

ALABAMA COURT OF CRIMINAL APPEALS

Melvin Christopher Moss v. State of Alabama

Moss · No. CR-2024-0272 · Decided December 19, 2025

SUMMARY

The Alabama Court of Criminal Appeals reversed the denial of Melvin Christopher Moss's motion to withdraw his guilty plea to first-degree robbery. The court held that Moss was not correctly informed of the mandatory minimum sentence applicable because a firearm or deadly weapon was used, rendering his plea involuntary under Rule 14.4, Ala. R. Crim. P., and remanded for an opportunity to withdraw the plea and either enter another plea or proceed to trial.

CASE DETAILS

COURT	Alabama Court of Criminal Appeals
WRITING FOR THE COURT	Cole; Windom, P.J.; Minor, J.; Anderson, J.; Kellum, J.
JURISDICTION	Alabama Court of Criminal Appeals
DECIDED	December 19, 2025
DOCKET	CR-2024-0272
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Moss appealed the DeKalb Circuit Court's denial of his motion to withdraw his guilty plea to first-degree robbery.
STANDARD OF REVIEW	A ruling on a motion to withdraw a guilty plea is reviewed for abuse of discretion. The appellate court held that the circuit court abused its discretion by denying withdrawal where the plea was involuntary because the defendant was not correctly advised of the mandatory minimum sentence.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Melvin Christopher Moss v. State of Alabama

TOPICS

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QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by denying Moss's motion to withdraw his guilty plea when he had not been correctly informed of the mandatory minimum sentence applicable to a Class A felony committed with a firearm or deadly weapon.
2. Whether Moss's guilty plea was involuntary because the circuit court incorrectly advised him of both the statutory minimum sentence and the minimum sentence available under the voluntary sentencing standards.

HOLDINGS

1. Before accepting a guilty plea, the court must inform the defendant of the correct minimum and maximum possible punishment, including any mandatory firearm or deadly-weapon enhancement. Because Moss was told that his minimum sentence was 15 years instead of the mandatory 20 years, the plea colloquy did not satisfy the constitutional and procedural requirements for a voluntary guilty plea.
2. The firearm enhancement applies to Moss because he pleaded guilty to first-degree robbery in which a firearm was used, regardless of whether he personally used the firearm during the robbery.
3. Moss's guilty plea was involuntary, and the circuit court abused its discretion by denying his motion to withdraw it. The judgment denying withdrawal had to be reversed and the case remanded so Moss could withdraw the plea and either enter another plea after receiving accurate sentencing advice or proceed to trial.

KEY QUOTATIONS

"The Alabama Supreme Court and this Court 'have consistently held that a defendant must be informed of the maximum and minimum possible sentences as an absolute constitutional prerequisite to the acceptance of a guilty plea.'" (at 8)

"Moss's 'guilty plea was involuntary because the circuit court failed to comply with Rule 14.4(a)[(1)(ii)]," Ala. R. Crim. P., which provides that a "court shall not accept a plea of guilty without first ... informing the defendant of and determining that the defendant understands ... [t]he mandatory minimum penalty.'" (at 13)

FACTUAL BACKGROUND

Moss was indicted for first-degree robbery involving a handgun and pleaded guilty in an open plea after the State agreed to dismiss 13 other pending criminal cases. He had one prior felony conviction subject to the Habitual Felony Offender Act. The circuit court advised him that the minimum sentence was 15 years, although the firearm-or-deadly-weapon enhancement required a minimum sentence of 20 years; the court also incorrectly described the minimum voluntary-guidelines sentence as 117 months rather than 120 months. Moss was subsequently sentenced to life imprisonment and sought to withdraw his plea.

PROCEDURAL HISTORY

Moss pleaded guilty to first-degree robbery in an open plea in exchange for dismissal of 13 other criminal cases. The circuit court advised him that, under the Habitual Felony Offender Act, his sentencing range was 15 years to 99 years or life, and later sentenced him to life imprisonment. Moss moved to withdraw his plea, arguing that he

had not been correctly informed of the applicable minimum sentence. The circuit court denied the motion, and the Alabama Court of Criminal Appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The DeKalb Circuit Court must allow Moss the opportunity to withdraw his guilty plea and either enter another plea after being fully apprised of the correct sentencing range, including applicable enhancements, or proceed to trial.

CASES CITED

- Johnson v. State, 886 So. 2d 900, 902 (Ala. Crim. App. 2003)
- Ex parte Blackmon, 734 So. 2d 995, 997 (Ala. 1999)
- Williams v. State, 155 So. 3d 326, 327-330 (Ala. Crim. App. 2014)
- Ex parte Rivers, 597 So. 2d 1308, 1309 (Ala. 1991)
- Elrod v. State, 629 So. 2d 58, 59 (Ala. Crim. App. 1993)
- White v. State, 616 So. 2d 399 (Ala. Crim. App. 1993)
- Looney v. State, 563 So. 2d 3, 4 (Ala. Crim. App. 1989)
- Smith v. State, 494 So. 2d 182 (Ala. Crim. App. 1986)
- Kennedy v. State, 698 So. 2d 1174, 1177 (Ala. Crim. App. 1997)
- Aaron v. State, 673 So. 2d 849, 849-50 (Ala. Crim. App. 1995)
- Gordon v. State, 692 So. 2d 869 (Ala. Crim. App. 1996)
- Pritchett v. State, 686 So. 2d 1300 (Ala. Crim. App. 1996)
- Knight v. State, 55 Ala. App. 565, 317 So. 2d 532 (1975)
- Moore v. State, 54 Ala. App. 463, 309 So. 2d 500 (1975)
- Jones v. State, 727 So. 2d 889, 891 (Ala. Crim. App. 1998)
- Heard v. State, 687 So. 2d 212, 213 (Ala. Crim. App. 1996)
- Ex parte Johnson, 669 So. 2d 205 (Ala. 1995)
- Hammond v. State, 497 So. 2d 558, 566 (Ala. Crim. App. 1986)
- Biggs v. State, 331 So. 2d 763, 764 (Ala. Crim. App. 1976)
- Case v. State, 230 So. 3d 1159, 1163 (Ala. Crim. App. 2016)
- Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)