

SUPREME COURT OF MISSISSIPPI

Woodward v. State

533 So. 2d 418 (Miss. 1988) · No. DP-81 · Decided October 5, 1988

SUMMARY

The Supreme Court of Mississippi reviewed Paul Everette Woodward's convictions for capital murder, kidnapping, and sexual battery, along with his death sentence. The court addressed challenges to the multicount indictment, jury selection, voir dire procedures, physical evidence, and the admissibility of Woodward's confessions. The opinion affirms the trial court's rulings on the issues discussed in the provided text.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Prather, Justice; Roy Noble Lee, Chief Justice; Hawkins, Presiding Justice; Dan M. Lee, Presiding Justice; Sullivan, Justice; Anderson, Justice; Griffin, Justice; Zuccaro, Justice; Robertson, Justice
JURISDICTION	Mississippi
DECIDED	October 5, 1988
DOCKET	DP-81
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for capital murder, kidnapping, and sexual battery and the resulting sentences, including a death sentence for capital murder.
STANDARD OF REVIEW	Factual findings concerning searches, confession voluntariness, and juror competency were reviewed deferentially and would not be reversed unless clearly erroneous, manifestly wrong, or contrary to the overwhelming weight of the evidence. Voir dire decisions were reviewed for abuse of discretion. Sufficiency of the evidence was reviewed under whether a rational factfinder could find guilt beyond a reasonable doubt. The death sentence was reviewed under Mississippi Code section 99-19-105(3), including arbitrariness, aggravating-circumstance support, and proportionality.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Paul Everette Woodward v. State of Mississippi

TOPICS

criminal procedure

sentencing

double jeopardy

suppression of evidence

miranda rights

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the multi-count indictment charging capital murder, kidnapping, and sexual battery was prejudicial or otherwise invalid.
2. Whether the kidnapping and sexual-battery charges merged into the capital-murder charge under double-jeopardy principles.
3. Whether two venirepersons were improperly excused for cause in violation of Witherspoon and its progeny.
4. Whether the State's opening statement before voir dire required quashing the jury panel.
5. Whether the search and seizure of blue-topped pens from Woodward's truck violated the Fourth Amendment.
6. Whether Woodward's written, videotaped, and oral confessions were involuntary or obtained in violation of Miranda.
7. Whether Woodward was entitled to a circumstantial-evidence instruction.
8. Whether the evidence sufficiently established rape as the underlying felony for capital murder.
9. Whether cumulative prosecutorial and courtroom errors denied Woodward a fundamentally fair trial.
10. Whether the death sentence was arbitrary, unsupported by aggravating circumstances, or disproportionate.

HOLDINGS

1. A single indictment may charge multiple felony counts arising from the same act, transaction, or connected scheme when the statutory requirements for multi-count indictments are followed; the indictment charging capital murder, kidnapping, and sexual battery was not prejudicial or invalid.
2. The kidnapping and sexual-battery convictions did not merge into the capital-murder conviction, and trying and sentencing Woodward on those separate counts did not violate double-jeopardy principles.
3. The trial court properly excused the two venirepersons for incompetency and impaired ability to serve, rather than improperly excluding them because of opposition to the death penalty.
4. The trial court did not abuse its discretion by permitting the prosecutor to make a brief opening statement before voir dire, because the statement was confined to facts the State expected to prove and the panel was admonished that the remarks were not evidence.
5. The trial court properly denied suppression of the pens and other physical evidence because the initial search was conducted pursuant to Woodward's voluntary consent and the subsequent seizure was

supported by a lawful arrest and probable cause; the later search was a reasonable continuation of the initial search.

6. The trial court properly admitted all three confessions because they were voluntary and were not obtained in violation of Miranda or applicable discovery requirements.
7. Woodward was not entitled to a circumstantial-evidence instruction because his confessions described the details of the charged crimes and constituted direct evidence of significant elements.
8. The evidence was sufficient to prove rape beyond a reasonable doubt and therefore supported the capital-murder conviction.
9. The alleged courtroom disruptions, prosecutorial comments, firearm demonstrations, and sentencing-phase argument, considered individually and cumulatively, did not deny Woodward a fundamentally fair trial or require reversal.
10. The death sentence was not imposed under passion, prejudice, or another arbitrary factor, was supported by statutory aggravating circumstances, and was proportionate to sentences imposed in similar cases.

KEY QUOTATIONS

“Thus, this Court holds that there is no error in the State's charging of three felony counts within a single indictment since this indictment was returned after the effective date of the statute and followed its dictates.” (422)

“In the instant case, it cannot be said that kidnapping or sexual battery is the same offense as capital murder in the commission of the crime of rape.” (423)

“It is this Court's opinion that the evidence presented was sufficient to convince a rational factfinder of Woodward's guilt of the crime of rape beyond a reasonable doubt.” (431)

“The court here on review affirms the guilt and sentencing phases of this trial.” (435)

FACTUAL BACKGROUND

Rhonda Crane was abducted from a Mississippi highway by a man driving a white logging truck, forced into a wooded area at gunpoint, sexually assaulted, and killed by a gunshot. Witnesses observed a white logging truck and a white male forcing a blonde woman in yellow clothing into the truck. Investigators traced a white Mack logging truck to Paul Everette Woodward, found a blue-topped fountain pen near Crane's body and similar pens in Woodward's truck, and obtained written, videotaped, and oral confessions from Woodward.

PROCEDURAL HISTORY

Woodward was indicted in Perry County on capital murder predicated on rape, kidnapping, and sexual battery. Venue was transferred to the Circuit Court of Hinds County, where a jury convicted him on all three counts and sentenced him to death for capital murder; the court imposed consecutive thirty-year sentences for kidnapping and sexual battery. The Mississippi Supreme Court affirmed the convictions and all sentences after reviewing the guilt and sentencing phases and conducting the required capital-sentence review.

DISPOSITION

affirmed

CASES CITED

- Thomas v. State, 474 So. 2d 604 (Miss. 1985)
- Ohio v. Johnson, 467 U.S. 493 (1984)
- Harris v. Oklahoma, 433 U.S. 682 (1977)
- Blockburger v. United States, 284 U.S. 299 (1932)
- McFee v. State, 511 So. 2d 130 (Miss. 1987)
- Smith v. State, 499 So. 2d 750 (Miss. 1986)
- Faraga v. State, 514 So. 2d 295 (Miss. 1987)
- Witherspoon v. Illinois, 391 U.S. 510 (1968)
- Adams v. Texas, 448 U.S. 38 (1980)
- Wainwright v. Witt, 469 U.S. 412 (1985)
- Billiot v. State, 454 So. 2d 445 (Miss. 1984)
- Burt v. State, 493 So. 2d 1325 (Miss. 1986)
- Dennis v. State, 91 Miss. 221, 44 So. 825 (1907)
- Norris v. State, 490 So. 2d 839 (Miss. 1986)
- Weaver v. State, 497 So. 2d 1089 (Miss. 1986)
- Murphy v. State, 246 So. 2d 920 (Miss. 1971)
- Williamson v. State, 512 So. 2d 868 (Miss. 1987)
- Gray v. State, 472 So. 2d 409 (Miss. 1985), rev'd, Gray v. Mississippi, 481 U.S. 648 (1987)
- West v. State, 463 So. 2d 1048 (Miss. 1985)
- Crum v. State, 349 So. 2d 1059 (Miss. 1977)
- Neal v. State, 451 So. 2d 743 (Miss. 1984)
- Dedeaux v. State, 519 So. 2d 886 (Miss. 1988)
- Agee v. State, 185 So. 2d 671 (Miss. 1966)
- Killian v. United States, 368 U.S. 231 (1961)
- United States v. Moore, 453 F.2d 601 (3d Cir. 1971)
- North Carolina v. Butler, 441 U.S. 369 (1979)
- Arizona v. Mauro, 481 U.S. 520 (1987)
- Dycus v. State, 440 So. 2d 246 (Miss. 1983)
- Brown v. State, 293 So. 2d 425 (Miss. 1974)
- Kniep v. State, 525 So. 2d 385 (Miss. 1988)
- Mack v. State, 481 So. 2d 793 (Miss. 1985)
- Stewart v. State, 466 So. 2d 906 (Miss. 1985)
- Clemons v. State, 460 So. 2d 835 (Miss. 1984)

- Davis v. State, 406 So. 2d 795 (Miss. 1981)
- Fields v. State, 293 So. 2d 430 (Miss. 1974)
- Stringer v. State, 500 So. 2d 928 (Miss. 1986)
- Williams v. State, 445 So. 2d 798 (Miss. 1984)
- Lockett v. State, 517 So. 2d 1317 (Miss. 1987)
- Fuselier v. State, 468 So. 2d 45 (Miss. 1985)
- Evans v. State, 422 So. 2d 737 (Miss. 1982)
- White v. State, 520 So. 2d 497 (Miss. 1988)
- Hance v. Zant, 696 F.2d 940 (11th Cir. 1983)
- Davis v. Kemp, 829 F.2d 1522 (11th Cir. 1987)
- Jurek v. Texas, 428 U.S. 262 (1976)
- Brooks v. Kemp, 762 F.2d 1383 (11th Cir. 1985) (en banc), vacated on other grounds, 478 U.S. 1016 (1986)
- Tucker v. Kemp, 762 F.2d 1480 (11th Cir. 1985), vacated, 474 U.S. 1001 (1985), on remand, 802 F.2d 1293 (11th Cir. 1986)
- Evans v. Thigpen, 809 F.2d 239 (5th Cir. 1987)
- Maynard v. Cartwright, 486 U.S. 356 (1988)
- Scott v. State, 310 So. 2d 703 (Miss. 1975)
- Haralson v. State, 308 So. 2d 222 (Miss. 1975)
- Newell v. State, 308 So. 2d 71 (Miss. 1975)
- Brock v. State, 483 So. 2d 358 (Miss. 1986)
- Dixon v. State, 465 So. 2d 1092 (Miss. 1985)

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