

SUPREME COURT OF ARKANSAS

Jones v. Hobbs

2015 Ark. 251 (2015) · No. CV-15-223 · Decided May 28, 2015

SUMMARY

The Arkansas Supreme Court dismissed Charles Edward Jones’s appeal from the denial of his amended habeas corpus petition. The court held that Jones’s claims concerning sufficiency of the evidence, ineffective assistance of counsel, witness credibility, and speedy trial were not cognizable in a habeas proceeding and did not establish a jurisdictional or facial-invalidity basis for relief. His motion to duplicate his brief at state expense was therefore moot.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	May 28, 2015
DOCKET	CV-15-223
DISPOSITION	dismissed
PROCEDURAL POSTURE	Jones appealed the denial of a motion to amend a previously filed petition for writ of habeas corpus and moved for duplication of his brief at state expense.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Charles Edward Jones v. Ray Hobbs, Director, Arkansas Department of Correction

TOPICS

- state post-conviction relief
- habeas corpus
- appellate procedure
- ineffective assistance
- speedy trial

PRACTICE AREAS

- Arkansas habeas corpus
- state post-conviction relief
- criminal appellate procedure

QUESTIONS PRESENTED

1. Whether Jones's amended habeas petition alleged a cognizable basis for issuance of a writ of habeas corpus.
2. Whether allegations concerning sufficiency of the evidence, witness credibility, ineffective assistance of counsel, and speedy-trial violations can support Arkansas habeas relief.
3. Whether Jones's motion to duplicate his brief at state expense remained viable after dismissal of the appeal.

HOLDINGS

1. A habeas petitioner who does not proceed under Act 1780 of 2001 on an actual-innocence claim must plead either the facial invalidity of the judgment or the trial court's lack of jurisdiction and make a showing by affidavit or other evidence of probable cause to believe that the petitioner is illegally detained.
2. The sufficiency of the evidence is not cognizable in a habeas proceeding, and attacks on the credibility of trial witnesses do not provide grounds for habeas relief.
3. An allegation of ineffective assistance of counsel is not a ground for an Arkansas writ of habeas corpus and should instead be raised in a timely petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1.
4. A claim alleging denial of a speedy trial is not within the purview of a habeas proceeding.
5. An appeal from the denial of a habeas petition will be dismissed when it is clear that the petitioner did not allege grounds on which the writ could be granted.

KEY QUOTATIONS

“A petitioner for the writ who does not allege his actual innocence and proceed under Act 1780 of 2001 Acts of Arkansas must plead either the facial invalidity of the judgment or the lack of jurisdiction by the trial court and make a showing by affidavit or other evidence of probable cause to believe that he is illegally detained.”
(1)

“It is well settled that the question of the sufficiency of the evidence is not cognizable in a habeas proceeding.” (2)

“An allegation of ineffective assistance of counsel is also not a ground for the writ.” (2)

FACTUAL BACKGROUND

Jones was convicted by a jury in 2009 of four counts of rape and received an aggregate sentence of 1920 months' imprisonment. In his proposed amended habeas petition, he argued that the State failed to prove the offenses, counsel failed to preserve the alleged insufficiency issue, a victim's deposition suggested the crimes occurred in another state, and a speedy-trial violation deprived the trial court of jurisdiction. The Arkansas Supreme Court concluded that these allegations did not state cognizable grounds for habeas relief.

PROCEDURAL HISTORY

Jones filed a pro se motion to amend a habeas petition in the Chicot County Circuit Court and submitted a proposed amended petition challenging a 2009 judgment for four rape convictions and an aggregate sentence of 1920 months. The circuit court denied the amended petition. Jones appealed, and the Arkansas Supreme Court dismissed the appeal as meritless and declared his motion to duplicate his brief moot.

DISPOSITION

dismissed

CASES CITED

- Sims v. Hobbs, 2014 Ark. 503, 451 S.W.3d 203 (per curiam)
- Walker v. State, 2015 Ark. 153 (per curiam)
- Baker v. Norris, 369 Ark. 405, 255 S.W.3d 466 (2007)
- Nelson v. State, 2015 Ark. 168 (per curiam)
- White v. Norris, 2009 Ark. 446 (per curiam)
- McConaughy v. Lockhart, 310 Ark. 686, 840 S.W.2d 166 (1992)
- Griffis v. Hobbs, 2015 Ark. 121 (per curiam)
- Robinson v. Felts, 2015 Ark. 174 (per curiam)