

SUPREME COURT OF ARKANSAS

Culbertson v. State

2015 Ark. 248 (2015) · No. CR-14-701 · Decided May 28, 2015

SUMMARY

The Arkansas Supreme Court affirmed the denial of Billy Culbertson’s petition for a writ of error coram nobis. Culbertson claimed that he was incompetent or insane when he entered guilty pleas, that his plea was coerced, and that the prosecution withheld material evidence. The court held that he failed to establish a cognizable fundamental error of fact extrinsic to the record and had not shown grounds for coram-nobis relief.

CASE DETAILS

|                       |                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Arkansas                                                                                                                                               |
| WRITING FOR THE COURT | Per Curiam                                                                                                                                                              |
| JURISDICTION          | Arkansas                                                                                                                                                                |
| DECIDED               | May 28, 2015                                                                                                                                                            |
| DOCKET                | CR-14-701                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal from the Lonoke County Circuit Court's denial, without a hearing, of Culbertson's petition for writ of error coram nobis and motion for reconsideration.         |
| STANDARD OF REVIEW    | Denial of a petition for writ of error coram nobis is reviewed for abuse of discretion; the circuit court's factual findings are not reversed unless clearly erroneous. |
| PRECEDENTIAL VALUE    | Published Arkansas Supreme Court opinion; precedential.                                                                                                                 |
| PARTIES               | Billy Culbertson v. State of Arkansas                                                                                                                                   |

TOPICS

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

PRACTICE AREAS

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

## QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by denying Culbertson's petition for writ of error coram nobis without a hearing.
2. Whether Culbertson demonstrated a cognizable coram-nobis claim based on alleged insanity or incompetency at the time of his conduct or guilty plea.
3. Whether Culbertson demonstrated a cognizable coram-nobis claim based on coercion of his guilty plea.
4. Whether the State withheld material evidence concerning a witness's death and medical records.

## HOLDINGS

1. A circuit court's denial of a petition for writ of error coram nobis is reviewed for abuse of discretion, and its factual findings are reviewed for clear error.
2. Coram-nobis relief is an extraordinary and narrow remedy available only for a fundamental error of fact that was hidden or unknown, could not have been addressed at trial, and would have prevented rendition of the judgment absent the defendant's negligence or fault.
3. Culbertson did not establish a cognizable coram-nobis claim based on insanity or incompetency because the sentencing court had already considered his competency, and he failed to identify a hidden or unknown fact that would have prevented the competency finding.
4. Culbertson's coercion allegation did not state a cognizable basis for coram-nobis relief because it did not allege the type of fear, duress, or threats of mob violence required for such relief.
5. Culbertson did not establish that the State withheld material evidence because he was aware of the prior examinations and could have used the records at trial, and he offered only conclusory assertions that the witness's death would have benefited the defense.
6. A hearing is not required when a coram-nobis petition clearly lacks merit because it fails to state a cognizable claim or shows that the petitioner did not act with due diligence; because Culbertson failed to state a cognizable claim, the court did not need to address diligence.

## KEY QUOTATIONS

*“This burden is a heavy one, for a writ of error coram nobis is an extraordinarily rare remedy, more known for its denial than its approval.” (2)*

*“Because Culbertson did not include in the petition a cognizable claim to support issuance of the writ, we need not address whether Culbertson acted with diligence in bringing his petition.” (5)*

## FACTUAL BACKGROUND

Culbertson entered negotiated guilty pleas to multiple charges, including kidnapping and first-degree battery, arising from incidents involving his estranged wife and her parents. He received an aggregate sentence of 336 months' imprisonment, with ten years suspended subject to conditions. He later alleged that he was insane when he acted and entered his plea, that the plea was coerced, and that the prosecution withheld information concerning a witness's death and medical records. The court concluded that he failed to establish a hidden or

unknown fact that would have prevented judgment, a cognizable coercion claim, or material suppression of evidence.

#### PROCEDURAL HISTORY

In 2008, Culbertson entered negotiated guilty pleas in three Lonoke County Circuit Court cases and received an aggregate sentence of 336 months' imprisonment, with part of the sentence suspended subject to conditions. In 2014, he petitioned for a writ of error coram nobis, alleging insanity, coercion of his guilty plea, and withholding of evidence. The circuit court denied the petition and his motion for reconsideration without a hearing, and the Supreme Court of Arkansas affirmed.

#### DISPOSITION

affirmed

#### CASES CITED

- Clark v. State, 358 Ark. 469, 192 S.W.3d 248 (2004)
- Cloird v. State, 357 Ark. 446, 182 S.W.3d 477 (2004)
- Hill v. State, 2013 Ark. 383 (per curiam)
- Beverage v. State, 2015 Ark. 112, \_\_\_ S.W.3d \_\_\_
- Mooney v. State, 2014 Ark. 453, 447 S.W.3d 121 (per curiam)
- Jackson v. State, 2014 Ark. 347, 439 S.W.3d 675 (per curiam)
- Westerman v. State, 2015 Ark. 69, \_\_\_ S.W.3d \_\_\_
- McClinton v. State, 2015 Ark. 161 (per curiam)
- Nelson v. State, 2014 Ark. 91, 431 S.W.3d 852
- Ridgeway v. State, 239 Ark. 377, 389 S.W.2d 617 (1965)
- Woods v. State, 342 Ark. 89, 27 S.W.3d 367 (2000)
- Hooper v. State, 2015 Ark. 108, \_\_\_ S.W.3d \_\_\_ (per curiam)