

Cite as 2009 Ark. 251 (unpublished)

ARKANSAS SUPREME COURT

No. CR 09-74

TOMMY HALL
Petitioner

v.

JOE E. GRIFFIN, CIRCUIT JUDGE
Respondent

Opinion Delivered April 30, 2009

PRO SE MOTIONS FOR CERTIFIED
COPIES [CIRCUIT COURT OF
MILLER COUNTY, CR 2004-164]

MOTIONS DENIED.

PER CURIAM

In 2008, petitioner Tommy Hall filed a pro se motion in the trial court pertaining to a 2006 judgment reflecting petitioner's conviction on a charge of the manufacture, delivery or possession of a controlled substance for which he received a sentence of 420 months' imprisonment. In 2009, petitioner filed in this court a pro se petition for writ of mandamus contending that the Honorable Joe E. Griffin, Circuit Judge, had failed to act in a timely manner on the motion and requesting this court to act on its own initiative to grant the motion. Judge Griffin filed a response to the mandamus petition attaching a copy of his order entered on January 29, 2009, that disposed of the motion to suppress. As a result, we denied the petition as to the request that this court grant the motion and held the petition moot as to the request concerning action by the Miller County Circuit Court on the motion. *Hall v. Griffin*, CR 09-74 (Ark. Feb. 26, 2009) (per curiam).



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Now petitioner has filed the pending motions in which he asks that this court provide him with a certified copy of the documents that made up the record in the mandamus proceeding so that he may perfect an appeal from the January 29, 2009, order denying his motion in circuit court. Petitioner acknowledges that he is not entitled to receive the copies from this court, but asserts that the circuit clerk refuses to provide him with the copies. In essence, petitioner requests that we treat the documents as the record for a possible appeal from the order in circuit court because he requests that we return the original documents filed as the record to him. Should petitioner elect to proceed with an appeal from a circuit court order, he is responsible for timely filing a notice of appeal and obtaining from the circuit clerk the certified record necessary to perfect the appeal. Any allegations concerning a breach of duty by the circuit clerk should be addressed to the circuit court.

There is no provision in the prevailing rules of procedure for this court to take documents from a record lodged in this court and permit those documents to form the record for a separate appeal or to return the record to a petitioner once the court has acted. The record lodged is not the property of an appellant or petitioner, and a petitioner has no absolute right to a personal copy of it, or to utilize it for another filing. *See Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). Petitioner has shown no reason for exception in this case. Accordingly, we deny the motion.

Motions denied.