

SUPREME COURT OF GEORGIA

Hawes v. State, 281 Ga. 822

642 S.E.2d 92 (2007) · No. S06A1917 · Decided February 26, 2007

SUMMARY

The Supreme Court of Georgia reversed the denial of James Huston Hawes's petition for a writ of habeas corpus. The court held that the record did not establish that Hawes was advised of, or knowingly waived, his privilege against compulsory self-incrimination before entering his guilty pleas, as required under *Boykin v. Alabama*.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Presiding Justice; All Justices
JURISDICTION	Georgia
DECIDED	February 26, 2007
DOCKET	S06A1917
DISPOSITION	reversed
PROCEDURAL POSTURE	The Supreme Court of Georgia granted a certificate of probable cause to review the denial of Hawes's petition for a writ of habeas corpus challenging the validity of his guilty pleas.
STANDARD OF REVIEW	The court reviewed whether the record established that the guilty pleas were entered knowingly, intelligently, and voluntarily; once the validity of a guilty plea is challenged in habeas proceedings, the State bears the burden of proving the plea's validity.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of Georgia.
PARTIES	James Huston Hawes v. The State

TOPICS

- habeas corpus
- plea bargaining
- fifth amendment
- sixth amendment
- criminal procedure

PRACTICE AREAS

- criminal procedure
- habeas corpus
- post-conviction relief
- plea bargaining
- constitutional law

QUESTIONS PRESENTED

1. Whether the habeas court erred in finding that Hawes's guilty pleas satisfied constitutional requirements when the record did not show that he was advised of and knowingly waived his privilege against compulsory self-incrimination.
2. Whether informing Hawes that he could testify at trial adequately advised him of his separate Fifth Amendment privilege against compulsory self-incrimination during the plea proceeding.

HOLDINGS

1. A guilty plea is constitutionally valid only when the record establishes that the defendant understood and knowingly waived the three Boykin rights: the privilege against compulsory self-incrimination, the right to trial by jury, and the right to confront one's accusers. Because the record did not show that Hawes was advised of or waived the privilege against compulsory self-incrimination, the habeas court erred in finding that his pleas passed constitutional scrutiny.
2. A trial court need not use precisely defined language or magic words to explain the Boykin rights, but the record must show that the defendant was informed of the rights in a reasonably intelligible manner and had a full understanding of the rights being waived and the consequences of the plea.

KEY QUOTATIONS

“Thus, as long as the trial court, in explaining the three constitutional rights an accused must waive in order to enter a valid guilty plea, makes “sure” the accused has a “full understanding” of the concepts involved, the appellate courts will not invalidate a guilty plea for failure to use the precise language of those three rights as set forth in Boykin or USCR 33.8(B)(1), (3) and (7).” (642 S.E.2d at 94)

“Therefore, because the record does not support a finding that appellant was advised of all of his Boykin rights when he entered his plea and that he made a knowing and intelligent waiver of those rights, we conclude that the habeas court erred by finding that the plea passed constitutional scrutiny.” (642 S.E.2d at 94)

FACTUAL BACKGROUND

Hawes was charged with statutory rape, enticing a child for indecent purposes, and contributing to the delinquency of a minor. At a June 22, 2004 hearing, while represented by two attorneys, he stipulated to the factual basis for the charges and pleaded guilty under a negotiated agreement providing for a five-year sentence, with all but 60 to 90 days to be probated, a \$2,500 fine, and other conditions. The plea transcript showed that he was informed of and waived his rights to a jury trial and to confront witnesses, but it did not show that he was advised of his privilege against compulsory self-incrimination.

PROCEDURAL HISTORY

Hawes pleaded guilty to statutory rape, enticing a child for indecent purposes, and contributing to the delinquency of a minor pursuant to a negotiated sentence. He later filed a state habeas petition asserting that his pleas were not knowingly and voluntarily entered. The habeas court denied relief, and the Supreme Court of Georgia reversed.

DISPOSITION

reversed

CASES CITED

- Beckworth v. State, 281 Ga. 41, 42, 635 S.E.2d 769 (2006)
- Boykin v. Alabama, 395 U.S. 238, 242-44, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)
- Bazemore v. State, 273 Ga. 160, 162-63, 535 S.E.2d 760 (2000)
- Ohio v. Ballard, 66 Ohio St. 2d 473, 423 N.E.2d 115, 120 (1981)
- Johnson v. Smith, 280 Ga. 235, 626 S.E.2d 470 (2006)
- Baisden v. State, 279 Ga. 702, 620 S.E.2d 369 (2005)
- Rock v. Arkansas, 483 U.S. 44, 53, 107 S. Ct. 2704, 97 L. Ed. 2d 37 (1987)