

In the Supreme Court of Georgia

Decided: January 25, 2010

S09A1839. MORELAND v. THE STATE.

THOMPSON, Justice.

Defendant was convicted of felony murder and this Court affirmed his conviction on appeal. Moreland v. State, 279 Ga. 641 (619 SE2d 626) (2005). Thereafter, defendant filed several motions, including a “motion to address against void judgment” in which he argued that the indictment was void. Citing Williams v. State, 283 Ga. 94 (656 SE2d 144) (2008), which pre-dated Chester v. State, 284 Ga. 162 (664 SE2d 220) (2008), the trial court dismissed defendant’s motions on the ground that OCGA § 17-9-4 does not authorize an attack on a criminal conviction.¹ This appeal followed. We affirm.

In Harper v. State, Ga. (Case No. S09A1019, decided November 23, 2009), this Court overruled Chester to the extent that Chester allowed OCGA § 17-9-4 to be used to challenge a void conviction. In so doing, this Court

¹ The trial court did, however, correct the judgment to reflect that defendant was acquitted of count 4 of the indictment, and that counts 5 and 6 were placed on the dead docket. The original judgment erroneously stated that counts 4 and 5 were placed on the dead docket.

announced that it was reverting to its pre-Chester jurisprudence and that, therefore, a petition to vacate or modify a judgment of conviction will not be recognized as an appropriate remedy in a criminal case. Given our holding in Harper, we conclude that the trial court properly dismissed defendant's motions.

Judgment affirmed. All the Justices concur.