

Cite as 2019 Ark. 170
SUPREME COURT OF ARKANSAS
No. CV-19-233

CHARLES EDWARD JONES, SR.
PETITIONER

V.

HONORABLE QUINCEY ROSS,
CIRCUIT JUDGE
RESPONDENT

Opinion Delivered May 30, 2019

PRO SE PETITION FOR WRIT OF
MANDAMUS; MOTION TO COMPEL
FOR AN INQUIRY [CHICOT COUNTY
CIRCUIT COURT, NO. 09CV-17-55]

AMENDED RESPONSE REQUESTED;
MOTION MOOT.

KAREN R. BAKER, Associate Justice

Petitioner Charles Edward Jones, Sr., filed a pro se petition for writ of mandamus in which he contends that the Honorable Quincey Ross, circuit judge, had not acted in a timely manner on a petition for writ of habeas corpus filed on May 30, 2017. The attorney general's office filed a response on Judge Ross's behalf. In the response, it was noted that Jones's May 30, 2017 petition may not have been acted on and that action would be expedited, and a request was made that no writ be issued until such time as Judge Ross had an opportunity to act on the matter, with action to be taken in less than 120 days.

Although Jones's mandamus petition references a May 30, 2017 habeas petition, the partial record tendered with the mandamus petition in this court contains a pro se habeas petition file-marked on December 13, 2017, and an accompanying motion for

evidentiary hearing filed on June 22, 2018.¹ Jones's petition is somewhat unclear as he contends that he initially tendered a habeas petition on or about October 4, 2016, and another petition on or about May 10, 2017, which was not filed until May 30, 2017.² However, Jones makes no reference to a petition filed on December 13, 2017, although that is the petition that is tendered in the partial record in this court. Judge Ross's response acknowledges that a petition was filed on May 30, 2017, in the Chicot County Circuit Court. Judge Ross notes that due to a change in the elected circuit judge position on January 1, 2019, it appears that some of Jones's other pleadings were acted on by the preceding circuit judge, "but, for reasons unknown, the earlier-filed, habeas corpus petition was not."

Judge Ross, however, has not informed this court of any action that has taken place regarding the December 13, 2017 habeas petition or whether any action is to be taken, as has been stated regarding the filing on May 30, 2017, which is not in the tendered record before this court. As such, we request Judge Ross to file an amended response within ten days of the date of this opinion setting out whether the habeas petition filed December 13, 2017, has been acted on. We also direct that a copy of the filing entered on May 30, 2017, be submitted when the amended response is filed.

¹The motion for evidentiary hearing refers to a habeas petition filed on May 30, 2017.

²Respondent's response includes exhibit 1, which is a copy of the Chicot County Circuit Court's docket from CourtConnect that indicates an entry on May 30, 2017, identified as "MOF original." It also indicates that a petition for writ of habeas corpus was filed on December 13, 2017.

Amended response requested; motion moot.

HART, J., concurs without opinion.