

SUPREME COURT OF MISSISSIPPI

Cortaia Washington v. State of Mississippi

220 So. 3d 972 (Miss. 2017) · No. 2015-KA-01702-SCT · Decided June 29, 2017

SUMMARY

The Mississippi Supreme Court affirmed Cortaia Washington’s conviction for intimidating a witness under Mississippi Code Section 97-9-55. The court held that the jury’s verdict was not against the overwhelming weight of the evidence, noting that Washington accompanied her aunt to confront a witness about testimony and then physically assaulted the witness. The court reviewed the denial of the motion for a new trial under an abuse-of-discretion standard.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Coleman, Justice; Randolph, P.J.; Coleman, J.; Maxwell, J.
JURISDICTION	Mississippi
DECIDED	June 29, 2017
DOCKET	2015-KA-01702-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Washington appealed after a jury convicted her of intimidating a witness and the Hinds County Circuit Court denied her post-trial motion for a judgment notwithstanding the verdict or, alternatively, a new trial. She challenged the verdict as being against the overwhelming weight of the evidence.
STANDARD OF REVIEW	The denial of a motion for a new trial is reviewed for abuse of discretion. The evidence is viewed in the light most favorable to the verdict, and reversal is warranted only when the verdict is so contrary to the overwhelming weight of the evidence that allowing it to stand would sanction an unconscionable injustice.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Cortaia Washington v. State of Mississippi

TOPICS

- criminal procedure
- evidence

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by denying Washington's motion for a new trial on the ground that the jury's verdict was against the overwhelming weight of the evidence.
2. Whether the evidence supported the jury's finding that Washington attempted to intimidate or otherwise influence a witness through force or abuse in violation of Mississippi Code section 97-9-55.

HOLDINGS

1. The circuit court did not abuse its discretion in denying Washington's motion for a new trial because the verdict was not so contrary to the overwhelming weight of the evidence that allowing it to stand would sanction an unconscionable injustice.

KEY QUOTATIONS

“The Court views the evidence in the light most favorable to the verdict and reverses only if the verdict is “so contrary to the overwhelming weight of the evidence that to allow it to stand would sanction an unconscionable injustice.”” (¶6)

“The intent to commit a crime or to do an act by a free agent can be determined only by the act itself, surrounding circumstances, and expressions made by the actor with reference to his intent.” (¶9)

FACTUAL BACKGROUND

Freda Austin testified for the State in the armed-robbery trial of Cortez Washington, Cortaia Washington's brother. The next day, Cortaia Washington accompanied Cortez's aunt, Ashley Bryant, to Austin's workplace to confront Austin about her testimony; Bryant struck Austin, and Washington then punched Austin several times and pulled out some of her hair. A jury found Washington guilty of intimidating a witness under Mississippi Code section 97-9-55.

PROCEDURAL HISTORY

Washington and Ashley Bryant were initially tried together, but the jury could not reach a verdict. They were later tried separately. Before Washington's second trial, the circuit court denied a joint motion for an order of nolle prosequi and declined to accept the State's plea recommendation. After the jury found Washington guilty, the circuit court denied her post-trial motions, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Dilworth v. State, 909 So. 2d 731, 737 (¶ 20) (Miss. 2005)

- Howell v. State, 860 So. 2d 704, 764 (¶ 212) (Miss. 2003)
- Bush v. State, 895 So. 2d 836, 844 (¶¶18-19) (Miss. 2005)
- Shanklin v. State, 290 So. 2d 625, 627 (Miss. 1974)

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