

ARKANSAS SUPREME COURT

No. CR 07-836

CRAIG BELL
Petitioner

v.

HON. JOHN H. WRIGHT, CIRCUIT
JUDGE
Respondent

Opinion Delivered September 13, 2007

PRO SE PETITION FOR WRIT OF
MANDAMUS [CIRCUIT COURT OF
GARLAND COUNTY, CR 2005-764]

PETITION DENIED.

PER CURIAM

On February 5, 2007, judgment was entered in the Circuit Court of Garland County reflecting that petitioner Craig Bell had entered a plea of guilty to possession of a controlled substance and possession of drug paraphernalia with intent to manufacture. An aggregate sentence of ninety-six months' imprisonment was imposed.

Petitioner subsequently filed in the trial court a petition for reduction of the sentence imposed pursuant to Ark. Code Ann. §16-90-111 (Supp. 2005). The court denied the petition in an order entered June 25, 2007. On August 13, 2007, petitioner filed the instant pro se petition for writ of mandamus in which he contends that the court erred in its June 25, 2007, order and asks that this court compel Circuit Judge John H. Wright to reduce the sentence.

We do not reach the question of whether the court erred in its order because it is clear that mandamus is not the proper remedy to raise the question in this court. The purpose of a writ of

mandamus in a civil or a criminal case is to enforce an established right or to enforce the performance of a duty. *Smith v. Fox*, 358 Ark. 388, 193 S.W.3d 238 (2004). When requesting a writ of mandamus, a petitioner must show a clear and certain right to the relief sought and the absence of any other adequate remedy. *Manila School Dist. No. 15 v. Wagner*, 357 Ark. 20, 159 S.W.3d 285 (2004). If petitioner was not satisfied with order of June 25, 2007, his remedy was an appeal from the order, not a mandamus action in this court. A mandamus action is not a substitute for an appeal. *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988).

Petition denied.