

ARKANSAS SUPREME COURT

No. CR 07-710

STEVEN PINDER
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered January 17, 2008

PRO SE PETITION FOR WRIT OF
CERTIORARI AND REQUEST FOR
EXTENSION OF TIME TO FILE
APPELLANT'S BRIEF AND PRO SE
MOTION FOR DUPLICATION OF
BRIEF AT PUBLIC EXPENSE
[CIRCUIT COURT OF COLUMBIA
COUNTY, CR 2002-30, HON.
RUSSELL ROGERS, JUDGE]

PETITION FOR WRIT OF
CERTIORARI GRANTED IN PART
AND DENIED IN PART; REQUEST
FOR EXTENSION OF BRIEF TIME
MOOT; MOTION FOR DUPLICATION
DENIED.

PER CURIAM

In 2002, appellant Steven Pinder was found guilty by a jury of two counts of rape and sentenced to life imprisonment on each count. We affirmed. *Pinder v. State*, 357 Ark. 275, 166 S.W.3d 49 (2004). Subsequently, appellant sought relief pursuant to Ark. R. Crim. P. 37.1. The trial court denied the petition and appellant has filed an appeal from that denial.

Previously, appellant filed in this court a petition for writ of certiorari to complete the record on appeal, which we treated as a motion for access to the record and granted. In addition, we granted appellant's motion for extension of time to file his brief-in-chief. *Pinder v. State*, CR 07-710 (Ark. Nov. 1, 2007) (per curiam).

Now before us are appellant's pro se petition for writ of certiorari and request for extension of time to file appellant's brief and pro se motion for duplication of his brief at public expense. In his current petition for certiorari, appellant asserts that although his notice of appeal designated the entire record below to be brought up on appeal, the record filed in this court does not contain a large number of documents and pleadings, including the original petition for postconviction relief, certain orders of the trial court and hearing transcripts. He seeks a writ of certiorari to direct the circuit court clerk and the court reporter to correct any omissions and errors in the record in order to complete the record on appeal.

After filing the petition for writ of certiorari and the request for extension of time, appellant tendered his brief with a motion asking that it be duplicated at public expense. As appellant has tendered his brief, the request for additional brief time is moot. It would also appear that he has abandoned the request for a more complete record. In the petition, appellant moreover failed to explain the significance of any item allegedly missing, with the exception of the original Rule 37.1 petition. Therefore, we deny the petition for writ of certiorari in all respects except the request that the original Rule 37.1 petition be brought up. The original petition is necessary to the record for this appeal.

Regarding appellant's request that his brief be duplicated at public expense, there is no right under our rules or any constitutional provision to have a brief or a portion of a brief in a civil case duplicated at public expense. *See Maxie v. Gaines*, 317 Ark. 229, 876 S.W.2d 572 (1994) (per curiam). Nevertheless, in those cases where the indigent appellant makes a substantial showing in a motion that the appeal has merit and that he or she cannot provide the court with a sufficient number of copies of the brief, we will request that the Attorney General duplicate the brief. Here,

appellant has failed to show substantial merit to the appeal, and thus has not stated any basis for the brief to be duplicated at public expense.

The brief tendered by appellant contains the necessary addendum, including a copy of the Rule 37.1 petition missing from the record. Therefore, the brief will be filed in the court provided appellant submits an additional fifteen copies within thirty days.

Petition for writ of certiorari granted in part and denied in part; request for extension of brief time moot; motion for duplication denied.