

SUPREME COURT OF MISSISSIPPI

Gregory Marquise Willis v. State of Mississippi

911 So.2d 947 · No. No. 2004-KA-00945-SCT · Decided February 27, 2004

SUMMARY

The Mississippi Supreme Court affirmed Gregory Marquise Willis's convictions for robbery with a deadly weapon and conspiracy to commit robbery with a deadly weapon. The court held that Willis waived his discovery-violation and evidentiary objections by failing to object contemporaneously and request a continuance. It also concluded that the verdict was not against the overwhelming weight of the evidence and that the sentences were within the statutory range and not shown to be grossly disproportionate.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Graves, Justice; Waller, P.J.; Easley, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	February 27, 2004
DOCKET	No. 2004-KA-00945-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Willis appealed his convictions and concurrent sentences after a DeSoto County Circuit Court bench trial. He challenged the admission of testimony concerning a missing or recreated statement, the weight of the evidence, and the excessiveness of his sentence.
STANDARD OF REVIEW	A challenge to the denial of a motion for a new trial based on the weight of the evidence is reviewed under the unconscionable-injustice standard; a verdict is disturbed only when it is so contrary to the overwhelming weight of the evidence that allowing it to stand would sanction an unconscionable injustice. A sentence within the statutory range is not disturbed absent gross disproportionality.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Gregory Marquise Willis v. State of Mississippi

TOPICS

discovery criminal

preservation of error

appellate procedure

sentencing

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate law

evidence

sentencing

QUESTIONS PRESENTED

1. Whether the trial court erred by admitting Officer Pierce's testimony concerning Jonathan Williams's statement despite an alleged discovery violation and Mississippi Rules of Evidence 1002 and 1003.
2. Whether the guilty verdict was contrary to the overwhelming weight of the evidence.
3. Whether Willis's twenty-year robbery sentence was excessive or grossly disproportionate.

HOLDINGS

1. Willis's discovery-violation claim was procedurally barred because he did not contemporaneously object to Officer Pierce's testimony and did not request a continuance after learning of the disputed evidence.
2. The convictions were not contrary to the overwhelming weight of the evidence and did not result in an unconscionable injustice.
3. The twenty-year sentence for robbery was not excessive because it fell within the statutory sentencing range, and Willis failed to establish gross disproportionality or address all required Solem factors.

KEY QUOTATIONS

“We find that because Willis failed to make a contemporaneous objection to the introduction of the disputed evidence at the trial level, he is barred from addressing the matter on appeal.” (¶ 12)

“Because there were no reversible errors in the trial, the circuit court’s judgment is affirmed.” (¶ 19)

FACTUAL BACKGROUND

Two masked, armed men robbed Norm’s Southaven Liquor of approximately \$1,988. Officer Todd Matney testified that he identified the suspects after they removed their masks while fleeing in a vehicle, and officers apprehended Willis less than a mile from the abandoned vehicle. Officer Todd Pierce testified that the other suspect, Jonathan Williams, implicated Willis at the arrest scene, although Williams later denied making the implication and refused to identify his accomplice at trial. Willis presented an uncorroborated alibi that he had been in traffic court.

PROCEDURAL HISTORY

A DeSoto County grand jury indicted Willis for conspiracy to commit robbery with a deadly weapon and robbery. Following a bench trial, the circuit court found him guilty and imposed concurrent sentences of five years for conspiracy and twenty years for robbery. The court denied his motion for a new trial, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Cummings v. State*, 465 So. 2d 993, 995 (Miss. 1985)
- *Frazier v. State*, 907 So. 2d 985 (¶ 28) (Miss. Ct. App. 2005)
- *Ross v. State*, 603 So. 2d 857, 862 (Miss. 1992)
- *Stewart v. State*, 2005 WL 1981769, *4 (Miss. 2005)
- *Corley v. State*, 536 So. 2d 1314, 1319 (Miss. 1988)
- *Hoops v. State*, 681 So. 2d 521, 538 (Miss. 1996)
- *McCline v. State*, 856 So. 2d 556, 560 (Miss. Ct. App. 2003)
- *Solem v. Helm*, 463 U.S. 277, 292-94, 103 S. Ct. 3001, 77 L. Ed. 2d 637 (1983)

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