ARKANSAS SUPREME COURT

No. CR 88-05

MILTON JONES
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered **April 3, 2008**

PRO SE MOTIONS FOR RECONSIDERATION OF DENIAL OF PETITION FOR LEAVE TO REINVEST JURISDICTION IN THE TRIAL COURT TO CONSIDER A PETITION FOR WRIT OF ERROR CORAM NOBIS, TO DEPOSE WITNESS AND TO SUPPLEMENT MOTION FOR RECONSIDERATION [CIRCUIT COURT OF JEFFERSON COUNTY, CR 86-396]

MOTION TO SUPPLEMENT GRANTED; MOTION TO DEPOSE WITNESS DENIED; MOTION FOR RECONSIDERATION DENIED.

PER CURIAM

A jury found petitioner Milton Jones guilty of capital murder and sentenced him to imprisonment for life without parole. This court affirmed the judgment. *Jones v. State,* 296 Ark. 135, 752 S.W.2d 274 (1988). Petitioner brought a pro se petition in this court in which he requested permission to proceed in the trial court with a petition for writ of error coram nobis.[1] We denied the petition. *Jones v. State,* CR 88-05 (Ark. Feb. 7, 2008) (per curiam). Petitioner filed a pro se motion

[1]For clerical purposes, the petition and the instant motions were assigned the same docket number as the direct appeal. After a judgment has been affirmed on appeal, a petition filed in this court for leave to proceed in the trial court is necessary because the circuit court can entertain a petition for writ of error coram nobis only after we grant permission. *Dansby v. State,* 343 Ark. 635, 37 S.W.3d 599 (2001) (per curiam).

requesting this court to reconsider that decision. He next filed pro se motions requesting this court to order the deposition of his codefendant, Roosevelt Ferguson, and to add a paragraph to the previously filed motion for reconsideration.

We will not order deposition of Mr. Ferguson. Petitioner has not referenced any potential statement by Mr. Ferguson that could have a bearing on the proceedings. We will allow petitioner to supplement his previous motion, but, even with the addition, he has failed to provide any reason for us to reconsider our previous decision.

A writ of error coram nobis is an exceedingly narrow remedy, appropriate only when an issue was not addressed at trial because it was somehow hidden or unknown and would have prevented the rendition of the judgment had it been known to the trial court. *Pitts v. State*, 336 Ark. 580, 986 S.W.2d 407 (1999) (per curiam). As we discussed in our prior opinion, petitioner hopes to fall within one of the recognized categories that provide a basis for the writ through a constitutional violation of his right to due process as guaranteed by *Brady v. Maryland*, 373 U.S. 83 (1963). *See Pitts*, 336 Ark. at 583, 986 S.W.2d at 409. But, in determining whether a petition for writ of error coram nobis that makes such a claim may be granted, we determine whether there is a reasonable probability that the judgment of conviction would not have been rendered, or would have been prevented, had the claimed exculpatory evidence been disclosed at trial. We noted in our opinion that petitioner failed to identify any specific exculpatory evidence to satisfy that requirement.

It is a petitioner's burden to show that the writ is warranted. *Echols v. State*, 354 Ark. 414, 125 S.W.3d 153 (2003). While petitioner complains that he lacks a legal background and sufficient vocabulary to make himself clear, petitioner had identified some specific evidence he claimed was

withheld, and that our previous opinion addressed. Perhaps, however, we were not sufficiently clear in explaining that the generalized claim of misconduct by the prosecution that he raised is also not sufficient to meet petitioner's burden and bring his claim within the very narrow category of claims that might support the writ.

In his motion, petitioner reasserts his previous more specific claims to support this generalized misconduct claim, with no additional facts. He does add a claim that the prosecution overstepped its authority by filing an information rather than an indictment to charge him. It is well settled that argument is without merit. *See Ruiz v. State*, 299 Ark. 144, 165, 772 S.W.2d 297, 308 (1989); *see also Rudd v. State*, 76 Ark. App. 121, 125-127, 61 S.W.3d 885, 889-890 (2001).

A petitioner must state specific facts that support his claim for extraordinary relief; conclusory statements are not sufficient. *See Coulter v. State*, 365 Ark. 262, 227 S.W.3d 904 (2006); *Smith v. State*, 301 Ark. 374, 784 S.W.2d 595 (1990). He must set out facts that would present a claim that falls within the standard for the relief requested. He is not required to do so in elegant prose, but he must allege facts, not generalized, conclusory allegations, that support a claim within the standard set forth for the relief requested. Petitioner has failed to allege facts sufficient for that purpose either in his original petition or in this motion to reconsider our decision to deny the petition. Because petitioner has stated no cause for us to reconsider our conclusions in the previous opinion, we deny the motion for reconsideration.

Motion to supplement granted; motion to depose witness denied; motion for reconsideration denied.