reed v. State*, 2011 Ark. 115 (per curiam)); *Fisher v. State*, 364 Ark. 216, 217 S.W.3d 117 (2005). The pro se appellant receives no special consideration on appeal. *Watkins v. State*, 2010 Ark. 156, 362 S.W.3d 910 (per curiam); *see Brown v. Post-Prison Transfer Bd.*, 343 Ark. 118, 32 S.W.3d 754 (2000) (per curiam); *Gibson v. State*, 298 Ark. 43, 764 S.W.2d 617 (1989). Because appellant failed to obtain a ruling on the ineffective-assistance claims, we are precluded from addressing those arguments on appeal.

See, e.g., *Watkins*, 2010 Ark. 156, 362 S.W.3d 910; *Watson*, 2010 Ark. 27.

Inasmuch as appellant's appeal presents arguments that are either noncognizable in a Rule 37.1 petition or are otherwise procedurally barred from this court's review, we cannot say that the circuit court's denial of postconviction relief was clearly erroneous. Accordingly, we affirm.

Affirmed.