SUPREME COURT OF ALABAMA

Thomas v. Merritt

167 So. 3d 283 (Ala. 2013) · No. 1111588; 1120264 · Decided December 6, 2013

SUMMARY

The Alabama Supreme Court considered consolidated appeals arising from deductions and fees imposed by the Alabama Department of Corrections on work-release inmates. The court dismissed Merritt’s appeal as untimely and held that the 40% withholding limit in Alabama Code § 14-8-6 applies to costs incident to confinement, but does not bar additional charges for costs arising from optional work-release participation or other specified conduct. The court reversed and remanded the Department’s appeal.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Shaw, Justice; Moore, Chief Justice; Bolin, Justice; Bryan, Justice; Main, Justice; Moore, Justice; Parker, Justice; Stuart, Justice; Wise, Justice; Murdock, Justice
JURISDICTION	Alabama
DECIDED	December 6, 2013
DOCKET	1111588; 1120264
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Alabama Department of Corrections and related officials appealed the trial court's final order concerning deductions from work-release earnings and fees charged to inmates. Jerry Mack Merritt cross-appealed from the same order and from the denial of a renewed escrow motion.
STANDARD OF REVIEW	Questions of law and the trial court's application of law to the facts are reviewed de novo; a trial court's ruling on a question of law carries no presumption of correctness.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kim Thomas, Commissioner of the Alabama Department of Corrections, and other Alabama Department of Corrections officials, Robert Bentley, Governor of Alabama v. Jerry Mack Merritt, Thomas Layton, Jr., Plaintiff class represented by Jerry Mack Merritt

TOPICS

appellate jurisdiction · appellate procedure · statutory interpretation · plain meaning rule · remedies

PRACTICE AREAS

appellate procedure · administrative law · civil procedure · statutory interpretation · corrections law

QUESTIONS PRESENTED

1. Whether Merritt's notice of appeal in case no. 1120264 was timely and therefore sufficient to invoke appellate jurisdiction.
2. Whether § 14-8-6, Ala. Code 1975, imposes an absolute 40% cap on all amounts the Department may collect from work-release inmates.
3. Whether charges that are not costs incident to an inmate's confinement, including transportation and other fees arising from voluntary participation in work release, may be collected in excess of the 40% withholding cap.

HOLDINGS

1. The appeal was untimely because Merritt filed his notice of appeal more than 42 days after entry of the trial court's final judgment, and the Rule 62 renewed escrow motion did not toll the appeal period.
2. The 40% limit in § 14-8-6 applies to earnings withheld for costs incident to an inmate's confinement, not to every charge the Department may impose.
3. The Department may collect, in excess of the 40% withholding threshold, costs that are not incident to an inmate's confinement, including transportation costs and other fees stemming from participation in the optional work-release program.

KEY QUOTATIONS

> *"The timely filing of the notice of appeal is a jurisdictional act."* (290)

> *"Words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used a court is bound to interpret that language to mean exactly what it says."* (290-291)

> *"Thus, we hold that the plain language of the statute does not prohibit the department from collecting, over and above the 40% threshold established by § 14-8-6, costs that are not incident to the inmate's confinement, including transportation costs and other fees stemming from the inmate's participation in the department's optional work-release program."* (293)

FACTUAL BACKGROUND

The Alabama Department of Corrections operated a voluntary work-release program under which inmates could leave prison temporarily to work at paid employment. The Department withheld a percentage of inmates' earnings and charged fees for transportation, laundry, self-initiated medical visits, and confirmatory drug testing. The challenged charges included withholding up to 40% of earnings and collecting certain fees beyond that amount, while the plaintiffs contended that the statutory cap applied to all deductions and that the Department's regulations had not been properly amended.

PROCEDURAL HISTORY

The trial court initially held that the Department lacked authority under its then-existing regulation to withhold more than 32.5% of work-release earnings or to charge transportation fees above the regulatory amounts, while approving certain medical, drug-testing, and laundry fees. The Alabama Supreme Court previously held that the trial court's Rule 54(b) certification was improper because damages remained undetermined and remanded for dismissal of the appeal and vacation of the certification. On remand, the trial court dismissed refund claims on immunity grounds, certified a plaintiff class, denied attorney fees, and entered a July 24, 2012, final order adopting the Department's interpretation that it could withhold 40% of gross earnings and collect non-confinement-related charges above that threshold. The Supreme Court dismissed Merritt's appeal as untimely, reversed the Department's adverse ruling in case no. 1111588, and remanded.

DISPOSITION

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reversed_and_remanded
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REMAND INSTRUCTIONS

In case no. 1111588, remand for further proceedings consistent with the opinion. Case no. 1120264 is dismissed for lack of a timely notice of appeal.

CASES CITED

- Ex parte Alabama Department of Corrections, 74 So. 3d 25 (Ala. 2011)
- Stark v. Troy State University, 514 So. 2d 46 (Ala. 1987)
- Ex parte Carlisle, 894 So. 2d 721 (Ala. Civ. App. 2004)
- Ex parte J.E., 1 So. 3d 1002, 1008 (Ala. 2008)
- Ex parte Perkins, 646 So. 2d 46, 47 (Ala. 1994)
- Eubanks v. Hale, 752 So. 2d 1113, 1144-45 (Ala. 1999)
- Espinoza v. Rudolph, 46 So. 3d 403, 412 (Ala. 2010)
- Nunn v. Baker, 518 So. 2d 711, 712 (Ala. 1987)
- Ex parte Smith, 438 So. 2d 766, 768 (Ala. 1983)
- Rudd v. Rudd, 467 So. 2d 964, 965 (Ala. Civ. App. 1985)
- Blue Cross & Blue Shield v. Nielsen, 714 So. 2d 293, 296 (Ala. 1998)
- IMED Corp. v. Systems Engineering Associates Corp., 602 So. 2d 344, 346 (Ala. 1992)
- Tuscaloosa County Commission v. Deputy Sheriffs' Association, 589 So. 2d 687, 689 (Ala. 1991)
- Coastal States Gas Transmission Co. v. Alabama Public Service Commission, 524 So. 2d 357, 360 (Ala. 1988)

- Alabama Farm Bureau Mutual Casualty Insurance Co. v. City of Hartselle, 460 So. 2d 1219, 1223 (Ala. 1984)
- Dumas Brothers Manufacturing Co. v. Southern Guaranty Insurance Co., 431 So. 2d 534, 536 (Ala. 1983)
- Town of Loxley v. Rosinton Water, Sewer, & Fire Protection Authority, Inc., 376 So. 2d 705, 708 (Ala. 1979)
- Ex parte T.B., 698 So. 2d 127, 130 (Ala. 1997)

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