

ARKANSAS SUPREME COURT

No. CR 08-409

KENNETH RAY KINDALL
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered May 15, 2008

PRO SE MOTION FOR RULE ON
CLERK OR FOR BELATED APPEAL
OR PETITION FOR WRIT OF
CERTIORARI [CIRCUIT COURT OF
JEFFERSON COUNTY, CR 86-407,
HON. BERLIN C. JONES, JUDGE]

MOTION DISMISSED.

PER CURIAM

Petitioner Kenneth Ray Kindall tendered to this court a pro se motion for rule on clerk or belated appeal, or petition for writ of certiorari in order to proceed in this court with a belated appeal. Petitioner seeks to reverse the decision of the trial court that denied his motion to correct an illegal sentence. He did not tender with the motion the certified partial record necessary to file such a pleading in this court, and he now asks that our clerk be directed to file the motion without the certified partial record.

In the motion before us, petitioner contends that he should be permitted to proceed with seeking a belated appeal without a certified record because: (1) the clerk of the circuit court below was unable to locate all pertinent documents for certification; (2) he provided file-marked, but not certified, copies of the necessary documents; (3) he believes that his case has merit.

Arkansas Rule of Appellate Procedure–Civil 7(a) provides that the clerk of the circuit court shall certify that a record tendered to this court is a true and correct copy of the record. Rule 7(b) also provides that it is the responsibility of the appellant to transmit the certified record to this court.

Petitioner here tendered a motion without this certified record and asks that this court simply assume jurisdiction of the matter without the required record. Without a certified record, however, we are left to rely on petitioner's statements and copies of documents that may or may not be true and accurate copies of the material filed in the circuit court as a foundation for assuming jurisdiction. 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 dismissed.