

Cite as 2009 Ark. 234 (unpublished)

ARKANSAS SUPREME COURT

No. CR 02-46

DENNIS VAN JENKINS
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered April 23, 2009

PRO SE MOTION FOR COPY OF
TRANSCRIPT AT PUBLIC EXPENSE
[CIRCUIT COURT OF PULASKI
COUNTY, CR 2000-243]

MOTION DENIED.

PER CURIAM

In 2001, petitioner Dennis Van Jenkins was convicted by a jury of first-degree felony murder, aggravated robbery and theft of property. He was sentenced as a habitual offender to an aggregate term of life plus 360 months' imprisonment. We affirmed. *Jenkins v. State*, 350 Ark. 219, 85 S.W.3d 878 (2002).

Petitioner, who contends that he is indigent, now seeks at public expense a photocopy of the trial transcript lodged in the direct appeal.¹ Petitioner requests the transcript based upon his asserted need to complete an abstract and brief for an appeal. However, petitioner does not have an appeal pending in this court and does not explain the reference to an appeal.

The motion is denied. A petitioner is not entitled to a free copy of material on file with

¹For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment that was lodged here. 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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this court unless he or she demonstrates some compelling need for certain documentary evidence to support an allegation contained in a timely petition for postconviction relief. *Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). Petitioner here has cited no specific reason for requiring the requested material and has failed to demonstrate that there is a postconviction remedy available to him.²

It should be noted that when an appeal has been lodged in this court, the appeal transcript remains permanently on file with the clerk. 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. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.

² Petitioner previously sought postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. On appeal, we affirmed the trial court's denial of the petition. *Jenkins v. State*, CR 03-578 (Ark. Jun. 17, 2004) (per curiam).