

Cite as 2023 Ark. 169

SUPREME COURT OF ARKANSAS

No. CV-23-57

WILLIE GASTER DAVIS

APPELLANT

V.

DEXTER PAYNE, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION

APPELLEE

Opinion Delivered: November 30, 2023

PRO SE APPEAL FROM THE
JEFFERSON COUNTY CIRCUIT
COURT

[NO. 35CV-22-720]

HONORABLE JODI RAINES
DENNIS, JUDGE

APPEAL DISMISSED.

KAREN R. BAKER, Associate Justice

Appellant Willie Gaster Davis lodged an appeal in this court from the dismissal of his petition for writ of habeas corpus filed pursuant to Arkansas Code Annotated section 16-112-101 (Repl. 2016). At the time the petition was filed, Davis was incarcerated in Jefferson County; however, Davis was later transferred to the East Arkansas Regional Unit, located in Lee County, before the circuit court entered its order dismissing the petition.

In lieu of filing a responsive brief, appellee moved to dismiss the appeal on the grounds of lack of jurisdiction or, in the alternative, a motion for extension to file its responsive brief. We grant the motion to dismiss the appeal.

Any petition for writ of habeas corpus to effect the release of a prisoner is properly addressed to the circuit court located in the county where the prisoner is held in custody unless the petition is filed pursuant to Act 1780 of 2001, codified at Arkansas Code Annotated sections 16-112-201 to -208 (Repl. 2016). *Perry v. State*, 2018 Ark. 14, 535

S.W.3d 264. Although a circuit court may have subject-matter jurisdiction to issue the writ, a court does not have personal jurisdiction to issue and make returnable before itself a writ of habeas corpus to release a petitioner held in another county. *Id.* Arkansas Code Annotated section 16-112-105(b)(1) (Repl. 2016) requires that the writ be directed to the person in whose custody the petitioner is detained. *Id.* Accordingly, although Davis was incarcerated in Jefferson County when he filed the habeas petition, a writ of habeas corpus issued by the Jefferson County Circuit Court could not be returned because he is no longer within its jurisdiction. *Id.*

Appeal dismissed.

Willie Gaster Davis, pro se appellant.

Tim Griffin, Att’y Gen., by: *A. Evangeline Bacon*, Ass’t Att’y Gen., for appellee.