

SUPREME COURT OF ARKANSAS

Maiden v. State

2019 Ark. 198 (Ark. 2019) · Decided June 6, 2019

SUMMARY

The Arkansas Supreme Court affirmed the denial of Donnie Maiden’s petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1. The court held that Maiden failed to provide factual substantiation showing either deficient performance or prejudice under Strickland v. Washington for claims involving impeachment evidence, DNA evidence, a palm-print objection, and failure to subpoena a witness. The court also denied Maiden’s motion for an extension of time to file a reply brief.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Arkansas                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Robin F. Wynne                                                                                                                                                                                                                                   |
| JURISDICTION          | Arkansas                                                                                                                                                                                                                                         |
| DECIDED               | June 6, 2019                                                                                                                                                                                                                                     |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Appeal from the denial of a pro se petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1, asserting four ineffective-assistance-of-counsel claims.                                                                   |
| STANDARD OF REVIEW    | The Supreme Court reviews the denial of a Rule 37.1 petition for clear error. A finding is clearly erroneous when, although supported by evidence, the appellate court is left with a definite and firm conviction that a mistake has been made. |
| PRECEDENTIAL VALUE    | Published Arkansas Supreme Court opinion                                                                                                                                                                                                         |
| PARTIES               | Donnie Maiden v. State                                                                                                                                                                                                                           |

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- sixth amendment
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the trial court clearly erred by denying Maiden's ineffective-assistance claim based on counsel's failure to introduce a video of Trenell Emerson's police interrogation.
2. Whether the trial court clearly erred by denying the claim that counsel was ineffective for failing to present DNA evidence concerning the gun.
3. Whether the trial court clearly erred by denying the claim that counsel was ineffective for failing to timely or appropriately object to palm-print evidence.
4. Whether the trial court clearly erred by denying the claim that counsel was ineffective for failing to subpoena Eric Emerson.
5. Whether Maiden showed good cause for an extension of time to file a reply brief.

## HOLDINGS

1. Maiden was not entitled to postconviction relief because he did not provide factual substantiation showing that counsel's failure to introduce the video was deficient performance or that the video would have created a reasonable probability of a different result.
2. Maiden failed to establish ineffective assistance because he did not substantiate how the absence of his DNA on the gun would have shown actual prejudice.
3. Maiden failed to establish ineffective assistance because he did not identify a meritorious basis on which counsel could have successfully challenged the palm-print evidence.
4. Maiden failed to establish ineffective assistance because he did not provide a summary of Eric Emerson's proposed testimony, establish its admissibility, or show a reasonable probability that the testimony would have changed the outcome.
5. A petitioner seeking Rule 37.1 relief must provide facts affirmatively supporting both deficient performance and actual prejudice; conclusory allegations are insufficient.
6. The motion for an extension of time was denied because the petition's lack of factual substantiation made further delay unnecessary and there was no good cause to delay disposition.

## KEY QUOTATIONS

*“This court's standard for ineffective-assistance-of-counsel claims is the two-prong analysis set forth in Strickland v. Washington” (at 123-124)*

*“Unless a petitioner makes both showings, it cannot be said that the conviction resulted from a breakdown in the adversarial process that renders the result unreliable.” (at 124)*

*“Failure to make a meritless objection or motion does not constitute ineffective assistance of counsel, and the onus is on the petitioner to show that counsel failed to raise a meritorious issue.” (at 125)*

## FACTUAL BACKGROUND

Maiden was convicted of shooting Kyla Williams seven times from the rear passenger seat of a car. Evidence included a gun matching cartridges found at the crime scene, the victim's DNA on jeans discarded near a hotel where Maiden stayed, Maiden's palm print in the car, eyewitness testimony, and testimony from a former cellmate that Maiden admitted the shooting. In his Rule 37.1 petition, Maiden alleged that trial counsel was ineffective for failing to introduce a video of a witness's interrogation, present additional DNA evidence, timely object to palm-print evidence, and subpoena Eric Emerson.

## PROCEDURAL HISTORY

Maiden was convicted in 2013 of premeditated and deliberate capital murder and sentenced to life imprisonment without parole. The Arkansas Supreme Court affirmed the conviction on direct appeal. The trial court denied Maiden's Rule 37.1 petition, and Maiden appealed that denial. The Supreme Court affirmed the trial court and denied Maiden's motion for an extension of time to file a reply brief.

## DISPOSITION

affirmed

## CASES CITED

- Maiden v. State, 2014 Ark. 294, 438 S.W.3d 263
- Gordon v. State, 2018 Ark. 73, 539 S.W.3d 586
- Lacy v. State, 2018 Ark. 174, 545 S.W.3d 746
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Henington v. State, 2012 Ark. 181, 403 S.W.3d 55
- Williams v. State, 369 Ark. 104, 251 S.W.3d 290 (2007)
- Springs v. State, 2012 Ark. 87, 387 S.W.3d 143
- Howard v. State, 367 Ark. 18, 238 S.W.3d 24
- Reams v. State, 2018 Ark. 324, 560 S.W.3d 441
- Carter v. State, 2015 Ark. 166, 460 S.W.3d 781
- McDaniels v. State, 2014 Ark. 181, 432 S.W.3d 644
- Smith v. State, 2015 Ark. 165, 459 S.W.3d 806
- Johnson v. State, 325 Ark. 44, 924 S.W.2d 233 (1996)
- Stiggers v. State, 2014 Ark. 184, 433 S.W.3d 252
- Barrow v. State, 2012 Ark. 197
- Ramirez v. State, 2018 Ark. 32, 536 S.W.3d 614

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