

SUPREME COURT OF ARKANSAS

No. CR 11-102

MARIO SCOTT
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered March 3, 2011

PRO SE MOTION TO SUPPLEMENT
RECORD [JEFFERSON COUNTY
CIRCUIT COURT, CR 2007-1150,
HON. JODI RAINES DENNIS,
JUDGE]

MOTION TREATED AS MOTION
FOR WRIT OF CERTIORARI AND
GRANTED; WRIT OF CERTIORARI
ISSUED.

PER CURIAM

Appellant Mario Scott entered a negotiated plea of nolo contendere to first-degree murder in Jefferson County Circuit Court and received a sentence of 300 months' imprisonment, to run consecutively to a sentence appellant was already serving. He timely filed in the trial court a pro se petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 (2010) that was dismissed. Appellant then lodged this appeal, and he has now filed a motion to supplement the record.

Appellant asserts that the second page of his petition was omitted from the record. He has attached a copy of a numbered page to his motion, and the petition in the record before this court does not contain a page numbered as "2," although there are pages numbered "1" and "3." Appellant requests that the page he attaches be included in the record, or, alternatively, that this court order the circuit clerk to supplement the record.

Cite as 2011 Ark. 97

Because it is not clear that the page appellant has attached to his motion was in fact included with the petition that was filed and before the circuit court for review, we treat the motion to supplement as a motion for writ of certiorari and grant it. The circuit clerk is directed to review the record and determine whether the omitted second page was in fact a part of the record. Within thirty days of the date of this opinion, the clerk shall provide either a certified copy of any page “2” contained in the Rule 37.1 petition filed on June 11, 2010, or confirmation that no such page was contained in the petition filed of record.

Motion treated as motion for writ of certiorari and granted; writ of certiorari issued.