

SUPREME COURT OF GEORGIA

Arnold v. State

292 Ga. 95 (2012) · Decided November 19, 2012

SUMMARY

The Georgia Supreme Court affirmed the denial of Darchelle Renee Arnold’s motion to withdraw her guilty plea to two counts of felony murder and one count of aggravated assault. The court held that Arnold failed to establish ineffective assistance of counsel or manifest injustice resulting from the trial court’s failure to advise her on the record of the mandatory minimum sentence.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Presiding Justice; All the Justices
JURISDICTION	Georgia
DECIDED	November 19, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a motion to withdraw a negotiated guilty plea.
STANDARD OF REVIEW	The appellate court defers to the lower court's factual findings unless clearly erroneous and reviews its legal conclusions de novo.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Darchelle Renee Arnold v. State

TOPICS

- ineffective assistance
- plea bargaining
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal procedure
- Guilty pleas
- Ineffective assistance of counsel
- Appellate review

QUESTIONS PRESENTED

1. Whether defense counsel provided ineffective assistance by allegedly misadvising Arnold about parole eligibility and her ability to withdraw the guilty plea after sentencing.

2. Whether Arnold's guilty plea was involuntary or resulted in a manifest injustice because the trial court did not advise her on the record of the mandatory minimum sentence for felony murder under Uniform Superior Court Rule 33.8.

HOLDINGS

1. A defendant challenging a guilty plea based on ineffective assistance must show deficient performance and prejudice, with prejudice established by a reasonable probability that, but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on trial. Arnold failed to establish deficient performance because the trial court credited counsel's testimony that he correctly advised her about parole eligibility and did not tell her she could withdraw the plea at any time.
2. Arnold was not entitled to withdraw her guilty plea to correct a manifest injustice even though the trial court did not advise her on the record of the mandatory minimum sentence, because the record showed that she knowingly, intelligently, and voluntarily waived her rights and counsel had correctly advised her concerning the length of her sentence.

KEY QUOTATIONS

“The prejudice component in the context of a guilty plea, however, is met by showing that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” (96)

“It follows that appellant has not demonstrated she should be permitted to withdraw her plea to correct a manifest injustice and that the court did not err in denying appellant’s motion to withdraw her guilty plea.” (97)

FACTUAL BACKGROUND

Arnold pleaded guilty pursuant to a negotiated plea to two counts of felony murder and one count of aggravated assault arising from the shootings of two victims and the wounding of another. She claimed counsel incorrectly advised her about parole eligibility and the ability to withdraw her plea after sentencing. She also claimed the plea was involuntary because the trial court did not advise her on the record of the mandatory minimum sentence for felony murder. The trial court credited counsel's testimony, found his performance reasonable, and denied withdrawal of the plea.

PROCEDURAL HISTORY

Arnold was indicted for two counts of malice murder, four counts of felony murder, three counts of armed robbery, and six counts of aggravated assault. Under a negotiated plea, she pleaded guilty to two counts of felony murder and one count of aggravated assault and received two concurrent life sentences plus twenty years of probation. She later moved to withdraw her guilty plea based on ineffective assistance of counsel and alleged involuntariness; after a hearing, the trial court denied the motion, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Hill v. Lockhart, 474 U.S. 52 (1985)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Heath, 277 Ga. 337, 338 (588 S.E.2d 738) (2003)
- Moore v. State, 278 Ga. 397 (2) (603 S.E.2d 228) (2004)
- Floyd v. State, 293 Ga. App. 235, 236 (2) (666 S.E.2d 611) (2008)
- Britt v. Smith, 274 Ga. 611, 614 (556 S.E.2d 435) (2001)
- State v. Evans, 265 Ga. 332, 336 (454 S.E.2d 468) (1995)
- Adams v. State, 285 Ga. 744, 748 (683 S.E.2d 586) (2009)
- Maddox v. State, 278 Ga. 823, 826 (4) (607 S.E.2d 587) (2005)