

# ARKANSAS SUPREME COURT

No. CR 08-540

MICHAEL VAN VLIET  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered December 4, 2008

PRO SE MOTION FOR EN BANC  
RECONSIDERATION OF DENIAL OF  
MOTION FOR LEAVE TO PROCEED  
*IN FORMA PAUPERIS* ON APPEAL  
[CIRCUIT COURT OF BENTON  
COUNTY, CR 2007-41, HON. DAVID S.  
CLINGER, JUDGE]

MOTION FOR RECONSIDERATION  
DENIED.

## PER CURIAM

Now before us is petitioner's pro se motion for en banc reconsideration of the dismissal of the motion for leave to proceed *in forma pauperis* on appeal that we handed down on June 19, 2008, in *Van Vliet v. State*, CR 08-540 (Ark. June 19, 2008) (per curiam). In that decision, we concluded that petitioner could not be successful on appeal and thus did not consider his pauper request.

We first note that the entire court considered the motion for leave to proceed *in forma pauperis*. The instant motion for reconsideration is likewise being considered by the entire court.

Petitioner is seeking a direct appeal from a plea of guilty in a criminal matter. In the motion for reconsideration, petitioner reiterates that Arkansas Rule of Civil Procedure 24.6 would provide jurisdiction to this court over the matter on appeal. However, his plea does not encompass a recognized exception to allow a direct appeal from a guilty plea. See *Seibs v. State*, 357 Ark. 331, 166 S.W.3d 16 (2004); *Bradford v. State*, 351 Ark. 394, 94 S.W.3d 904 (2003). This court would therefore have no jurisdiction to consider the appeal. *Smothers v. State*, 359 Ark. 412, 198 S.W.3d

119 (2004). Petitioner has failed to meet his burden of demonstrating that there was some error of fact or law in the decision that would merit reconsideration of the denial of the motion to proceed *in forma pauperis*.

Motion for reconsideration denied.