

SUPREME COURT OF ARKANSAS

No. 12-581

STATE OF ARKANSAS

APPELLANT

V.

FIRST SERVICE BANK OF
GREENBRIER; REAL PROPERTY AT
1 LOMBARDY LANE; CANTRELL
HOLDINGS, LLC; LANDAN K.
MITCHELL; JOHN SKYLAR TAPP
APPELLEES

Opinion Delivered March 7, 2013

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. 60CV-11-6168]

HONORABLE JAY MOODY, JUDGE

APPEAL DISMISSED AS MOOT.

JOSEPHINE LINKER HART, Justice

The State of Arkansas appeals from a Pulaski County Circuit Court order dismissing its in rem forfeiture petition against real property located at 1 Lombardy Lane in Little Rock. On appeal, the State argues that the circuit court erred in dismissing its forfeiture petition based upon a finding that Arkansas Code Annotated section 5-42-204(c)(3) (Repl. 2006) does not permit the State to pursue in rem forfeiture. We dismiss this appeal because the case is moot.

When the State filed its main brief, it noted that disposition of the proceeds that the State had sought in its forfeiture petition “was pending.” In its reply brief, the State confirmed that a settlement had been reached and that the case was now moot. Although the State has asked us to answer the question on appeal, we decline to do so.

As a general rule, appellate courts of this state will not review moot issues. *Bank of*

Am., N.A. v. Brown, 2011 Ark. 446. A case becomes moot when any judgment rendered would have no practical legal effect upon a then-existing legal controversy. *City of Pine Bluff v. Jones*, 370 Ark. 173, 258 S.W.3d 361 (2007). While we recognize two exceptions to the mootness doctrine (1) issues that are capable of repetition, yet evading review and (2) issues that raise considerations of substantial public interest which, if addressed, might prevent future litigation, *Brown, supra*, we hold that neither of these grounds apply in this case. Accordingly, any opinion handed down by this court in this matter would simply be an advisory opinion, which we will not issue. *City of Clinton v. S. Paramedic Servs., Inc.*, 2012 Ark. 88, 387 S.W.3d 137.

Appeal dismissed as moot.

Dustin McDaniel, Att’y Gen., by: *David R. Raupp*, Sr. Ass’t Att’y Gen., for appellant.

Tapp Law Offices, by: *J. Sky Tapp*, for appellees.