

ARKANSAS SUPREME COURT

No. CR 07-1136

LESLIE YOUNG
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered April 16, 2009

PRO SE MOTIONS FOR COPIES AT
PUBLIC EXPENSE [CIRCUIT COURT
OF SHARP COUNTY, CR 2006-6]

MOTIONS DENIED.

PER CURIAM

A jury convicted petitioner Leslie Young of capital murder, aggravated robbery, attempted arson, and two counts of theft of property. This court remanded for a new suppression hearing. *Young v. State*, 370 Ark. 147, 257 S.W.3d 870 (2007). Following remand, we affirmed the judgment. *Young v. State*, 373 Ark. 41, ___ S.W.3d ___ (2008). Petitioner has now filed motions requesting that she be provided at public expense copies of the transcripts from her trial, from the remand hearing, and from an evidentiary hearing that petitioner alleges was held on a postconviction relief proceeding in the trial court on October 20, 2008, and a copy of a video tape that she asserts was an exhibit in the record on remand. Petitioner indicates that she requires the copies in connection with her petition in the trial court under Arkansas Rule of Criminal Procedure 37.1 and an appeal in regard to that petition.

At this time, no appeal has been lodged in this court concerning any Rule 37.1 proceeding in this case and no record has been lodged that would contain transcripts from such proceedings. Although petitioner asserts that the transcripts she requests are necessary to perfect her appeal, an

appellant does not require such materials to lodge an appeal. As a basis for her request, petitioner claims to be indigent and that she is entitled to access to the courts.

A petitioner is not entitled to access a trial record unless there is a specific point which cannot be raised in a postconviction proceeding without the record or some portion of it. *See Thomas v. State*, 328 Ark. 753, 945 S.W.2d 939 (1997) (per curiam). We do not provide a copy of the transcript to facilitate a postconviction proceeding without a showing that the record is necessary and that specific anticipated points cannot be properly raised without access to the transcript. *See id.* It is well settled that a petitioner is not entitled to photocopying at public expense 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 has not identified any pending postconviction proceeding, other than the proceeding in the trial court. There is no appeal pending in this court. Petitioner has not identified any point to be raised in a pending postconviction proceeding, or any other need that must be addressed for an appeal, or the specific portion of the record and how it is required to address that point or other need. We cannot say that petitioner has met the requirements necessary to support granting the request for copies at public expense, and we therefore deny the motions.

It should be noted that when an original action has been filed in this court, the material pertaining to it remains permanently on file with the clerk, unless it is being maintained under seal. Persons may review the material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a material on file here 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).

Motions denied.