

# ARKANSAS SUPREME COURT

No. CR 06-772

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered September 28, 2006

BENNY HULSEY  
Petitioner

*PRO SE* PETITION FOR WRIT OF  
MANDAMUS [CIRCUIT COURT OF  
BENTON COUNTY, CR 2000-1178]

v.

HON. TOM KEITH, CIRCUIT JUDGE  
Respondent

PETITION MOOT

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## PER CURIAM

In 2001, petitioner Benny Hulsey was found guilty by a jury of indecent exposure and sexual abuse in the first degree and sentenced as a habitual offender to an aggregate term of 360 years' imprisonment. The Arkansas Court of Appeals affirmed. *Hulsey v. State*, CACR 01-1342 (Ark. App. September 10, 2003). Subsequently, petitioner timely filed in the trial court a petition for postconviction relief pursuant to Criminal Procedure Rule 37.1. The trial court dismissed the petition on the ground that it lacked jurisdiction to consider the claims, and petitioner appealed to this court from the order. We reversed and remanded the matter to the trial court so that the court could consider the petition on the merits. *Hulsey v. State*, CR 04-1386 (Ark. December 8, 2005) (*per curiam*). This court's mandate returning jurisdiction to the trial court to consider the petition was issued on December 28, 2005.

On July 13, 2006, petitioner filed a *pro se* petition for writ of mandamus in this court contending that the Honorable Tom Keith, Circuit Judge, had failed to act in a timely manner on the

Rule 37.1 petition after the matter was remanded to his court. On August 10, 2006, Judge Keith entered an order disposing of the petition. As the court has acted on the petition, the petition for writ of mandamus is moot.

Petition moot.