

SUPREME COURT OF ARKANSAS

Bryant v. State

575 S.W.3d 547 (Ark. 2019) · Decided June 6, 2019

SUMMARY

The Arkansas Supreme Court denied Tracy Lee Bryant’s motion for belated appeal from the denial of his petition for a writ of error coram nobis. The court held that Bryant’s claims concerning competency, coercion, and ineffective assistance of counsel either lacked supporting facts or were not cognizable in coram nobis proceedings, while a dissent argued that the court lacked jurisdiction because no notice of appeal had been filed.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	KAREN R. BAKER, Associate Justice; Josephine Linker Hart, Justice
JURISDICTION	Arkansas
DECIDED	June 6, 2019
DISPOSITION	other
PROCEDURAL POSTURE	Bryant sought permission to pursue a belated appeal from an order denying his pro se petition for a writ of error coram nobis. The Supreme Court of Arkansas denied the motion for belated appeal because the petition was wholly without merit and ruled that his related motions were moot.
STANDARD OF REVIEW	An order granting or denying a petition for a writ of error coram nobis is reviewed for abuse of discretion. An abuse of discretion occurs when the court acts arbitrarily or groundlessly.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Tracy Lee Bryant v. State

TOPICS

- state post-conviction relief
- appellate procedure
- criminal procedure
- ineffective assistance
- plea bargaining

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether Bryant should be permitted to pursue a belated appeal despite the absence of a notice of appeal.
2. Whether Bryant's coram-nobis petition stated a potentially meritorious claim that would justify allowing the appeal to proceed.
3. Whether ineffective assistance of counsel, alleged incompetence or failure to obtain a mental evaluation, and alleged involuntariness or coercion of a guilty plea supported coram-nobis relief.

HOLDINGS

1. The court may decline to consider the reason for an untimely or missing notice of appeal when the underlying postconviction petition is clearly wholly without merit and the petitioner could not prevail on appeal.
2. Bryant failed to state a legally sufficient claim for coram-nobis relief because he alleged no facts demonstrating a fundamental error of fact extrinsic to the record that would have prevented rendition of the judgment.
3. An ineffective-assistance-of-counsel claim is not a ground for a writ of error coram nobis.
4. Bryant's allegations concerning mental illness, failure to obtain a mental evaluation, and possible incompetence did not support coram-nobis relief because he alleged no extrinsic facts showing that he was incompetent to enter his guilty plea or that such facts were unknown at the time of judgment.
5. Bryant's coerced-plea claim did not support coram-nobis relief because he alleged no facts showing that his plea resulted from fear, duress, or threats of mob violence.

KEY QUOTATIONS

“A writ of error coram nobis is an extraordinarily rare remedy, more known for its denial than its approval.”
(575 S.W.3d at 548)

“The function of the writ is to secure relief from a judgment rendered while there existed some fact that would have prevented its rendition had it been known to the trial court and which, through no negligence or fault of the defendant, was not brought forward before rendition of the judgment.” (575 S.W.3d at 548)

“The mere fact that Bryant suffered from, and was treated for, a mental illness does not establish his incompetence, and his diagnosis was clearly known at the time of his guilty plea.” (575 S.W.3d at 550)

FACTUAL BACKGROUND

Bryant entered a guilty plea in case 60CR-00-365 to aggravated robbery, theft of property, and two counts of theft by receiving. In his coram-nobis petition, he alleged that his mental disease or defect had not been fully adjudicated, that his guilty plea was coerced, and that trial counsel was ineffective. He also relied on his bipolar diagnosis and alleged failure to receive a mental evaluation, but identified no facts outside the record showing incompetence, coercion, or another recognized basis for coram-nobis relief.

PROCEDURAL HISTORY

Bryant pleaded guilty to aggravated robbery, theft of property, and two counts of theft by receiving. He later filed a petition for a writ of error coram nobis, which the circuit court denied. Although the partial record contained no notice of appeal, Bryant moved in the Supreme Court of Arkansas for permission to pursue a belated appeal and filed several related motions.

DISPOSITION

other

CASES CITED

- Latham v. State, 2018 Ark. 44
- Whitney v. State, 2018 Ark. 138
- State v. Larimore, 341 Ark. 397, 17 S.W.3d 87 (2000)
- Green v. State, 2016 Ark. 386, 502 S.W.3d 524
- Roberts v. State, 2013 Ark. 56, 425 S.W.3d 771
- Howard v. State, 2012 Ark. 177, 403 S.W.3d 38
- Griffin v. State, 2018 Ark. 10, 535 S.W.3d 261
- Mosley v. State, 2018 Ark. 152, 544 S.W.3d 55
- Newman v. State, 2014 Ark. 7
- United States v. Turner, 644 F.3d 713 (8th Cir. 2011)
- Deason v. State, 263 Ark. 56, 562 S.W.2d 79 (1978)
- Martinez-Marmol v. State, 2018 Ark. 145, 544 S.W.3d 49
- Smith v. State, 2017 Ark. 236, 523 S.W.3d 354
- Bray v. State, 375 Ark. 238, 289 S.W.3d 455 (2008)
- Davis v. State, 319 Ark. 171, 889 S.W.2d 769 (1994)