

SUPREME COURT OF MISSISSIPPI

Hammett v. State

129 So. 3d 931 (Miss. 2014) · Decided January 9, 2014

SUMMARY

The Mississippi Supreme Court reversed the dismissal of Larry Hammett’s claim for statutory compensation for wrongful conviction and imprisonment. The court held that the record was inconclusive as to whether Hammett timely submitted his petition and in forma pauperis application to prison officials for mailing, and remanded for determination under the prison mailbox rule.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Pierce, Justice; Waller, C.J.; Dickinson, P.J.; Randolph, P.J.; Lamar, J.; Kitchens, J.; Chandler, J.; King, J.; Coleman, J.
JURISDICTION	Mississippi
DECIDED	January 9, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Hammett appealed from an Adams County Circuit Court judgment dismissing his petition for statutory compensation for wrongful conviction and imprisonment as untimely.
STANDARD OF REVIEW	The opinion does not expressly identify a standard of review; it reviews the circuit court's dismissal and application of the statutory filing deadline.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential
PARTIES	Larry Hammett v. State of Mississippi

TOPICS

- statute of limitations
- civil procedure
- appellate procedure
- post-conviction relief
- statutory interpretation

PRACTICE AREAS

- civil procedure
- appellate procedure
- wrongful-conviction compensation
- post-conviction relief

QUESTIONS PRESENTED

1. Whether Hammett's wrongful-conviction compensation petition could be considered filed under Mississippi's prison mailbox rule when delivered to prison officials for mailing.
2. Whether the record established that Hammett submitted his petition and in forma pauperis application for mailing before the June 30, 2012 statutory deadline.

HOLDINGS

1. A pro se prisoner's pleading may be considered filed when delivered to prison officials for mailing rather than when received by the circuit clerk, and the circuit court was required to determine whether that rule applied to Hammett's petition under the circumstances.

KEY QUOTATIONS

“a pro se pleading is considered ‘filed’ when mailed by the inmate and not when it is received by the circuit clerk.” (933)

“neither an inmate’s certificate of service nor a notary stamp is sufficient as proof of the date mailed and that a prison mail log of legal mail is a more reliable source of the date of delivery.” (933)

“We reverse the circuit court’s judgment and remand this case to the circuit court to determine whether Hammett submitted his petition and IFP application for mailing before the June 30, 2012 deadline.” (934)

FACTUAL BACKGROUND

Hammett was convicted of perjury and sentenced to ten years' imprisonment, but the Mississippi Court of Appeals later reversed and rendered the conviction for insufficient evidence. He sought compensation under Mississippi's Wrongful Conviction and Imprisonment Compensation Act, which required persons released before July 1, 2009, to commence an action by June 30, 2012. Hammett asserted that he submitted his petition to prison officials for mailing on May 24, 2012, and later obtained a notarized in forma pauperis affidavit on June 19, 2012, but the record did not establish whether he resubmitted the petition with the affidavit before the deadline.

PROCEDURAL HISTORY

Hammett was convicted of perjury in 1997, but the Mississippi Court of Appeals reversed and rendered the conviction in 2001. After Mississippi enacted its wrongful-conviction compensation statute, Hammett submitted a compensation petition that the circuit court treated as filed on October 5, 2012, after the statutory June 30, 2012 deadline. The circuit court denied his motion to reinstate, and he appealed. The Mississippi Supreme Court reversed and remanded for a determination whether Hammett submitted his petition and in forma pauperis application to prison officials for mailing before the deadline.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Adams County Circuit Court must determine whether Hammett submitted his petition and in forma pauperis application to prison officials for mailing before June 30, 2012, consistent with Maze. The Attorney General's Office must be made a respondent pursuant to Mississippi Code section 11-44-5.

CASES CITED

- Hammett v. State, 797 So. 2d 258, 264 (Miss. Ct. App. 2001)
- Sykes v. State, 757 So. 2d 997, 1000-01 (Miss. 2000)
- Maze v. Mississippi Department of Corrections, 854 So. 2d 1090 (Miss. Ct. App. 2003)
- Easley v. Roach, 879 So. 2d 1041, 1042-43 (Miss. 2004)
- Maddux v. Jones, 51 Miss. 531 (1875)