

Cite as 2009 Ark. 529

SUPREME COURT OF ARKANSAS

No. CACR 07-276

LAVELLE EVANS
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered October 29, 2009

PRO SE MOTION FOR
PHOTOCOPIES AT PUBLIC
EXPENSE [CIRCUIT COURT OF
UNION COUNTY, CR 2005-226, HON.
HAMILTON H. SINGLETON, JUDGE]

MOTION DENIED.

PER CURIAM

In 2006, petitioner Lavelle Evans was found guilty by a jury of possession of methamphetamine with intent to deliver, possession of a firearm by certain persons, simultaneous possession of drugs and firearms, maintaining a drug premise, and possession of marijuana with intent to deliver. He was sentenced as a habitual offender to an aggregate term of 960 months' imprisonment and a fine of \$10,000. The Arkansas Court of Appeals affirmed. *Evans v. State*, CACR 07-276 (Ark. App. Feb. 6, 2008).

Now before us is petitioner's pro se motion in which asks that this court provide him at public expense with a copy of transcripts and records, including the voir dire of the jury and closing arguments, that are contained in the direct appeal record.¹ Petitioner describes his request for the items as "discovery." He offers no grounds for the request beyond the assertion, supported by an affidavit of indigency, that he is indigent.

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

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It is well settled that indigency alone does not entitle a petitioner to free photocopying. *Nooner v. State*, 352 Ark. 481, 101 S.W.3d 834 (2003) (per curiam). To demonstrate entitlement to photocopying at public expense, the burden is on the petitioner to establish some compelling need for certain documentary evidence to support an allegation contained in a timely petition for postconviction relief. *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam).

In the instant motion, petitioner advances no reason for requesting the material listed in his motion. As such, he has failed to demonstrate a compelling need for the material. *Id.*

It should be noted that when an appeal has been lodged in either this court or the court of appeals, all material related to the appeal remains permanently on file with our clerk. Persons may review the material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of material related to an appeal 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. *Layton v. State*, 2009 Ark. 438 (per curiam).

Motion denied.