

MISSISSIPPI SUPREME COURT

Ferguson v. State

137 So. 3d 240 (Miss. 2014) · Decided February 6, 2014

SUMMARY

The Mississippi Supreme Court affirmed James Marco Ferguson’s conviction for aggravated assault and life sentence without parole. The court held that the evidence sufficiently established Ferguson’s use of a knife, that the trial court properly refused a jury instruction regarding his competency to testify, and that it properly excluded drug paraphernalia found in the victim’s apartment. The court declined to address Ferguson’s ineffective-assistance-of-counsel claims on direct appeal, without prejudice to pursuing them in post-conviction proceedings.

CASE DETAILS

COURT	Mississippi Supreme Court
WRITING FOR THE COURT	Dickinson, Presiding Justice; Waller, Chief Justice; Randolph, Presiding Justice; Lamar, Justice; Kitchens, Justice; Chandler, Justice; Pierce, Justice; King, Justice; Coleman, Justice
JURISDICTION	Mississippi
DECIDED	February 6, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a conviction for aggravated assault and a life sentence without the opportunity for parole. Ferguson challenged the sufficiency of the evidence, denial of a proposed jury instruction, exclusion of drug paraphernalia evidence, and ineffective assistance of counsel.
STANDARD OF REVIEW	Denial of a directed verdict and JNOV is reviewed de novo for sufficiency of the evidence. Refusal of a jury instruction and admission or exclusion of evidence are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	James Marco Ferguson v. State of Mississippi

TOPICS

- criminal procedure
- evidence
- jury instructions
- standard of review
- post-conviction relief

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Ferguson's aggravated-assault conviction, including the finding that he used a deadly weapon.
2. Whether the trial court abused its discretion by refusing Ferguson's proposed instruction informing the jury that he was competent to testify and that his testimony should be evaluated like that of any other witness.
3. Whether the trial court abused its discretion by excluding drug paraphernalia found in Barnes's apartment.
4. Whether Ferguson's ineffective-assistance-of-counsel claim should be decided on direct appeal or deferred to post-conviction proceedings.

HOLDINGS

1. The State was not required to produce Ferguson's DNA or fingerprints on the knife. Barnes's testimony, the detective's discovery of a knife at the scene, and medical testimony that her injuries were consistent with knife wounds constituted sufficient evidence for reasonable jurors to find that Ferguson assaulted Barnes with a knife.
2. The trial court did not err in refusing instruction D-3 because defendants are not entitled to a jury instruction informing jurors that the defendant is a competent witness in his own behalf.
3. The trial court did not abuse its discretion by excluding a photograph of the smoking pipe found in Barnes's apartment.
4. The ineffective-assistance claim was denied without prejudice because it was more appropriately addressed in post-conviction-relief proceedings rather than on direct appeal.

KEY QUOTATIONS

“Also, it is well established that a person may be found guilty based on nothing more than the uncorroborated testimony of a single witness.” (137 So. 3d at 244)

“There is no sound reason for a trial court to instruct a jury that any witness, including a defendant, is a competent witness.” (137 So. 3d at 245)

“Accordingly, we deny relief at this time on this issue.” (137 So. 3d at 246)

FACTUAL BACKGROUND

Ferguson assaulted Katrina Barnes in her apartment after accusing her of stealing money. Barnes testified that Ferguson stabbed her in the head and face three times with a knife and struck her with household objects; a detective found a knife at the scene, and a physician testified that Barnes's lacerations were consistent with knife wounds. Ferguson admitted punching Barnes but denied using a knife or the other objects, and he argued that

drug paraphernalia found in the apartment should have been admitted to impeach Barnes's ability to perceive and recall the attack.

PROCEDURAL HISTORY

A grand jury indicted Ferguson for aggravated assault under Mississippi Code section 97-3-7(2)(a). A jury convicted him, and the trial court imposed a sentence of life without parole. The Mississippi Supreme Court reviewed the denial of Ferguson's motions for directed verdict and JNOV, the denial of jury instruction D-3, the exclusion of a smoking pipe, and his pro se ineffective-assistance claim, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Goff v. State, 14 So. 3d 625, 649 (Miss. 2009)
- Withers v. State, 907 So. 2d 342, 352 (Miss. 2005)
- Doby v. State, 532 So. 2d 584, 591 (Miss. 1988)
- Brown v. State, 42 So. 3d 540, 543 (Miss. 2010)
- Wetz v. State, 503 So. 2d 803, 808 (Miss. 1987)
- Franklin v. State, 676 So. 2d 287, 288 (Miss. 1996)
- Watkins v. State, 101 So. 3d 628, 633 (Miss. 2012)
- Bailey v. State, 78 So. 3d 308, 315 (Miss. 2012)
- Smith v. State, 802 So. 2d 82, 88 (Miss. 2001)
- Baker v. State, 391 So. 2d 1010, 1012 (Miss. 1980)
- Outlaw v. State, 797 So. 2d 918, 921 (Miss. 2001)
- Johnson v. State, 452 So. 2d 850, 854-55 (Miss. 1984)
- Coleman v. State, 697 So. 2d 777, 784 (Miss. 1997)
- Gates v. State, 936 So. 2d 335, 338 (Miss. 2006)
- Williams v. State, 991 So. 2d 593, 597 (Miss. 2008)
- Brown v. State, 969 So. 2d 855, 860 (Miss. 2007)
- Shaw v. State, 915 So. 2d 442, 445 (Miss. 2005)
- Jefferson v. State, 818 So. 2d 1099, 1104 (Miss. 2002)
- Fisher v. State, 690 So. 2d 268, 274 (Miss. 1996)
- Hobbs Auto., Inc. v. Dorsey, 914 So. 2d 148, 151 (Miss. 2005)
- Whitten v. Cox, 799 So. 2d 1, 15 (Miss. 2000)
- Shields v. State, 751 So. 2d 476, 479-80 (Miss. Ct. App. 1999)
- Archer v. State, 986 So. 2d 951, 955 (Miss. 2008)
- Williams v. State, 971 So. 2d 581, 586 (Miss. 2007)

- White v. Stewman, 932 So. 2d 27, 32 (Miss. 2006)

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