

SUPREME COURT OF ARKANSAS

State v. Joslin, 364 Ark. 545

222 S.W.3d 168 (2006) · No. CR 05-877 · Decided January 12, 2006

SUMMARY

The Supreme Court of Arkansas considered whether a circuit court could sentence a habitual offender convicted of a Class C felony to probation. The court held that Arkansas statutes required imprisonment within the habitual-offender sentencing range and prohibited probation, making the sentence illegal. The judgment was reversed and remanded for resentencing.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Annabelle Clinton Imber
JURISDICTION	Arkansas
DECIDED	January 12, 2006
DOCKET	CR 05-877
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed from a circuit-court judgment imposing five years' probation after Joslin pleaded guilty to a Class C felony as a habitual offender.
STANDARD OF REVIEW	The legality of a sentence is reviewed under the applicable sentencing statutes; a sentence unauthorized by statute is illegal on its face.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	State of Arkansas v. Tiffany Terra Joslin

TOPICS

- sentencing
- criminal procedure
- appellate jurisdiction
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether the State could appeal the circuit court's allegedly illegal sentence under the Arkansas rules governing State criminal appeals.
2. Whether a circuit court may impose probation on a defendant convicted of a Class C felony as a habitual offender when the habitual-offender statutes prescribe an extended term of imprisonment and prohibit probation.

HOLDINGS

1. The State may appeal the imposition of a void or illegal sentence, and the appeal was properly within the Arkansas Supreme Court's jurisdiction because uniform application of statutory sentencing procedures is important to the administration of criminal law.
2. The circuit court lacked authority to impose probation. A defendant convicted of a Class C felony as a habitual offender is subject to the statutory extended imprisonment range of three to twenty years, and Arkansas law expressly prohibits probation for a defendant convicted of two or more felonies under the habitual-offender statute.

KEY QUOTATIONS

“In Arkansas, sentencing is entirely a matter of statute.” (170)

“Thus, because Appellee pled guilty to a Class C felony as a habitual offender, the circuit court was required to sentence her in accordance with sections 5-4-301,-501.” (171)

FACTUAL BACKGROUND

Joslin was charged with obtaining a controlled substance, a Class C felony, and with being a habitual offender. She pleaded guilty to both charges, and the written plea reflected a sentencing range of three to twenty years. Despite that range and her habitual-offender status, the circuit court imposed five years' probation, with three years supervised, along with a fine and court costs.

PROCEDURAL HISTORY

Joslin pleaded guilty to obtaining a controlled substance and to being a habitual offender. The Lonoke County Circuit Court later sentenced her to five years' probation, a fine, and court costs. The State objected, arguing that probation was unavailable under the habitual-offender sentencing statutes. The Arkansas Supreme Court accepted jurisdiction under the rules governing State criminal appeals, reversed the sentence, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for resentencing of Joslin as a habitual offender under Ark. Code Ann. § 5-4-501(a).

CASES CITED

- Thomas v. State, 349 Ark. 447, 79 S.W.3d 347 (2002)
- State v. Stephenson, 340 Ark. 229, 9 S.W.3d 495 (2000)
- State v. Freeman, 312 Ark. 34, 846 S.W.2d 660 (1993)
- State v. Hardiman, 353 Ark. 125, 114 S.W.3d 164 (2003)
- State v. Kinard, 319 Ark. 360, 891 S.W.2d 378 (1995)
- State v. Rodriques, 319 Ark. 366, 891 S.W.2d 63 (1995)
- State v. Brummett, 318 Ark. 220, 885 S.W.2d 8 (1994)
- Taylor v. State, 354 Ark. 450, 125 S.W.3d 174 (2003)
- State v. Murphy, 315 Ark. 68, 864 S.W.2d 842 (1993)
- McKillion v. State, 306 Ark. 511, 815 S.W.2d 936 (1991)
- Woodson v. State, 302 Ark. 10, 786 S.W.2d 120 (1990)
- Hart v. State, 301 Ark. 200, 783 S.W.2d 40 (1990)