

ARKANSAS SUPREME COURT

No. CR 07-1224

KENNETH ALLAN BRITT
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered February 7, 2008

PRO SE PETITION FOR REVIEW AND
PRO SE MOTION FOR
APPOINTMENT OF COUNSEL AND
EXTENSION OF TIME [CIRCUIT
COURT OF LONOKE COUNTY, CR
2005-28, HON. LANCE L. HANSHAW,
JUDGE]

PETITION DISMISSED; MOTION
DENIED.

PER CURIAM

A jury found petitioner Kenneth Allan Britt guilty of manufacturing methamphetamine, possessing drug paraphernalia with intent to manufacture methamphetamine, and fleeing, and sentenced him to an aggregate term of 240 months' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Britt v. State*, CACR 07-103 (Ark. App. Nov. 7, 2007). Petitioner has filed in this court a pro se petition in which he now seeks review of the decision by the court of appeals.

We do not reach the merits of appellant's petition, as he filed the petition proceeding pro se. The record shows that appellant was represented at trial and on appeal by counsel. We do not allow a petitioner to substitute his judgment, concerning whether and how to request a petition for review, for that of his attorney. *Brewer v. State*, ___ Ark. ___, ___ S.W.3d ___ (Nov. 15, 2007) (per curiam). Accordingly, we dismiss the petition without further consideration.

After the State filed a response to the petition citing *Brewer*, petitioner filed a motion in which he requested that this court relieve counsel, appoint new counsel, and grant additional time for counsel to pursue a petition for review, or, alternatively, that we order his attorney to file a petition for review. Petitioner provides no basis for relieving counsel, other than his desire to proceed with a petition for review and his attorney's decision not to pursue one. Nor does he state any basis for this court to grant a petition for review, had his attorney elected to file such a petition.

We will neither relieve counsel nor compel counsel to file a pleading simply because an appellant in a criminal case demands it. The right to counsel does not provide the right to counsel who substitutes the judgment of the accused for his or her professional judgment. *Hadley v. State*, 322 Ark. 472, 910 S.W.2d 675 (1995). With the exception of certain fundamental decisions, it is the attorney's duty to take professional responsibility for the conduct of the case, after consulting with his client. *Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991) (per curiam). Petitioner has stated no facts that would indicate counsel should be relieved or that counsel's decision not to file a petition for review was anything other than a reasonable exercise of professional judgment.

Petition dismissed; motion denied.