

SUPREME COURT OF MISSISSIPPI

Hubert Milton Rinehart v. State of Mississippi

No. 2002-KA-00723-SCT · No. No. 2002-KA-00723-SCT · Decided November 15, 2001

SUMMARY

The Mississippi Supreme Court, on motion for rehearing, substituted its opinion and affirmed Hubert Milton Rinehart’s murder conviction and life sentence. The court rejected claims concerning denial of a continuance, ineffective assistance of counsel, and denial of a motion for judgment notwithstanding the verdict or a new trial.

CASE DETAILS

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| COURT                 | Supreme Court of Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Graves, Justice; Smith, C.J.; Waller, P.J.; Cobb, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Randolph, J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| DECIDED               | November 15, 2001                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | No. 2002-KA-00723-SCT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Rinehart appealed his Alcorn County Circuit Court murder conviction and life sentence, challenging the denial of a continuance, alleged ineffective assistance of counsel, and the denial of his motion for judgment notwithstanding the verdict or, alternatively, a new trial. The Mississippi Supreme Court considered the case on motion for rehearing and substituted this opinion for the original opinion.                                                                                                                                                                                                                                                                        |
| STANDARD OF REVIEW    | The denial of a continuance and the denial of a motion to discharge appointed counsel are reviewed for abuse of discretion, with the defendant required to show substantial prejudice to a fair opportunity to prepare and present a defense. A J.N.O.V. is reviewed by considering the evidence in the light most favorable to the State and reversing only when reasonable jurors could not have reached the verdict. A motion for a new trial is reviewed under the weight-of-the-evidence standard and should be granted only to prevent an unconscionable injustice. Ineffective-assistance claims require proof of deficient performance and resulting prejudice under Strickland. |
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|--------------------|------------------------------------------------|
| PRECEDENTIAL VALUE | published and precedential                     |
| PARTIES            | Hubert Milton Rinehart v. State of Mississippi |

## TOPICS

criminal procedure right to counsel ineffective assistance appellate procedure evidence

## PRACTICE AREAS

criminal law criminal procedure constitutional criminal procedure appellate practice

## QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Rinehart's motion for a continuance and request to obtain counsel of his choosing.
2. Whether Rinehart established ineffective assistance of counsel under the Sixth Amendment.
3. Whether the trial court erred in denying Rinehart's motion for judgment notwithstanding the verdict.
4. Whether the trial court erred in denying Rinehart's motion for a new trial because the verdict was against the overwhelming weight of the evidence.

## HOLDINGS

1. The trial court did not abuse its discretion in denying Rinehart's day-of-trial motion for a continuance or his request to replace appointed counsel because he had two appointed attorneys, had sufficient prior opportunity to obtain private counsel, and failed to show substantial prejudice.
2. Rinehart failed to establish ineffective assistance of counsel because he did not show that counsel's performance was objectively deficient or that the alleged deficiency prejudiced the defense.
3. The trial court properly denied Rinehart's motion for J.N.O.V. because, viewing the evidence in the light most favorable to the State, reasonable jurors could find that he murdered Roberts.
4. The trial court properly denied the motion for a new trial because the verdict did not constitute an unconscionable injustice and Rinehart presented no basis warranting a new trial.

## KEY QUOTATIONS

*“A defendant has an absolute right to counsel, but his right to choose counsel is not absolute.”* (§ 9)

*“Thus, both a deficiency and resulting prejudice must be shown, and an appellant’s failure to affirmatively plead and establish both prongs of the Strickland test warrants rejection on the claim.”* (§ 12)

*“In reviewing the decision of the trial court on a motion for a new trial, this Court views all of the evidence in the light most consistent with the jury verdict. A motion for a new trial addresses the weight of the evidence and should only be granted to prevent an unconscionable injustice.”* (§ 18)

## FACTUAL BACKGROUND

Rinehart and Judy Roberts were seen together on May 29, 2000, and were later left together near Rinehart's property. Rinehart subsequently reported that Roberts had driven away with his truck, which was later found burning approximately eight miles away. Roberts's body was discovered the next evening; she had been killed by a .38-caliber gunshot wound and had additional facial and neck injuries. Police recovered a .38-caliber Smith & Wesson from Rinehart's residence, and the State presented ballistic evidence concerning similarities between the recovered bullet and bullets fired from that weapon.

## PROCEDURAL HISTORY

A jury in the Circuit Court of Alcorn County convicted Rinehart of murder and sentenced him to life imprisonment on November 15, 2001. The trial court denied his motion for a continuance, his claims concerning appointed counsel, and his motion for J.N.O.V. or a new trial. The Mississippi Supreme Court denied rehearing, withdrew its original opinion, substituted this opinion, and affirmed the conviction and sentence.

## DISPOSITION

affirmed

## CASES CITED

- Atterberry v. State, 667 So. 2d 622, 628-30 (Miss. 1995)
- Jackson v. State, 538 So. 2d 1186, 1189 (Miss. 1989)
- Strickland v. Washington, 466 U.S. 668, 687-88, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Stringer v. State, 454 So. 2d 468 (Miss. 1984)
- Temple v. State, 679 So. 2d 611, 613-14 (Miss. 1996)
- Cabello v. State, 524 So. 2d 313, 315 (Miss. 1988)
- Wheat v. United States, 486 U.S. 153, 158, 108 S. Ct. 1692, 1696, 100 L. Ed. 2d 140 (1988)
- Armstrong v. State, 573 So. 2d 1329, 1331 (Miss. 1990)
- Woodward v. State, 533 So. 2d 418, 426-27 (Miss. 1988)
- Shelton v. Kindred, 279 So. 2d 642, 644 (Miss. 1973)
- Kingston v. State, 846 So. 2d 1023, 1025 (Miss. 2003)
- Daniels v. State, 742 So. 2d 1140, 1143 (Miss. 1999)
- Groseclose v. State, 440 So. 2d 297, 300 (Miss. 1983)