

# ARKANSAS SUPREME COURT

No. 07-1139

CARL DAVIS, JR.  
Petitioner

v.

LARRY NORRIS, DIRECTOR,  
ARKANSAS DEPARTMENT OF  
CORRECTION  
Respondent

Opinion Delivered February 28, 2007

PRO SE MOTIONS FOR  
RECONSIDERATION AND FOR  
APPOINTMENT OF COUNSEL  
[CIRCUIT COURT OF LEE COUNTY,  
CV 2006-127, HON. HARVEY L.  
YATES, JUDGE]

MOTION FOR RECONSIDERATION  
DENIED; MOTION FOR  
APPOINTMENT OF COUNSEL MOOT.

## PER CURIAM

Now before us are petitioner's pro se motions for reconsideration and for appointment of counsel. On January 10, 2008, this court denied petitioner's motion for rule on clerk to lodge the record on appeal belatedly and to proceed with the appeal from the dismissal of his petition for writ of habeas corpus. *Davis v. State*, 07-1139 (Ark. Jan. 10, 2008) (per curiam). In denying the motion for rule on clerk, we held that it was petitioner's responsibility to timely perfect the appeal and that he failed to do so.

In the motion for reconsideration, petitioner continues to maintain that it was through the fault of the circuit clerk that the record on appeal was not timely transmitted to this court within the limitations of Ark. R. App. P.–Civ. 5(a). The responsibility to perfect an appeal rests solely with a petitioner, not the circuit clerk, circuit court or any other person. *Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (per curiam). Petitioner has failed to meet his burden of demonstrating that

there was some error of fact or law in the present decision that would merit reconsideration of the denial of the motion for rule on clerk. As a result, petitioner's motion for appointment of counsel is moot and need not be addressed.

Motion for reconsideration denied; motion for appointment of counsel moot.