

SUPREME COURT OF ARKANSAS

No. CR 12-464

DONALD R. WRIGHT

PETITIONER

v.

HON. WENDELL GRIFFEN, CIRCUIT
JUDGE

RESPONDENT

Opinion Delivered August 14, 2012

PRO SE MOTION FOR PERMISSION
TO FILE PETITION FOR WRIT OF
MANDAMUS WITHOUT CERTIFIED
RECORD [PULASKI COUNTY CIRCUIT
COURT, DOCKET NUMBER
UNKNOWN]MOTION TREATED AS A MOTION
FOR RULE ON CLERK AND DENIED.

PER CURIAM

Petitioner, Donald R. Wright, tendered to this court a pro se petition for writ of mandamus, alleging that the respondent circuit judge had not acted in a timely manner on a pro se petition for writ of error coram nobis filed by petitioner. With the petition, petitioner submitted a motion seeking permission to file the mandamus petition without the certified record required to file such an action.¹ That motion, which we treat as a motion for rule on clerk, is now before us.

Rule 6-1(a) of the Arkansas Supreme Court and Court of Appeals 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); *Jackson v. Tucker*, 325 Ark.

¹The State submitted in response to the motion a copy of an order entered June 7, 2012, in the Pulaski County Circuit Court in 60CR 91-3005, *Donald R. Wright v. State*, disposing of the petition for writ of error coram nobis.

318, 927 S.W.2d 336 (1996). This court cannot assume jurisdiction of a mandamus action without a certified record. *Barnett v. Tabor*, 2010 Ark. 22 (per curiam); *Hall v. Griffin*, 2009 Ark. 494 (per curiam); *Davis v. Dennis*, 2009 Ark. 474 (per curiam); *Dillard v. Keith*, 336 Ark. 521, 986 S.W.2d 100 (1999) (per curiam). Accordingly, petitioner's motion to proceed without the certified record required by the rules of this court is denied.

Motion treated as a motion for rule on clerk and denied.

Donald R. Wright, pro se petitioner.

Dustin McDaniel, Att'y Gen., by: *Asbley Argo Priest*, Ass't Att'y Gen., for respondent.