

SUPREME COURT OF TENNESSEE

State of Tennessee v. Terry Phelps

329 S.W.3d 436 (Tenn. 2010) · No. M2008-01096-SC-R11-CD · Decided December 16, 2010

SUMMARY

The Supreme Court of Tennessee held that the trial court applied the wrong legal analysis in denying Terry Phelps's presentence motion to withdraw his guilty plea. The court adopted a nonexclusive, multifactor approach for determining whether a defendant has shown a fair and just reason under Tennessee Rule of Criminal Procedure 32(f). It reversed the judgments of the trial court and Court of Criminal Appeals, granted the motion to withdraw the plea, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark, C.J.; Janice M. Holder; Gary R. Wade; William C. Koch, Jr.; Sharon G. Lee
JURISDICTION	Tennessee
DECIDED	December 16, 2010
DOCKET	M2008-01096-SC-R11-CD
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed the denial of his presentence motion to withdraw an open guilty plea and his sentence. The Tennessee Court of Criminal Appeals affirmed, and the Tennessee Supreme Court reversed and remanded.
STANDARD OF REVIEW	A trial court's ruling on a motion to withdraw a guilty plea is reviewed for abuse of discretion. An abuse of discretion occurs when the court applies an incorrect legal standard, reaches an illogical conclusion, relies on a clearly erroneous assessment of the proof, or fails to consider relevant factors.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Tennessee
PARTIES	Terry Phelps v. State of Tennessee

TOPICS

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standard of review

mootness

PRACTICE AREAS

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QUESTIONS PRESENTED

1. What standard and factors govern a defendant's presentence motion to withdraw a guilty plea under Tennessee Rule of Criminal Procedure 32(f)(1)?
2. Did the trial court abuse its discretion by denying Phelps's motion without applying the proper nonexclusive multi-factor fair-and-just-reason analysis?
3. Did Phelps establish a fair and just reason for withdrawing his guilty plea?
4. Was Phelps's challenge to his completed sentence moot?

HOLDINGS

1. Under Tennessee Rule of Criminal Procedure 32(f)(1), a presentence motion to withdraw a guilty plea should be evaluated under a nonexclusive, multi-factor analysis of whether the defendant has shown any fair and just reason for withdrawal.
2. The trial court abused its discretion, and the Court of Criminal Appeals compounded the error, by denying the motion on the ground that Phelps had merely experienced a change of heart without applying the relevant multi-factor analysis.
3. Phelps established a fair and just reason for withdrawing his guilty plea before sentencing.
4. Phelps's challenge to his sentence was moot because he had served the entire sentence.

KEY QUOTATIONS

"We hold that the trial court committed reversible error in failing to apply the correct analysis in determining whether the defendant had established a "fair and just reason" for withdrawing his guilty plea." (at 443)

"We hold that, where a trial court applies the correct non-exclusive multi-factor analysis and determines that the balance of factors weighs in the defendant's favor, the trial court should allow the defendant to withdraw his plea, even if the defendant's reasons could be characterized as a "change of heart."" (at 448)

FACTUAL BACKGROUND

Phelps, a convicted violent sexual offender, was released on parole in 2006 and registered primary and secondary residences in Tennessee. After police found that he had been staying with his ill father in Lincoln County, he was indicted for failing to timely register a change in residence. He entered an open guilty plea but soon stated that he did not understand the charge and believed he had merely been visiting his father; he moved to withdraw the plea before sentencing. The record also showed that the plea colloquy did not clearly explain the statutory definitions of primary and secondary residence.

PROCEDURAL HISTORY

Phelps was indicted for violating Tennessee's sexual-offender registration statute, entered an open guilty plea, and moved to withdraw the plea before sentencing. The trial court denied the motion, finding only a change of

heart, and sentenced him to three years. The Court of Criminal Appeals affirmed. The Tennessee Supreme Court held that the lower courts failed to apply the proper fair-and-just-reason analysis, granted the motion to withdraw the plea, and remanded for further proceedings; it treated the sentencing challenge as moot because Phelps had served his sentence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgments of the trial court and Court of Criminal Appeals are reversed, Phelps's motion to withdraw his guilty plea is granted, and the matter is remanded for further proceedings consistent with the opinion.

CASES CITED

- State v. Crowe, 168 S.W.3d 731, 740-43, 748 (Tenn. 2005)
- State v. Jordan, 325 S.W.3d 1, 38-40 (Tenn. 2010)
- State v. Lewis, 235 S.W.3d 136, 141 (Tenn. 2007)
- State v. Mellon, 118 S.W.3d 340, 345 (Tenn. 2003)
- Henning v. State, 184 Tenn. 508, 201 S.W.2d 669, 670-71 (1947)
- People v. Jameson, 387 Ill. 367, 56 N.E.2d 790, 794 (1944)
- State v. Turner, 919 S.W.2d 346, 355 (Tenn. Crim. App. 1995)
- Kadwell v. United States, 315 F.2d 667, 670 (9th Cir. 1963)
- Henderson v. Bush Bros. & Co., 868 S.W.2d 236, 237 (Tenn. 1993)
- State v. Newsome, 778 S.W.2d 34, 36 (Tenn. 1989)
- Kercheval v. United States, 274 U.S. 220, 223-24 (1927)
- United States v. Young, 424 F.2d 1276, 1279 (3d Cir. 1970)
- United States v. Barker, 514 F.2d 208, 218-22 (D.C. Cir. 1975)
- United States v. Haygood, 549 F.3d 1049, 1052 (6th Cir. 2008)
- United States v. Bashara, 27 F.3d 1174, 1181 (6th Cir. 1994)
- United States v. Caseslorete, 220 F.3d 727, 734 (6th Cir. 2000)
- United States v. Ellis, 470 F.3d 275, 281, 285-86 (6th Cir. 2006)
- United States v. Spencer, 836 F.2d 236, 239-40 (6th Cir. 1987)
- State v. Maxwell, No. E1999-00124-CCA-R3-CD, 2000 WL 1606582, at *8-9 (Tenn. Crim. App. Oct. 27, 2000)
- State v. Green, No. E2009-00359-CCA-R3-CD, 2010 WL 624133, at *1, *3 (Tenn. Crim. App. Feb. 23, 2010)
- State v. Iman, No. M2007-00103-CCA-R3-CD, 2008 WL 5101000, at *3-4 (Tenn. Crim. App. Dec. 4, 2008)
- State v. Robinson, No. M2005-00670-CCA-R3-CD, 2006 WL 1097456, at *3-5 (Tenn. Crim. App. Apr. 5, 2006)

- State v. Southern, No. M2003-02150-CCA-R3-CD, 2004 WL 2659056, at *5-6 (Tenn. Crim. App. Nov. 22, 2004)
- State v. Lyons, No. 01C01-9508-CR-00263, 1997 WL 469501, at *12 (Tenn. Crim. App. Aug. 15, 1997)
- United States v. Alexander, 948 F.2d 1002, 1004 (6th Cir. 1991)
- United States v. Medina, No. 3:08-CR-48, 2010 WL 3338567, at *11 (E.D. Tenn. Aug. 23, 2010)
- Blankenship v. State, 858 S.W.2d 897, 902, 904 (Tenn. 1993)
- Marshall v. Lonberger, 459 U.S. 422, 436 (1983)
- Boykin v. Alabama, 395 U.S. 238, 243 n.5 (1969)
- McCarthy v. United States, 394 U.S. 459, 466 (1969)
- Bradshaw v. Stumpf, 545 U.S. 175, 183 (2005)
- State v. Neal, 810 S.W.2d 131, 137-38 (Tenn. 1991)
- Howell v. State, 185 S.W.3d 319, 332 (Tenn. 2006)
- McIntyre v. Traughber, 884 S.W.2d 134, 137-38 (Tenn. Ct. App. 1994)
- Williams v. State, 503 S.W.2d 109, 111-12 (Tenn. 1973)
- North Carolina v. Pearce, 395 U.S. 711, 726 (1969)