

MISSISSIPPI COURT OF APPEALS

Kendal Wayne Bodie a/k/a Kendal W. Bodie a/k/a Kendal Bodie v. State of Mississippi

No. 2024-KA-00634-COA · No. No. 2024-KA-00634-COA · Decided November 25, 2025

SUMMARY

The Mississippi Court of Appeals affirmed Kendal Bodie's convictions and sentences for two counts of sexual battery and one count of touching a child for lustful purposes. The court held that Bodie's retrial after his first trial ended in a mistrial did not violate the constitutional protection against double jeopardy because he moved for the mistrial and failed to show that the prosecution intentionally caused the error to force that motion. The court also held that the double-jeopardy claim could be considered despite being raised for the first time on appeal.

CASE DETAILS

COURT	Mississippi Court of Appeals
WRITING FOR THE COURT	Carlton, P.J.; Barnes, C.J.; Wilson, P.J.; Westbrooks, J.; McDonald, J.; Lawrence, J.; McCarty, J.; Emfinger, J.; Weddle, J.; Lassitter St. Pé, J.
JURISDICTION	Mississippi Court of Appeals
DECIDED	November 25, 2025
DOCKET	No. 2024-KA-00634-COA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bodie appealed his convictions and sentences after the Harrison County Circuit Court denied his post-trial motion. He argued for the first time on appeal that his retrial following a defense-requested mistrial violated the constitutional protection against double jeopardy.
STANDARD OF REVIEW	De novo review applies to claims alleging double-jeopardy violations.
PRECEDENTIAL VALUE	Published opinion of the Mississippi Court of Appeals
PARTIES	Kendal Wayne Bodie a/k/a Kendal W. Bodie a/k/a Kendal Bodie v. State of Mississippi

TOPICS

double jeopardy

criminal procedure

appellate procedure

constitutional law

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

criminal defense

QUESTIONS PRESENTED

1. Whether Bodie's second trial violated the federal and Mississippi constitutional protections against double jeopardy after his first trial ended in a mistrial requested by Bodie.
2. Whether the double-jeopardy claim, raised for the first time on appeal, was procedurally barred.

HOLDINGS

1. The court addressed the merits of Bodie's double-jeopardy claim because double-jeopardy protection is a fundamental right and the court would not apply a procedural bar.
2. The retrial did not violate double jeopardy because Bodie failed to show that the prosecution purposefully committed error to force him to request a mistrial.

KEY QUOTATIONS

“Generally, a defendant who moves for mistrial is barred from later complaining of double jeopardy. To overcome this bar, [Bodie] must show that error occurred and that it was committed by the prosecution purposefully to force [Bodie] to move for a mistrial.” (§6)

“We find nothing in the record to suggest that the State could have anticipated Casey answering its question with a comment about K.B. attending therapy.” (§12)

FACTUAL BACKGROUND

Bodie was tried for offenses involving sexual abuse of his minor daughter. During the first trial, the State's first witness unexpectedly referred to the victim's therapy, despite the trial court's pretrial order prohibiting testimony about that subject. The trial court granted Bodie's motion for a mistrial, after which the State retried him using the same planned witnesses. Bodie was convicted at the second trial and sentenced to two consecutive thirty-year terms for sexual battery and a concurrent fifteen-year term for touching a child for lustful purposes.

PROCEDURAL HISTORY

Bodie was indicted for two counts of sexual battery and one count of touching a child for lustful purposes. His first trial ended in a mistrial granted on his motion after a witness referred to the victim's therapy in violation of a pretrial ruling. At the second trial, Bodie was convicted on all three counts and received an aggregate sixty-year sentence. The Mississippi Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Bateman v. State, 125 So. 3d 616, 627 (§35) (Miss. 2013)

- Goforth v. State, 70 So. 3d 174, 188 (¶64) (Miss. 2011)
- Wilson v. State, 343 So. 3d 1041, 1045 (¶9) (Miss. 2022)
- Jenkins v. State, 759 So. 2d 1229, 1234 (¶17) (Miss. 2000)

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