

Cite as 2009 Ark. 494

SUPREME COURT OF ARKANSAS

No. CR 09-713

TOMMY D. HALL
Petitioner

v.

HON. JOE GRIFFIN, CIRCUIT JUDGE
Respondent**Opinion Delivered** October 8, 2009PRO SE MOTION FOR RULE ON
CLERK [CIRCUIT COURT OF MILLER
COUNTY, CR 2004-164, CR 2004-567]

MOTION DENIED.

PER CURIAM

On June 29, 2009, petitioner Tommy D. Hall filed the instant pro se motion for rule on clerk in this court. Therein, he seeks leave to file a pro se petition for writ of mandamus here without a certified record.

The subject of the tendered mandamus action appears to be a pro se motion for production of documents pertaining to Miller County Circuit Court cases CR 2004-164 and CR 2004-567. Petitioner filed the motion in the trial court on December 29, 2008.

Petitioner tendered the mandamus petition to this court on April 9, 2009. In the mandamus petition, he averred that the documentary evidence sought in the motion for production of documents had not been provided to him, and he asked this court to ensure delivery of the requested documents for his “judicial proceedings.”

Our clerk declined to file the petition for writ of mandamus as petitioner failed to submit the certified record of the lower court proceeding necessary for this court to assume jurisdiction over the mandamus action. Thereafter, petitioner filed the instant motion for rule on clerk in which he seeks

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permission to proceed with the petition for writ of mandamus without providing a certified record. As the basis for the motion for rule on clerk, petitioner maintains that the trial court refused to allow him to proceed in forma pauperis, and thus he could not obtain the necessary certified copies at public expense.

Rule 6-1(a) of this court provides that in cases in which the jurisdiction of this court is in fact appellate, although in form original, such as petitions for writs of prohibition, certiorari, or mandamus, the pleadings with certified exhibits from the trial court are treated as the record. Ark. Sup. Ct. R. 6-1(a); *Dillard v. Keith*, 336 Ark. 521, 521, 986 S.W.2d 100, 101 (1999) (per curiam). The certified record forms the basis for this court to determine whether we can assume jurisdiction over a particular matter. *Dillard*, 336 Ark. at 521, 986 S.W.2d at 101. Without a certified record, however, this court has no authority to act. *Id.* at 521-22, 986 S.W.2d at 101. This court does not proceed without a certified record where one is clearly required, and petitioner has not demonstrated that there is any good cause to make an exception in his case.

Motion denied.