

SUPREME COURT OF MISSISSIPPI

Joiner v. State

61 So. 3d 156 (Miss. 2011) · No. No. 2009-CT-00222-SCT · Decided May 19, 2011

SUMMARY

The Supreme Court of Mississippi held that a knowing and voluntary guilty plea waived Albert Joiner’s objection that the indictment failed to charge him as a habitual offender. The court affirmed the denial of post-conviction relief and the Court of Appeals’ judgment, while a dissent argued that the guilty plea did not waive the indictment and due-process requirements under Uniform Rule of Circuit and County Court Practice 7.09.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Lamar, Justice; Waller, C.J.; Carlson, P.J.; Dickinson, P.J.; Lamar, J.; Randolph, J.; Pierce, J.; Chandler, J.; Kitchens, J.; King, J.
JURISDICTION	Mississippi
DECIDED	May 19, 2011
DOCKET	No. 2009-CT-00222-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for writ of certiorari from the Mississippi Court of Appeals' affirmance of the Lafayette County Circuit Court's summary denial of Joiner's motions for post-conviction relief.
STANDARD OF REVIEW	Review of the summary denial of post-conviction relief; the court independently examined whether the knowing and voluntary guilty plea waived the alleged indictment defect.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Mississippi; en banc.
PARTIES	Albert Joiner, Jr. v. State of Mississippi

TOPICS

- post-conviction relief
- criminal procedure
- sentencing
- due process
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a knowing and voluntary guilty plea waives a defendant's right to challenge sentencing as a habitual offender when the indictment did not charge habitual-offender status.

HOLDINGS

1. A defendant's right to be indicted as a habitual offender may be waived by a knowing and voluntary guilty plea. Joiner's plea knowingly and voluntarily waived his right to challenge the indictment's failure to include habitual-offender status.

KEY QUOTATIONS

"But the right to be indicted as a habitual offender is a right that can be waived, along with many others, by a knowing and voluntary guilty plea." (158)

"We further find that a knowing and voluntary guilty plea waives an indictment's failure to include habitual offender status." (160)

FACTUAL BACKGROUND

A Lafayette County grand jury indicted Joiner on felony flight and felon-in-possession charges, but the indictment did not charge him as a habitual offender. Under a negotiated plea agreement, the State dismissed the felon-in-possession charge, reduced a separate armed-robbery charge from a section 99-19-83 habitual-offender charge to strong-armed robbery, and Joiner pleaded guilty to both offenses as a section 99-19-81 lesser habitual offender. During the plea colloquy, Joiner acknowledged that he understood he qualified for habitual-offender status and would serve nineteen years day-for-day.

PROCEDURAL HISTORY

Joiner pleaded guilty to felony flight and strong-armed robbery as a lesser habitual offender under Mississippi Code section 99-19-81 and received a total nineteen-year sentence. He later sought post-conviction relief, arguing that he could not be sentenced as a habitual offender on the felony-flight charge because the indictment did not charge habitual-offender status and the State had not proved two prior felony convictions. The circuit court summarily denied relief, and the Court of Appeals affirmed. The Supreme Court of Mississippi granted certiorari but limited its review to whether the indictment defect was waived by Joiner's guilty plea.

DISPOSITION

affirmed

CASES CITED

- Joiner v. State, 61 So. 3d 171 (Miss. Ct. App. 2010)
- Jefferson v. State, 556 So. 2d 1016, 1019 (Miss. 1989)

- Conerly v. State, 607 So. 2d 1153, 1156 (Miss. 1992)
- Smith v. State, 835 So. 2d 927, 948-49 (Miss. 2002)
- Adams v. State, 772 So. 2d 1010, 1020 (Miss. 2000)
- Gowdy v. State, 56 So. 3d 540, 545-46 (Miss. 2011)
- Hentz v. State, 542 So. 2d 914, 918 (Miss. 1989)
- Feazell v. State, 761 So. 2d 140, 142-43 (Miss. 2000)
- Keyes v. State, 549 So. 2d 949, 951 (Miss. 1989)
- Brooks v. State, 573 So. 2d 1350, 1353 (Miss. 1990)
- Hill v. Lockhart, 474 U.S. 52, 56 (1985)
- Boykin v. Alabama, 395 U.S. 238, 242-43 (1969)
- Joiner v. State, 32 So. 3d 542 (Miss. Ct. App. 2010)
- Elliott v. State, 993 So. 2d 397, 399 (Miss. Ct. App. 2008)
- Smith v. State, 965 So. 2d 732, 735-36 (Miss. Ct. App. 2007)

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