

Harless Dale MAULDING v. STATE of Arkansas

CR 87-54

727 S.W.2d 855

Supreme Court of Arkansas  
Opinion delivered April 27, 1987

APPEAL & ERROR — MOTION TO PROCEED IN FORMA PAUPERIS — NO RECORD SHOWN OF DECISION BELOW AND NO SHOWING TRIAL COURT WAS WRONG — MOTION DENIED. — Where appellant's motion to proceed in forma pauperis makes no reference to the order of the trial court denying appellant's oral motion to proceed in forma pauperis or makes any argument demonstrating where the trial court's denial of his motion was wrong, his motion is denied.

Motion to Proceed In Forma Pauperis; denied.

*Chet Dunlap*, for appellant.

No response.

PER CURIAM. [1] This motion to proceed in forma pauperis is accompanied by appellant's affidavit pursuant to Rule 28 of the Rules of the Supreme Court and the Court of Appeals. The affidavit, dated March 2, 1987, reflects no assets or income. However, a partial record filed in connection with the appeal

contains an order of the trial court dated March 5, 1987 reciting that a hearing was held on February 27, 1987 on appellant's oral motion to proceed in forma pauperis and was denied upon a finding that the appellant is not indigent and has funds available to him. Appellant's motion in this court makes no reference to the order of the trial court, nor presents any record or argument demonstrating where the trial court was wrong. *Puckett v. Puckett*, 289 Ark. 67, 709 S.W.2d 82 (1986). Accordingly, the motion is denied.

PURTLE, J., and NEWBERN, J., would grant.

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