

SUPREME COURT OF ARKANSAS

McClinton v. State

533 S.W.3d 578 (Ark. 2017) · Decided December 14, 2017

SUMMARY

The Arkansas Supreme Court dismissed Edmond McClinton’s appeal from the denial of his pro se petition for habeas corpus relief under Arkansas Act 1780. The court held that his challenges to the credibility, admissibility, chain of custody, and sufficiency of the evidence, as well as ineffective-assistance claims, were outside the scope of Act 1780. It further concluded that McClinton failed to show that new testing methods or evidence were unavailable at trial, that identity was at issue, or that additional testing would materially advance his claim of innocence.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Courtney Hudson Goodson
JURISDICTION	Arkansas
DECIDED	December 14, 2017
DISPOSITION	dismissed
PROCEDURAL POSTURE	McClinton appealed the denial of his pro se petition for a writ of habeas corpus seeking scientific testing under Arkansas Act 1780. He also moved to supplement the appellate addendum with medical records.
STANDARD OF REVIEW	The denial of postconviction relief is not reversed unless the circuit court's findings are clearly erroneous.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential
PARTIES	Edmond McClinton v. State

TOPICS

- state post-conviction relief
- post-conviction relief
- habeas corpus
- evidence
- appellate procedure

PRACTICE AREAS

- criminal post-conviction relief
- habeas corpus
- criminal procedure
- appellate procedure
- forensic evidence

QUESTIONS PRESENTED

1. Whether McClinton's claims challenging the legality, foundation, credibility, sufficiency, and handling of trial evidence, as well as alleged ineffective assistance of counsel, were cognizable in an Act 1780 petition for scientific testing.
2. Whether McClinton established the prerequisites for scientific testing under Act 1780, including that previously unavailable evidence or testing methods existed, that identity was at issue, and that testing could produce materially relevant evidence significantly advancing his claim of innocence.
3. Whether the appeal should proceed when the record conclusively demonstrated that McClinton could not prevail.
4. Whether McClinton's motion to supplement the appellate addendum was moot after dismissal of the appeal.

HOLDINGS

1. An appeal from an order denying postconviction relief, including an Act 1780 habeas petition, will not be permitted to proceed when it is clear that the appellant could not prevail.
2. Act 1780 petitions are limited to claims concerning scientific testing of evidence and may not be used to raise claims of illegal evidence collection, lack of foundation, trial-court error, ineffective assistance of counsel, or other issues outside the Act's scope.
3. A petitioner seeking testing under Act 1780 must show that the evidence or scientific testing method was unavailable at trial or could not previously have been discovered through due diligence, that the identity of the perpetrator was at issue, and that testing could produce material evidence creating a reasonable probability that the petitioner did not commit the offense.
4. The circuit court did not clearly err in finding that McClinton failed to state grounds for relief under Act 1780.

KEY QUOTATIONS

“A habeas proceeding does not afford a prisoner an opportunity to retry his case, and it is not a substitute for raising an issue at trial or on direct appeal.”

“Accordingly, we have made clear that under Act 1780 scientific testing is authorized if testing or retesting can provide materially relevant evidence that will significantly advance the defendant’s claim of innocence in light of all the evidence presented to the jury.”

FACTUAL BACKGROUND

McClinton was convicted of rape based on, among other evidence, testimony from the victim's sister that she witnessed the rape and forensic evidence involving vaginal and rectal swabs from the victim. The swabs contained a DNA mixture from which neither the victim nor McClinton could be excluded, while approximately 99.99 percent of Black males would be excluded. McClinton sought testing of additional crime-scene items, including bedding and male underwear, claiming that existing evidence was illegally obtained, lacked foundation, was unreliable or falsified, and that testing would establish his innocence.

PROCEDURAL HISTORY

McClinton was convicted by a Jefferson County jury of raping a mentally handicapped sixteen-year-old girl and received a life sentence as a habitual offender. The Supreme Court of Arkansas affirmed the conviction.

McClinton later filed an Act 1780 petition seeking forensic testing of crime-scene evidence, which the circuit court denied. The Supreme Court dismissed the appeal because the petition plainly could not support relief and held the motion to supplement moot.

DISPOSITION

dismissed

CASES CITED

- Marshall v. State, 2017 Ark. 208, 521 S.W.3d 456
- McClinton v. State, 2015 Ark. 245, 464 S.W.3d 913
- Polivka v. State, 2010 Ark. 152, 362 S.W.3d 918
- State v. Barrett, 371 Ark. 91, 95, 263 S.W.3d 542, 545 (2007)
- Edwards v. Kelley, 2017 Ark. 254, 526 S.W.3d 825
- Johnson v. State, 356 Ark. 534, 157 S.W.3d 151
- Smith v. State, 2017 Ark. 236, 523 S.W.3d 354