

SUPREME COURT OF ARKANSAS

Walker v. State, 367 Ark. 523

241 S.W.3d 734 (2006) · No. CR 05-1322 · Decided October 26, 2006

SUMMARY

The Supreme Court of Arkansas affirmed the denial of Calvin Lamont Walker's petition for post-conviction relief under Arkansas Rule of Criminal Procedure 37.1. The court rejected claims of ineffective assistance based on an alleged conflict of interest, counsel's health problems, and failure to challenge the chain of custody, and upheld the denial of an evidentiary hearing, access to counsel's files, and leave to amend the petition.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	October 26, 2006
DOCKET	CR 05-1322
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial without an evidentiary hearing of a petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1.
STANDARD OF REVIEW	The denial of postconviction relief is not reversed unless the trial court's findings are clearly erroneous or clearly against the preponderance of the evidence. Whether counsel was ineffective is reviewed under the clearly erroneous standard based on the totality of the evidence. The decision whether the files and records are sufficient to resolve a Rule 37.1 petition without a hearing, and whether to permit amendment or order production of counsel's files, is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Calvin Lamont Walker v. State of Arkansas

TOPICS

- post-conviction relief
- ineffective assistance
- right to counsel
- authentication
- appellate procedure

PRACTICE AREAS

criminal postconviction relief

ineffective assistance of counsel

criminal evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective because a professional-conduct investigation created an actual conflict of interest.
2. Whether trial counsel was ineffective for failing to disclose health problems to Walker.
3. Whether trial counsel was ineffective for failing to object to admission of the cocaine based on chain-of-custody inconsistencies.
4. Whether the trial court erred by denying the Rule 37.1 petition without an evidentiary hearing.
5. Whether the trial court abused its discretion by denying access to trial counsel's files and leave to amend the petition.

HOLDINGS

1. A defendant claiming ineffective assistance based on a conflict of interest must demonstrate an actual conflict that affected counsel's performance, rather than a merely theoretical division of loyalties. Walker failed to show an actual conflict or prejudice from the professional-conduct investigation.
2. A claim that counsel failed to disclose health problems does not establish ineffective assistance without a showing of prejudice, unless the circumstances fall within a recognized category in which prejudice is presumed. Walker made no showing of prejudice and did not establish that any presumption applied.
3. Counsel is not ineffective for failing to make a meritless objection. The trial court did not clearly err in finding that a chain-of-custody objection to the cocaine evidence would not have been sustained.
4. An evidentiary hearing is not required when the files and records conclusively show that the petitioner is entitled to no relief, and the trial court did not abuse its discretion in resolving Walker's petition without a hearing.
5. A trial court may, in its discretion, require trial counsel to provide access to case files, but it does not abuse that discretion by requiring a defendant to identify with specificity the concerns, records sought, and relevance of those records before ordering production or permitting amendment.

KEY QUOTATIONS

"The cornerstone principle in all conflict cases is whether prejudice will result to the client as a result of the conflict of interest and that prejudice must be real and have some demonstrable detrimental effect on the client and not merely be abstract or theoretical." (at 738)

"We hold that, while the trial court may, at its discretion, require trial counsel to provide access to those files, just as counsel may be required to provide testimony, the trial court does not abuse that discretion by requiring a defendant to state with specificity the areas of concern as to counsel's performance, the portions of trial counsel's records that are required to investigate those concerns, and how those records are relevant to the inquiry." (at 740)

FACTUAL BACKGROUND

Walker was convicted of delivering cocaine and received a 420-month sentence. In his Rule 37.1 petition, he alleged that trial counsel was ineffective because of an asserted conflict of interest arising from a professional-conduct investigation, counsel's failure to disclose health problems, and counsel's failure to object to the cocaine evidence based on chain-of-custody discrepancies. He also sought an evidentiary hearing, access to trial counsel's files, and leave to amend his petition.

PROCEDURAL HISTORY

A jury convicted Walker of delivery of cocaine and sentenced him to 420 months' imprisonment. The Arkansas Court of Appeals affirmed the judgment. Walker then filed a timely Rule 37.1 petition alleging ineffective assistance of counsel and related procedural errors; the trial court denied the petition without a hearing, and Walker appealed.

DISPOSITION

affirmed

CASES CITED

- Walker v. State, CACR 04-456, 2005 WL 958741 (Ark. App. Apr. 27, 2005)
- Greene v. State, 356 Ark. 59, 146 S.W.3d 871 (2004)
- Flores v. State, 350 Ark. 198, 85 S.W.3d 896 (2002)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Jackson v. State, 352 Ark. 359, 105 S.W.3d 352 (2003)
- Noel v. State, 342 Ark. 35, 26 S.W.3d 123 (2000)
- Jones v. State, 355 Ark. 316, 136 S.W.3d 774 (2003)
- Cook v. State, 361 Ark. 91, 204 S.W.3d 532 (2005) (per curiam)
- Echols v. State, 354 Ark. 530, 127 S.W.3d 486 (2003)
- Bell v. Cone, 535 U.S. 685, 122 S. Ct. 1843, 152 L. Ed. 2d 914 (2002)
- Crisco v. State, 328 Ark. 388, 943 S.W.2d 582 (1997)
- Green v. State, 365 Ark. 478, 231 S.W.3d 638 (2006)
- Guydon v. State, 344 Ark. 251, 39 S.W.3d 767 (2001)
- Camargo v. State, 346 Ark. 118, 55 S.W.3d 255 (2001)
- Sanders v. State, 352 Ark. 16, 98 S.W.3d 35 (2003)

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