

ARKANSAS SUPREME COURT

No. CR 08-480

DERICK SHELTON
a/k/a Derrick Shelton
Petitioner

v.

HON. ROBERT H. WYATT, JR.,
CIRCUIT JUDGE
Respondent

Opinion Delivered May 8, 2008

PRO SE PETITION FOR WRIT OF
MANDAMUS [CIRCUIT COURT OF
JEFFERSON COUNTY, CR 2006-286]

PETITION MOOT.

PER CURIAM

On April 18, 2008, petitioner Derick Shelton, who is also known as Derrick Shelton, filed the pro se petition for writ of mandamus which is now before us. In the petition, he contends that the Honorable Robert H. Wyatt, Jr., Circuit Judge, has failed to act in a timely manner on a motion for production of documents pursuant to Ark. R. Crim. P. 26.1 and Ark. R. Crim. P. 37.1 filed by him in the Circuit Court of Jefferson County on December 3, 2007. Petitioner asserts that a ruling on the motion is needed so that he may perfect an appeal from the order that denied his petition for postconviction relief under Ark. R. Crim. P. 37.1, which was entered on January 30, 2008.

We first note that the motion for production of documents filed in the trial court was a part of the Rule 37.1 proceeding and was clearly intended to obtain documents in support of the Rule 37.1 petition. When the court acted on the Rule 37.1 petition, it concluded the proceeding. Petitioner has not demonstrated that he was entitled to a separate ruling on the motion. Moreover,

on April 7, 2008, petitioner timely lodged in this court the appeal from the Rule 37.1 order. As the appeal has been perfected, it is apparent that petitioner has obtained the relief sought in the instant petition for writ of mandamus, rendering the mandamus action moot.

Petition moot.