

SUPREME COURT OF GEORGIA

White v. State

302 Ga. 315 (2017) · Decided October 16, 2017

SUMMARY

The Georgia Supreme Court affirmed the dismissal of Wardell Deloun White’s pro se motions to withdraw his guilty pleas. The court held that White remained represented by counsel when he filed the motions, making them unauthorized and without effect, and that his later amended motion was filed after the relevant term of court had ended. The court also declined to consider White’s ineffective-assistance claim because it had not been raised or ruled on in the trial court.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Nahmias, Justice
JURISDICTION	Georgia
DECIDED	October 16, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	White appealed the dismissal of his pro se motions to withdraw guilty pleas. The trial court dismissed the motions because White was represented by counsel when he filed them, and the later counseled amended motion was filed after the term of court in which the convictions and sentences were entered had expired.
STANDARD OF REVIEW	The Supreme Court reviewed the trial court's dismissal of the motions for legal error; it declined to consider the ineffective-assistance claim because it was not raised or ruled on below.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Wardell Deloun White v. State

TOPICS

- criminal procedure
- right to counsel
- appellate procedure
- ineffective assistance
- plea bargaining

PRACTICE AREAS

- criminal procedure
- appellate procedure
- post-conviction relief
- constitutional law

QUESTIONS PRESENTED

1. Whether a criminal defendant's representation by counsel automatically terminates upon entry of a judgment of conviction and sentence, permitting the defendant to file a pro se motion to withdraw a guilty plea.
2. Whether White's pro se motions to withdraw his guilty pleas were legally effective when filed while he was represented by counsel.
3. Whether the later counseled amended motion could relate back to the dates of the earlier pro se filings.
4. Whether the trial court could grant a motion to withdraw the guilty pleas filed after expiration of the term of court in which the pleas were entered.
5. Whether the Supreme Court could consider White's ineffective-assistance claim for the first time on appeal.

HOLDINGS

1. A criminal defendant's representation by counsel does not automatically terminate when judgment of conviction and sentence is entered. At a minimum, representation continues through the end of the term in which a guilty-plea judgment and sentence are entered, unless counsel has been formally permitted to withdraw or the requirements for substitution of counsel have been satisfied.
2. The trial court properly treated White's pro se filings as unauthorized and without effect because he was represented by counsel when he filed them.
3. The February 2016 amended motion filed by substitute counsel did not transform or relate back to White's earlier pro se filings, which were legal nullities.
4. The trial court lacked jurisdiction to allow withdrawal of the guilty pleas because the only potentially valid counseled motion was filed after expiration of the term in which White was sentenced.
5. The court would not consider White's ineffective-assistance claim because he did not raise it in the trial court and the trial court did not rule on it.

KEY QUOTATIONS

“Thus, we conclude that, at a minimum, legal representation continues — unless interrupted by entry of an order allowing counsel to withdraw or compliance with the requirements for substitution of counsel, see USCR 4.3 (1)-(3) — through the end of the term at which a trial court enters a judgment of conviction and sentence on a guilty plea, during which time the court retains authority to change its prior orders and judgments on motion or sua sponte for the purpose of promoting justice.” (302 Ga. at 319)

“But an amended motion is not a time machine that allows a litigant to change past events.” (302 Ga. at 320)

FACTUAL BACKGROUND

White participated in a 2012 home invasion that resulted in the shooting deaths of Victor Martinez and Mauricio Maldonado. He was indicted on murder and numerous related charges, and the State initially filed notice of intent to seek the death penalty. In September 2015, White entered negotiated guilty pleas to felony murder and

other offenses, receiving life imprisonment with the possibility of parole plus fifteen consecutive years. During the same term, he filed two pro se motions seeking to withdraw his pleas while represented by counsel.

PROCEDURAL HISTORY

White entered negotiated guilty pleas in the Stephens County Superior Court to felony murder and other offenses. The court entered judgment and sentence during the July 2015 term. White then filed two pro se motions to withdraw his pleas during that same term while represented by counsel. After counsel later withdrew and substitute counsel filed an amended motion, the trial court dismissed the pro se motions and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Powell v. Alabama, 287 U.S. 45, 69 (1932)
- Grace v. State, 295 Ga. 657, 658 (2014)
- Stephens v. State, 291 Ga. 837, 837-838 (2012)
- Hipp v. State, 293 Ga. 415, 416 (2013)
- Tolbert v. Toole, 296 Ga. 357, 362-363 (2015)
- Cotton v. State, 279 Ga. 358, 361 (2005)
- Williams v. Moody, 287 Ga. 665, 669 (2010)
- Rubiani v. State, 279 Ga. 299, 299 (2005)
- GC Quality Lubricants, Inc. v. Doherty, Duggan & Rouse Insurors, 304 Ga. App. 767, 770-771 (2010)
- Lee v. United States, 582 U.S. 357, 364 (2017)
- Strickland v. Washington, 466 U.S. 668, 688, 692 (1984)
- Herbert v. State, 288 Ga. 843, 849 (2011)