ARKANSAS SUPREME COURT

No. CR 07-179

Opinion Delivered **October 11, 2007**

MICHAEL F. JACKSON
   Appellant

v.

STATE OF ARKANSAS
   Appellee

PRO SE MOTION FOR
RECONSIDERATION OF DECISION
RENDERED JUNE 14, 2007 [CIRCUIT
COURT OF MISSISSIPPI COUNTY,
CHICKASAWBA DISTRICT, CR 98-
281, HON. JOHN N. FOGLEMAN,
JUDGE]

MOTION DENIED.

PER CURIAM

On August 25, 2006, appellant Michael F. Jackson, an inmate in the Arkansas Department of Correction, filed a petition in the trial court for writ of mandamus and declaratory judgment concerning his conviction on a charge of first-degree battery. The trial court entered an order granting partial relief on January 12, 2007. Prior to the entry of that order, appellant filed a motion for reconsideration, indicating that the motion followed a ruling made at a hearing on December 27, 2006. The trial court denied the motion to reconsider in an order entered January 22, 2007. Appellant timely filed notices of appeal as to both orders and lodged an appeal in this court.

Appellant filed a motion requesting access to the hearing transcript and additional time in which to file his brief-in-chief. As no transcript of any hearing was included in the record lodged in this court, we remanded the matter to the circuit court to settle the record because the transcript of a hearing on appellant's petition filed August 25, 2006, was likely to be pertinent to any review

of the matter, and, accordingly, it was important to know if such a hearing was actually conducted. *Jackson v. State*, CR 07-179 (Ark. Apr. 26, 2007) (per curiam).

The remand was returned in the form of a transcript of a hearing held December 27, 2006, in which matters relating to the issues raised in appellant's petition for writ of mandamus and declaratory judgment were discussed. As appellant had tendered two copies his brief-in-chief, which indicated that he no longer desired to obtain the hearing transcript to prepare the brief, we held in an opinion rendered June 14, 2007, that appellant's request for access to the hearing transcript was moot and granted his request for an extension of time to file the brief. We further held that appellant was required to tender the seventeen copies of the brief required by Ark. Sup. Ct. R. 4-7(d)(1) no later than June 29, 2007. Also in the June 14, 2007, opinion, we noted that appellant had asked that this court place a petition for writ of habeas corpus from another case "in his folder, of the clerk, in that office, in this case" and further compel the circuit court to make a ruling on the habeas petition. We dismissed that portion of the motion as it appeared to be a request to incorporate some other proceeding into the instant appeal and additionally to transform this appeal into a mandamus action. *Jackson v. State*, CR 07-179 (Ark. June 14, 2007) (per curiam).

On June 28, 2007, appellant filed the instant motion in which he asks that this court reconsider that portion of the June 14, 2007, decision pertaining to the habeas petition on the grounds that the petition was *not* in fact a different case. He contends that although the habeas petition was filed in Jackson County under a civil docket number, it pertained to the same issues on which the Circuit Court of Mississippi County had granted some relief and was thus pertinent to the appeal in this court. He further asserts that the habeas petition was filed in Jackson County where he was incarcerated because the Arkansas Department of Correction has failed to act in accordance with the

relief granted him by the Circuit Court of Mississippi County. Appellant again urges this court to compel the Circuit Court of Jackson County to act on the petition for writ of habeas corpus.

The motion for reconsideration is denied. Even if there is a connection between the issues in the instant appeal and the habeas petition filed in Jackson County, this appeal is from particular orders entered by the Circuit Court of Mississippi County. This appeal cannot be utilized as a means to obtain a ruling on a petition for writ of habeas corpus filed in Jackson County.

Motion denied.