

SUPREME COURT OF ARKANSAS

C.H. v. State

365 S.W.3d 879 (Ark. 2010) · No. CR 10-255 · Decided June 3, 2010

SUMMARY

The Arkansas Supreme Court held that the criminal division of the circuit court lacked authority to set aside its order transferring C.H.'s case to the juvenile division. Upon transfer, the criminal division relinquished exclusive jurisdiction, and its later set-aside order was a nullity; the appeal was dismissed for lack of appellate jurisdiction. The concurrence urged legislative action to address the absence of a statutory mechanism for returning a transferred case to the criminal division.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Ronald L. Sheffield, Justice; Brown, Justice; Corbin, Justice, not participating
JURISDICTION	Arkansas
DECIDED	June 3, 2010
DOCKET	CR 10-255
DISPOSITION	dismissed
PROCEDURAL POSTURE	C.H. brought an interlocutory appeal from the Crawford County Circuit Court's order setting aside its prior order transferring his case from the criminal division to the juvenile division.
STANDARD OF REVIEW	Jurisdiction is reviewed as a threshold matter and may be raised at any time, including for the first time on appeal.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	C.H. v. State of Arkansas

TOPICS

- appellate jurisdiction
- interlocutory appeal
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal procedure
- juvenile justice
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the criminal division of the circuit court could revest itself with exclusive jurisdiction after transferring the case to the juvenile division.
2. Whether the criminal division had authority to set aside its order transferring the juvenile-defendant case to the juvenile division.
3. Whether the Supreme Court of Arkansas acquired appellate jurisdiction over the interlocutory appeal.

HOLDINGS

1. The criminal division relinquished its exclusive jurisdiction when it transferred the case to the juvenile division; the juvenile division thereafter held exclusive jurisdiction over the transferred matter.
2. The criminal division lacked authority to set aside its order transferring C.H.'s case to the juvenile division; the set-aside order was a nullity.
3. The Supreme Court of Arkansas never acquired appellate jurisdiction over the interlocutory appeal because the order challenged on appeal was entered without authority and was therefore a nullity.

KEY QUOTATIONS

“Therefore, while the criminal division obtained jurisdiction in this case originally, when it transferred the case to the juvenile division, it relinquished its exclusive jurisdiction to the juvenile division.” (886)

“Therefore, the criminal division lacked authority to enter the January 11, 2010 order setting aside its December 30, 2009 order transferring C.H.'s case to the juvenile division, and so the set-aside order is a nullity.” (886)

“Accordingly, we never acquired appellate jurisdiction. We dismiss the appeal.” (886)

FACTUAL BACKGROUND

C.H., who was seventeen when the alleged offense occurred, was charged with rape in the criminal division of the Crawford County Circuit Court. Following a transfer hearing and a psychological evaluation diagnosing Asperger Disorder and Disruptive Disorder Not Otherwise Specified, the criminal division transferred the case to the juvenile division. A proposed plea agreement requiring, among other things, a juvenile extended-jurisdiction disposition and a jury-trial waiver could not proceed because C.H.'s father refused to sign the waiver, after which the criminal division set aside its transfer order.

PROCEDURAL HISTORY

C.H. was charged with rape in the criminal division of the Crawford County Circuit Court. After a transfer hearing, the criminal division transferred the case to the juvenile division. When a proposed plea agreement could not proceed because C.H.'s father refused to waive C.H.'s jury-trial right, the State moved to set aside the transfer order, and the criminal division granted that motion. C.H. filed a timely interlocutory appeal, but the Supreme Court of Arkansas dismissed the appeal because the criminal division lacked authority to set aside the transfer order and the appellate court therefore never acquired appellate jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State v. Hatton, 315 Ark. 583, 868 S.W.2d 492 (1994)
- Webb v. State, 318 Ark. 581, 886 S.W.2d 624 (1994)
- Edwards v. Nelson, 372 Ark. 300, 275 S.W.3d 158 (2008)
- Arkansas Department of Human Services v. Isbell, 360 Ark. 256, 200 S.W.3d 873 (2005)
- Thomas v. State, 345 Ark. 236, 45 S.W.3d 818 (2001)
- State v. J.B., 309 Ark. 70, 827 S.W.2d 144 (1992)
- Coones v. State, 280 Ark. 321, 657 S.W.2d 553 (1983)
- Askew v. Murdock Acceptance Corp., 225 Ark. 68, 279 S.W.2d 557 (1955)
- Patterson v. Isom, 338 Ark. 234, 992 S.W.2d 792 (1999)
- Smith v. State, 399 Md. 565, 924 A.2d 1175 (2007)
- Foster v. Hill, 372 Ark. 263, 275 S.W.3d 151 (2008)