

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ARTIE JACKSON

PLAINTIFF/PETITIONER

VS.

NO. 4:08-CV-03319 GTE-JTK

**RAY HOBBS, Director,
Arkansas Department of Correction**

DEFENDANT/RESPONDENT

AMENDED AND SUBSTITUTED JUDGMENT

This Judgment is entered in substitution for this Court's original Judgment¹ which is hereby VACATED. For the reasons stated in the Memorandum Opinion entered on July 20, 2010, and the Order entered on August 25, 2010,²

IT IS HEREBY CONSIDERED, ORDERED, AND ADJUDGED THAT Petitioner Artie Jackson's § 2254 petition for writ of habeas corpus be, and it is hereby, GRANTED. His state convictions are hereby set aside.

Pending review of this Court's ruling, Petitioner Jackson shall be released from custody on a personal recognizance bond based on Fed. R. App. P. 23(c).

If this Court's ruling to set aside the convictions is affirmed, the State of Arkansas shall take the steps necessary to expunge the convictions from the record. Additionally, the State of

¹ Doc. No. 20.

² Counsel for both parties have indicated that they have no objection to the terms of this Judgment.

Arkansas may, at its election, retry Jackson but only if trial proceedings are commenced not later than 90 days after the date the appeal proceedings become final.

If this Court's ruling is overruled and the convictions are reinstated, the State of Arkansas shall promptly advise Jackson when and where he shall report to continue serving his criminal sentence.

IT IS SO ORDERED this 26th day of August, 2010, nunc pro tunc, July 20, 2010.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE