

SUPREME COURT OF MISSISSIPPI

Rachel L. Moore v. State of Mississippi

859 So. 2d 379 (Miss. 2003) · No. No. 2002-KA-00526-SCT · Decided November 13, 2003

SUMMARY

The Supreme Court of Mississippi affirmed Rachel L. Moore’s murder conviction and life sentence for killing her husband. The court rejected claims involving imperfect self-defense, exclusion of portions of a 911 recording, an intoxication instruction, the weight of the evidence, and alleged improper character evidence.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Graves, Justice; Smith, P.J.; Carlson, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	November 13, 2003
DOCKET	No. 2002-KA-00526-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rachel L. Moore appealed from a Lee County Circuit Court judgment convicting her of murder and sentencing her to life imprisonment. The Supreme Court reviewed the denial of her motion for judgment notwithstanding the verdict or, alternatively, a new trial.
STANDARD OF REVIEW	The court reviewed the denial of a directed verdict, judgment notwithstanding the verdict, and peremptory instruction under the legal-sufficiency standard, viewing the evidence in the light most favorable to the State and affirming if credible or substantial evidence supported the verdict. It reviewed the denial of a new trial based on the weight of the evidence for abuse of discretion. It reviewed jury-instruction issues by reading the instructions as a whole to determine whether they fairly stated the law and created no injustice. Evidentiary rulings concerning the 911 tape and character evidence were reviewed for reversible error and prejudice.
PRECEDENTIAL VALUE	Published opinion; precedential Mississippi Supreme Court decision.
PARTIES	Rachel L. Moore v. State of Mississippi

TOPICS

self defense hearsay character evidence evidence appellate procedure

PRACTICE AREAS

criminal law criminal procedure evidence appellate practice

QUESTIONS PRESENTED

1. Whether the evidence required a directed verdict or judgment notwithstanding the verdict on murder under the theory of imperfect self-defense.
2. Whether the trial court erred by excluding portions of a 911 recording containing statements by Rachel Moore and Curtis Davidson.
3. Whether Moore was entitled to a diminished-capacity or intoxication jury instruction.
4. Whether the murder verdict was against the overwhelming weight of the evidence.
5. Whether testimony concerning Moore's profane statements constituted improper character evidence under Mississippi Rules of Evidence 404(a) and 404(b).

HOLDINGS

1. The evidence did not establish imperfect self-defense as a matter of law, and the circuit court properly denied Moore's motion for judgment notwithstanding the verdict.
2. The trial court properly redacted or excluded portions of the 911 tape containing hearsay statements by Davidson that did not qualify as present-sense impressions, and Moore was not prejudiced.
3. The trial court properly refused Moore's requested intoxication or diminished-capacity instruction because voluntary intoxication is not a defense to murder and the evidence did not warrant the instruction.
4. The verdict was not against the overwhelming weight of the evidence, and the circuit court did not abuse its discretion by denying a new trial.
5. The testimony was not improper character evidence under Mississippi Rules of Evidence 404(a) or 404(b).

KEY QUOTATIONS

"This Court has recognized the theory of "imperfect self-defense" whereby "an intentional killing may be considered manslaughter if done without malice but under a bona fide (but unfounded) belief that it was necessary to prevent great bodily harm."" (at 383)

"The present case is not one of "imperfect self-defense."" (at 383-384)

"An accused is not entitled to an instruction based upon a defense not authorized by law, and this Court has expressly held that voluntary intoxication is not a defense to murder." (at 385)

"Finding no reversible error, we affirm the trial court's judgment." (at 386)

FACTUAL BACKGROUND

Rachel Moore and her husband, Jason, had a history of abusive episodes. On the night of the shooting, after an argument and physical altercation in their vehicle, Rachel told Jason, "I hope you know you're fixing to die," retrieved and loaded a .410 shotgun, fired a warning shot, and returned inside the trailer. Approximately forty-five minutes later, after Jason approached the porch despite her requests that he stop or leave, Rachel shot him, causing his death.

PROCEDURAL HISTORY

A jury in the Circuit Court of Lee County convicted Moore of murdering her husband, Jason Moore, and the court imposed a life sentence under Mississippi Code section 97-3-21. The circuit court denied Moore's posttrial motion for judgment notwithstanding the verdict or a new trial. Moore timely appealed, raising issues concerning imperfect self-defense, exclusion of portions of a 911 tape, an intoxication instruction, the weight of the evidence, and character evidence.

DISPOSITION

affirmed

CASES CITED

- Wade v. State, 748 So. 2d 771 (Miss. 1999)
- Wade v. State, 724 So. 2d 1007 (Miss. Ct. App. 1998)
- Lanier v. State, 684 So. 2d 93 (Miss. 1996)
- Coleman v. State, 697 So. 2d 777 (Miss. 1997)
- McClain v. State, 625 So. 2d 774 (Miss. 1993)
- Sperry-New Holland v. Prestage, 617 So. 2d 248 (Miss. 1993)
- Edwards v. State, 800 So. 2d 454 (Miss. 2001)
- Davis v. State, 586 So. 2d 817 (Miss. 1991)
- Washington v. State, 800 So. 2d 1140 (Miss. 2001)
- Clark v. State, 693 So. 2d 927 (Miss. 1997)
- Holloway v. State, 809 So. 2d 598 (Miss. 2001)
- Greenlee v. State, 725 So. 2d 816 (Miss. 1998)
- O'Bryant v. State, 530 So. 2d 129 (Miss. 1988)
- Nicolaou v. State, 612 So. 2d 1080 (Miss. 1993)
- McNeal v. State, 617 So. 2d 999 (Miss. 1993)

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