

Cite as 2009 Ark. 378 (unpublished)

ARKANSAS SUPREME COURT

No. CR 08-550

STEVEN SPARKS
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered June 25, 2009

PRO SE PETITION FOR
REHEARING [CIRCUIT COURT OF
WASHINGTON COUNTY, CR 2004-
323, HON. WILLIAM A. STOREY,
JUDGE]

PETITION DENIED.

PER CURIAM

After appellant Steven Sparks was convicted of three counts of rape and three counts of terroristic threatening, the Arkansas Court of Appeals affirmed. *Sparks v. State*, CACR 05-600 (Ark. App. Jun. 27, 2007) (unpublished). Through counsel, appellant filed in the trial court a petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 that was denied. Appellant, still represented by counsel, lodged in this court an appeal of the order denying postconviction relief and we affirmed. *Sparks v. State*, CR 08-550 (Ark. May 7, 2009) (unpublished per curiam). Appellant has now filed a pro se petition for rehearing under Arkansas Supreme Court Rule 2-3.

This court will not permit an appellant to compete with his attorney to be heard in an appeal. *Brewer v. State*, 371 Ark. 532, 268 S.W.3d 332 (2007) (per curiam). Here, appellant is represented by counsel on appeal and may not elect to file a pro se petition for rehearing.

Even were we to consider the merits of appellant's pro se petition for rehearing, he does not provide a basis under Rule 2-3 to grant rehearing. A petition for rehearing should



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be used to call attention to specific errors of law or fact which the opinion is thought to contain and not to repeat arguments already considered and rejected by this court. Ark. Sup. Ct. R. 2-3(g). The petition must cite to facts the appellant contends were overlooked and provide references to the abstract or addendum. Ark. Sup. Ct. R. 2-3(h). Here, appellant points to no facts that were overlooked or errors of law in the opinion.

Appellant appears to assert that this court overlooked admonishments by the trial court and other portions of the trial transcript that demonstrated prejudice concerning his argument regarding restraints because he was not able to effectively communicate with his attorney. He contends that trial counsel committed perjury at the Rule 37.1 hearing, that he is actually innocent of the crimes, and that his trial was fundamentally unfair. None of these allegations question the bases upon which our previous decision was founded.

Petition denied.