

Carlos GOMEZ v. Willis SARGENT, Warden, Cummins  
Unit, Arkansas Department of Correction

91-341

821 S.W.2d 480

Supreme Court of Arkansas  
Opinion delivered February 3, 1992

1. APPEAL & ERROR — HANDWRITTEN BRIEFS ALLOWED — APPELLANT MUST SHOW HIS SUIT HAS SUBSTANTIAL MERIT. — A handwritten brief, if legible, will be accepted by the appellate court provided the appellant makes a showing that there is substantial merit to his suit.
2. MOTIONS — MOTION FOR HANDWRITTEN BRIEF — NO SHOWING OF SUBSTANTIAL MERIT. — Where the appellant failed to make any showing that there was substantial merit to his suit, his motion to file a handwritten brief was denied.

Motion to File Handwritten Brief, denied.

*Appellant*, pro se.

*Winston Bryant*, Att'y Gen., by: *Brad Newman*, Asst. Att'y Gen., for appellee.

[1] PER CURIAM. Appellant Carlos Gomez has filed a prose motion to file a handwritten brief alleging that he has no access to a typewriter. We have held that handwritten briefs, if legible, will be accepted provided the appellant makes a showing that there is substantial merit to his suit. *Patterson v. State*, 289 Ark. 564, 712 S.W.2d 922 (1986). No such showing has been made.

Appellant has appealed from the denial of a petition for habeas corpus in which he alleges that the information is void because it was signed by a deputy prosecuting attorney rather than the prosecuting attorney. He next alleges he was tried on an information rather than an indictment depriving the trial court of jurisdiction. Finally, he alleges that amendment 21 to the Arkansas Constitution is void.

[2] These allegations are palpably without merit for the reason that relief by habeas corpus is proper only when it is shown that a commitment is invalid on its face or the trial court lacked jurisdiction. *Wallace v. Willock*, 301 Ark. 69, 781 S.W.2d 484

(1989). No showing of substantial merit having been made, the motion is denied.

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