

SUPREME COURT OF ARKANSAS

No. CR 10-612

Opinion Delivered September 23, 2010

DAVARON BOWERS
Petitioner

v.

DAVID N. LASER, CIRCUIT
JUDGE
Respondent

PRO SE PETITION FOR
WRIT OF MANDAMUS
[CIRCUIT COURT OF
CRITTENDEN COUNTY,
CR 2002-463A]

PETITION MOOT.

PER CURIAM

On June 5, 2010, petitioner Davaron Bowers filed a pro se petition for writ of mandamus in this court. He contended in the petition that the Honorable David N. Laser, Circuit Judge, had failed to act in a timely manner on a petition for writ of certiorari filed by petitioner in the Circuit Court of Crittenden County on November 17, 2008.

The mandamus petition was first tendered to this court on May 4, 2010. Our Criminal Justice Coordinator advised petitioner at that time by letter that a certified record of the lower court proceedings would be required to file the petition. (A copy of that letter was forwarded to Judge Laser.) On June 3, 2010, Judge Laser entered an order disposing of the pending petition for writ of certiorari. When petitioner submitted the certified documents necessary to file the tendered mandamus petition, we take judicial notice that he acknowledged in the letter received with the documents that the petition for writ of certiorari

had already been acted on by respondent Laser. He said in the letter that he desired to pursue the mandamus action so that this court could “review the case.”

As the respondent has acted on the petition for writ of certiorari, the petition for writ of mandamus is moot. *Strong v. Thyer*, 2010 Ark. 19 (per curiam); *Cummings v. Proctor*, 2009 Ark. 588 (per curiam). A request for extraordinary relief, such as mandamus, is not a substitute for an appeal. *Dean v. Williams*, 339 Ark. 439, 6 S.W.3d 89 (1999). A petitioner cannot use the writ to mount a direct challenge to a judgment of conviction. This court has declined to issue a writ of mandamus where the petitioner had the adequate remedy of raising an issue by appeal. *Johnson v. Hargrove*, 362 Ark. 649, 210 S.W.3d 79 (2005) (citing *Hanley v. Ark. Claims Comm’n*, 333 Ark. 159, 164, 970 S.W.2d 198, 200 (1998)); see also *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988).

Petition moot.