

SUPREME COURT OF ARKANSAS

No. CR-13-476

DETRICK D. CROSTON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered July 31, 2014

PRO SE APPEAL FROM THE
FAULKNER COUNTY CIRCUIT
COURT AND PRO SE REQUEST FOR
APPELLEE TO PRODUCE RECORDS
[NO. 23CR-04-1061]HONORABLE MICHAEL A. MAGGIO,
JUDGEAPPEAL DISMISSED; REQUEST
MOOT.

PER CURIAM

In 2004, appellant Detrick D. Croston was found guilty by a jury in the Faulkner County Circuit Court in case no. 23CR-04-1061 of aggravated robbery and theft of property and sentenced as a habitual offender to 180 months' imprisonment and a fine of \$1000. No appeal was taken, and a pro se motion for belated appeal was denied by this court. *Croston v. State*, CR-06-425 (Ark. May 11, 2006) (unpublished per curiam).

On August 15, 2012, appellant filed in the trial court a pro se petition for writ of error coram nobis challenging the judgment. The trial court denied the petition on February 7, 2013. Appellant timely filed a notice of appeal from the order on March 6, 2013, and he subsequently lodged an appeal from the order in this court. He also filed the request that is now before us, asking that the State be required to produce certain records to support the claims in the State's brief.

The appeal is dismissed as it is clear that appellant could not prevail on appeal. The request is moot. An appeal from an order that denied a petition for postconviction relief,

including a petition for writ of error coram nobis, will not be permitted to go forward where it is clear that the appellant could not succeed on appeal. *Harris v. State*, 2014 Ark. 671 (per curiam).

The trial court in this case filed a second order on June 11, 2013, in which the court stated,

Upon review of the pleadings and arguments, the Court finds that the Defendant's coram-nobis petition should be and hereby is DENIED.

Appellant appealed from the June 11, 2013 order by filing a notice of appeal on July 11, 2013, and this court affirmed the June 11, 2013 order on December 5, 2013. *Croston v. State*, 2013 Ark. 504 (per curiam). We held in that decision that the claims of trial error raised by appellant in the coram-nobis petition were not within the purview of a coram-nobis proceeding. The only petition for writ of error coram nobis contained in the record in this appeal and the appeal from the July 11, 2013 order is the petition filed August 15, 2012, indicating that the August 15, 2012 petition was denied twice.

As this court has already considered the issues raised in the coram-nobis petition and determined that there were no grounds stated to warrant issuance of the writ, it is clear that appellant could not prevail in an appeal from the February 7, 2013 order that denied the August 15, 2012 petition. For that reason, the appeal is dismissed.

Appeal dismissed; request moot.

Detrick D. Croston, pro se appellant.

Dustin McDaniel, Att'y Gen., by: *Brad Newman*, Ass't Att'y Gen., for appellee.