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# SUPREME COURT OF ARKANSAS

No. CR-08-1385

EDWARD CARTER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 4, 2010

PRO SE MOTION TO BORROW  
TRIAL TRANSCRIPT [CIRCUIT  
COURT OF GARLAND COUNTY,  
CR 2008-142]

MOTION DENIED.

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## PER CURIAM

Petitioner Edward Carter was found guilty by a jury of aggravated robbery in violation of Arkansas Code Annotated § 5-12-102(a) (Repl. 2006), and he was sentenced to 360 months' imprisonment. The Arkansas Court of Appeals affirmed. *Carter v. State*, 2009 Ark. App. 683. In 2009, appellant filed in the trial court a timely petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (2010). The petition was denied, and this court dismissed the appeal on the basis that it was evident from the record that petitioner could not prevail on appeal. *Carter v. State*, 2010 Ark. 231, 364 S.W.3d 46 (per curiam).

Now before us is a pro se motion filed by petitioner in which he asks to be permitted to borrow the trial transcript lodged on direct appeal to gather information to support his arguments as he "appeals his petition to higher courts." Appended to the motion is petitioner's affidavit of indigency. We must consider the motion as one for a copy of the transcript at public expense, inasmuch as providing petitioner with access to the transcript would require photocopying it because nonattorneys are not allowed to check out

transcripts on file with this court. *Champion v. State*, 2010 Ark. 82 (per curiam); *see Heffernan v. Norris*, 2009 Ark. 623 (per curiam). The motion is denied. 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 at public expense, a petitioner must show a compelling need for the transcript to support an allegation contained in a timely petition for postconviction relief. *Avery v. State*, 2009 Ark. 528 (per curiam); *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). Petitioner has not established that there is a timely postconviction remedy available to him. If there is indeed a remedy available, he has not demonstrated that there is any particular issue that he cannot adequately raise to the court without access to the transcript. Accordingly, he has failed to show that the transcript should be provided to him at no cost. *See Hickey v. State*, 2010 Ark. 299 (per curiam); *see also Johnson v. State*, 2010 Ark. 15 (per curiam).

It should be noted that when an appeal has been lodged in either this court or the court of appeals, all material related to the appeal remains permanently on file with our clerk. Persons may review the material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of material related to an appeal may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. *Grant v. State*, 2010 Ark. 286, 365 S.W.3d 894 (per curiam). All persons, including prisoners, must bear the cost of photocopying. *See Layton v. State*, 2009 Ark. 438 (per curiam); *Giles v. State*, 2009 Ark. 264 (per curiam).

Motion denied.  
No briefs filed.