

ARKANSAS SUPREME COURT

No. CACR 01-1015

KEDRON JOHNSON
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered February 19, 2009

PRO SE MOTION FOR
RECONSIDERATION OF DENIAL OF
PETITION TO REINVEST
JURISDICTION IN THE TRIAL
COURT TO CONSIDER A PETITION
FOR WRIT OF ERROR CORAM NOBIS
[CIRCUIT COURT OF PULASKI
COUNTY, CR 2000-2710]

MOTION DENIED.

PER CURIAM

A jury found petitioner Kedron Johnson guilty of rape and sentenced him to 300 months' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Johnson v. State*, 80 Ark. App. 79, 94 S.W.3d 344 (2002). Petitioner filed in this court a petition in which he requested permission to proceed in the trial court with a petition for writ of error coram nobis, which was denied.¹ *Johnson v. State*, CACR 01-1015 (Ark. Dec. 19, 2008) (per curiam). Petitioner has now filed a motion in which he requests this court reconsider that decision and appears to seek to bring up the record of his trial.

As a part of the public record already filed with the appellate court in the earlier appeal, the trial record was included as a part of the record before us. *See Drymon v. State*, 327 Ark. 375, 938

¹For clerical purposes, the petition was 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).

S.W.2d 825 (1997). In fact, we referenced that record in our decision.

Petitioner bases his request for reconsideration upon arguments that are grounded in facts known at the time of trial and contained in the record, as were the arguments contained in his original petition. As stated in our previous opinion, for the writ to issue following the affirmance of a conviction, the petitioner must show a fundamental error of fact extrinsic to the record. *Larimore v. State*, 327 Ark. 271, 938 S.W.2d 818 (1997). Petitioner makes conclusory allegations that the victim committed perjury, but conclusory statements cannot be the basis of postconviction relief. *Jackson v. State*, 352 Ark. 359, 105 S.W.3d 352 (2003). Because petitioner demonstrates no good cause to reconsider our previous decision, we deny the motion.

Motion denied.

Brown, J., not participating.