ARKANSAS SUPREME COURT
No. CR 09-74

		Opinion Delivered February 26, 2009
TOMMY HALL	PETITIONER	PRO SE PETITION FOR WRIT OF MANDAMUS [MILLER COUNTY CIRCUIT COURT, NO. CR 2004-164]
V.		
JOE E. GRIFFIN, CIRCUIT JUDGE	RESPONDENT	PETITION DENIED IN PART AND MOOT IN PART.

PER CURIAM

A judgment entered on November 22, 2006, reflects that petitioner Tommy Hall entered a negotiated plea of guilty or nolo contendere to manufacture, delivery or possession of a controlled substance and received a sentence of 420 months' imprisonment in the Arkansas Department of Correction. On December 11, 2008, petitioner filed a pro se motion to suppress in the trial court. On January 27, 2009, petitioner filed in this court a pro se petition for writ of mandamus contending that the Honorable Joe E. Griffin, Circuit Judge, had failed to act in a timely manner on the motion to suppress filed in Miller County Circuit Court and requesting this court to compel the trial court, or to act on its own initiative, to grant the motion. Judge Griffin filed a response to the mandamus petition attaching a copy of his order entered on January 29, 2009, that disposed of the motion to suppress.

To the extent that the petition would have this court order that the motion be granted, or that we grant it directly, we deny it. Mandamus is a clear remedy to compel an action by

a public body to enforce an established right, where a violation of state law is clear and not discretionary. *Griffen v. Ark. Judicial Discipline & Disability Comm'n*, 368 Ark. 557, 247 S.W.3d 816 (2007). The writ will not lie to control or review matters of discretion. *Ark. Democrat-Gazette v. Zimmerman*, 341 Ark. 771, 20 S.W.3d 301 (2000). The relief petitioner requests is not appropriate to the writ he seeks.

As to the extent that the petition seeks to compel the trial court simply to act upon the motion, the court has now provided its ruling. The petition for writ of mandamus is therefore moot.

Petition denied in part and moot in part.