

# ARKANSAS SUPREME COURT

No. CR 09-33

TERRY W. PORTER  
Petitioner

v.

HON. MARION HUMPHREY, CIRCUIT  
JUDGE  
Respondent

**Opinion Delivered** April 16, 2009

PRO SE PETITION FOR WRIT OF  
MANDAMUS [CIRCUIT COURT OF  
PULASKI COUNTY, CR 83-2058]

PETITION DISMISSED WITHOUT  
PREJUDICE.

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## PER CURIAM

In 1984, petitioner Terry W. Porter, who is also known as Terry Wayne Porter, entered a plea of guilty to capital murder and was sentenced to life imprisonment without parole. A second charge, aggravated robbery, merged into the capital murder charge.

On November 1, 2007, petitioner filed in the trial court a pro se petition to vacate the judgment, and on January 13, 2009, petitioner filed the instant pro se petition in this court. In the petition for writ of mandamus, he contends that the respondent trial court judge has failed to act in a timely manner as to the petition to vacate the judgment.

In response to the petition for writ of mandamus, respondent asserts that petitioner failed to properly serve the mandamus petition on the respondent pursuant to Arkansas Supreme Court Rule 6-1(a), notwithstanding the certificate of service showing otherwise. As petitioner failed to comply with Rule 6-1(a), the instant petition for writ of mandamus is dismissed.

Petition dismissed without prejudice.