

SUPREME COURT OF MISSISSIPPI

Willie Joe Wright v. State of Mississippi

Wright v. State · No. 2005-KA-01729-SCT · Decided May 24, 2005

SUMMARY

The Supreme Court of Mississippi affirmed Willie Joe Wright’s convictions for burglary with intent to commit rape and rape, along with two consecutive twenty-five-year sentences. The court rejected challenges concerning prosecutorial comments during closing argument, alleged hearsay testimony, and the sufficiency of the evidence. The court also clarified the limits on prosecutorial comment regarding a defendant’s failure to testify and overruled prior Mississippi precedent to the extent inconsistent with that clarification.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Cobb, Presiding Justice; Smith, Chief Justice; Waller, Presiding Justice; Easley, Justice; Carlson, Justice; Dickinson, Justice; Randolph, Justice
JURISDICTION	Mississippi
DECIDED	May 24, 2005
DOCKET	2005-KA-01729-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wright appealed his Lauderdale County Circuit Court convictions for burglary of a dwelling with intent to commit rape and forcible rape, and his two consecutive twenty-five-year sentences as a habitual offender.
STANDARD OF REVIEW	Denial of a mistrial is reviewed for abuse of discretion. The sufficiency of the evidence is reviewed by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements beyond a reasonable doubt. Evidentiary rulings concerning hearsay and spontaneity are reviewed under the applicable trial-court discretion standards.
PRECEDENTIAL VALUE	Published, en banc Mississippi Supreme Court opinion.
PARTIES	Willie Joe Wright v. State of Mississippi

TOPICS

criminal procedure

fifth amendment

prosecutorial misconduct

hearsay

evidence

PRACTICE AREAS

criminal law

criminal procedure

constitutional criminal procedure

evidence

QUESTIONS PRESENTED

1. Whether the prosecutor's closing-argument comments improperly commented on Wright's failure to testify in violation of the Fifth and Fourteenth Amendments and required a mistrial.
2. Whether testimony by Darryl Hampton concerning Pope's statements and emotional condition was inadmissible hearsay.
3. Whether the evidence was legally sufficient to support the burglary and rape convictions and whether the indictment's reference to the statutory-rape subsection invalidated the rape conviction.
4. Whether cumulative error required reversal.

HOLDINGS

1. A prosecutor may comment on the failure to present a successful defense or on weaknesses in the defense, including in response to defense argument, so long as the comment does not imply that the defendant's decision not to testify was improper or indicates guilt. The challenged comments did not violate Wright's Fifth Amendment rights and did not require a mistrial.
2. Hampton's testimony was admissible because some statements were offered to explain why he went to Pope's apartment rather than for their truth, and other statements were admissible under the then-existing-condition and excited-utterance exceptions.
3. The evidence was sufficient for a rational jury to find Wright guilty beyond a reasonable doubt of burglary of a dwelling with intent to commit rape and forcible rape.
4. The indictment adequately charged forcible rape despite identifying the wrong statutory subsection because its factual language expressly alleged that Wright knowingly and forcibly had sexual intercourse with Pope.
5. Because the individual assignments of error lacked merit, there was no cumulative error warranting reversal.

KEY QUOTATIONS

"What is prohibited is any reference to the defendant's failure to testify implying that such failure is improper, or that it indicates the defendant's guilt." (¶18)

"When reviewing the sufficiency of the evidence, this Court must ask whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (¶27)

“Although a typographical error existed concerning the subsection number, the substance of the indictment read that Wright was charged with forcible rape.” (§34)

FACTUAL BACKGROUND

Ann Pope, age twenty, lived alone in a Lauderdale County duplex and knew Wright, a maintenance repairman who had previously made unsuccessful sexual advances toward her. After Wright installed an air conditioner, Pope later awoke to find him inside her locked apartment; he threatened her with an object, forced her to undress, and raped her. Afterward, a friend and a detective observed that the kitchen window was open and its screen had been slashed, and the parties stipulated that Wright's semen was identified from Pope's medical examination.

PROCEDURAL HISTORY

The circuit court denied Wright's motions for mistrial, dismissal, directed verdict, and JNOV. A jury found him guilty of burglary and rape and imposed two consecutive twenty-five-year sentences. The Mississippi Supreme Court, sitting en banc, affirmed the convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- Shelton v. State, 853 So. 2d 1171, 1183 (Miss. 2003)
- Pulphus v. State, 782 So. 2d 1220, 1222 (Miss. 2001)
- Jimpson v. State, 532 So. 2d 985, 991 (Miss. 1988)
- Shook v. State, 552 So. 2d 841, 851 (Miss. 1989)
- Ladner v. State, 584 So. 2d 743, 754 (Miss. 1991)
- Underwood v. State, 919 So. 2d 931, 939-40 (Miss. 2005)
- Howell v. State, 860 So. 2d 704, 751-52 (Miss. 2003)
- Livingston v. State, 525 So. 2d 1300 (Miss. 1988)
- United States v. Robinson, 485 U.S. 25 (1988)
- Griffin v. California, 380 U.S. 609 (1965)
- Logan v. State, 773 So. 2d 338, 348 (Miss. 2000)
- Cox v. State, 849 So. 2d 1257, 1270 (Miss. 2003)
- Tanner v. State, 764 So. 2d 385, 406 (Miss. 2000)
- Mickel v. State, 602 So. 2d 1160, 1162 (Miss. 1992)
- Evans v. State, 547 So. 2d 38, 41 (Miss. 1989)
- Hawthorne v. State, 835 So. 2d 14, 21 (Miss. 2003)
- Bush v. State, 895 So. 2d 836, 843 (Miss. 2005)
- Wilson v. State, 936 So. 2d 357, 363 (Miss. 2006)

- *McLaurin v. State*, 129 Miss. 362, 364-65 (Miss. 1922)
- *Branch v. State*, 882 So. 2d 36, 58 (Miss. 2004)
- *Whigham v. State*, 611 So. 2d 988, 995-96 (Miss. 1992)
- *Wilson v. State*, 433 So. 2d 1142, 1145-46 (Miss. 1983)

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