

SUPREME COURT OF ARKANSAS

Thompson v. State

2017 Ark. 328 (2017) · No. CR-10-1333 · Decided November 30, 2017

SUMMARY

The Supreme Court of Arkansas denied James Ray Thompson’s pro se petition to reinvest the trial court with jurisdiction to consider a writ of error coram nobis and denied his motion for leave to reply. The court held that the alleged Brady evidence—the victim’s 911 recording—was not suppressed or extrinsic to the record because it was played and admitted at trial, and it did not establish prejudice or a fundamental error warranting coram nobis relief.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Courtney Hudson Goodson
JURISDICTION	Arkansas
DECIDED	November 30, 2017
DOCKET	CR-10-1333
DISPOSITION	other
PROCEDURAL POSTURE	Thompson petitioned the Supreme Court of Arkansas for permission to reinvest the trial court with jurisdiction to consider a petition for writ of error coram nobis and moved pro se for leave to reply to the State’s response.
STANDARD OF REVIEW	The court reviewed the trial record to determine whether Thompson demonstrated a fundamental error of fact extrinsic to the record that would have prevented rendition of the judgment and, through no negligence or fault of his own, was not brought forward before judgment.
PRECEDENTIAL VALUE	published opinion
PARTIES	James Ray Thompson v. State of Arkansas

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- appellate procedure
- due process

PRACTICE AREAS

post-conviction relief

criminal procedure

appellate procedure

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether Thompson demonstrated a fundamental error extrinsic to the record warranting permission to pursue a writ of error coram nobis based on alleged prosecutorial suppression of the victim's 911 recording and portions of an investigative file.
2. Whether the alleged suppression established a meritorious Brady violation supporting coram nobis relief.
3. Whether Thompson was entitled to file a pro se reply to the State's response.

HOLDINGS

1. Thompson failed to demonstrate a fundamental error of fact extrinsic to the record that would have prevented rendition of the judgment; therefore, permission to pursue coram nobis relief was denied.
2. Thompson failed to allege facts establishing a meritorious Brady violation because the victim's recorded statement was not exculpatory, was not suppressed, and did not prejudice the trial outcome.
3. Thompson's claims that the prosecutor was required to provide a transcript of the 911 recording and misled the jury in closing argument were unavailing and did not warrant coram nobis relief.

KEY QUOTATIONS

"A writ of error coram nobis is an extraordinarily rare remedy." (at 2)

"The function of the writ is to secure relief from a judgment rendered while there existed some fact that would have prevented its rendition if it had been known to the trial court and which, through no negligence or fault of the defendant, was not brought forward before rendition of the judgment." (at 2)

"To establish a Brady violation, three elements are required: (1) the evidence at issue must be favorable to the accused, either because it is exculpatory or because it is impeaching; (2) that evidence must have been suppressed by the State, either willfully or inadvertently; (3) prejudice must have ensued." (at 3)

FACTUAL BACKGROUND

Thompson was convicted of raping the victim twice. He claimed that the prosecutor withheld a recording of the victim's 911 call, particularly her initial statement that someone had 'tried' to rape her, and that the State also withheld portions of an investigative file. The trial record showed that the entire 911 recording was played in open court and admitted into evidence, while the allegedly withheld pages of the investigative file were introduced at a later pretrial hearing. The recording was consistent with the victim's trial testimony, and the trial evidence also included Thompson's admissions and DNA evidence linking him to the rapes.

PROCEDURAL HISTORY

A jury convicted Thompson of two counts of rape and sentenced him to two consecutive ten-year terms of imprisonment. The Arkansas Court of Appeals affirmed the convictions and sentences. Thompson then sought

coram nobis relief in the Supreme Court of Arkansas, which denied both his petition for permission to proceed in the trial court and his motion for leave to reply.

DISPOSITION

other

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- Thompson v. State, 2011 Ark. App. 605
- Roberts v. State, 2013 Ark. 56, 425 S.W.3d 771
- Westerman v. State, 2015 Ark. 69, 456 S.W.3d 374
- Howard v. State, 2012 Ark. 177, 403 S.W.3d 38
- Penn v. State, 282 Ark. 571, 670 S.W.2d 426 (1984)