

ARKANSAS SUPREME COURT

No. CACR04-990

JOSE ENRIQUE MENDIOLA
PETITIONER

v.

STATE OF ARKANSAS
RESPONDENT**Opinion Delivered** February 28, 2013PRO SE MOTION FOR TRANSCRIPT
AT PUBLIC EXPENSE [PULASKI
COUNTY CIRCUIT COURT, 60CR
03-2538]MOTION DENIED.**PER CURIAM**

In 2004, petitioner Jose Enrique Mendiola was found guilty by a jury of three counts of aggravated robbery, one count of Class Y kidnapping, and two counts of Class B kidnapping. He was sentenced to an aggregate term of 780 months' imprisonment. The Arkansas Court of Appeals affirmed. *Mendiola v. State*, 92 Ark. App. 359, 214 S.W.3d 271 (2005). Petitioner then filed a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (2004) that was denied by the trial court. This court affirmed the order. *Mendiola v. State*, CR 07-915 (Ark. Jan. 15, 2009) (unpublished per curiam).

On January 29, 2013, petitioner filed the instant motion, seeking a copy of the transcript of his trial at public expense.¹ Petitioner appended his affidavit of indigency to the motion.

As grounds for the request, petitioner states only that the transcript is needed to “better

¹For clerical purposes, the motion was filed under the docket number assigned to the direct appeal of the judgment that was lodged in the court of appeals. This court decides motions for transcript because such motions are considered to be requests for postconviction relief. *Daniels v. State*, 2012 Ark. 124 (per curiam) (citing *Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981)).

prepare his state habeas corpus.” There is no statement as to what issues petitioner desires to raise in a petition for writ of habeas corpus that would require access to a copy of the transcript.

Indigency alone does not entitle a petitioner to free photocopying. *Daniels v. State*, 2012 Ark. 124 (per curiam); *Cox v. State*, 2011 Ark. 96 (per curiam); *Evans v. State*, 2009 Ark. 529 (per curiam); *Nooner v. State*, 352 Ark. 481, 101 S.W.3d 834 (2003) (per curiam). To be entitled to a copy of a trial transcript at public expense, a petitioner must show a compelling need for the transcript to support a specific allegation contained in a timely petition for postconviction relief. See *Vance v. State*, 2012 Ark. 254 (per curiam); *Daniels*, 2012 Ark. 124; *Henderson v. State*, 2011 Ark. 522 (per curiam); *Hickey v. State*, 2010 Ark. 299 (per curiam); *Avery v. State*, 2009 Ark. 528 (per curiam); *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). If there is indeed a timely postconviction remedy available to petitioner, he has not demonstrated that there is any particular issue that he cannot adequately raise to the court without the transcript. Accordingly, he has failed to show that the transcript should be provided to him at no cost. *Daniels*, 2012 Ark. 124; see *Hickey*, 2010 Ark. 299; *Johnson v. State*, 2010 Ark. 15 (per curiam).

Motion denied.