

**SUPREME COURT OF ARKANSAS**

No. CACR 07-647

DAVID DANIELS

PETITIONER

v.

STATE OF ARKANSAS

RESPONDENT

Opinion Delivered March 15, 2012

PRO SE MOTION FOR TRANSCRIPT  
AT PUBLIC EXPENSE  
[WASHINGTON COUNTY CIRCUIT  
COURT, CR 2005-2864]MOTION DENIED.**PER CURIAM**

In 2007, petitioner David Daniels was found guilty by a jury of possession of a controlled substance and possession of drug paraphernalia. An aggregate sentence of 360 months' imprisonment was imposed. The Arkansas Court of Appeals affirmed. *Daniels v. State*, CACR 07-647 (Ark. App. Jan. 30, 2008) (unpublished).

On February 8, 2012, petitioner filed the instant pro se motion seeking at public expense a copy of the transcript lodged on direct appeal. Appended to the motion was petitioner's affidavit of indigency. The motion was filed under the docket number assigned to the appeal lodged in the court of appeals. This court decides motions for transcript because such motions are considered to be requests for postconviction relief. See *Cunningham v. State*, 2010 Ark. 214 (per curiam); see also *Johnson v. State*, 2010 Ark. 15 (per curiam); *Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (per curiam).

As grounds for the request, petitioner contends that the transcript is necessary to file a petition for writ of habeas corpus and that he is entitled to a copy of the transcript. Petitioner

does not explain what specific issues he intends to raise in a habeas-corpus proceeding if he obtains a copy of the transcript.

It is well settled that indigency alone does not entitle a petitioner to free photocopying. *Henderson v. State*, 2011 Ark. 522 (per curiam); *Cox v. State*, 2011 Ark. 96 (per curiam); *Evans v. State*, 2009 Ark. 529 (per curiam); *Nooner v. State*, 352 Ark. 481, 101 S.W.3d 834 (2003) (per curiam). To be entitled to a copy of a trial transcript at public expense, a petitioner must show a compelling need for the transcript to support an allegation contained in a timely petition for postconviction relief. *Hickey v. State*, 2010 Ark. 299 (per curiam); *Avery v. State*, 2009 Ark. 528 (per curiam); *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam).

Petitioner has not established that there is a timely postconviction remedy available to him. If there is indeed a remedy available in the form of a petition for writ of habeas corpus, merely requesting a transcript based on conclusory claims does not demonstrate that there is any particular issue that a petitioner cannot adequately raise to the court without access to the transcript. *See Wade v. State*, 2010 Ark. 45 (per curiam). Accordingly, petitioner here has failed to show that the transcript he seeks should be provided to him at no cost. *See Hickey*, 2010 Ark. 299; *see also Johnson v. State*, 2010 Ark. 15 (per curiam).

Motion denied.