

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

JESSICA M. FOX,  
ADC #713272

PETITIONER

v.

No. 5:16-cv-139-DPM

WENDY KELLEY, Director,  
Arkansas Department of Correction

RESPONDENT

ORDER

1. In her response to Fox's petition, Kelley concedes that Fox is actually innocent and that her continued confinement would violate due process. *No. 3 at 3; Arms v. State*, 2015 Ark. 364, 471 S.W. 3d 637. The Court therefore withdraws the reference so that Judgment may be entered immediately.

2. Fox's petition for a writ of *habeas corpus*, *No. 1*, is granted. Her convictions and sentences in Polk County Circuit Court Case No. CR 2015-19 are vacated. Absent some other authority to detain Fox, Kelley must immediately release her from custody.

3. Kelley must file a notice with this Court when Fox has been released. And by 21 July 2016, Kelley must file a paper confirming that State court records reflect the vacatur of Fox's convictions and sentences in Case No. CR 2015-19.

So Ordered.

D.P. Marshall Jr.  
D. P. Marshall Jr.  
United States District Judge

21 June 2016