

# ARKANSAS SUPREME COURT

No. CR 08-153

JUSTIN LEE MCDONALD  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered March 6, 2008

PRO SE PETITION FOR REVIEW  
[CACR 05-923] [CIRCUIT COURT OF  
CRAWFORD COUNTY, CR 2004-146,  
HON. GARY COTTRELL, JUDGE]

PETITION DENIED.

## PER CURIAM

In 2005, petitioner Justin Lee McDonald was found guilty by a jury of five counts of delivery of methamphetamine and sentenced to an aggregate term of twenty-four years' imprisonment. The Arkansas Court of Appeals affirmed. *McDonald v. State*, CACR 05-923 (Ark. App. Jan. 16, 2008).

Now before us is petitioner's pro se petition for review. He asks that our court review decisions made by the trial court, apparently for the purpose of a de novo direct appeal rather than a review of the court of appeals' decision.<sup>1</sup>

We first note that petitioner was represented by counsel in the direct appeal to the court of appeals, although counsel filed a no-merit brief and has been relieved of further representation of petitioner. Appellant also was permitted to file pro se points for reversal. Having accepted representation by counsel, an appellant is not entitled to pursue his own motions for relief and also rely on counsel to represent him. *See Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991)

<sup>1</sup>In the petition, he contends that: (1) the confession used to convict him was coerced and untrue; (2) certain documentary evidence should have been allowed to be introduced in order to impeach a witness; (3) the trial court improperly sentenced petitioner based on his lack of remorse.

(per curiam).

Moreover, even if this court were to consider the pro se petition for review, there is no ground stated in it pursuant to Ark. Sup. Ct. R. 2-4(c) to grant a review. The rule provides that review will not be granted without a showing by the petitioner that the decision of the court of appeals was reached by a tie vote or was in conflict with a prior holding of a published opinion of either this court or the court of appeals. Alternatively, the petitioner must show that the court of appeals otherwise erred with respect to one of the grounds enumerated in Ark. Sup. Ct. R. 1-2(b). The request that this court review decisions made by the trial court is not contemplated under our rules, and petitioner has not demonstrated a basis for relief under Rule 2-4(c).

Petition denied.