

SUPREME COURT OF ARKANSAS

Sansevero v. Hobbs

2015 Ark. 379 (2015) · No. CV-15-186 · Decided October 21, 2015

SUMMARY

The Supreme Court of Arkansas affirmed the dismissal of Vincent Sansevero’s petition for a writ of habeas corpus. The court held that he was not entitled to a hearing because he failed to show probable cause for issuance of the writ, and that his life sentence for rape was within the statutory range and was not facially illegal. The court also rejected his reliance on *Miller v. Alabama* because he did not claim to have been a juvenile at the time of the offenses.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	October 21, 2015
DOCKET	CV-15-186
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pro se appeal from the Jefferson County Circuit Court's dismissal of a petition for writ of habeas corpus.
STANDARD OF REVIEW	A trial court's denial of habeas relief will not be reversed unless the trial court's findings are clearly erroneous.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Vincent Sansevero v. Ray Hobbs, Director, Arkansas Department of Correction

TOPICS

- state post-conviction relief
- habeas corpus
- sentencing
- due process
- appellate procedure

PRACTICE AREAS

- Criminal law
- Post-conviction relief
- Habeas corpus
- Sentencing

QUESTIONS PRESENTED

1. Whether Sansevero was entitled to a hearing on his habeas-corpus petition.
2. Whether Sansevero's life sentence for a Class Y felony was illegal or invalid on its face.
3. Whether the circuit court properly dismissed the habeas petition when Sansevero failed to establish probable cause that he was illegally detained.

HOLDINGS

1. A hearing is not required on a habeas petition when the petitioner fails to show by affidavit or other evidence probable cause for issuance of the writ, even if the petition alleges an otherwise cognizable ground.
2. Sansevero's life sentence was legal because it fell within the statutory sentencing range for a Class Y felony, and Arkansas law treats a sentence of life imprisonment as life imprisonment without the possibility of parole unless commuted to a term of years by executive clemency.
3. A habeas writ is unavailable when the petitioner fails to establish that the judgment is invalid on its face or that the trial court lacked jurisdiction; Sansevero therefore failed to meet his burden and the dismissal was proper.

KEY QUOTATIONS

“A writ of habeas corpus is proper when a judgment of conviction is invalid on its face or when a trial court lacked jurisdiction over the cause.” (at 1)

“A sentence is illegal on its face when it exceeds the statutory maximum for the offense for which the defendant was convicted.” (at 3)

“Contrary to Sansevero’s contentions otherwise, a sentence of life imprisonment is a sentence of life imprisonment without the possibility of parole unless the sentence is otherwise commuted to a term of years.” (at 4)

FACTUAL BACKGROUND

In 2000, a Pulaski County jury found Vincent Sansevero guilty of rape, third-degree battery, first-degree terroristic threatening, and residential burglary. He received concurrent sentences of life, twelve months, 180 months, and 480 months, respectively. Sansevero later challenged the legality of his life sentence, asserting that it was improperly treated as life imprisonment with the possibility of parole and that the sentencing court lacked authority to impose it.

PROCEDURAL HISTORY

Sansevero was convicted in 2000 in the Pulaski County Circuit Court of rape, third-degree battery, first-degree terroristic threatening, and residential burglary, and received concurrent sentences including life imprisonment for rape. In 2014, he filed a habeas petition in the Jefferson County Circuit Court, alleging that his life sentence with parole was illegal and that the sentencing court lacked authority to impose it. The circuit court dismissed the petition, and the Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Hobbs v. Gordon, 2014 Ark. 225, 434 S.W.3d 364
- Bryant v. Hobbs, 2014 Ark. 287 (per curiam)
- Glaze v. Hobbs, 2013 Ark. 458 (per curiam)
- Davis v. Reed, 316 Ark. 575, 873 S.W.2d 524 (1994)
- Young v. Norris, 365 Ark. 219, 226 S.W.3d 797 (2006) (per curiam)
- Tolefree v. State, 2014 Ark. 26 (per curiam)
- Strong v. Hobbs, 2013 Ark. 376 (per curiam)
- Mackey v. Lockhart, 307 Ark. 321, 819 S.W.2d 702 (1991)
- George v. State, 285 Ark. 84, 685 S.W.2d 141 (1985)
- Brown v. Hobbs, 2014 Ark. 267
- Miller v. Alabama, ___ U.S. ___, 132 S. Ct. 2455 (2011), rev'd and remanded, 567 U.S. 460 (2012)
- Jackson v. State, 2011 Ark. 49, 378 S.W.3d 103, cert. granted, ___ U.S. ___, 132 S. Ct. 548 (2011), rev'd and remanded sub nom. Miller v. Alabama, ___ U.S. ___, 132 S. Ct. 2455 (2012)
- Hale v. Hobbs, 2014 Ark. 405, 443 S.W.3d 533
- Atkins v. State, 2014 Ark. 393, 441 S.W.3d 19 (per curiam)
- Lovelace v. State, 301 Ark. 519, 785 S.W.2d 212 (1990)
- Grissom v. State, 2013 Ark. 417 (per curiam)
- Benton v. State, 2013 Ark. 385 (per curiam)