

SUPREME COURT OF ARKANSAS

Grant v. State

365 S.W.3d 894 (Ark. 2010) · Decided June 3, 2010

SUMMARY

The Arkansas Supreme Court denied Abraham Grant’s pro se petition for permission to pursue a writ of error coram nobis in the trial court following his capital-murder and first-degree-battery convictions. The court held that Grant failed to show suppressed material evidence, and that his ineffective-assistance and sufficiency-of-the-evidence claims were not cognizable in coram nobis proceedings. The court also denied his requests for copies at public expense and deemed his motion to disqualify the trial judge moot.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	June 3, 2010
DISPOSITION	writ_denied
PROCEDURAL POSTURE	After affirmance of his capital-murder and first-degree-battery convictions, Grant filed a pro se petition in the Arkansas Supreme Court seeking permission to proceed in the trial court with a petition for writ of error coram nobis. He also moved to disqualify the trial judge and sought copies of filings at public expense.
STANDARD OF REVIEW	The court required Grant to show good cause and a meritorious, compelling basis for permission to proceed with coram nobis relief. Coram nobis claims are reviewed under a strong presumption that the conviction is valid.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court per curiam opinion
PARTIES	Abraham Grant v. State

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- prosecutorial misconduct
- evidence

PRACTICE AREAS

criminal post-conviction procedure

coram nobis

criminal procedure

Brady disclosure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether Grant demonstrated a meritorious and compelling ground warranting permission to proceed in the circuit court with a petition for writ of error coram nobis.
2. Whether the alleged failure to provide a bill of particulars established suppression of material exculpatory evidence under Brady.
3. Whether allegations concerning ineffective assistance of counsel could be pursued through coram nobis proceedings.
4. Whether Grant was entitled to photocopies of filings at public expense.
5. Whether the motion to disqualify the trial judge remained justiciable after denial of permission to proceed.

HOLDINGS

1. Grant failed to show good cause, a meritorious claim, or compelling circumstances warranting permission to proceed in the trial court with a petition for writ of error coram nobis.
2. The alleged failure to provide a bill of particulars did not establish a Brady violation or a basis for coram nobis relief because Grant did not show that he requested a bill of particulars or that the State suppressed specific favorable evidence.
3. Ineffective-assistance claims are outside the scope of coram nobis proceedings and must instead be brought under Arkansas Rule of Criminal Procedure 37.1(a).
4. Any challenge to the sufficiency of the evidence was a direct attack on the conviction that had to be raised at trial and on direct appeal, not through coram nobis.
5. Grant was not entitled to photocopies of the filings at public expense because he failed to demonstrate a compelling need for specific documentary evidence supporting a postconviction allegation.

KEY QUOTATIONS

“A writ of error coram nobis is an extraordinarily rare remedy, more known for its denial than its approval.”

“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 circuit court and which, through no negligence or fault of the defendant, was not brought forward before rendition of judgment.”

“Ineffective-assistance claims are outside the purview of a coram nobis proceeding, and a petition for writ of error coram nobis is not a substitute for proceeding under Rule 37.1(a).”

FACTUAL BACKGROUND

Grant was convicted of capital murder and first-degree battery after a jury trial, receiving life imprisonment without parole. His proposed coram nobis claims focused on the alleged failure to provide a bill of particulars, inadequate trial preparation, and issues concerning an alleged dying declaration by the victim. He also sought public funding for copies of filings.

PROCEDURAL HISTORY

Grant was convicted by a jury in 2003 and received an aggregate sentence of life imprisonment without parole. The Arkansas Supreme Court affirmed the judgment on direct appeal. Grant then sought leave to pursue coram nobis relief in the circuit court; the Supreme Court denied the petition and related motions, rendering the judicial-disqualification motion moot.

DISPOSITION

writ_denied

CASES CITED

- Grant v. State, 357 Ark. 91, 161 S.W.3d 785 (2004)
- Newman v. State, 2009 Ark. 539, 354 S.W.3d 61
- Cloird v. State, 349 Ark. 33, 76 S.W.3d 813 (2002) (per curiam)
- Flanagan v. State, 2010 Ark. 140
- Sanders v. State, 374 Ark. 70, 285 S.W.3d 630 (2008) (per curiam)
- Pitts v. State, 336 Ark. 580, 986 S.W.2d 407 (1999)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Strickler v. Greene, 527 U.S. 263 (1999)
- United States v. Bagley, 473 U.S. 667 (1985)
- Pierce v. State, 2009 Ark. 606
- Nance v. State, 323 Ark. 583, 918 S.W.2d 114 (1996)
- Green v. State, 310 Ark. 16, 832 S.W.2d 494 (1992)
- Harris v. State, 299 Ark. 433, 774 S.W.2d 121 (1989)
- Limber v. State, 264 Ark. 479, 572 S.W.2d 402 (1978)
- Echols v. State, 354 Ark. 414, 125 S.W.3d 153 (2003)
- Scott v. State, 2009 Ark. 437
- Buckhanna v. State, 2009 Ark. 490
- Jackson v. State, 352 Ark. 359, 105 S.W.3d 352 (2003)
- Strickland v. Washington, 466 U.S. 668 (1984)
- McCroskey v. State, 278 Ark. 156, 644 S.W.2d 271 (1983)
- Layton v. State, 2009 Ark. 438
- Moore v. State, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam)

- Austin v. State, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam)
- Gardner v. State, 2009 Ark. 488
- Washington v. State, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam)
- Johnson v. State, 2010 Ark. 15
- Giles v. State, 2009 Ark. 264

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