

**SUPREME COURT OF ARKANSAS**

No. CR 09-336

WILLIE G. DAVIS, JR.  
Petitioner

v.

HON. SAMUEL POPE, CIRCUIT JUDGE  
Respondent

Opinion Delivered November 5, 2009

PRO SE MOTION FOR REHEARING,  
PRO SE AMENDED MOTION FOR  
RECONSIDERATION OF ORDER  
DENYING MOTION FOR RULE ON  
CLERK TO FILE PETITION FOR  
WRIT OF MANDAMUS WITHOUT  
CERTIFIED RECORD, AND PRO SE  
MOTION FOR APPOINTMENT OF  
COUNSEL [CIRCUIT COURT OF  
DESHA COUNTY, CR 95-110]

MOTION FOR REHEARING  
TREATED AS MOTION FOR  
RECONSIDERATION AND DENIED;  
AMENDED MOTION FOR  
RECONSIDERATION DENIED;  
MOTION FOR APPOINTMENT OF  
COUNSEL MOOT.

**PER CURIAM**

In 2008, petitioner Willie G. Davis, Jr., tendered a pro se petition for writ of mandamus to this court. It was returned to petitioner because it was not accompanied by a certified record of the proceedings in the lower court. Pursuant to Arkansas Supreme Court Rule 6-1(a), a certified copy of the record is required for this court to assume jurisdiction of a petition for writ of mandamus. *Hall v. Griffin*, 2009 Ark. 494 (per curiam), citing *Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999); *Davis v. Dennis*, 2009 Ark. 474 (per curiam).

Petitioner then filed a pro se motion for rule on clerk in this court seeking to proceed with the petition for writ of mandamus without a certified record. We denied the motion. *Davis v. Pope*, 2009

Ark. 313 (unpublished per curiam).

Now before us are petitioner's pro se motion for rehearing, amended motion for reconsideration, and motion for appointment of counsel. We treat the motion for rehearing as a motion for reconsideration and deny it and also deny the amended motion for reconsideration. The motion for appointment of counsel is moot.

We need not repeat our prior opinion except to reiterate that a certified record of the lower court proceedings is necessary for this court to assume jurisdiction of a mandamus action. Petitioner has stated no basis for reconsideration of our decision on the matter.<sup>1</sup>

Motion for rehearing treated as motion for reconsideration and denied; amended motion for reconsideration denied; motion for appointment of counsel moot.

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<sup>1</sup>Petitioner makes reference in the motions for reconsideration to his desire to appeal from a particular order entered by the circuit court and appears to desire to proceed with a mandamus action as a means to have this court review the order. A mandamus action, however, is not a substitute for an appeal. *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988).