

ARKANSAS SUPREME COURT

No. CR 12-156

HILLIARD NELSON

PETITIONER

v.

HON. DON GLOVER, CIRCUIT
JUDGE

RESPONDENT

Opinion Delivered May 10, 2012

PRO SE PETITION FOR WRIT OF
MANDAMUS [DESHA COUNTY CIRCUIT
COURT, CR 90-06]RESPONSE REQUESTED.**PER CURIAM**

In 1990, a jury found petitioner Hilliard Nelson guilty of first-degree murder and sentenced him to life imprisonment. This court affirmed. *Nelson v. State*, 306 Ark. 456, 816 S.W.2d 159 (1991). Appellant subsequently sought postconviction relief under Arkansas Rule of Criminal Procedure 37.1 (1993). The petition was denied, and this court affirmed the order. *Nelson v. State*, 344 Ark. 407, 39 S.W.3d 791 (2001) (per curiam).

On February 19, 2008, petitioner filed in the trial court a pleading, asking the court to “rule on the merits of the issues” under the “nunc pro tunc rule.” On February 23, 2012, petitioner filed in this court a pro se petition for writ of mandamus, contending that Circuit Judge Don Glover had not acted on the February 19, 2008 pleading in a timely manner.¹

In response to the mandamus petition, Judge Glover entered an order on March 2, 2012,

¹In 2009, petitioner tendered to this court a pro se petition for writ of mandamus pertaining to the February 19, 2008 pleading with a motion seeking leave to file the mandamus petition without the certified record required to file such petitions. The motion was denied. *Nelson v. Glover*, 2009 Ark. 148 (unpublished per curiam).

holding that the trial court no longer had jurisdiction to grant the relief sought and stating that the mandamus petition filed in this court should be dismissed. No response to the mandamus petition was filed by Judge Glover.

The mere fact that a pleading may lack merit or be entirely frivolous is not good cause to delay ruling on it. As no response to the mandamus petition was filed, the reasons for the delay of approximately four years in acting on the February 19, 2008 pleading are unknown. As it cannot be determined from the record or the March 2, 2012 order what circumstances caused the lengthy delay in acting on the pleading, we request that the respondent file a response within ten days setting out the reasons for the delay. *See Goodwin v. Keaton*, 2012 Ark. 28 (per curiam) (amended response requested where original response did not explain a three-and-one-half-year delay in acting on petition for postconviction relief).

Response requested.