

Cite as 2009 Ark. 488

**SUPREME COURT OF ARKANSAS**

No. CR 05-472

WALLACE A. GARDNER  
Petitioner

v.

STATE OF ARKANSAS  
Respondent**Opinion Delivered**      October 8, 2009PRO SE MOTION FOR DUPLICATION  
OF DOCUMENTS AT PUBLIC  
EXPENSE [CIRCUIT COURT OF  
PULASKI COUNTY, CR 2004-1077]

MOTION DENIED.

**PER CURIAM**

In 2004, petitioner Wallace A. Gardner was found guilty by a jury of capital murder and aggravated robbery. He was sentenced as a habitual offender to an aggregate term of life imprisonment without parole. We affirmed. *Gardner v. State*, 364 Ark. 506, 221 S.W.3d 339 (2006).

Now before us is petitioner's motion for duplication at public expense of documents contained in the direct appeal record.<sup>1</sup> Attached to the motion is an affidavit of indigency as support for the request.

Indigency alone does not entitle a petitioner to free photocopying. *Nooner v. State*, 352 Ark. 481, 482, 101 S.W.3d 834, 835 (2003) (per curiam). Instead, a petitioner who demonstrates some compelling need for certain documentary evidence to support an allegation contained in a timely petition for postconviction relief may request a copy of material on file with this court. *Bradshaw v. State*, 372 Ark. 305, 305, 275 S.W.3d 173, 174 (2008) (per curiam).

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<sup>1</sup>For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment.

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In the instant motion, petitioner fails to specify the documents being requested, and cites no specific reason for requiring such material.<sup>2</sup> *Id.* Petitioner's bare request for copies at public expense fails to demonstrate the requisite compelling need under *Bradshaw*. *Id.*

It should be noted that when an appeal has been lodged in this court, the appeal transcript and other material filed on appeal remain permanently on file with the clerk. Persons may review a transcript or other material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript or other material on file may write this court, remit the photocopying fee and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 455, 921 S.W.2d 606, 607 (1996) (*per curiam*).

Motion denied.

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<sup>2</sup>Petitioner makes reference to a docket number of what appears to be a federal court case, but he does not explain the significance of that reference in his motion for duplication of documents.