

SUPREME COURT OF TENNESSEE

Christa Gail Pike v. State of Tennessee

164 S.W.3d 257 (Tenn. 2005) · Decided May 12, 2005

SUMMARY

The Supreme Court of Tennessee held that post-conviction review of a death sentence is not mandatory and may be waived by a competent death-sentenced inmate. The court further held that an inmate may revoke an initial waiver within thirty days after the trial court's order dismissing the post-conviction petition. Because Christa Gail Pike moved to revoke her waiver on the twenty-ninth day, the court reversed and remanded for reinstatement of her petition and an evidentiary hearing.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Frank F. Drowota, III, C.J.; E. Riley Anderson, J.; Adolpho A. Birch, Jr., J.; Janice M. Holder, J.; William M. Barker, J.
JURISDICTION	Tennessee
DECIDED	May 12, 2005
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Pike appealed the denial of her motion to vacate the dismissal of her post-conviction petition and to reinstate the petition. The Tennessee Court of Criminal Appeals affirmed, and the Tennessee Supreme Court granted permission to appeal.
STANDARD OF REVIEW	The court reviewed the legal questions concerning waiver and revocation of post-conviction review de novo and exercised its inherent authority to fashion a procedural rule where no specific procedure applied.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Christa Gail Pike v. State of Tennessee

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether post-conviction review of a death sentence must be mandatory despite a competent death-sentenced inmate's desire to waive it.
2. Whether, and under what circumstances, a competent death-sentenced inmate may revoke an initial waiver of post-conviction review.

HOLDINGS

1. Post-conviction review is not constitutionally or statutorily mandatory in Tennessee and may be waived by a competent death-sentenced inmate.
2. A death-sentenced inmate whose initial request to waive post-conviction review has been granted must be allowed one thirty-day period from the trial court's order dismissing the petition to revoke the waiver and reinstate the petition, provided the inmate has not previously waived or attempted to waive post-conviction review.

KEY QUOTATIONS

"We conclude that post-conviction review is not mandatory and may be waived by a competent death-sentenced inmate." (259)

"Our holding herein affords to death-sentenced inmates a single thirty-day period to unilaterally revoke an initial waiver of post-conviction review." (267)

FACTUAL BACKGROUND

A jury convicted Christa Gail Pike of first degree murder and imposed a death sentence. After filing a timely post-conviction petition, Pike sought to withdraw it and waive further post-conviction review; the trial court found her competent and granted the request. Twenty-nine days after the order permitting withdrawal, Pike moved to vacate the dismissal, reinstate her petition, and proceed with an evidentiary hearing, explaining that she had changed her mind.

PROCEDURAL HISTORY

Pike was convicted of first degree murder and sentenced to death, and her convictions and sentences were affirmed on direct review. She filed a timely post-conviction petition, later waived post-conviction review after a competency determination, and moved to revoke that waiver and reinstate her petition on the twenty-ninth day after the trial court's order permitting withdrawal. The trial court denied reinstatement, and the Court of Criminal Appeals affirmed. The Tennessee Supreme Court reversed and remanded for reinstatement of the petition and an evidentiary hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reinstate Pike's post-conviction petition, schedule an evidentiary hearing, and resume post-conviction proceedings expeditiously while avoiding unnecessary delay.

CASES CITED

- State v. Pike, 978 S.W.2d 904 (Tenn. 1998)
- Serrano v. State, 133 S.W.3d 599, 604 (Tenn. 2004)
- Blair v. State, 969 S.W.2d 423, 425 (Tenn. Crim. App. 1997)
- Oliphant v. State, 806 S.W.2d 215, 217 (Tenn. Crim. App. 1991)
- Schick v. United States, 195 U.S. 65, 72 (1904)
- Jones v. Barnes, 463 U.S. 745, 751 (1983)
- State v. Smith, 993 S.W.2d 6, 13-16 (Tenn. 1999)
- Momon v. State, 18 S.W.3d 152, 161 (Tenn. 1999)
- Zagorski v. State, 983 S.W.2d 654, 658-59 (Tenn. 1998)
- Collins v. State, 670 S.W.2d 219, 221 (Tenn. 1984)
- Demosthenes v. Baal, 495 U.S. 731, 735 (1990)
- Whitmore v. Arkansas, 495 U.S. 149, 165 (1990)
- Gilmore v. Utah, 429 U.S. 1012, 1016 (1976)
- State v. Paul Dennis Reid, Jr., 91 S.W.3d 247, 260-62 (Tenn. 2003)
- State v. Martini, 677 A.2d 1106, 1107-13 (N.J. 1996)
- State v. Godsey, 60 S.W.3d 759, 772 (Tenn. 2001)
- Sanchez-Velasco v. Secretary of Department of Corrections, 287 F.3d 1015, 1033 (11th Cir. 2002)
- Smith v. Armontrout, 812 F.2d 1050, 1059 (8th Cir. 1987)
- Rumbaugh v. Procunier, 753 F.2d 395, 398-99 (5th Cir. 1985)
- Groseclose ex rel. Harries v. Dutton, 594 F. Supp. 949, 959 (M.D. Tenn. 1984)
- O'Rourke v. State, 778 S.W.2d 938, 938-39 (Ark. 1989)
- In re Ross, 866 A.2d 554, 562 (Conn. 2005)
- Durocher v. Singletary, 623 So. 2d 482, 483 (Fla. 1993)
- Corcoran v. State, 820 N.E.2d 655, 664 (Ind. 2005)
- State v. Ashworth, 706 N.E.2d 1231, 1236 (Ohio 1999)
- Bryant v. Thompson, 922 P.2d 1219, 1223 (Or. 1996)
- Commonwealth v. Bronshtein, 729 A.2d 1102, 1106 (Pa. 1999)
- Murray v. Giarratano, 492 U.S. 1, 10 (1989)
- State v. Mallard, 40 S.W.3d 473, 480-81 (Tenn. 2001)
- Van Tran v. State, 6 S.W.3d 257, 264-65 (Tenn. 1999)
- State v. Reid, 981 S.W.2d 166, 170 (Tenn. 1998)
- Van Tran v. State, 66 S.W.3d 790, 809 (Tenn. 2001)

- Commonwealth v. Saranchak, 810 A.2d 1197, 1200 (Pa. 2002)

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