

SUPREME COURT OF ARKANSAS

McDaniels v. State

2014 Ark. 181 (2014) · No. CR-13-301 · Decided April 24, 2014

SUMMARY

The Arkansas Supreme Court affirmed the denial, without an evidentiary hearing, of Willie Author McDaniels’s petition for postconviction relief under Arkansas Rule of Criminal Procedure 37. The court rejected his claims that trial counsel was ineffective for failing to challenge the charging language and jury instructions and for failing to investigate or use evidence of semen from a third party found on the victim’s clothing. The court held that McDaniels failed to establish prejudice or provide specific facts warranting a hearing.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Hannah, Chief Justice
JURISDICTION	Arkansas
DECIDED	April 24, 2014
DOCKET	CR-13-301
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial, without an evidentiary hearing, of a petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.
STANDARD OF REVIEW	The Supreme Court of Arkansas will not reverse a circuit court's ruling granting or denying Rule 37 postconviction relief unless it is clearly erroneous. A finding is clearly erroneous when, although supported by evidence, the appellate court is left after reviewing the entire evidence with a definite and firm conviction that a mistake has been made.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Willie Author McDaniels v. State of Arkansas

TOPICS

- state post-conviction relief
- ineffective assistance
- post-conviction relief
- standard of review
- appellate procedure

PRACTICE AREAS

criminal postconviction

criminal procedure

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court clearly erred by denying without an evidentiary hearing McDaniels's claim that trial counsel was ineffective for failing to object to allegedly defective charging language and jury instructions concerning the guardian and step-grandparent alternatives.
2. Whether the circuit court clearly erred by denying without an evidentiary hearing McDaniels's claim that trial counsel was ineffective for failing to adequately investigate and use evidence that third-party semen was found on the victim's pants.

HOLDINGS

1. The circuit court did not clearly err in denying relief without a hearing because McDaniels failed to demonstrate Strickland prejudice. The evidence supported findings that he was both Q.A.'s guardian and step-grandparent, and any defect in identifying the statutory alternative could have been corrected before submission to the jury without changing the nature or degree of the offense or causing unfair surprise.
2. The circuit court did not clearly err in denying without a hearing McDaniels's claim that counsel inadequately investigated or used evidence that semen found on Q.A.'s pants was not McDaniels's DNA. McDaniels offered only conclusory assertions and failed to identify additional admissible evidence or show actual prejudice.

KEY QUOTATIONS

“On appeal from a circuit court’s ruling on a petitioner’s request for Rule 37 relief, this court will not reverse the circuit court’s decision granting or denying postconviction relief unless it is clearly erroneous.” (at 2)

“Postconviction relief is not available to the petitioner who wishes to have a hearing in the hopes of finding some ground for relief.” (at 12)

FACTUAL BACKGROUND

McDaniels was convicted of raping his step-granddaughter, Q.A., on two counts and received a total sentence of 480 months. One count alleged that he engaged in sexual activity with Q.A., who was under eighteen, while he was her guardian or step-grandparent. Trial evidence showed that Q.A. regularly stayed at McDaniels's home, that he provided transportation and financial support, and that he was both her step-grandparent and in a position of authority over her. DNA testing also showed that semen found on Q.A.'s ROTC pants was not McDaniels's DNA.

PROCEDURAL HISTORY

McDaniels was convicted of two counts of rape and received an aggregate sentence of 480 months in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the convictions on direct appeal. The circuit court denied McDaniels's Rule 37 petition without an evidentiary hearing, and the Supreme Court of Arkansas affirmed that denial.

DISPOSITION

affirmed

CASES CITED

- McDaniels v. State, 2012 Ark. App. 219
- Prater v. State, 2012 Ark. 164, 402 S.W.3d 68 (2012)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Williams v. State, 2011 Ark. 489, 385 S.W.3d 228 (2011)
- Rueda v. State, 2012 Ark. 144, 400 S.W.3d 226 (2012)
- Madewell v. State, 290 Ark. 580, 720 S.W.2d 913 (1986)
- Andrews v. State, 265 Ark. 390, 578 S.W.2d 585 (1979)
- Ridgeway v. State, 251 Ark. 157, 472 S.W.2d 108 (1971)
- Whitmore v. State, 299 Ark. 55, 771 S.W.2d 266 (1989)
- Beshears v. State, 340 Ark. 70, 8 S.W.3d 32 (2000)
- Hickey v. State, 2013 Ark. 237
- Mason v. State, 2013 Ark. 492
- Bryant v. State, 2013 Ark. 305
- Eastin v. State, 2010 Ark. 275
- Preston v. State, 306 Ark. 408, 815 S.W.2d 389 (1991)
- Hayes v. State, 280 Ark. 509, 660 S.W.2d 648 (1983)