ARKANSAS SUPREME COURT

No. 06-825

	Opinion Delivered March 8, 2007
WILLIE G. DAVIS, JR. Appellant v. STATE OF ARKANSAS Appellee	PRO SE MOTION FOR RECONSIDERATION OF DISMISSAL OF APPEAL [CIRCUIT COURT OF LINCOLN COUNTY, LCV 2006-27, HON. ROBERT HOLDEN WYATT, JR., JUDGE] MOTION DENIED.

PER CURIAM

Appellant Willie G. Davis, an inmate in the custody of the Arkansas Department of Correction, filed a pro se petition for writ of habeas corpus in Lincoln County Circuit Court that was denied. Appellant lodged an appeal of that order in this court and filed motions requesting permission to file a belated appellant's brief and permission to file a brief with an extended argument. We dismissed the appeal. *Davis v. State*, 06-825 (Ark. Nov. 16, 2006) (per curiam). Appellant previously filed a pro se motion for reconsideration of that decision, which was denied. *Davis v. State*, 06-825 (Ark. Jan. 25, 2007) (per curiam). Once again, appellant brings a pro se motion for reconsideration of our decision to dismiss the appeal.

Appellant raises essentially the same arguments as in his previous motion. Although he attempts to clarify some of those arguments, they are no more persuasive than in his previous motion. Appellant again argues that Ark. Code Ann. § 16-112-103 (1987) is impermissibly vague and unconstitutional. He asserts that this court may not interpret the statute under Ark. Const. art.

4, and that we must therefore overturn all prior cases interpreting the statute.

Article 4 of our constitution establishes the executive, judicial and legislative divisions of governmental authority and provides for separation of powers as among the divisions established. Appellant's contention notwithstanding, by its very nature, the judicial division is charged with interpreting the statutes enacted by the legislative division of government. It is elementary that the courts are endowed with that power.

We do not agree with appellant's assertion that, by providing that a petitioner must plead either the facial invalidity or the lack of jurisdiction and make a "showing, by affidavit or other evidence, [of] probable cause to believe" he is illegally detained, our previous cases add additional requirements beyond those clearly and plainly provided in the statute itself. *See Wallace v. Willock*, 301 Ark. 69, 781 S.W.2d 478 (1989); *Mackey v. Lockhart*, 307 Ark. 321, 819 S.W.2d 702 (1991). We decline to overrule those cases.

Nor will we strike down section 16-112-103 as unconstitutionally vague and eliminate a remedy well-established in our legal system, as appellant urges. As already addressed in our previous decisions, we do not agree with appellant's contention that the statute does not clearly state its requirements, and the allegations in this motion are no more persuasive that those previously argued.

As noted in both previous opinions, appellant's petition did not state claims that would support issuance of a writ of habeas corpus. Appellant has stated no reason to revisit our original decision on this issue, and we therefore once again deny his motion for reconsideration.

Motion denied.