

SUPREME COURT OF MISSISSIPPI

Trey Allen Beamon v. State of Mississippi

Beamon · No. No. 2007-KP-02170-SCT · Decided November 7, 2007

SUMMARY

The Supreme Court of Mississippi affirmed Trey Allen Beamon’s conviction for strong-arm robbery and fifteen-year sentence following his guilty plea. The court rejected his due-process and disproportionality arguments, concluding that the sentence was within the statutory range, consistent with the State’s recommendation, and unsupported by a sufficient record showing materially false sentencing information or gross disproportionality.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Justice; Waller, C.J.; Carlson, P.J.; Dickinson, J.; Lamar, J.; Kitchens, J.; Chandler, J.; Pierce, J.; Graves, P.J.
JURISDICTION	Mississippi
DECIDED	November 7, 2007
DOCKET	No. 2007-KP-02170-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Beamon appealed pro se from the Neshoba County Circuit Court's judgment on his guilty plea and fifteen-year sentence for strong-arm robbery, challenging the constitutionality and proportionality of the sentence.
STANDARD OF REVIEW	Sentencing is within the complete discretion of the trial court and is not subject to appellate review when within statutory limits, although an allegedly disproportionate sentence may be reviewed. A sentencing due-process claim based on materially false information requires support in the record. Constitutional issues and mitigating-circumstances arguments not raised below are procedurally barred, but the court may address them notwithstanding the bar.
PRECEDENTIAL VALUE	published
PARTIES	Trey Allen Beamon v. State of Mississippi

TOPICS

sentencing

cruel and unusual punishment

due process

appellate procedure

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Beamon was denied due process because the sentencing court allegedly relied on materially inaccurate, unverified information.
2. Whether Beamon's fifteen-year sentence for strong-arm robbery was grossly disproportionate to the offense and therefore unconstitutional.
3. Whether the circuit court abused its discretion by failing to consider mitigating circumstances or articulate its reasons for imposing the sentence.

HOLDINGS

1. A defendant who pleads guilty retains the right to appeal an alleged error in sentencing; the sentencing challenge was not procedurally barred under the version of Mississippi Code Annotated section 99-35-101 applicable to this case.
2. The due-process challenge failed because the alleged statements by Foster were not included in the record, and appellate courts decide cases on the facts demonstrated by the certified record rather than assertions in a brief.
3. The fifteen-year sentence was not unconstitutional because it fell within the statutory range for robbery and the record did not support an inference of gross disproportionality.
4. The court found no basis to require an articulated justification by the circuit judge because the sentence was within the statutory limit and consistent with the State's recommendation accepted by Beamon; the mitigating-circumstances claim was also procedurally barred because it was not raised below.

KEY QUOTATIONS

“Without question, “the sentencing process as well as the trial itself, must satisfy the requirements of the Due Process Clause.”” (5)

“we must decide each case by the facts shown in the record, not assertions in the brief, however sincere counsel may be in those assertions.” (5)

““Sentencing is within the complete discretion of the trial court and not subject to appellate review if it is within the limits prescribed by statute.”” (6)

FACTUAL BACKGROUND

Beamon participated in a robbery on April 16, 2007, during which he testified that he displayed a weapon and took approximately \$700 from eight people. He was indicted for armed robbery, an offense carrying a maximum sentence of life imprisonment, but petitioned to plead guilty to strong-arm robbery in exchange for the State's

recommendation of a fifteen-year sentence. The circuit court accepted the recommendation and sentenced him to fifteen years in the custody of the Mississippi Department of Corrections. Beamon's appellate claims depended in part on alleged statements by codefendant April Foster, but Foster's testimony was absent from the appellate record.

PROCEDURAL HISTORY

Beamon was indicted for armed robbery, then pleaded guilty to the lesser crime of strong-arm robbery pursuant to a plea agreement under which the State recommended a fifteen-year sentence. The circuit court accepted the recommendation and entered judgment on the guilty plea. Beamon appealed the sentence, asserting due-process violations, reliance on inaccurate information, failure to consider mitigating circumstances, and disproportionate punishment. The Supreme Court of Mississippi addressed the sentencing claims notwithstanding procedural default and affirmed.

DISPOSITION

affirmed

CASES CITED

- Lett v. State, 965 So. 2d 1066, 1070 (Miss. 2007)
- Trotter v. State, 554 So. 2d 313, 315 (Miss. 1989)
- Reed v. State, 536 So. 2d 1336, 1339 (Miss. 1988)
- Gardner v. Florida, 430 U.S. 349, 358 (1977)
- United States v. Tucker, 404 U.S. 443, 447 (1972)
- Townsend v. Burke, 334 U.S. 736, 740-41 (1948)
- Mason v. State, 440 So. 2d 318, 319 (Miss. 1983)
- American Fire Protection, Inc. v. Lewis, 653 So. 2d 1387, 1390 (Miss. 1995)
- Wall v. State, 718 So. 2d 1107, 1114 (Miss. 1998)
- Hoops v. State, 681 So. 2d 521, 537-38 (Miss. 1996)
- Fleming v. State, 604 So. 2d 280, 302 (Miss. 1992)
- Solem v. Helm, 463 U.S. 277, 290-92 (1983)
- Harmelin v. Michigan, 501 U.S. 957, 965-66 (1991)
- Young v. State, 731 So. 2d 1120, 1125 (Miss. 1999)
- Barnwell v. State, 567 So. 2d 215, 222 (Miss. 1990)
- Nichols v. State, 826 So. 2d 1288, 1290 (Miss. 2002)
- Braxton v. State, 797 So. 2d 826, 829 (Miss. 2000)
- Weaver v. State, 713 So. 2d 860, 863 (Miss. 1997)
- Wallace v. State, 607 So. 2d 1184, 1188 (Miss. 1992)
- Clowers v. State, 522 So. 2d 762, 765 (Miss. 1988)

