

Cite as 2010 Ark. 299

**SUPREME COURT OF ARKANSAS**

No. CR 09-878

GEORGE HICKEY  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

**Opinion Delivered** June 17, 2010

PRO SE MOTION FOR  
PHOTOCOPY OF TRIAL  
TRANSCRIPT AND RECORDS OF  
CRIMINAL PROCEEDING AT  
PUBLIC EXPENSE [CIRCUIT  
COURT OF PULASKI COUNTY, CR  
2006-3560]

MOTION DENIED.

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**PER CURIAM**

In 2009, petitioner George Hickey was found guilty of rape, kidnapping, and terroristic threatening in the first-degree. He was sentenced as a habitual offender to an aggregate sentence of life imprisonment. We affirmed. *Hickey v. State*, 2010 Ark. 109.

On May 19, 2010, petitioner filed the instant pro se motion seeking at public expense a copy of the transcript lodged on direct appeal and all “records of court criminal proceedings” in the case.<sup>1</sup> As this court has in its files only the transcript and whatever briefs and pleadings that were filed in the course of the appeal, the motion will be considered as a motion for the transcript and any other written material filed on direct appeal. Appended to the motion is petitioner’s affidavit of indigency.

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<sup>1</sup>For clerical purposes, the motion was filed under the docket number assigned to the direct appeal.

Petitioner states in the motion that he has already filed in the trial court a petition for postconviction relief pursuant to Arkansas Criminal Procedure Rule 37.1 (2010). He contends that the transcript and other material are needed to decide the issues raised in the petition. He further asserts that without the transcript and other material he will be at a disadvantage if he must rely on his memory and that he will only be able to present conclusory allegations to the court.

Indigency alone does not entitle a petitioner to free photocopying. *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, a petitioner must show a compelling need for specific documentary evidence to support an allegation contained in a timely petition for postconviction relief. *Cunningham v. State*, 2010 Ark. 214 (per curiam); *Wright v. State*, 2010 Ark. 155 (per curiam); *Avery v. State*, 2009 Ark. 528 (per curiam); *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). Moreover, the petitioner must cite a particular ground for relief that requires documentation in order for it to be effectively raised in a postconviction petition. See *Norris v. State*, 2010 Ark. 230 (per curiam); *Burnett v. State*, 293 Ark. 300, 737 S.W.2d 631 (1987) (per curiam). Petitioner here has not stated any particular allegation to be raised in a Rule 37.1 petition for which specific documentary evidence is required.

It should be noted that when an appeal has been lodged in this court, the transcript and all material related to the appeal remain permanently on file with our clerk. Persons may

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review the transcript and material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript or material related to an appeal may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Norris*, 2010 Ark. 230 (per curiam); *Gardner v. State*, 2009 Ark. 488 (per curiam); *Layton v. State*, 2009 Ark. 438 (per curiam).

Motion denied.

CORBIN, J., not participating.