

Cite as 2009 Ark. 346 (unpublished)

ARKANSAS SUPREME COURT

No. CR 09-140

BRANDON CARTER
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered June 4, 2009

PRO SE MOTION FOR COPY AT
PUBLIC EXPENSE [CIRCUIT
COURT OF COLUMBIA COUNTY,
CR 2006-64, HON. LARRY W.
CHANDLER, JUDGE]

MOTION DENIED.

PER CURIAM

Petitioner Brandon Carter, an inmate in the Arkansas Department of Correction, filed a motion in this court in which he sought to appeal his judgment of conviction. We remanded for findings of fact. *Carter v. State*, CR 09-140 (Ark. Mar. 19, 2009) (unpublished per curiam). Petitioner has now filed a motion in which he seeks a copy of the motion for belated appeal at public expense under the Arkansas Freedom of Information Act, Arkansas Code Annotated §§ 25-19-101 to -109 (Repl. 2002 & Supp. 2007).¹

Petitioner's motion for a copy of his motion for belated appeal under the Freedom of Information Act is not sufficient to grant his request. In the motion, petitioner asserts that he is indigent, but fails to identify any specific need for the document he requests.

¹For clerical purposes, the motion has been filed under the docket number assigned to the motion for belated appeal. This court decides 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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A petitioner is not entitled to a copy of material on file with this court 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. *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Nooner v. State*, 352 Ark. 481, 101 S.W.3d 834 (2003) (per curiam). The Freedom of Information Act does not require an appellate court to provide photocopying at public expense. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

We note 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 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. *Bradshaw*, 372 Ark. at 305, 275 S.W.3d at 174.

Motion denied.