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SUPREME COURT OF ARKANSAS

No. CR-13-332

CHRISTOPHER BRANNING APPELLANT	**Opinion Delivered** February 6, 2014
V.	PRO SE MOTION FOR RULE ON CLERK [BOONE COUNTY CIRCUIT COURT, NO. 05CR-04-244]
STATE OF ARKANSAS APPELLEE	HONORABLE GORDON WEBB, JUDGE
	<u>WRIT OF CERTIORARI ISSUED</u>.

PER CURIAM

On January 8, 2013, the trial court entered an order denying appellant Christopher Branning's amended petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (2005). Appellant timely lodged an appeal of that order in this court. Now before us is appellant's motion for rule on clerk in which he seeks an order directing the clerk to file his brief-in-chief that was tendered one day past the due date.

The record before us intimates that a hearing was held on February 25, 2011, at which time appellant filed a pro se amended petition for postconviction relief and the trial court appointed defense counsel to represent him. Neither the February 25 amended petition nor a transcript of the hearing is included in the record. A second pro se amended petition, filed on July 6, 2011, and the Rule 37.1 hearing held on July 8, 2011, are both part of the record. While the trial court indicated at the July 8, 2011 Rule 37.1 hearing that it was considering the July 6 amended petition, it acted solely on the February 25 amended petition in its written order denying relief.

Our examination of the record reveals that it is deficient in that it does not include the amended petition for postconviction relief, filed on February 25, 2011, acted on by the trial court in its written order. Before we can rule on the motion requesting leave to file a belated brief, we find that there is a need to supplement the record. Accordingly, a writ of certiorari is issued, returnable in thirty days, to bring up a copy of the amended petition for postconviction relief, filed on February 25, 2011.

Writ of certiorari issued.

Christopher Branning, pro se appellant.

No response.