

SUPREME COURT OF MISSISSIPPI

Edmond v. Mississippi Department of Corrections

783 So. 2d 675 (Miss. 2001) · No. No. 2000-CP-00086-SCT · Decided April 12, 2001

SUMMARY

The Supreme Court of Mississippi held that a claim challenging an allegedly unlawful parole revocation fell within an exception to the Mississippi Uniform Post-Conviction Collateral Relief Act's three-year limitations period. Because the record did not establish the terms of Edmond's parole or whether required due process procedures were provided, the court reversed the dismissal and remanded for an evidentiary hearing, including consideration of laches.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                           |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Mississippi                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | McRae, P.J.; Pittman, C.J.; Banks, P.J.; Waller, J.; Diaz, J.; Smith, J.; Mills, J.; Cobb, J.; Easley, J.                                                                                                                                                                 |
| JURISDICTION          | Mississippi                                                                                                                                                                                                                                                               |
| DECIDED               | April 12, 2001                                                                                                                                                                                                                                                            |
| DOCKET                | No. 2000-CP-00086-SCT                                                                                                                                                                                                                                                     |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Appeal from the Greene County Circuit Court's dismissal, without an evidentiary hearing, of Edmond's petition for a writ of habeas corpus challenging the allegedly unlawful revocation of his parole.                                                                    |
| STANDARD OF REVIEW    | The Supreme Court reviewed the dismissal of the post-conviction habeas petition and determined whether the record was sufficient to resolve the alleged denial of parole-revocation procedures; because the record was insufficient, an evidentiary hearing was required. |
| PRECEDENTIAL VALUE    | Published, precedential Mississippi Supreme Court opinion                                                                                                                                                                                                                 |
| PARTIES               | Albert Edmond v. Mississippi Department of Corrections, Mississippi Parole Board, State of Mississippi                                                                                                                                                                    |

TOPICS

- state post-conviction relief
- parole
- procedural due process
- statutory interpretation
- appellate procedure

## PRACTICE AREAS

post-conviction relief

criminal procedure

parole

appellate procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether Edmond's challenge to the alleged unlawful revocation of his parole was barred by the Mississippi Uniform Post-Conviction Collateral Relief Act's three-year limitations period.
2. Whether the doctrine of laches barred Edmond's claim without an evidentiary hearing.
3. Whether the record was sufficient to determine whether Edmond received the due process procedures required before and during parole revocation.
4. Whether the circuit court erred by dismissing Edmond's petition without an evidentiary hearing.

## HOLDINGS

1. A claim that a prisoner's parole was unlawfully revoked falls within the statutory exception to the UPCCRA's three-year limitations period and is not time-barred under section 99-39-5(2).
2. Laches may apply to Edmond's claim, but it cannot be invoked as a bar unless the State establishes prejudice resulting from the passage of time; that issue must be developed at an evidentiary hearing.
3. The record was insufficient to determine whether Edmond received the due process procedures required for parole revocation, including a preliminary hearing, a final revocation hearing, and the minimum procedural protections identified in *Morrissey v. Brewer*.
4. The circuit court erred by dismissing Edmond's petition without an evidentiary hearing where the record was insufficient to determine the legality of the parole revocation and the procedures followed.

## KEY QUOTATIONS

*“The UPCCRA is unambiguous as it relates to parole revocations. Indeed, it could not be more clear: it excepts claims of unlawful parole revocation from its three-year limitations period.”* (at 678)

*“Morrissey clearly requires a "preliminary hearing" to find probable cause for revocation, and a "final revocation hearing" before revocation.”* (at 679)

*“The record provided to the Court is insufficient to determine whether Edmond was denied proper revocation procedure in this case.”* (at 680)

## FACTUAL BACKGROUND

Edmond was convicted of forcible rape in 1974 and sentenced to life imprisonment. He was paroled in June 1982, later arrested for malicious trespass after reporting that he had entered an unknown house, and was sentenced to time served by a justice of the peace. His parole was revoked in August 1982, allegedly without written notice, a preliminary hearing, an opportunity to consult with his parole officer or an attorney, or other required revocation procedures. The record contained no documentation establishing the charge, conviction, parole terms, or procedures followed by the Parole Board.

## PROCEDURAL HISTORY

Edmond was convicted of forcible rape in 1974, sentenced to life imprisonment, and paroled in 1982. After his parole was revoked, he filed a habeas petition in the Greene County Circuit Court alleging that he had not received the procedures required for parole revocation. The circuit court dismissed the petition, concluding that there was no proof of an unlawful revocation and that Edmond had admitted a parole violation. The Mississippi Supreme Court reversed and remanded for an evidentiary hearing.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The circuit court was directed to conduct an evidentiary hearing addressing whether laches applies, the terms and conditions of Edmond's parole, and whether Edmond received the due process protections and proper revocation procedures required before his parole was revoked.

## CASES CITED

- Alexander v. State, 667 So. 2d 1 (Miss. 1995)
- Cole v. State, 608 So. 2d 1313 (Miss. 1992)
- Dillon v. State, 641 So. 2d 1223 (Miss. 1994)
- Edmond v. State, 312 So. 2d 702 (Miss. 1975)
- Fortson v. Hargett, 662 So. 2d 633 (Miss. 1995)
- Gaines v. State, 736 So. 2d 433 (Miss. Ct. App. 1999)
- Grayson v. State, 648 So. 2d 1129 (Miss. 1994)
- Morrissey v. Brewer, 408 U.S. 471 (1972)
- Riely v. State, 562 So. 2d 1206 (Miss. 1990)
- State v. Esprinal, 488 So. 2d 228 (La. Ct. App. 1986)
- Sykes v. State, 757 So. 2d 997 (Miss. 2000)
- Walker v. State, 555 So. 2d 738 (Miss. 1990)
- Grubb v. State, 584 So. 2d 786 (Miss. 1991)