

SUPREME COURT OF ARKANSAS

Plessy v. State

2014 Ark. 164 (2014) · No. CR-12-539 · Decided April 10, 2014

SUMMARY

The Arkansas Supreme Court denied Quincy Jay Plessy’s pro se petition to reinvest jurisdiction in the trial court and dismissed his appeal. The court held that incarceration and difficulty accessing procedural rules did not constitute good cause for failing to obtain rulings on omitted postconviction issues within the applicable appeal period.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	April 10, 2014
DOCKET	CR-12-539
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the denial of a petition for postconviction relief and a petition to reinvest jurisdiction in the trial court.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Quincy Jay Plessy v. State of Arkansas

TOPICS

- post-conviction relief
- state post-conviction relief
- appellate procedure
- preservation of error
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Arkansas should reinvest jurisdiction in the circuit court so Plessy could obtain rulings on issues omitted from the order denying his Rule 37.1 petition.

2. Whether incarceration-related difficulties and lack of access to legal materials constituted good cause for failing to comply with the procedural rules.
3. Whether the appeal should be dismissed when Plessy failed to file a supporting brief within the permitted time and acknowledged that the appeal lacked merit absent further rulings.

HOLDINGS

1. A pro se postconviction petitioner remains responsible for complying with procedural rules and must demonstrate good cause for noncompliance; incarceration-related difficulties, including difficulty accessing a prison law library or procedural materials, did not establish good cause here.
2. The petition to reinvest jurisdiction was denied because Plessy failed to file the required motion in the trial court within the thirty-day period for filing a notice of appeal and failed to show good cause for that procedural failure.
3. The appeal was dismissed because Plessy acknowledged that it lacked merit unless the requested additional rulings were permitted and he failed to file a supporting brief within the time allowed.

KEY QUOTATIONS

“This court has consistently held that the burden to conform to procedural rules applies even where the petitioner proceeds pro se, as all litigants must bear the responsibility for conforming to the rules of procedure or demonstrating good cause for not so conforming.” (2014 Ark. 164, at 2)

FACTUAL BACKGROUND

Plessy was convicted of first-degree murder and committing a felony with a firearm and received a 420-month sentence that included a statutory enhancement. After the appellate affirmance, he pursued postconviction relief under Rule 37.1. The circuit court ruled only on issues raised in an amended petition, leaving issues from the original petition unresolved; Plessy attributed his failure to obtain rulings within the appeal period to incarceration-related difficulties locating procedural rules.

PROCEDURAL HISTORY

Plessy was convicted of first-degree murder and committing a felony with a firearm, and the Arkansas Court of Appeals affirmed the judgment. He filed a timely petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1, but the circuit court's denial order addressed only issues in a later amended petition and omitted issues from the original petition. Plessy appealed and sought to reinvest jurisdiction in the circuit court so he could obtain rulings on the omitted issues. The Supreme Court of Arkansas denied the petition and dismissed the appeal because he failed to show good cause for noncompliance with the procedural rules and failed to file a supporting brief.

DISPOSITION

dismissed

CASES CITED

- Plessy v. State, 2012 Ark. App. 74, 388 S.W.3d 509
- Hill v. State, 2014 Ark. 57
- Lewis v. State, 2012 Ark. 255
- Lovett v. State, 2013 Ark. 8
- Sullivan v. Hobbs, 2014 Ark. 88

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