

SUPREME COURT OF ALABAMA

G.E.G. v. State

54 So. 3d 949 (Ala. 2010) · Decided May 7, 2010

SUMMARY

The Alabama Supreme Court considered whether the Court of Criminal Appeals erred in reversing the denial of G.E.G.’s motion to withdraw guilty pleas to drug-related charges. The court held that the rule requiring corroboration of an extrajudicial confession does not apply to a guilty-plea conviction because a voluntary guilty plea is a judicial confession and conclusively establishes guilt. The court reversed and remanded.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Bolin, Justice; Cobb, Chief Justice; Lyons, Justice; Woodall, Justice; Stuart, Justice; Smith, Justice; Parker, Justice; Murdock, Justice; Shaw, Justice
JURISDICTION	Alabama
DECIDED	May 7, 2010
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for a writ of certiorari to review the Alabama Court of Criminal Appeals' reversal of the trial court's denial of G.E.G.'s motion to withdraw his guilty pleas to two drug-related charges.
STANDARD OF REVIEW	Certiorari review of the Court of Criminal Appeals' legal conclusion concerning the effect of a guilty plea and the factual-basis requirement under Rule 14.4(b), Ala. R. Crim. P.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Alabama.
PARTIES	State of Alabama v. G.E.G.

TOPICS

- plea bargaining
- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the rule requiring corroboration of an extrajudicial confession before a defendant may be convicted applies to a conviction based on a voluntary guilty plea.
2. Whether the factual basis required by Rule 14.4(b), Ala. R. Crim. P., was sufficient when the guilty-plea record included the indictment, the prosecutor's factual assertions, and the defendant's voluntary plea.
3. Whether the Court of Criminal Appeals erred by reversing the denial of G.E.G.'s motion to withdraw his guilty pleas to the drug-related charges.

HOLDINGS

1. The rule requiring independent corroboration of a confession to establish the corpus delicti does not apply to a conviction entered on a voluntary and knowing guilty plea. A guilty plea is a judicial confession and conclusively establishes the defendant's guilt as to the facts sufficiently charged.
2. Rule 14.4(b), Ala. R. Crim. P., requires only a factual basis sufficient to satisfy the trial court that the defendant knows what he or she is pleading guilty to and that the admitted acts constitute the charged offense; it does not require evidence independently establishing guilt beyond a reasonable doubt.
3. The record supplied an adequate factual basis for G.E.G.'s guilty pleas to second-degree possession of marijuana and possession of drug paraphernalia, and the Court of Criminal Appeals erred by reversing those convictions based on the absence of independent corroboration.

KEY QUOTATIONS

“The issue before this Court is whether the rule that a defendant may not be convicted solely on the basis of a confession should also apply to a guilty-plea conviction. We hold that the issue of the admissibility of the defendant’s confession without corroboration is waived by the defendant’s plea of guilty.” (at 956)

“A guilty plea is a judicial confession. “ ‘A voluntary guilty plea concludes the issue of guilt, dispenses with the need for judicial fact finding, is conclusive as to the defendant’s guilt, and is an admission of all facts sufficiently charged in the indictment.’ ” (at 956-57)

FACTUAL BACKGROUND

G.E.G. was indicted on multiple sexual-assault and drug-related charges involving his seven-week-old daughter and entered a plea agreement. He pleaded guilty to sexual torture, second-degree possession of marijuana, and possession of drug paraphernalia. During the plea colloquy, the trial court confirmed that he understood the charges and sentencing ranges, waived his trial-related rights, and was pleading voluntarily; the prosecutor then described evidence that G.E.G. had admitted smoking marijuana and using a pipe. After sentencing, G.E.G. sought to withdraw the pleas, asserting that the record lacked an adequate factual basis for the drug convictions.

PROCEDURAL HISTORY

G.E.G. pleaded guilty to sexual torture, second-degree possession of marijuana, and possession of drug paraphernalia pursuant to a plea agreement. After sentencing, he moved to withdraw the pleas, arguing, among other things, that there was no factual basis under Rule 14.4(b), Ala. R. Crim. P.; the trial court denied the motion. The Court of Criminal Appeals affirmed the sexual-torture conviction but reversed the drug-related convictions, concluding that G.E.G.'s statement that he had smoked marijuana lacked independent corroboration. The Alabama Supreme Court denied G.E.G.'s certiorari petition, granted the State's petition, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for proceedings consistent with the opinion after reversal of the Court of Criminal Appeals' judgment concerning the drug-related guilty pleas.

CASES CITED

- Robinson v. State, 560 So. 2d 1130, 1135-36 (Ala. Crim. App. 1989)
- Bracewell v. State, 506 So. 2d 354, 360 (Ala. Crim. App. 1986)
- Bush v. State, 695 So. 2d 70, 118 (Ala. Crim. App. 1995)
- Matthews v. State, 55 Ala. 187, 194 (1876)
- Arnold v. State, 57 Ala. App. 172, 173, 326 So. 2d 700, 701 (1976)
- Boyington v. State, 748 So. 2d 897, 902-03 (Ala. Crim. App. 1999)
- Smith v. United States, 348 U.S. 147, 75 S. Ct. 194, 99 L. Ed. 192 (1954)
- State v. Chatelain, 220 Or. App. 487, 188 P.3d 325 (2008)
- People v. O'Neil, 18 Ill. 2d 461, 165 N.E.2d 319 (1960)
- Scott v. State, 917 So. 2d 159, 165-66 (Ala. Crim. App. 2005)
- Whitman v. State, 903 So. 2d 152, 155 (Ala. Crim. App. 2004)
- Morrow v. State, 426 So. 2d 481, 484 (Ala. Crim. App. 1982)
- Kercheval v. United States, 274 U.S. 220, 223 (1927)
- Heptinstall v. State, 624 So. 2d 1111, 1112 (Ala. Crim. App. 1993)
- Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)
- Johnson v. Zerbst, 304 U.S. 458, 464 (1938)
- McCarthy v. United States, 394 U.S. 459, 466-67, 89 S. Ct. 1166, 22 L. Ed. 2d 418 (1969)
- Alderman v. State, 615 So. 2d 640, 647 (Ala. Crim. App. 1992)
- United States v. Keiswetter, 860 F.2d 992, 995 (10th Cir. 1988)
- King v. Hawkins, 266 Ga. 655, 656, 469 S.E.2d 30, 32 (1996)
- Garner v. State, 455 So. 2d 939, 940 (Ala. Crim. App. 1984)
- United States v. King, 604 F.2d 411 (5th Cir. 1979)

- Atteberry v. State, 448 So. 2d 425, 427 (Ala. Crim. App. 1983)
- Alvis v. State, 740 So. 2d 459, 461 (Ala. Crim. App. 1998)
- Ex parte Horton, 456 So. 2d 1120, 1122 (Ala. 1984)
- Davis v. State, 469 So. 2d 1348 (Ala. Crim. App. 1985)
- Roden v. State, 384 So. 2d 1248 (Ala. Crim. App. 1980)
- McMann v. Richardson, 397 U.S. 759, 90 S. Ct. 1441, 25 L. Ed. 2d 763 (1970)
- Parker v. North Carolina, 397 U.S. 790, 90 S. Ct. 1458, 25 L. Ed. 2d 785 (1970)
- Vann v. State, 44 Ala. App. 523, 214 So. 2d 925 (1968)
- Williams v. State, 283 Ala. 668, 220 So. 2d 609 (1969)
- Barnes v. State, 354 So. 2d 343, 345 (Ala. Crim. App. 1978)
- Waley v. United States, 233 F.2d 804, 806 (9th Cir. 1956)
- Oppen v. United States, 348 U.S. 84, 89-90, 75 S. Ct. 158, 99 L. Ed. 1014 (1954)
- G.E.G. v. State, 54 So. 3d 941 (Ala. Crim. App. 2008)