

ARKANSAS SUPREME COURT

No. CR 06-487

NOT DESIGNATED FOR PUBLICATION

AUSTIN COOPER
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered June 29, 2006

PRO SE MOTION FOR
RECONSIDERATION OF DENIAL OF
MOTION FOR BELATED APPEAL
[CIRCUIT COURT OF MILLER
COUNTY, CR 92-292-2, HON. JOE
EDWARD GRIFFIN, JUDGE]

MOTION DENIED

PER CURIAM

Petitioner Austin Cooper is an inmate incarcerated in the Arkansas Department of Correction. Petitioner filed in the trial court a *pro se* petition for writ of *habeas corpus* pursuant to Act 1780 of the 2001 Acts of Arkansas, codified as Ark. Code Ann. §§ 16-112-201–16-112-207 (Supp. 2003), which was denied by order entered January 20, 2005. On February 7, 2005, petitioner filed an “application for evidentiary hearing” and a “request for reconsideration.” The trial court entered on April 12, 2005, an order that denied the application for evidentiary hearing. Petitioner filed a *pro se* motion for belated appeal in this court, which was denied. *Cooper v. State*, CR 06-487 (Ark. May 25, 2006) (*per curiam*).

Petitioner now requests that we reconsider our decision, and accept a petition for writ of *certiorari* that he has tendered in order to bring up what he alleges is a timely filed notice of appeal as to the January 20, 2005, order. In his previous motion, petitioner contended that he had mailed a notice of appeal as to the April 12, 2005, order promptly, but that the notice was not timely filed.

While petitioner contended in his previous motion, and now contends, that he timely filed a notice as to the January 20, 2005, order, a copy of that notice was not contained in the partial record before this court. Petitioner asks leave to file the petition for writ of *certiorari* to bring up the notice he asserts was timely filed.

Petitioner has not provided a copy of a file-marked notice indicating the date filed, or other evidence that the notice was indeed timely filed, as he claims, or that the notice was ever filed. We also note that the date petitioner has asserted the notice was filed in his new motion is not the same filing date as was asserted in his previous motion. Because petitioner has provided no additional information of any relevance, or that supports his claim, we decline his invitation to reconsider our previous decision.

Motion denied.

Gunter, J., not participating.