

ARKANSAS SUPREME COURT

No. CR 96-432

ALFONZO BROWN
a/k/a PRICE ALFONZO BROWN
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered November 8, 2007

PRO SE MOTION FOR PHOTOCOPY
OF TRANSCRIPT AT PUBLIC
EXPENSE [CIRCUIT COURT OF
JACKSON COUNTY, CR 94-82, CR 95-
77, HON. HAROLD ERWIN, JUDGE]

MOTION DENIED.

PER CURIAM

In 1996, petitioner Alfonzo Brown, also known as Price Alfonzo Brown, was found guilty by a jury of first-degree battery, possession of a firearm, aggravated assault and failure to appear. Petitioner was sentenced as a habitual offender to an aggregate term of 100 years' imprisonment. This court affirmed. *Brown v. State*, 326 Ark. 56, 931 S.W.2d 80 (1996).

Petitioner, who contends that he is indigent, now seeks use of the trial transcript lodged on appeal for ten days so that he may file a motion to correct "errors in the documents presented on . . . appeal."¹ Providing petitioner with access to the transcript would require photocopying it at public expense, inasmuch as he is incarcerated and not in a position to examine the transcript in our clerk's office. We therefore treat the motion as a motion for photocopies at public expense.

The motion is denied. A petitioner is not entitled to a free copy of material on file with this court unless he or she demonstrates some compelling need for certain documentary evidence to

¹For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment.

support an allegation contained in a timely petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). Petitioner here has cited no specific reason for requiring the requested material and, moreover, has failed to demonstrate that there is a postconviction remedy available to him.

It should be noted that when an appeal has been lodged in this court, the appeal transcript remains permanently on file with the clerk. Persons may review a transcript in the clerk's office, and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript on file may write this court, remit the photocopying fee and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.