

Cite as 2009 Ark. 575

**SUPREME COURT OF ARKANSAS**

No. CR-09-1111

**Opinion Delivered** November 12, 2009

RICHARD J. BOWER,  
a/k/a RICHARD J. BAUER  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

PRO SE APPEAL FROM ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS AND MOTION FOR RECORD FOR APPEAL [CIRCUIT COURT OF BAXTER COUNTY, CR 2008-261, HON. JOHN PUTMAN, JUDGE]

APPEAL FROM ORDER TREATED AS MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL AND GRANTED; MOTION FOR RECORD TREATED AS PETITION FOR WRIT OF CERTIORARI AND GRANTED.

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**PER CURIAM**

On April 24, 2009, judgment was entered reflecting that appellant Richard J. Bower, who is also known as Richard J. Bauer, had been found guilty by a jury of aggravated robbery and kidnapping. An aggregate sentence of life imprisonment was imposed. Appellant, who had proceeded pro se at trial, timely filed a pro se notice of appeal from the judgment.

Appellant timely tendered in this court a partial record for the purposes of perfecting the appeal. Now before us is appellant's request that he be permitted to proceed in forma pauperis on appeal that is styled as an appeal from the circuit court's order denying his

motion to proceed as an indigent. As the motion is clearly a request to this court to proceed as an indigent on appeal, it will be treated as such. Appended to the motion is appellant's affidavit of indigency pursuant to our Rule 6-6. Ark. Sup. Ct. R. 6-6. Also before us is appellant's motion asking that the complete record be brought up for the appeal, which will be treated as a petition for writ of certiorari to bring up the record.

In his affidavit of indigency, appellant avers that he has two bank accounts totaling \$1430.00 and a 1996 vehicle. He contends that he has no access to the money and argues that at age 71, serving a life sentence, he cannot pay the costs of the appeal. Inasmuch as the State has not contested appellant's claim that he is entitled to proceed in forma pauperis on appeal, the request is granted. As appellant is indigent and the full record is necessary for the appeal of the judgment sentencing him to life imprisonment, a writ of certiorari will issue to bring up the remainder of the record for the appeal.

Appeal from order treated as motion to proceed in forma pauperis on appeal and granted; motion for record treated as petition for writ of certiorari and granted.