

SUPREME COURT OF MISSISSIPPI

Julian Cuevas v. State of Mississippi

338 So. 2d 1236 (Miss. 1976) · No. No. 49213 · Decided November 9, 1976

SUMMARY

The Supreme Court of Mississippi affirmed Julian Cuevas's kidnapping conviction, holding that the evidence sufficiently established the required confinement or asportation of the victim. The court concluded that movement of the victim within the automobile agency premises supported kidnapping because the detention was a necessary part of Cuevas's escape and was not merely incidental to a lesser offense.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Patterson, Presiding Justice; Patterson; Sugg; Walker
JURISDICTION	Mississippi
DECIDED	November 9, 1976
DOCKET	No. 49213
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cuevas appealed his conviction for kidnapping and thirty-year sentence from the Circuit Court of Scott County, challenging the sufficiency of the evidence of asportation.
STANDARD OF REVIEW	Whether the evidence was sufficient to support the kidnapping conviction, including the required confinement or movement of the victim.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Julian Cuevas v. State of Mississippi

TOPICS

- criminal procedure
- statutory interpretation

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Kidnapping

QUESTIONS PRESENTED

1. Whether the evidence sufficiently established the asportation or confinement element of kidnapping when Cuevas moved Hardin only within the automobile-agency premises.
2. Whether the movement and confinement were merely incidental to a lesser offense or instead constituted a constituent part of kidnapping.

HOLDINGS

1. When confinement or asportation is not merely incidental to a lesser crime but is a constituent part of the kidnapping, the evidence may support a kidnapping conviction without regard to the distance moved or the duration of confinement.
2. The evidence was sufficient to support Cuevas's conviction for kidnapping.

KEY QUOTATIONS

“Moreover, the present trend by most authorities is not the distance of asportation in kidnapping, but rather the fact of asportation as it relates to the unlawful activity.” (338 So. 2d at 1238)

“On the other hand, if the confinement or asportation be not merely incidental to a lesser crime, but a constituent part of the greater crime, the fact of confinement or asportation is sufficient to support kidnapping without regard to distance moved or time of confinement.” (338 So. 2d at 1238-1239)

FACTUAL BACKGROUND

While an inmate in the Scott County Jail, Cuevas confronted jailer Joe Townsend with a pistol and directed him to the sheriff's office. Cuevas then forced highway patrolman Donald Gladney to accompany him to an automobile before Gladney escaped, and later forced automobile-agency employee Charles Hardin at gunpoint from the service entrance to the building's parts department. Hardin and another employee were held there for nearly two hours while Cuevas attempted to arrange transportation and ultimately surrendered after negotiations.

PROCEDURAL HISTORY

Cuevas was convicted in the Circuit Court of Scott County of kidnapping and sentenced to thirty years in the state penitentiary. He appealed to the Supreme Court of Mississippi, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Aikerson v. State, 274 So. 2d 124 (Miss. 1974)
- People v. Adams, 389 Mich. 222, 205 N.W.2d 415 (1973)