

ARKANSAS SUPREME COURT

No. CR 01-97

CARMEN HENDRICKSON-ATKINSON
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered **October 11, 2007**

PRO SE MOTION FOR PHOTOCOPY
OF MOTION AT PUBLIC EXPENSE
[CIRCUIT COURT OF LONOKE
COUNTY, CR 99-341]

MOTION DENIED.

PER CURIAM

In 2000, petitioner Carmen Hendrickson-Atkinson was found guilty by a jury of murder in the first degree and sentenced to life imprisonment. We affirmed. *Atkinson v. State*, 347 Ark. 336, 64 S.W.3d 259 (2002).

Petitioner, who contends that she is indigent, now seeks at public expense two copies of the motion to be relieved as counsel filed by her attorney on direct appeal. Petitioner invokes the Freedom of Information Act. There are no grounds for the request beyond the assertion that she is indigent and the motion is “necessary to further [her] case.”

The motion is denied. The provision in the Freedom of Information Act pertinent to petitioner’s request, Ark. Code Ann. §25-19-105 (Supp. 2007), does not require a court to provide photocopying at public expense. *See Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam). A petitioner is not entitled to a free copy of material on file with this court unless he or she demonstrates some compelling need for specific documentary evidence to support an allegation

contained in a timely petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). As the petitioner here has cited no specific reason for requiring the requested material and, moreover, has failed to demonstrate that there is a postconviction remedy available to her, the motion is denied.

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, supra*.

Motion denied.