

Cite as 2009 Ark. 438

**ARKANSAS SUPREME COURT**  
**No. CACR 07-1292**MICHAEL LEE LAYTON  
Petitioner

v.

STATE OF ARKANSAS  
Respondent**Opinion Delivered**      September 24, 2009PRO SE MOTION FOR PHOTOCOPY  
OF MANDATE AT PUBLIC EXPENSE  
[CIRCUIT COURT OF COLUMBIA  
COUNTY, CR 2005-163]

MOTION DENIED.

**PER CURIAM**

Petitioner Michael Lee Layton was found guilty of multiple criminal offenses and sentenced to serve an aggregate term of 600 months' imprisonment. The Arkansas Court of Appeals affirmed. *Layton v. State*, 2009 Ark. App. 96.

Petitioner, who contends that he is indigent, now seeks at public expense a copy of the mandate issued in the appeal.<sup>1</sup> As grounds for the request, petitioner states in conclusory fashion that he is entitled to a copy of the mandate.

Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). A petitioner is not entitled to a free photocopy of

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<sup>1</sup>For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment that was lodged in the Arkansas Court of Appeals. This court decides all motions for photocopying at public expense because such motions are considered to be requests for postconviction relief. *See Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (per curiam).

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any item on file with either appellate court unless he or she demonstrates some compelling need for specific documentary evidence to support an allegation contained in a petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Petitioner's conclusory claim that he is entitled to a free copy of the mandate does not constitute a showing of compelling need.

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 the 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. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.