

SUPREME COURT OF ARKANSAS

Hill v. State

2013 Ark. 357 (2013) · No. CR-12-747 · Decided September 26, 2013

SUMMARY

The Supreme Court of Arkansas dismissed Jessie Hill’s appeal from the denial of his motion seeking scientific testing under Act 1780 of 2001. The court held that Hill failed to rebut the statutory presumption against timeliness, so the circuit court lacked jurisdiction to grant relief and the motion to extend the time to file a brief was moot.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	September 26, 2013
DOCKET	CR-12-747
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order of the Ouachita County Circuit Court denying a motion to vacate, set aside, and discharge a 1995 first-degree-murder conviction based on a request for scientific testing under Arkansas's Act 1780.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Jessie Hill v. State of Arkansas

TOPICS

- state post-conviction relief
- actual innocence
- habeas corpus
- appellate procedure
- evidence

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the Arkansas Supreme Court could consider Hill's appeal from the denial of postconviction scientific testing when Hill's motion failed to rebut Act 1780's presumption against timeliness.

2. Whether Hill's motion for an extension of time to submit his appellate brief remained live after he tendered the brief.

HOLDINGS

1. An appeal from the denial of postconviction relief, including a petition for a writ of habeas corpus under Act 1780, will not be permitted to proceed when it is clear that the appellant cannot prevail. Because Hill failed to rebut the statutory presumption against timeliness, the circuit court lacked jurisdiction to consider his petition, and the Supreme Court lacked jurisdiction to consider the merits of the appeal.
2. The motion to extend time was moot because Hill tendered his brief after filing the motion, and the appeal was dismissed.

KEY QUOTATIONS

“An appeal of the denial of postconviction relief, including an appeal from an order denying a petition for writ of habeas corpus under Act 1780, will not be permitted to go forward where it is clear that the appellant could not prevail.” (at 1)

“Appellant’s motion in the present case failed to rebut the presumption against timeliness, and, as a consequence, the trial court did not have jurisdiction to consider the petition for relief under the Act.” (at 2)

FACTUAL BACKGROUND

Hill was convicted of first-degree murder in 1995. In 2011, he sought fingerprint testing of the gun used in the murder under Act 1780, asserting that advanced technology could produce latent-print analysis. He did not allege that fingerprint testing was unavailable at trial, that prior fingerprint testing had been performed unsuccessfully, or that the proposed technology would be more probative than technology available at trial.

PROCEDURAL HISTORY

Hill appealed the circuit court's denial of his motion for scientific testing and sought an extension of time to submit his appellate brief. After Hill tendered a brief, the Arkansas Supreme Court dismissed the appeal because he could not prevail: his motion, filed more than fifteen years after judgment, failed to rebut the statutory presumption against timeliness. The court held that the circuit court therefore lacked jurisdiction under Act 1780, and the extension motion was moot.

DISPOSITION

dismissed

CASES CITED

- Cooper v. State, 2013 Ark. 180 (per curiam)
- King v. State, 2013 Ark. 133 (per curiam)
- Strong v. State, 2010 Ark. 181, 372 S.W.3d 758 (per curiam)
- Foster v. State, 2013 Ark. 61 (per curiam)

- Garner v. State, 2012 Ark. 271 (per curiam)
- Hill v. State, 2012 Ark. 204 (per curiam)
- Wallace v. State, 2011 Ark. 295 (per curiam)
- Cooper v. State, 2012 Ark. 123 (per curiam)

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