

Empy v. State

The defendant pled guilty to a misdemeanor offense of theft and was punished with a \$300 fine. On appeal, he argued that the judgment was void because he was not represented by counsel when he entered his plea and the range of possible punishments included imprisonment. He also argued that he was not provided the warning admonishments detailing the consequences of entering a guilty plea.

The Court of Criminal Appeals recognized that the Constitution protected an individual from imprisonment unless they are provided an opportunity to be represented by counsel. The court nonetheless upheld the conviction because the sentencing judge did not impose a jail sentence. Therefore, the defendant's rights were not infringed. Regarding the warnings, the court affirmed that settled law in the state applied the warning requirement only to felony cases. While indicating that it was a commendable and acceptable practice for magistrates to provide the warnings in all cases, the court positively stated that they were not required for misdemeanor cases.