

Cite as 2009 Ark. 497

# SUPREME COURT OF ARKANSAS

No. 5776 (affirmed Nov. 20, 1972)

DAVID WEBB  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered      October 8, 2009

PRO SE PETITION TO REINVEST  
JURISDICTION IN TRIAL COURT TO  
CONSIDER A PETITION FOR WRIT  
OF ERROR CORAM NOBIS [CIRCUIT  
COURT OF PULASKI COUNTY, CR  
73584]

PETITION DENIED.

## PER CURIAM

In 1972, petitioner David Webb was found guilty by a jury of robbery and sentenced to fifteen years' imprisonment. We affirmed. *Webb v. State*, 253 Ark. 448, 486 S.W.2d 684 (1972).

In 2009, petitioner filed in the trial court a pro se petition for writ of error coram nobis. The trial court dismissed the petition as petitioner failed to obtain this court's permission prior to seeking coram nobis relief. The petition to reinvest jurisdiction in the trial court is necessary because the circuit court can entertain a petition for writ of error coram nobis after a judgment has been affirmed on appeal only after we grant permission. *Dansby v. State*, 343 Ark. 635, 637, 37 S.W.3d 599, 600 (2001) (per curiam).

Subsequently, on June 22, 2009, petitioner filed in this court a pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. In the instant petition, petitioner sets out no grounds at all for coram nobis relief. See *Sanders v. State*, 374 Ark. 70, 72, 285 S.W.3d 630, 632-33 (2008) (citing *Pitts v. State*, 336 Ark. 580, 986 S.W.2d 407 (1999) (per curiam)).

Moreover, it is evident that petitioner has served his term of incarceration for the 1972 robbery

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conviction. A writ of error coram nobis was created to fill a gap in the legal system in certain limited instances. *Penn v. State*, 282 Ark. 571, 573-74, 670 S.W.2d 426, 428 (1984). The writ provides the petitioner relief from his or her criminal judgment of conviction, and if granted, the petitioner will be given a new trial. *Penn*, 282 Ark. at 573, 574, 670 S.W.2d at 428. As petitioner has served the sentence imposed in 1972, his claim is moot and a new trial would not be an appropriate remedy, even if there were cause to grant the writ. *See Anderson v. State*, 352 Ark. 36, 98 S.W.3d 403 (2003) (per curiam). Because petitioner has failed to state grounds upon which to base petition for writ of error coram nobis, and because any grounds for the writ that petitioner might state would be moot, we deny the petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

Petition denied.