

SUPREME COURT OF ARKANSAS

No. CR-11-760

JOHNNY LEE HILL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 27, 2013

APPEAL FROM THE HOT SPRING
COUNTY CIRCUIT COURT, 30CR-87-
252, HON. CHRIS E WILLIAMS,
JUDGE

AFFIRMED.

PER CURIAM

In 1988, appellant Johnny Hill was found guilty by a jury of murder in the first degree and sentenced to life imprisonment. We affirmed. *Hill v. State*, 299 Ark. 327, 773 S.W.2d 424 (1989). Appellant subsequently filed in this court a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (1988), which was denied. *Hill v. State*, CR-89-10 (Ark. Oct. 10, 1989) (unpublished per curiam).

In 1990, appellant filed in the trial court a petition to correct the sentence pursuant to Arkansas Code Annotated section 16-90-111 (1987). The petition was denied, and we affirmed the order. *Hill v. State*, CR-91-101 (Ark. Sept. 16, 1991) (unpublished per curiam). In 2011, approximately twenty-one years later, appellant filed another petition under section 16-90-111. In the petition, he alleged that the sentence imposed in 1988 was illegal because the State was allowed to amend the information to charge him with first-degree murder by premeditation and deliberation. The trial court denied the petition, and appellant brings this appeal. We find no error and affirm the order.

A claim that a sentence is illegal presents an issue of subject-matter jurisdiction that can

be addressed at any time. *Skinner v. Hobbs*, 2011 Ark. 383 (per curiam); see *Culbertson v. State*, 2012 Ark. 112 (per curiam). Arkansas Code Annotated § 16-90-111(a) provides authority to a trial court to correct an illegal sentence at any time. See *Reeves v. State*, 339 Ark. 304, 310, 5 S.W.3d 41, 44 (1999); *Renshaw v. Norris*, 337 Ark. 494, 500, 989 S.W.2d 515, 518 (1999). Accordingly, the trial court had authority to grant relief under the statute if the sentence imposed on appellant was indeed illegal.

An illegal sentence is one that the trial court lacked the authority to impose. *Richie v. State*, 2009 Ark. 602, 357 S.W.3d 909. When the sentence imposed is within the maximum prescribed by law, the sentence is not illegal, because the court had the authority to impose it. *Id.*; *Cooley v. State*, 322 Ark. 348, 909 S.W.2d 312 (1995). Here, the life sentence imposed on appellant was clearly within the sentencing range for the offense of first-degree murder. See Ark. Code Ann. §§ 5-4-401, 5-10-103 (1987) (a defendant convicted of a Class Y felony shall be sentenced to a determinate sentence of not less than ten and not more than forty years or life). Appellant was thus entitled to no relief under section 16-90-111(a).

This court has held that it will reverse the circuit court's decision granting or denying postconviction relief only when that decision is clearly erroneous. See *Pankau v. State*, 2013 Ark. 162; *Banks v. State*, 2013 Ark. 147. The trial court's decision to deny appellant's petition was not clearly erroneous.

Affirmed.

Johnny Lee Hill, pro se appellant.

Dustin McDaniel, Att'y Gen., by: *Asbley Argo Priest*, Ass't Att'y Gen., for appellee.