

ARKANSAS SUPREME COURT

No. CR 07-638

KARON D. TROTTER, JR.
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered December 6, 2007

PRO SE PETITION FOR WRIT OF
ERROR [CIRCUIT COURT OF DREW
COUNTY, CR 2005-65, HON. SAMUEL
B. POPE, JUDGE]

PETITION DENIED.

PER CURIAM

Petitioner Karon D. Trotter, Jr., was found guilty by a jury of possession of drug paraphernalia, manufacturing a controlled substance and delivering a controlled substance. An aggregate sentence of twenty years' imprisonment was imposed. The Arkansas Court of Appeals affirmed. *Trotter v. State*, 99 Ark. App. 37, ___ S.W.3d ___ (2007). The court's mandate was issued on May 30, 2007. On August 1, 2007, the court of appeals denied petitioner's request to file a belated pro se petition for rehearing.

Petitioner also filed in this court a motion for leave to file a belated petition for review, which was denied. *Trotter v. State*, CR 07-638 (Ark. Oct. 25, 2007) (per curiam). Petitioner then filed a motion for this court to set aside the decision, which we treated as a motion for reconsideration of the motion to file a belated petition for review and denied. *Trotter v. State*, CR 07-638 (Ark. Nov. 1, 2007) (per curiam).

Now before us is a pro se “petition for writ of error” filed by petitioner on November 7, 2007. Petitioner reiterates many of the claims already raised in his previous motions and further contends that his petition for review was timely tendered but not filed by virtue of an error, or willful “obstruction of justice,” on the part of one of our staff attorneys.

As we said when petitioner’s motion for reconsideration was denied, he was represented by counsel on appeal, and an appellant is not entitled to accept appointment of counsel to represent him and also proceed pro se. *Brewer v. State*, ___ Ark. ___, ___ S.W.3d ___ (Nov. 15, 2007) (per curiam); *Hamilton v. State*, 348 Ark. 532, 74 S.W.3d 615 (2002). This court will not permit an appellant to compete with his attorney to be heard in an appeal. *Franklin v. State*, 327 Ark. 537, 939 S.W.2d 836 (1997) (per curiam); *see also Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991) (per curiam). As we explained in *Monts*, counsel possesses the superior ability to examine the record, research the law and marshal arguments in the defendant’s behalf. With the exception of certain fundamental decisions, it is the attorney’s duty to take professional responsibility for the conduct of the appeal. *Monts*, 305 Ark. at 206, 806 S.W.2d at 381-382. Further, the right to counsel does not provide the right for an appellant to substitute his or her judgment for counsel’s professional judgment. *See Hadley v. State*, 322 Ark. 472, 910 S.W.2d 675 (1995).

Here, counsel for appellant did not elect to file a petition for review in this court before the mandate of the court of appeals was issued. *Trotter v. State*, CR 07-638 (Ark. Oct. 25, 2007) (per curiam). We have found no good cause to allow appellant to proceed pro se in this court. Thus, even if petitioner had timely submitted a pro se petition for review, he was not entitled to accept representation by counsel and also proceed with pro se pleadings. As petitioner has not established that he is entitled to proceed pro se with respect to his appeal from the judgment of conviction in this

case, we direct our clerk to accept no further pro se pleadings from him in this matter.

Petition denied.