

Cite as 2009 Ark. 339 (unpublished)

ARKANSAS SUPREME COURT

No. 08-395

MARCUS KING
Appellant

v.

LARRY NORRIS, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION
Appellee

Opinion Delivered June 4, 2009

PRO SE APPEAL FROM THE
CIRCUIT COURT OF LEE
COUNTY, CV 2008-31, HON. L.T.
SIMES II, JUDGE

APPEAL DISMISSED.

PER CURIAM

In 2000, appellant Marcus King entered a plea of guilty to possession with intent to deliver a controlled substance (rock cocaine). He was sentenced to 46 months' imprisonment followed by suspended imposition of 74 months' imprisonment. No appeal was taken. After his release from incarceration, additional drug-related charges were filed against appellant. As a result, the suspended portion of appellant's 2000 judgment of conviction was revoked in 2007, and appellant was again sentenced as to the underlying charge.

In 2008, appellant filed a petition for writ of habeas corpus in the circuit court of Lee County where he was incarcerated at that time. The circuit court denied the petition, and appellant has lodged an appeal here from the order. Since filing the appeal, appellant has been transferred to the Wrightsville Unit of the Arkansas Department of Correction in Pulaski County.



Cite as 2009 Ark. 339 (unpublished)

Any petition for writ of habeas corpus to effect the release of a prisoner is properly addressed to the circuit court in the county in which the prisoner is held in custody, unless the petition is filed pursuant to Act 1780 of 2001.¹ A circuit court does not have the authority to release a prisoner not in custody within that court's jurisdiction pursuant to a writ of habeas corpus. *Id.*

Petitioner was incarcerated in Lee County when he filed the petition for writ of habeas corpus pursuant to Arkansas Code Annotated § 16-112-103 (Repl. 2006), but he is currently incarcerated in Pulaski County. Lee County, therefore, now lacks personal jurisdiction over petitioner and could not grant the relief requested.

Appeal dismissed.

¹Act 1780 of 2001, as amended by Act 2250 of 2005, and codified as Arkansas Code Annotated §§ 16-112-201 to -208 (Repl. 2006), provides that a writ of habeas corpus can issue based upon new scientific evidence proving a person actually innocent of the offense or offenses for which he or she was convicted.