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SUPREME COURT OF ARKANSAS
No. CV-19-269

JAMES GREEN

APPELLANT

V.

WENDY KELLEY, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION

APPELLEE

Opinion Delivered: November 7, 2019

PRO SE APPEAL FROM THE HOT
SPRING COUNTY CIRCUIT COURT
[NO. 30CV-18-112]

HONORABLE EDDY R. EASLEY,
JUDGE

DISMISSED.

RHONDA K. WOOD, Associate Justice

James Green appeals the Hot Spring County Circuit Court’s denial of his petition for writ of habeas corpus. Green challenged two judgments entered in 2008 and 2011 in the Drew County Circuit Court. Because Green is no longer incarcerated, the circuit court cannot grant him the relief he requests. See *Curtis v. Hobbs*, 2015 Ark. 127 (per curiam). We accordingly dismiss.

The first judgment reflects Green’s guilty pleas to first-degree terroristic threatening, second-degree sexual assault, and the violation of terms of a suspended imposition of sentence on an additional count of first-degree terroristic threatening. The second judgment followed a jury trial at which Green was found guilty of failing to register as a sex offender and living near a school or daycare as a registered sex offender. The Arkansas Court of Appeals affirmed that judgment. *Green v. State*, 2013 Ark. App. 63 (unpublished).

When he filed his habeas petition Green was incarcerated in an Arkansas Department of Correction facility located in Malvern in Hot Springs County. However, he recently provided this court's clerk a new mailing address in Drew County, and public records confirm that he is no longer incarcerated by the Arkansas Department of Correction. The purpose of a writ of habeas corpus is to remedy a detention of an illegal period of time. *Conley v. Kelley*, 2019 Ark. 23, 566 S.W.3d 116. When the petitioner is not serving a sentence for the charges challenged, the writ is not available for those convictions. *Id.* A circuit court no longer has jurisdiction to issue and make returnable before itself a writ of habeas corpus if the petitioner is no longer incarcerated within its jurisdiction. *Noble v. State*, 2018 Ark. 2, 534 S.W.3d 717; *Tyson v. State*, 2014 Ark. 421, 444 S.W.3d 361.

Dismissed.

James Green, pro se appellant.

Leslie Rutledge, Att'y Gen., by: *David L. Eanes Jr.*, Ass't Att'y Gen., for appellee.