

SUPREME COURT OF ARKANSAS

No. CR 12-1033

CORNELIOUS PAIGE

PETITIONER

v.

HON. DAVID L. REYNOLDS,
CIRCUIT JUDGE

RESPONDENT

Opinion Delivered February 21, 2013PRO SE PETITION FOR WRIT OF
MANDAMUS [FAULKNER COUNTY
CIRCUIT COURT, CR 07-515]AMENDED RESPONSE REQUESTED.**PER CURIAM**

On August 6, 2009, petitioner Cornelious Paige, through counsel, filed a timely petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 (2012) challenging a judgment reflecting his 2008 conviction on charges of aggravated robbery, three counts of kidnapping, attempted capital murder, theft of property, aggravated assault, felony fleeing, and misdemeanor fleeing.¹ On December 4, 2012, petitioner filed the instant pro se petition for writ of mandamus in this court, in which he avers that Circuit Judge David L. Reynolds had failed to act on the petition for postconviction relief in a timely manner.

Judge Reynolds, represented by counsel from the Attorney General's office, has filed a response to the petition for writ of mandamus, to which he attached a copy of an order filed on December 11, 2012, that disposed of the petition. There was no reference in the response to the delay of over three years in acting on the petition. The response does note that the bases for disposing of the petition were a lack of service of the Rule 37.1 petition on the

¹The judgment also reflects that petitioner received an aggregate sentence of 1020 months' incarceration in the Arkansas Department of Correction.

prosecuting attorney or the court as required under Rule 37.1(e) and a lack of verification in compliance with Rule 37.1(c). To the extent that the respondent may have intended to offer the lack of service as cause for the long delay, that reason is not sufficient. The mere fact that a pleading may lack merit or be entirely frivolous is not good cause to delay ruling on it. *Nelson v. Glover*, 2012 Ark. 207 (per curiam).

As we have made clear in prior opinions, the prompt resolution of all matters before a court is vital to the administration of justice. *Nelson*, 2012 Ark. 307. In order for the courts to comply with this judicial obligation, a system must be in place in every judicial district whereby each judge is made fully aware of all filings on his or her docket. *Goodwin v. Keaton*, 2012 Ark. 137 (per curiam). This is true for *all* filings, including Rule 37.1 petitions where a petitioner may have an obligation to comply with notification rules in order to obtain relief under the rule. Because it is not clear what circumstances caused the lengthy delay in this case, we direct the respondent to file an amended response within ten days setting out the reasons for the delay in acting on the Rule 37.1 petition. *See Goodwin*, 2012 Ark. 28.

Amended response requested.