

ARKANSAS SUPREME COURT

No. CR 08-1090

JOHN PATRICK DICKINSON
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered February 12, 2009

PRO SE APPLICATION FOR LEAVE
TO APPEAL [CIRCUIT COURT OF
CRAIGHEAD COUNTY, WESTERN
DISTRICT, CR 2004-959, HON. DAVID
BURNETT, JUDGE]

APPLICATION TREATED AS
MOTION FOR RECONSIDERATION
OF MOTION FOR RULE ON CLERK
AND DENIED.

PER CURIAM

In 2005, petitioner John Patrick Dickinson was found guilty by a jury of capital murder and attempted murder in the first degree. He was sentenced to an aggregate term of life imprisonment without parole. We affirmed. *Dickinson v. State*, 367 Ark. 102, 238 S.W.3d 125 (2006). Subsequently, petitioner timely filed in the trial court a pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. The petition was denied on February 20, 2008. Petitioner timely filed a notice of appeal from the order on March 12, 2008, but he did not tender the record to this court within ninety days of the date of the notice of appeal as required by Arkansas Rule of Appellate Procedure—Civil 5(a).

Petitioner filed a pro se motion in this court seeking leave to lodge the record belatedly and proceed with an appeal of the February 20, 2008, order. The motion was denied. *Dickinson v. State*, CR 08-1090 (Ark. Nov. 20, 2008) (per curiam). On December 18, 2008, petitioner filed the instant “application for leave to appeal,” in which he again seeks leave to proceed with an appeal of the

February 20, 2008, order. Inasmuch as petitioner is seeking the same relief, we treat the request as a motion for reconsideration.

Petitioner raises no new claims, simply stating that he failed to perfect the appeal and asking that he be granted leave to proceed with the appeal. For the reasons set forth in our prior opinion denying relief, the motion for reconsideration is denied.

Application treated as motion for reconsideration of motion for rule on clerk and denied.

Brown, J., not participating.