

Cite as 2009 Ark. 573

**SUPREME COURT OF ARKANSAS**

No. CR-09-703

ALBERT LEWIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered

November 12, 2009

PRO SE MOTION FOR  
TRANSCRIPT AT PUBLIC EXPENSE  
[CIRCUIT COURT OF  
CRITTENDEN COUNTY, CR 2008-  
600]

MOTION DENIED.

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**PER CURIAM**

In 2008, appellant Albert Lewis was sentenced as a habitual offender to consecutive terms of life imprisonment for rape and 360 months for kidnapping. An appeal from the judgment has been lodged in this court by appellant’s attorney. Now before us is appellant’s pro se motion requesting a copy at public expense of the transcript lodged on appeal or use of the transcript. In the motion, appellant contends that he needs the transcript because “without access to the trial transcript, the defendant will be effectively precluded from presenting to this court anything other than conclusory allegations based upon his memory of the trial proceedings which, at this late date, has been distorted by the passage of time.”

Indigency alone does not entitle an appellant to free photocopying. See *Layton v. State*, 2009 Ark. 438 (per curiam) (citing *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam)). Appellant here is represented by counsel. An appellant is not entitled to accept appointment of counsel and also proceed pro se. *Hamilton v. State*, 348 Ark. 532,

74 S.W.3d 615 (2002). We do not allow an appellant to substitute his judgment for that of his attorney. See *George v. State*, 2009 Ark. 444 (per curiam) (citing *Brewer v. State*, 371 Ark. 532, 268 S.W.3d 332 (2007) (per curiam)). Clearly, appellant does not require a copy of the transcript to prepare a brief or pleadings to be filed in this appeal. Accordingly, the motion is denied.<sup>1</sup>

Motion denied.

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<sup>1</sup>A transcript lodged in the appellate court remains permanently on file with the clerk. Unless the transcript is being maintained under seal, persons may review a transcript in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript 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. at 455, 921 S.W.2d at 607 (1996) (per curiam).