

SUPREME COURT OF ARKANSAS

Muldrow v. Kelley

542 S.W.3d 856 (Ark. 2018) · Decided April 12, 2018

SUMMARY

The Arkansas Supreme Court affirmed the denial of Michael D. Muldrow’s request to proceed in forma pauperis on a habeas corpus petition. The court held that the county circuit court lacked jurisdiction to consider claims under Act 1780 of 2001 and that Muldrow’s allegations of prosecutorial misconduct and actual innocence were not cognizable grounds for habeas relief outside that Act. The court deemed Muldrow’s motion for an extension of time to file his brief moot; Justice Hart dissented.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Shawn A. Womack
JURISDICTION	Arkansas
DECIDED	April 12, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of the appellant's request to proceed in forma pauperis in connection with a petition for writ of habeas corpus.
STANDARD OF REVIEW	A decision to grant or deny in forma pauperis status is reviewed for abuse of discretion; factual findings supporting that decision are not reversed unless clearly erroneous.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Michael D. Muldrow v. Kelley

TOPICS

- state post-conviction relief
- habeas corpus
- appellate procedure
- personal jurisdiction
- civil procedure

PRACTICE AREAS

- state habeas corpus
- post-conviction relief
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the Lincoln County Circuit Court abused its discretion by denying Muldrow in forma pauperis status because his habeas petition failed to state a colorable cause of action.
2. Whether Lincoln County had jurisdiction to consider Muldrow's claims under Act 1780.
3. Whether prosecutorial misconduct and actual-innocence claims are cognizable grounds for habeas relief outside Act 1780.
4. Whether Muldrow's motion for an extension of time to file his appellate brief remained justiciable after affirmance.

HOLDINGS

1. The circuit court did not abuse its discretion in denying pauper status because Muldrow's underlying habeas petition failed to allege facts establishing a colorable cause of action.
2. A petition seeking relief under Act 1780 must be filed in the court where the conviction was entered; therefore, the Lincoln County Circuit Court lacked jurisdiction over Muldrow's Act 1780 challenge to a Hempstead County conviction.
3. Although the Lincoln County Circuit Court lacked jurisdiction over Muldrow's Act 1780 claims, it had jurisdiction over non-Act 1780 habeas claims because Muldrow was incarcerated within Lincoln County and the court had personal jurisdiction over the detaining prison officials.
4. Prosecutorial misconduct and actual-innocence claims are not cognizable grounds for habeas relief outside Act 1780 because they do not establish facial invalidity of the judgment or lack of jurisdiction by the trial court.

KEY QUOTATIONS

“If the underlying petition clearly fails to state a colorable cause of action, there has been no abuse of discretion, and this court may summarily affirm the denial of in forma pauperis status.” (at 858)

“A claim of trial error, including a claim of prosecutorial misconduct, does not implicate the facial validity of the judgment or the jurisdiction of the trial court” (at 859)

FACTUAL BACKGROUND

Muldrow, incarcerated in Lincoln County, sought to file a habeas petition as a pauper. His petition relied in part on Act 1780, which provides habeas relief based on new scientific evidence, but challenged a conviction entered in Hempstead County. He also alleged lack of trial-court jurisdiction, prosecutorial misconduct, and actual innocence. The Lincoln County Circuit Court denied pauper status because the petition did not state a colorable cause of action.

PROCEDURAL HISTORY

Muldrow, an Arkansas inmate incarcerated in Lincoln County, sought pauper status to pursue a habeas petition in the Lincoln County Circuit Court. The circuit court denied pauper status after finding that the petition did not state a colorable cause of action. Muldrow appealed and moved for an extension of time to file his brief. The Supreme Court of Arkansas affirmed the denial of pauper status and held the extension motion moot.

DISPOSITION

affirmed

CASES CITED

- Penn v. Gallagher, 2017 Ark. 283
- Wood v. State, 2017 Ark. 290
- Ashby v. State, 2017 Ark. 233
- Hundley v. Hobbs, 2015 Ark. 70, 456 S.W.3d 755, 757
- Dunahue v. Kelley, 2018 Ark. 4, 534 S.W.3d 140
- Garrison v. Kelley, 2018 Ark. 8, 534 S.W.3d 136
- Howard v. State, 367 Ark. 18, 238 S.W.3d 24 (2006)
- Clay v. Kelley, 2017 Ark. 294, 528 S.W.3d 836