

SUPREME COURT OF MISSISSIPPI

Hodges v. State

949 So. 2d 706 (Miss. 2006) · No. No. 2005-DR-00632-SCT · Decided December 14, 2006

SUMMARY

The Supreme Court of Mississippi reviews Quintez Wren Hodges's petition for post-conviction relief from his capital-murder conviction and death sentence. The court addresses procedural bars, including res judicata, and considers claims involving prosecutorial misconduct, admission of other-offense evidence, ineffective assistance of counsel, sentencing, jury instructions, and the death penalty. The opinion concludes that claims previously decided on direct appeal are generally barred, while certain ineffective-assistance claims supported by materials unavailable on direct appeal may be considered.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Smith, Chief Justice, for the Court; Waller, P.J.; Cobb, P.J.; Carlson, J.; Randolph, J.; Graves, J.; Diaz, J.; Easley, J.; Dickinson, J.
JURISDICTION	Mississippi
DECIDED	December 14, 2006
DOCKET	No. 2005-DR-00632-SCT
DISPOSITION	denied
PROCEDURAL POSTURE	Hodges petitioned the Supreme Court of Mississippi for post-conviction relief following his capital-murder conviction and death sentence, which had been affirmed on direct appeal.
STANDARD OF REVIEW	Post-conviction review is limited to claims that could not or should not have been raised at trial or on direct appeal. Issues decided at trial or on direct appeal are barred as res judicata under Mississippi Code section 99-39-21(3). Ineffective-assistance claims are evaluated under Strickland's deficient-performance and prejudice requirements.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Mississippi
PARTIES	Quintez Wren Hodges v. State of Mississippi

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- criminal procedure
- sentencing

PRACTICE AREAS

state post-conviction relief

capital punishment

criminal procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether claims of prosecutorial misconduct, evidentiary error, sentencing error, indictment defects, jury-selection error, instructional error, and cumulative error that were decided on direct appeal were barred by res judicata in post-conviction proceedings.
2. Whether Hodges's ineffective-assistance-of-counsel claims were barred when they repeated claims raised on direct appeal, and whether claims supported by materials outside the direct-appeal record could be considered.
3. Whether the remaining ineffective-assistance-of-counsel allegations established deficient performance and prejudice under Strickland.
4. Whether the petition for post-conviction relief should be granted.

HOLDINGS

1. Issues, both factual and legal, that were decided at trial or on direct appeal are barred from review as res judicata in post-conviction proceedings.
2. When an ineffective-assistance claim was raised on direct appeal but is supported in post-conviction proceedings by extraneous materials unavailable on direct appeal, res judicata does not bar consideration of the claim; however, merely rephrased claims remain barred.
3. Hodges failed to establish ineffective assistance of counsel because the remaining allegations did not satisfy both the deficient-performance and prejudice prongs of Strickland.

KEY QUOTATIONS

“Post-conviction review is a limited proceeding whereby this Court will only review “those objections, defenses, claims, questions, issues or errors which in practical reality could not or should not have been raised at trial or on direct appeal.”” (at 714)

“The Court finds that Hodges raised in his direct appeal the arguments found in parts A, C, F, H and I, and he is barred from raising those issues again here by res judicata.” (at 722)

“PETITION FOR POST-CONVICTION RELIEF DENIED.” (at 728)

FACTUAL BACKGROUND

On July 20, 1999, Hodges broke into the Lowndes County home of his former girlfriend, Cora Johnson, and kidnapped Johnson and her infant daughter. During the incident, Hodges shot and killed Cora's brother, Isaac Johnson. Hodges drove Cora and her daughter to Alabama, where he raped Cora at gunpoint, then returned to Mississippi and surrendered to police.

PROCEDURAL HISTORY

Hodges was convicted of capital murder and sentenced to death in the Lowndes County Circuit Court. The Mississippi Supreme Court affirmed the conviction and sentence on direct appeal, and the United States Supreme Court denied certiorari. Hodges then filed a petition for post-conviction relief raising sixteen issues, many of which had been litigated on direct appeal. The Mississippi Supreme Court denied the petition, holding that previously decided claims were barred by res judicata and that the remaining ineffective-assistance claims lacked merit.

DISPOSITION

denied

CASES CITED

- Hodges v. State, Hodges v. State, 912 So. 2d 730 (Miss. 2005)
- Hodges v. Mississippi, ___ U.S. ___, 126 S. Ct. 739, 163 L. Ed. 2d 579 (2005)
- Crawford v. State, 867 So. 2d 196, 202 (Miss. 2003)
- Cabello v. State, 524 So. 2d 313, 323 (Miss. 1988)
- Lockett v. State, 614 So. 2d 888, 893 (Miss. 1992)
- Irving v. State, 498 So. 2d 305, 311 (Miss. 1986)
- Havard v. State, 928 So. 2d 771, 785-86 (Miss. 2006)
- McGee v. State, 929 So. 2d 353, 365 (Miss. Ct. App. 2006)
- Strickland v. Washington, 466 U.S. 668, 686-89, 695 (1984)
- Stringer v. State, 454 So. 2d 468, 477 (Miss. 1984)
- Mohr v. State, 584 So. 2d 426, 430 (Miss. 1991)
- Davis v. State, 743 So. 2d 326, 334 (Miss. 1999)
- Brown v. State, 798 So. 2d 481, 493-94 (Miss. 2001)
- Neal v. State, 525 So. 2d 1279, 1281 (Miss. 1987)
- Berry v. King, 765 F.2d 451, 454 (5th Cir. 1985)
- Guy v. Cockrell, No. 01-10425, 2002 WL 32785533, 2002 U.S. App. LEXIS 28184, at *10 (5th Cir. July 23, 2002)
- Burnett v. Collins, 982 F.2d 922 (5th Cir. 1993)
- Gonzales v. State, 915 So. 2d 1108, 1111 (Miss. Ct. App. 2005)