

Cite as 2018 Ark. 211
SUPREME COURT OF ARKANSAS
No. CR-17-801

JUSTIN THORNTON

PETITIONER

V.

ALEX GUYNN, CIRCUIT JUDGE

RESPONDENT

Opinion Delivered JUNE 7, 2018

PRO SE PETITION FOR WRIT OF
MANDAMUS [LINCOLN COUNTY
CIRCUIT COURT, NO. 40CR-11-47]

PETITION MOOT.

ROBIN F. WYNNE, Associate Justice

Petitioner Justin Thornton filed a pro se petition for writ of mandamus in which he contended that the Honorable Alex Guynn, circuit judge, had not acted in a timely manner on a petition to correct illegal sentence pursuant to Arkansas Code Annotated section 16-90-111 (Repl. 2016) filed on July 1, 2016. The Attorney General's Office filed a response on Judge Guynn's behalf, noting that Thornton's case was scheduled for a hearing on November 6, 2017, and requesting that no writ be issued until such time as Judge Guynn had an opportunity to act on the matter. On April 5, 2018, this court issued an opinion directing Judge Guynn to file an amended response because no amended response had been filed informing this court of any action that had taken place on November 6, 2017, or whether any action had taken place at any time on the petition to correct an illegal sentence.

The Attorney General's Office subsequently filed an amended response on April 6, 2018, noting that the "hearing was cancelled, and a written order denying the Petition to Correct an Illegal Sentence was filed October 31, 2017." Thornton had lodged an appeal from the order denying his "Petition to Correct an Illegal Sentence." The Attorney General's Office did not attach the order denying the petition and merely made reference to the appeal pending before the court, citing the court to "*see Justin Thornton v. Arkansas*, CR-18-40."

The purpose of a writ of mandamus is to enforce an established right to enforce the performance of a duty. *Williams v. Porch*, 2018 Ark. 1, 534 S.W.3d 152. A writ of mandamus is issued by this court to compel an official or judge to take some action. *Id.* A writ of mandamus will not lie to control or review matters of discretion and is used to enforce an established right. *Id.* Issuance of the writ of mandamus is appropriate only when the duty to be compelled is ministerial and not discretionary. *Id.*

As a general rule, this court will not review issues that are moot because to do so would be to render an advisory opinion, which this court will not do. *Griffin v. Alexander*, 2017 Ark. 235. Generally, a case becomes moot when any judgment rendered would have no practical legal effect upon a then existing controversy. *Id.* Here, the petition that was the subject of the mandamus action has been acted on by the respondent, and the mandamus action is now moot. In light of the fact that the Office of the Attorney General in its capacity as the representative of the respondent in this action failed to follow up with an amended response after the underlying pleading was acted on by the respondent, we

remind the Attorney General's Office to submit an amended response in such matters when the respondent enters an order and to append a copy of any order that disposes of the underlying pleading to its amended response.

Petition moot.