

SUPREME COURT OF ARKANSAS

Ratliff v. Kelley

541 S.W.3d 408 (Ark. 2018) · Decided March 29, 2018

SUMMARY

The Arkansas Supreme Court affirmed the denial of Johnny Ratliff’s pro se petition for a writ of habeas corpus. The court held that his challenges to sentence enhancements and competency-related evidence alleged trial or due-process errors that did not implicate the facial validity of the judgment or the trial court’s jurisdiction. The court also noted a clerical error misidentifying the felony class but concluded that the sentence remained facially valid.

CASE DETAILS

|                       |                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Arkansas                                                                                |
| WRITING FOR THE COURT | Rhonda K. Wood                                                                                           |
| JURISDICTION          | Arkansas                                                                                                 |
| DECIDED               | March 29, 2018                                                                                           |
| DISPOSITION           | affirmed                                                                                                 |
| PROCEDURAL POSTURE    | Ratliff appealed the circuit court's denial of his pro se petition for a writ of habeas corpus.          |
| STANDARD OF REVIEW    | A circuit court's decision on a petition for a writ of habeas corpus is upheld unless clearly erroneous. |
| PRECEDENTIAL VALUE    | Published Arkansas Supreme Court opinion                                                                 |
| PARTIES               | Johnny Ratliff v. Kelley                                                                                 |

TOPICS

- state post-conviction relief
- habeas corpus
- post-conviction relief
- criminal procedure
- appellate procedure

PRACTICE AREAS

- state post-conviction relief
- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether Ratliff's challenges to the evidence supporting sentence enhancements and the competency determination were cognizable in a state habeas proceeding.

2. Whether limiting habeas relief to claims that the trial court lacked jurisdiction or that the commitment was invalid on its face unconstitutionally suspended the writ.
3. Whether the clerical felony-classification error in the judgment rendered the commitment invalid on its face.

#### **HOLDINGS**

1. A writ of habeas corpus is available only when the petitioner demonstrates that the trial court lacked jurisdiction or that the commitment is invalid on its face.
2. Challenges to the admission or sufficiency of trial evidence, including evidence supporting sentence enhancements or a competency determination, are not cognizable in a habeas proceeding when they do not implicate the facial validity of the judgment or the trial court's jurisdiction.
3. A clerical error identifying the conviction as a Class-Y felony rather than a Class-B felony does not invalidate the judgment when the imposed sentence is within the statutory range for both classifications.
4. Limiting habeas relief to jurisdictional defects and facial invalidity does not unconstitutionally suspend the writ because the General Assembly may establish the procedural mechanism for obtaining habeas relief.

#### **FACTUAL BACKGROUND**

Ratliff's judgment and commitment order reflected a Class-Y felony, although he had been charged with and convicted of a Class-B felony. His thirty-year sentence fell within the statutory range for both classifications under the applicable habitual-offender statute. In his habeas petition and appeal, Ratliff challenged the evidence supporting sentence enhancements and the evidence supporting the trial court's competency determination.

#### **PROCEDURAL HISTORY**

Ratliff was convicted of a Class-B felony and received a thirty-year sentence with sentence enhancements for prior convictions. The Supreme Court of Arkansas previously affirmed the judgment. Ratliff later filed a habeas petition alleging insufficient evidence for the sentence enhancements and incompetence at the time of the crimes and at trial. The circuit court denied relief, and the Supreme Court of Arkansas affirmed.

#### **DISPOSITION**

affirmed

#### **CASES CITED**

- Ratliff v. State, 359 Ark. 479, 199 S.W.3d 79 (2004)
- Philyaw v. Kelley, 2015 Ark. 465, 477 S.W.3d 503
- Garrison v. Kelley, 2018 Ark. 8, 534 S.W.3d 136
- Renshaw v. Norris, 337 Ark. 494, 989 S.W.2d 515 (1999)
- Williams v. Kelley, 2017 Ark. 200, 521 S.W.3d 104

- Vance v. State, 2011 Ark. 243, 383 S.W.3d 325

## OPINION

WOOD, J.

RHONDA K. WOOD, Associate Justice Appellant Johnny Ratliff appeals the circuit court's denial of his pro se petition for writ of habeas corpus. Ratliff contends that the circuit court abused its discretion in failing to find that he stated sufficient grounds for the writ when he alleged (1) that there was insufficient evidence to support \*409the enhancements to the sentences for prior convictions noted on the judgment and (2) that he was not competent when the crimes were committed or to stand trial.

We affirm the denial of Ratliff's habeas petition. On appeal, this court affirmed the judgment at issue in Ratliff's habeas petition. Ratliff v. State, 359 Ark. 479, 199 S.W.3d 79 (2004). Ratliff filed his petition asserting the two claims that he also raises on appeal-insufficient evidence to support the sentence enhancements noted on the judgment and his incompetence-among others.<sup>1</sup> The circuit court found, citing Philyaw v. Kelley, 2015 Ark.

465, 477 S.W.3d 503, that Ratliff's petition failed to set forth a basis for the writ. Unless a petitioner can show that the trial court lacked jurisdiction or that the commitment was invalid on its face, there is no basis for a finding that a writ of habeas corpus should issue. Id. A circuit court's decision on a petition for writ of habeas corpus will be upheld unless it is clearly erroneous.

Garrison v. Kelley, 2018 Ark. 8, 534 S.W.3d 136. A decision is clearly erroneous when, although there is evidence to support it, the appellate court, after reviewing the entire evidence, is left with the definite and firm conviction that a mistake has been made. Id. Ratliff alleges that the circuit court's application of Philyaw was error because any such limitations would unconstitutionally suspend the right to the writ in violation of article 2, section 11 of the Constitution of the State of Arkansas of 1874.

He cites Renshaw v. Norris, 337 Ark. 494, 989 S.W.2d 515 (1999). Ratliff is mistaken. Renshaw explained that the General Assembly's role was to set out the procedural mechanism for obtaining habeas relief. Id. at 497, 989 S.W.2d at 517. Ratliff additionally contends that the trial court abused its discretion in finding that the grounds in his petition did not support the writ.

Most of the grounds for relief that Ratliff argued below, he does not raise on appeal. These are considered abandoned. The two grounds that he alleges on appeal-insufficient evidence to support the enhancements for his prior convictions that were noted on the judgment and that he was incorrectly found competent as a result of defective evidence that had been admitted-fall outside of the defining limitations of the writ.

Assertions of trial error and due-process claims do not implicate the facial validity of the judgment or the jurisdiction of the trial court. *Williams v. Kelley*, 2017 Ark. 200, 521 S.W.3d 104. An issue with the admission of evidence, which includes the issue Ratliff raised concerning the evidence to support the enhancements and the evidence supporting the trial court's decision on his competency, is a challenge that is not cognizable in a habeas proceeding.

See *Philyaw*, 2015 Ark. 465, 477 S.W.3d 503. The State, not Ratliff, points out that there is a clerical error in the judgment and commitment order. Ratliff was charged and convicted of a Class-B felony, however, the order reflects a Class-Y felony.

The sentence of 30 years is within the statutory range for both a Class-B felony and a Class-Y felony under the applicable habitual-offender statute thus the sentence remains valid on its face. See Ark. Code Ann. § 5-4-501(b)(2) (Supp. 2001).

As the State explains, clerical errors do not prevent the enforcement of the judgment and the sentencing court, not the current lower court, may enter an order nunc pro tunc at any time to correct clerical errors in the judgment or order. *Vance v. State*, 2011 Ark. 243, 383 S.W.3d 325. That is outside the purview of the present matter as the defendant did not raise it in his habeas petition and it factually does not impact either of the grounds for habeas.

Affirmed. Ratliff appears to reference on appeal that he filed a second petition, but only one petition is contained in the record and only one petition is referenced in the order appealed.