

SUPREME COURT OF ALABAMA

A.L.L. v. State

42 So. 3d 146 (Ala. 2009) · Decided August 21, 2009

SUMMARY

The Alabama Supreme Court reviewed whether an indictment for vehicular homicide was fatally defective because it did not allege a culpable mental state. The court held that the indictment substantially tracking the vehicular-homicide statute was not fatally defective or void, overruled contrary Court of Criminal Appeals decisions, and reversed and remanded.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Woodall, Justice; Lyons; Stuart; Smith; Bolin; Parker; Cobb, Chief Justice; Murdock; Shaw
JURISDICTION	Alabama
DECIDED	August 21, 2009
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for certiorari review of the Court of Criminal Appeals' decision reversing A.L.L.'s youthful-offender adjudication based on the vehicular-homicide charge.
STANDARD OF REVIEW	De novo review of the legal sufficiency of the indictment and the Court of Criminal Appeals' construction of governing precedent.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Alabama
PARTIES	State v. A.L.L.

TOPICS

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

PRACTICE AREAS

- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether an indictment for vehicular homicide under Ala. Code § 32-5A-192(a) is fatally defective or void because it does not expressly allege a culpable mental state.
2. Whether Ex parte Edwards required reversal of A.L.L.'s youthful-offender adjudication and permitted the State to reindict him.
3. Whether Chatman v. State and Burnett v. State correctly construed Ex parte Edwards.

HOLDINGS

1. An indictment for vehicular homicide under Ala. Code § 32-5A-192(a) is not fatally defective or void merely because it does not expressly allege a culpable mental state, when it substantially follows the statutory language and sufficiently informs the defendant of the nature of the accusation.
2. Chatman v. State and Burnett v. State were overruled because they misconstrued Ex parte Edwards by treating the omission of a culpable mental state from a vehicular-homicide indictment as jurisdictional and rendering the indictment void.

KEY QUOTATIONS

“Under these circumstance, the absence of a mens rea averment in the indictment did not render the indictment fatally defective or void.” (150)

“Furthermore, we overrule Chatman v. State, 813 So.2d 956 (Ala.Crim.App.2001), and Burnett v. State, 807 So.2d 588 (Ala.” (151)

FACTUAL BACKGROUND

On August 4, 2005, A.L.L. was driving faster than the posted speed limit when his vehicle left the roadway and struck a tree. One passenger died and another was injured. The indictment alleged that A.L.L. unlawfully and unintentionally caused the death while violating a traffic law, specifically speeding, in violation of Alabama's vehicular-homicide statute.

PROCEDURAL HISTORY

A.L.L. was indicted for vehicular homicide and second-degree assault, granted youthful-offender status, adjudicated after a bench trial, and sentenced to concurrent three-year terms in community corrections plus jail weekends and community service. The trial court denied A.L.L.'s motion to dismiss the vehicular-homicide count for failure to allege a culpable mental state. The Court of Criminal Appeals reversed the vehicular-homicide youthful-offender adjudication and permitted reindictment. The Alabama Supreme Court reversed that portion of the appellate judgment and remanded for entry of a consistent judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Court of Criminal Appeals for entry of a judgment consistent with the Alabama Supreme Court's opinion.

CASES CITED

- Ex parte Edwards, 816 So. 2d 98 (Ala. 2001)
- Ex parte Burnett, 807 So. 2d 586 (Ala. 2001)
- Chatman v. State, 813 So. 2d 956 (Ala. Crim. App. 2001)
- Burnett v. State, 807 So. 2d 588 (Ala. Crim. App. 2001)
- Sullens v. State, 878 So. 2d 1216 (Ala. Crim. App. 2003)
- Ex parte Lewis, 811 So. 2d 485 (Ala. 2001)
- Ex parte Seymour, 946 So. 2d 536 (Ala. 2006)
- Ex parte Rice, 766 So. 2d 143 (Ala. 1999)
- Shouldis v. State, 953 So. 2d 1275 (Ala. Crim. App. 2006)
- Moore v. State, 697 So. 2d 800 (Ala. Crim. App. 1996)