

SUPREME COURT OF ALABAMA

Walker v. State

152 So. 3d 1247 (Ala. 2014) · Decided January 17, 2014

SUMMARY

The Alabama Supreme Court held that a defendant may appeal a new sentence imposed after a Rule 32 proceeding vacates an illegal sentence and orders resentencing. Because the trial court determined Walker’s guilt, pronounced a new sentence, and exercised sentencing discretion, a final judgment of conviction existed and the Court of Criminal Appeals had jurisdiction to review the appeal.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Stuart, Justice; Moore, Chief Justice; Bolin, Justice; Parker, Justice; Murdock, Justice; Shaw, Justice; Wise, Justice; Bryan, Justice; Main, Justice
JURISDICTION	Alabama
DECIDED	January 17, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Walker petitioned for certiorari review of the Court of Criminal Appeals' dismissal of his appeal from a new sentence imposed after Rule 32 post-conviction relief from an illegal sentence. The Supreme Court of Alabama reversed and remanded.
STANDARD OF REVIEW	Pure questions of law in criminal cases are reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Earnest Lee Walker v. State of Alabama

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether a Rule 32 court's order granting relief from an illegal sentence and ordering a new sentencing hearing returns jurisdiction over the underlying criminal matter to the trial court for resentencing without disturbing the conviction.
2. Whether a defendant may appeal a new sentence imposed after a Rule 32 court grants relief from an illegal sentence.
3. Whether the Court of Criminal Appeals had jurisdiction to review Walker's appeal after the trial court reaffirmed his guilt and pronounced a new sentence.

HOLDINGS

1. When a Rule 32 court grants relief from an illegal sentence by ordering a new sentencing hearing, it may vacate the sentence without disturbing the underlying conviction and returns jurisdiction over the underlying criminal matter to the trial court for the purpose of conducting a new sentencing hearing and pronouncing a new sentence.
2. A defendant may appeal a new sentence imposed at a sentencing hearing conducted after the circuit court grants Rule 32 relief from an illegal sentence.
3. The Court of Criminal Appeals had jurisdiction to consider Walker's appeal from the new sentence because the trial court entered a judgment of conviction by reaffirming Walker's guilt and pronouncing sentence.

KEY QUOTATIONS

“In other words, a judgment of conviction, which is a necessary indicator that a case is ripe for appeal, consists of a determination of guilt of the offense and a pronouncement of sentence.” (1252)

“The facts in this case are appreciably different from the facts in Hart. Unlike the trial court in Hart, the trial court in this case conducted a new sentencing hearing, pronounced Walker guilty of second-degree receiving stolen property, exercised its discretion in resentencing Walker, and ordered Walker to serve 10 years’ imprisonment.” (1253)

FACTUAL BACKGROUND

Walker pleaded guilty to second-degree receiving stolen property in 2006. Based on three prior felony convictions, the trial court applied the Habitual Felony Offender Act and imposed a 15-year sentence concurrent with a sentence Walker was serving for a 2004 conviction. One prior felony was later vacated, the State conceded that the sentence had been improperly enhanced, and the trial court resentenced Walker to 10 years after conducting a new sentencing hearing.

PROCEDURAL HISTORY

Walker pleaded guilty in 2006 to second-degree receiving stolen property and received a 15-year sentence under the Habitual Felony Offender Act. After one prior felony used for enhancement was vacated, the circuit court granted Rule 32 relief and ordered resentencing. The trial court conducted a new sentencing hearing, reaffirmed Walker's guilt, imposed a 10-year sentence, and Walker appealed. The Court of Criminal Appeals dismissed for lack of jurisdiction, and the Alabama Supreme Court granted certiorari, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Court of Criminal Appeals for proceedings consistent with the opinion, including consideration of Walker's appeal from his new sentence.

CASES CITED

- Walker v. State, 127 So. 3d 437 (Ala. Crim. App. 2012)
- Hart v. State, 939 So. 2d 948, 950 (Ala. Crim. App. 2005)
- Ex parte Morrow, 915 So. 2d 539, 541 (Ala. 2004)
- Ex parte Key, 890 So. 2d 1056, 1059 (Ala. 2003)
- Magwood v. Patterson, 561 U.S. 320, 130 S. Ct. 2788, 177 L. Ed. 2d 592 (2010)
- Dunaway v. State, [Ms. CR-06-0996, Dec. 18, 2009] — So. 3d —,— (Ala. Crim. App. 2009)
- Hooks v. State, 21 So. 3d 772, 795 (Ala. Crim. App. 2008)
- Thornton v. State, 390 So. 2d 1093, 1096 (Ala. Crim. App. 1980)
- Ex parte Eason, 929 So. 2d 992, 994-95 (Ala. 2005)
- Berman v. United States, 302 U.S. 211, 212, 58 S. Ct. 164, 82 L. Ed. 204 (1937)
- Miller v. Aderhold, 288 U.S. 206, 210, 53 S. Ct. 325, 77 L. Ed. 702 (1933)
- Roper v. Simmons, 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005)