

SUPREME COURT OF ARKANSAS

No. CR-14-1057

TERRY JOE POUNDER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 2, 2015

PRO SE MOTION FOR COPY OF
APPEAL RECORD[SEBASTIAN COUNTY CIRCUIT
COURT, FORT SMITH DISTRICT,
NOS. 66CR-04-997, 66CR-04-998, 66CR-
04-999, 66CR-04-1000, 66CR-04-1160]HONORABLE STEPHEN TABOR,
JUDGEAPPEAL DISMISSED; MOTION
MOOT.

PER CURIAM

In 2005, appellant Terry Joe Pounder entered a plea of guilty in the Sebastian County Circuit Court, Fort Smith District, to four counts of aggravated robbery, first-degree criminal mischief, theft by receiving, and robbery. An aggregate sentence of 396 months' imprisonment was imposed. On October 9, 2014, appellant filed a petition in the trial court seeking to proceed in forma pauperis with a "motion for belated appeal, habeas corpus." The trial court denied the petition, and appellant timely lodged an appeal from that order. Now before us is appellant's pro se motion for copy of appeal record.

We dismiss the appeal, and the motion is moot inasmuch as it is clear from the record that appellant could not prevail on appeal. An appeal of the denial of postconviction relief will not be permitted to go forward when it is clear from the record that the appeal is without merit. *Hinkston v. State*, 2014 Ark. 504 (per curiam); *Chambliss v. State*, 2014 Ark. 188 (per curiam).

The petition to proceed in forma pauperis provides no articulated basis for proceeding with a motion for belated appeal of the denial of habeas relief. The petition includes only the statement that appellant desires to file a “motion for belated appeal, habeas corpus.” Even though the petition to proceed in forma pauperis refers to “habeas,” there is nothing in the petition to indicate the nature of a habeas petition or the grounds on which petitioner intends to rely to support his petition to proceed as an indigent. Under such circumstances, we cannot find any ground to reverse the trial court’s order.

Appeal dismissed; motion moot.