

SUPREME COURT OF GEORGIA

Chester v. State, 284 Ga. 162

664 S.E.2d 220 (2008) · No. S08A0113 · Decided July 11, 2008

SUMMARY

The Supreme Court of Georgia affirmed the denial of Anthony Chester’s motion to vacate or void his sentences and convictions. The court held that the firearm-possession convictions did not merge into the malice-murder conviction or into each other, so the sentences were not void. The court also addressed the availability of direct appeal from a motion challenging a conviction as void under OCGA § 17-9-4; three justices concurred specially regarding the propriety of that procedural mechanism.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice; Benham; Carley; Hines; Thompson
JURISDICTION	Georgia
DECIDED	July 11, 2008
DOCKET	S08A0113
DISPOSITION	affirmed
PROCEDURAL POSTURE	After the trial court denied Chester's motion to vacate or void an illegal sentence and to declare his firearm-possession convictions void, Chester appealed as of right to the Supreme Court of Georgia.
STANDARD OF REVIEW	De novo review of whether the sentences or convictions were void and whether the motion was directly appealable.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Anthony Chester v. The State

TOPICS

- post-conviction relief
- sentence modification
- criminal procedure
- appellate procedure
- sentencing

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the consecutive sentences for possession of a firearm by a convicted felon and possession of a firearm during the commission of a crime were void.
2. Whether the firearm-possession convictions merged into the malice-murder conviction or into each other.
3. Whether Chester's motion to vacate the convictions under OCGA § 17-9-4 was directly appealable because it alleged a ground that could render the convictions void.

HOLDINGS

1. A trial court may correct a sentence at any time only when the sentence is void, meaning that the punishment imposed is not authorized by law.
2. The convictions for possession of a firearm during the commission of a crime and possession of a firearm by a convicted felon did not merge into the malice-murder conviction or into each other.
3. A convicted defendant has a right of direct appeal from the denial of a motion treated under OCGA § 17-9-4 when the motion alleges a ground that could render the conviction void.

KEY QUOTATIONS

“The only ground for authorizing a trial court to correct a sentence at any time is that the sentence is void.”
(at 162)

“Since Chester alleged a ground that could void a conviction, he has a right of direct appeal from the trial court’s denial of his motion.” (at 163)

FACTUAL BACKGROUND

Chester was convicted of malice murder and two firearm-possession offenses. He received a life sentence for murder and consecutive five-year sentences for each firearm offense. He later argued that the firearm convictions should have merged into the murder conviction under OCGA § 16-1-7(a), making the sentences and convictions void.

PROCEDURAL HISTORY

Chester was convicted in 1994 of malice murder, possession of a firearm by a convicted felon, and possession of a firearm during the commission of a crime. The convictions were affirmed in an earlier appeal. In 2007, he moved to vacate or void his sentences and convictions, arguing that the firearm offenses merged into the murder conviction and that the consecutive firearm sentences were void. The trial court denied the motion, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Chester v. State, 267 Ga. 9, 471 S.E.2d 836 (1996)
- Williams v. State, 271 Ga. 686, 523 S.E.2d 857 (1999)
- Curtis v. State, 275 Ga. 576, 571 S.E.2d 376 (2002)
- Jackson v. State, 267 Ga. 130, 475 S.E.2d 637 (1996)
- Malcolm v. State, 263 Ga. 369, 434 S.E.2d 479 (1993)
- Scott v. State, 190 Ga. App. 492, 379 S.E.2d 199 (1989)
- Collins v. State, 277 Ga. 586, 591 S.E.2d 820 (2004)
- Jones v. State, 282 Ga. 568, 651 S.E.2d 728 (2007)
- Williams v. State, 283 Ga. 94, 656 S.E.2d 144 (2008)
- Shields v. State, 276 Ga. 669, 581 S.E.2d 536 (2003)
- Wright v. State, 277 Ga. 810, 596 S.E.2d 587 (2004)
- Lacey v. State, 253 Ga. 711, 324 S.E.2d 471 (1985)
- Crane v. State, 249 Ga. 501, 292 S.E.2d 67 (1982)
- Waye v. State, 239 Ga. 871, 238 S.E.2d 923 (1977)
- Waits v. State, 204 Ga. 295, 49 S.E.2d 492 (1948)
- Claughton v. State, 179 Ga. 157, 175 S.E. 470 (1934)
- Gravitt v. State, 165 Ga. 779, 142 S.E. 100 (1928)
- Hughes v. State, 159 Ga. 818, 127 S.E. 109 (1925)
- McDonald v. State, 126 Ga. 536, 55 S.E. 235 (1906)