

Cite as 2011 Ark. 415

**SUPREME COURT OF ARKANSAS**

No. 10-898

ANTHONY A. BORUM  
APPELLANT

v.

STATE OF ARKANSAS  
APPELLEE**Opinion Delivered**      October 6, 2011PRO SE APPEAL FROM THE LEE  
COUNTY CIRCUIT COURT, CV  
2010-95,  
HON. RICHARD L. PROCTOR,  
JUDGE

APPEAL DISMISSED.

**PER CURIAM**

On November 20, 2004, appellant Anthony A. Borum pled guilty to second-degree murder in the Phillips County Circuit Court. He was sentenced as a habitual offender to twenty years' imprisonment. On June 30, 2010, appellant filed a petition for writ of habeas corpus pursuant to Arkansas Code Annotated section 16-112-101 (Repl. 2006) in the Lee County Circuit Court, alleging that he was not accurately informed of the nature of the charge against him or of the minimum and maximum punishments for the offense. The circuit court denied appellant's petition on August 5, 2010. Appellant brings this appeal.

Any petition for writ of habeas corpus is properly addressed to the circuit court in the county in which the petitioner is held in custody, unless the petition is filed pursuant to Act 1780 of 2001. Arkansas Code Annotated section 16-112-105 requires that certain procedural requirements be met by a petitioner seeking a court to issue a writ of habeas corpus. The writ must be directed to the person in whose custody the prisoner is detained. Additionally, the writ should be issued by a court that has personal jurisdiction over the defendant. Otherwise, although a court may have subject-matter jurisdiction to issue the writ, a writ of habeas corpus

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could not be returnable to the court issuing the writ; a court does not have personal jurisdiction to issue and make returnable before itself a writ of habeas corpus where the petitioner is in another county. See, e.g., *State Dep't of Pub. Welfare v. Lipe*, 257 Ark. 1015, 521 S.W.2d 526 (1975); *Johnson v. McClure*, 228 Ark. 1081, 312 S.W.2d 347 (1958); *State v. Ballard*, 209 Ark. 397, 190 S.W.2d 522 (1945).

In the present matter, appellant was in the custody of the Arkansas Department of Correction at the East Arkansas Regional Unit in Lee County when he filed the petition. Since that time, he has been transferred to the Randall L. Williams Unit in Jefferson County. As appellant's petition for writ of habeas corpus was not filed pursuant to Act 1780, he cannot seek relief until he files his petition in the Jefferson County Circuit Court. The Lee County Circuit Court no longer has personal jurisdiction over appellant and cannot release a prisoner who is not in custody within that county. *Mackey v. Lockhart*, 307 Ark. 321, 819 S.W.2d 702 (1991). Therefore, the Lee County Circuit Court cannot issue a writ of habeas corpus that would be returnable to the court to effect appellant's release, and appellant cannot obtain the specific relief he seeks in this matter. Therefore, we decline to address the merits of appellant's arguments and dismiss the appeal.

Appeal dismissed.