

Cite as 2022 Ark. 10  
**SUPREME COURT OF ARKANSAS**  
No. CV-21-375

ANARIAN C. JACKSON

APPELLANT

V.

DEXTER PAYNE, IN HIS CAPACITY AS  
DIRECTOR, ARKANSAS DIVISION OF  
CORRECTION

APPELLEE

**Opinion Delivered:** January 20, 2022

APPEAL FROM THE LINCOLN  
COUNTY CIRCUIT COURT [NO.  
40CV-21-33]

HONORABLE JODI RAINES DENNIS,  
JUDGE

**AFFIRMED.**

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**BARBARA W. WEBB, Justice**

Anarian Jackson was convicted by a jury of first-degree murder in 2002. The jury sentenced him to life in prison. We affirmed his conviction in 2004. *Jackson v. State*, 359 Ark. 297, 299, 197 S.W.3d 468, 470 (2004). Jackson filed a petition for a writ of habeas corpus, and the circuit court dismissed the writ. We affirm.

I. *Facts*

Jackson challenges the circuit court’s jurisdiction to enter the sentencing order. See *True v. Payne*, 2021 Ark. 154, at 3, 628 S.W.3d 641, 643 (citing *Foreman v. State*, 2019 Ark. 108, 571 S.W.3d 484) (writ of habeas corpus is proper when a trial court lacked jurisdiction over the case). When Jackson was sentenced, the elected, regular circuit judge signed the sentencing order. However, the trial which led to that sentencing order was conducted by a special judge. Jackson alleges that his conviction is illegal because the trial was conducted by an improperly elected special judge. As such, avers Jackson, the circuit court was without jurisdiction to impose the sentence, and the circuit court erred in dismissing his habeas action for lack of probable cause.

## II. *Standard of Review*

A circuit court's decision on a petition for writ of habeas corpus will be upheld unless it is clearly erroneous. *True*, 2021 Ark. 154, at 3, 628 S.W.3d at 643 (citing *Hobbs v. Gordon*, 2014 Ark. 225, 434 S.W.3d 364). A decision is clearly erroneous when, although there is evidence to support it, the appellate court, after reviewing the entire evidence, is left with the definite and firm conviction that a mistake has been made. *Id.*, 628 S.W.3d at 643–44 (citing *Ratliff v. Kelley*, 2018 Ark. 105, 541 S.W.3d 408).

## III. *Nature of the Writ*

A petitioner who does not allege his or her actual innocence and proceed under Act 1780 of 2001 must plead either the facial invalidity of the judgment or the lack of jurisdiction by the circuit court and make a showing, by affidavit or other evidence, of probable cause to believe that he or she is being illegally detained. *Id.* at 2, 628 S.W.3d at 641 (citing Ark. Code Ann. § 16-112-103(a)(1) (Repl. 2016)). Proceedings for the writ are not intended to require an extensive review of the record of the trial proceedings, and the circuit court's inquiry into the validity of the judgment is limited to the face of the commitment order. *Id.* at 2–3, 628 S.W.3d at 641 (citing *Jones v. Kelley*, 2020 Ark. 290 ). Unless the petitioner can show that the trial court lacked jurisdiction, there is no basis for a finding that a writ of habeas corpus should issue. *Id.*, 628 S.W.3d at 641 (citing *Fields v. Hobbs*, 2013 Ark. 416). Probable cause to issue a writ of habeas corpus exists if the committing court lacked jurisdiction to impose the sentence. *Cleveland v. Frazier*, 338 Ark. 581, 587, 999 S.W.2d 188, 191 (1999) (citing *Sawyer v. State*, 327 Ark. 421, 938 S.W.2d 843 (1997); *McConaughy v. Lockhart*, 310 Ark. 686, 840 S.W.2d 166 (1992)). The crux of Jackson's habeas petition is that the nuances of Arkansas Supreme Court Administrative Order No. 16 regarding the assignment of special judges were not followed, and this was a jurisdictional defect.

#### IV. *Claim for Relief*

Jackson argues that the special judge who presided over his trial was improperly elected and therefore lacked subject-matter jurisdiction to preside over his conviction. In Arkansas, a circuit court has subject-matter jurisdiction of all justiciable matters, including criminal matters. *See* Ark. Const. amend. 80, §§ 6, 19; Ark. Code Ann. § 16-13-201(a). Subject-matter jurisdiction is a court's authority to hear a particular type of case. *Ark. Dep't of Fin. & Admin. v. Naturalis Health, LLC*, 2018 Ark. 224, at 6, 549 S.W.3d 901, 906 (citing *Fatpipe, Inc. v. State*, 2012 Ark. 248, 410 S.W.3d 574).

Jackson's challenge to his conviction does not implicate the jurisdiction of the court to preside over cases such as the one which resulted in his conviction. Instead, it is a challenge to the power of a given individual to hold the office and preside over the matters which come before the circuit court and its subject-matter jurisdiction. This is a non-jurisdictional issue of trial error. Allegations of trial error must be raised to the circuit court and recited in the record. *Found. Telecomms., Inc. v. Moe Studio, Inc.*, 341 Ark. 231, 237, 16 S.W.3d 531, 535 (citing *Travis v. State*, 328 Ark. 442, 944 S.W.2d 96 (1997)). The circuit court did not clearly err when it dismissed Jackson's habeas petition for a want of probable cause.

Affirmed.

BAKER, J., concurs.

*Anarian C. Jackson*, pro se appellant.

*Leslie Rutledge*, Att'y Gen., by: *Pamela Rumpz*, Sr. Ass't Att'y Gen., for appellee.