

ARKANSAS COURT OF APPEALS, DIVISION IV

Ronald Robinson v. State of Arkansas

2026 Ark. App. 263 · No. CR-25-189 · Decided April 29, 2026

SUMMARY

The Arkansas Court of Appeals reversed and remanded the dismissal of Ronald Robinson’s Arkansas Rule of Criminal Procedure 37.1 petition. The court held that Rule 37 does not require a petitioner to expressly assert that he is in custody under a circuit-court sentence when the record otherwise indicates that he is incarcerated. The circuit court improperly conflated the eligibility language in Rule 37.1(a) with the pleading requirements in Rule 37.1(b).

CASE DETAILS

COURT	Arkansas Court of Appeals, Division IV
WRITING FOR THE COURT	Cindy Grace Thyer; Wood; Brown
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	April 29, 2026
DOCKET	CR-25-189
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Robinson appealed the Pope County Circuit Court's dismissal with prejudice of his Arkansas Rule of Criminal Procedure 37.1 petition for postconviction relief.
STANDARD OF REVIEW	The appellate court reviewed the circuit court's interpretation and application of Arkansas Rule of Criminal Procedure 37.1 and its dismissal of the petition for lack of jurisdiction.
PRECEDENTIAL VALUE	published
PARTIES	Ronald Robinson v. State of Arkansas

TOPICS

- post-conviction relief
- criminal procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

- criminal postconviction relief
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether Arkansas Rule of Criminal Procedure 37.1 requires a petitioner to expressly and affirmatively plead that he is in custody under a sentence of the circuit court before the court may exercise jurisdiction over a Rule 37 petition.
2. Whether the circuit court erred by dismissing Robinson's Rule 37.1 petition solely because the petition did not use an express declaration that his incarceration resulted from convictions and sentences imposed by that court.

HOLDINGS

1. Rule 37.1 does not require a petitioner to expressly assert that he is in custody under a sentence of a circuit court. The custody language in Rule 37.1(a) describes who is eligible to file a petition; it is not a factually specific ground for relief that must be separately pleaded under Rule 37.1(b).
2. The circuit court erred by dismissing Robinson's Rule 37.1 petition on jurisdictional grounds solely because he failed to make a more affirmative declaration of his incarcerated status.

KEY QUOTATIONS

“Rule 37 “does not require that the petitioner assert he is in custody. It just requires him to be in custody.” (at 5)

FACTUAL BACKGROUND

Robinson was convicted of two counts of second-degree battery, resisting arrest, and disorderly conduct and sentenced to a total of twelve years' imprisonment. After the Court of Appeals affirmed his convictions and sentence, Robinson filed a timely verified Rule 37.1 petition alleging four grounds of ineffective assistance of counsel. The petition stated that he was an inmate at the Cummins Unit of the Arkansas Division of Correction, but the circuit court dismissed it because it did not expressly state that he was in custody under a sentence imposed by the Pope County Circuit Court.

PROCEDURAL HISTORY

Robinson was convicted by a Pope County jury of two counts of second-degree battery, resisting arrest, and disorderly conduct and received an aggregate twelve-year prison sentence. The Arkansas Court of Appeals affirmed his convictions and sentence in *Robinson v. State*, 2024 Ark. App. 242, 687 S.W.3d 402. Robinson thereafter timely filed a verified Rule 37.1 petition alleging ineffective assistance of counsel. The circuit court dismissed the petition with prejudice for lack of jurisdiction because it did not expressly allege that Robinson was in custody under a sentence imposed by that court. The Court of Appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings on Robinson's Rule 37.1 petition rather than dismissal for lack of jurisdiction based solely on the petition's failure to use an express custody allegation.

CASES CITED

- Robinson v. State, 2024 Ark. App. 242, 687 S.W.3d 402
- Bohanan v. State, 336 Ark. 367, 985 S.W.2d 708 (1999)
- Neely v. McCastlain, 2009 Ark. 189, 306 S.W.3d 424
- Chandler v. State, 2021 Ark. App. 103, 618 S.W.3d 454
- Halcomb v. State, 2018 Ark. App. 248
- Coplen v. State, 298 Ark. 272, 766 S.W.2d 612 (1989)
- Hall v. State, 326 Ark. 318, 933 S.W.2d 363 (1996)
- Roberts v. State, 2023 Ark. App. 502, 678 S.W.3d 460
- Branning v. State, 2010 Ark. 401