

SUPREME COURT OF ARKANSAS

Hundley v. Hobbs

2015 Ark. 70 (2015) · No. CV-14-650 · Decided February 26, 2015

SUMMARY

The Supreme Court of Arkansas held that an Arkansas circuit court had jurisdiction to consider Thernell Hundley’s habeas corpus petition even though he was incarcerated in New Jersey under the Interstate Corrections Compact. The court determined that Ray Hobbs, Director of the Arkansas Department of Correction, remained the relevant custodian for habeas purposes because Arkansas retained jurisdiction and control over Hundley’s incarceration. The dismissal was reversed and the case was remanded.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Josephine Linker Hart; Paul E. Danielson
JURISDICTION	Arkansas
DECIDED	February 26, 2015
DOCKET	CV-14-650
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from dismissal of a petition for writ of habeas corpus by the Jefferson County Circuit Court.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential, with Bell expressly described as limited on the Interstate Corrections Compact issue.
PARTIES	Thernell Hundley v. Ray Hobbs, Director, Arkansas Department of Correction

TOPICS

- state post-conviction relief
- subject matter jurisdiction
- post-conviction relief
- cruel and unusual punishment
- constitutional law

PRACTICE AREAS

- Habeas corpus
- State post-conviction relief
- Corrections and prisoners' rights
- Civil procedure

QUESTIONS PRESENTED

1. Whether the Jefferson County Circuit Court had jurisdiction to issue a writ of habeas corpus and make it returnable in Jefferson County when the Arkansas prisoner was physically incarcerated in New Jersey under the Interstate Corrections Compact.
2. Whether, for purposes of Arkansas's habeas statutes, the Arkansas Department of Correction director was the person in whose custody the prisoner was detained despite the prisoner's physical confinement in another state.

HOLDINGS

1. The Jefferson County Circuit Court had jurisdiction to issue a writ of habeas corpus and make it returnable in Jefferson County even though Hundley was physically confined in New Jersey under the Interstate Corrections Compact.

KEY QUOTATIONS

“Accordingly, we hold that, even though Hundley is confined in New Jersey under the ICC, for the purposes of our habeas statutes, Hobbs, as the Director of the ADC, is the person in whose custody Hundley is detained, as he determines where Hundley is physically incarcerated.” (7)

“Thus, we hold that Jefferson County has jurisdiction over Hundley’s petition for writ of habeas corpus and reverse and remand for proceedings consistent with this opinion.” (7)

FACTUAL BACKGROUND

Hundley was convicted in Arkansas of capital-felony murder and was serving a sentence of life imprisonment without parole. He was incarcerated in New Jersey under the Interstate Corrections Compact, under which Arkansas remained the sending state and retained authority to request his return. The contract implementing the Compact was executed by Ray Hobbs, the Arkansas Department of Correction director, and provided that Arkansas law governed matters relating to Hundley's confinement and that New Jersey would return inmates upon Arkansas's demand.

PROCEDURAL HISTORY

Hundley filed a state habeas petition in Jefferson County while incarcerated in New Jersey under the Interstate Corrections Compact. The circuit court dismissed the petition, concluding that Hundley's physical presence in New Jersey deprived it of jurisdiction to issue and make the writ returnable in Jefferson County. The Arkansas Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Jefferson County Circuit Court for proceedings consistent with the opinion.

CASES CITED

- State Dep't of Pub. Welfare v. Lipe, 257 Ark. 1015, 1017, 521 S.W.2d 526, 528 (1975)
- Bell v. Hobbs, 2014 Ark. 479 (per curiam)
- Barrett v. Belleque, 344 Or. 91, 176 P.3d 1272 (2008)
- Boatwright v. Director, Department of Prisons, 109 Nev. 318, 849 P.2d 274 (1993)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455 (2012)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011 (2010)
- Cloird v. State, 349 Ark. 33, 76 S.W.3d 813 (2002) (per curiam)
- State v. Stapleton, 345 Ark. 500, 51 S.W.3d 862 (2001)
- Meraz v. State, 2013 Ark. 419 (per curiam)
- Barnett v. Burl, 2011 Ark. 483 (per curiam)
- Watts v. Norris, 2009 Ark. 370 (per curiam)
- Tyson v. State, 2014 Ark. 421, 444 S.W.3d 361 (per curiam)
- Lukach v. Hobbs, 2014 Ark. 106 (per curiam)
- Wilencewicz v. Hobbs, 2012 Ark. 230 (per curiam)
- Harvey v. Antrim, 160 P.3d 673 (Alaska Ct. App. 2007)
- Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973)
- Strait v. Laird, 406 U.S. 341 (1972)