

Garland TRICE, Jr. v.
CITY OF PINE BLUFF, ARKANSAS

82-33

667 S.W.2d 952

Supreme Court of Arkansas
Opinion delivered April 16, 1984

COURTS — JURISDICTION — SUPREME COURT HAS NO ORIGINAL JURISDICTION OVER WRITS OF GARNISHMENT. — Where the Supreme Court in a previous action determined that petitioner was entitled to costs which he has not been able to obtain, petitioner must now seek a judgment in the trial court for the amount of costs; the Supreme Court has appellate jurisdiction only and cannot entertain a pleading (a writ of garnishment) which can only be filed in the trial court that rendered judgment.

Petition for Writ of Garnishment; denied.

Cross, Kearney & McKissie, by: *Othello C. Cross*, for petitioner.

Steve Clark, Atty. Gen., by: *Theodore Holder*, Asst. Atty. Gen., for respondent.

PER CURIAM. The petitioner was convicted in municipal court and appealed to circuit court where the case was tried de novo. The circuit court affirmed the conviction and fined the petitioner \$100 on each count plus costs. That decision was appealed to this Court. We reversed and dismissed the charges and awarded the petitioner \$394.50 in costs. Despite demands from the petitioner, the City of Pine Bluff has failed to satisfy the judgment. The petitioner sought a writ of garnishment in circuit court against the city. The clerk refused to issue the writ, stating that the underlying judgment was not valid. Petitioner asks this Court to issue the writ of garnishment or to order the circuit clerk to do so.

This matter is not properly before us. The petitioner has never attempted to obtain judgment in the trial court. We have appellate jurisdiction only, therefore we will not

entertain a pleading which can only be filed in the trial court that rendered judgment. *Hervey v. The Farms, Inc.*, 252 Ark. 881, 481 S.W.2d 348 (1972). Although we determine liability for costs, the trial court renders judgment. *Hogue v. Hogue*, 250 Ark. 102, 464 S.W.2d 67 (1971). The petitioner should seek relief in the circuit court which has the power to resolve this. Ark. Stat. Ann. § 33-102 (Repl. 1962), *Kemp-Bradford VFW Post 4764 v. Wood*, 262 Ark. 168, 554 S.W.2d 344 (1977).

Denied.
