

Jerry CASH v. STATE BOARD OF PARDONS AND
PAROLES, A.L. Lockhart, Director, Arkansas Department
of Correction

88-298

765 S.W.2d 4

Supreme Court of Arkansas
Opinion delivered February 13, 1989

APPEAL & ERROR — PETITION FOR STATE TO REPRODUCE APPELLANT'S
ABSTRACT AND BRIEF — CIVIL CASE — WHEN GRANTED. — A
petition to the supreme court to order the State of Arkansas to
reproduce the appellant's abstract and brief on appeal will be
granted in a civil case only upon a showing of substantial merit.

Motion for "Brief for Appellant" Reproduction and "Ab-
stract of the Record on Appeal" Reproduction In Forma
Pauperis.

Appellant, pro se.

*Steve Clark, Att'y Gen., by: Theodore Holder, Asst. Att'y
Gen., for appellee.*

PER CURIAM. [1] Jerry Cash, appearing pro se and in
forma pauperis, has petitioned this court to order the State of
Arkansas to reproduce the appellant's abstract and brief on
appeal. This case is civil in nature and there is no duty on the part
of the state to provide a civil litigant with special materials,
assistance, or printing. We held held a number of times that such
things will be granted in a civil case only upon a showing of
substantial merit. *Patterson v. Smith*, 289 Ark. 564, 712 S.W.2d
922 (1986); *Williams v. State*, 289 Ark. 567, 712 S.W.2d 924
(1986); *Hayes v. Lockhart*, 288 Ark. 419, 706 S.W.2d 179
(1986); *Glick v. Lockhart*, 288 Ark. 417, 706 S.W.2d 178 (1986).

No such showing has been made in this case and the motion,
therefore, is denied.

IT IS SO ORDERED.

PURTLE, J., dissents.

JOHN I. PURTLE, Justice, dissenting. This court has refused
to require the state to reproduce the appellant's brief and abstract

without cost to him, thereby preventing him from proceeding with this appeal. He appears pro se and in forma pauperis. As an inmate in the Arkansas Department of Correction, he has neither the funds nor the opportunity to comply with our rules — unless the state reproduces his brief and abstract as requested.

In no case could it be made more plain that a person has been denied equal protection and due process because he is poor. He would have received his right to proceed in this case if he had the money. No person should be forced to give up statutory or constitutional rights because of poverty.
