

SUPREME COURT OF MISSISSIPPI

Alvin C. Wilson v. State of Mississippi

267 So. 3d 264 (Miss. 2019) · No. 2018-KA-00314-SCT · Decided April 11, 2019

SUMMARY

The Supreme Court of Mississippi affirmed Alvin C. Wilson’s conviction and sentence for sexual battery involving a child under fourteen. The court held that the video-recorded law-enforcement interview was sufficiently authenticated and that the trial court did not abuse its discretion by conducting the trial and sentencing in Wilson’s absence after finding that his absence was willful and voluntary.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Coleman, Justice; Randolph, Chief Justice; Kitchens, Presiding Justice; King, Presiding Justice; Maxwell, Justice; Beam, Justice; Chamberlin, Justice; Ishee, Justice; Griffis, Justice
JURISDICTION	Mississippi
DECIDED	April 11, 2019
DOCKET	2018-KA-00314-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilson appealed his Jasper County Circuit Court conviction for sexual battery and sentence, challenging admission of a video-recorded law-enforcement interview and the decision to conduct the trial and sentencing in his absence.
STANDARD OF REVIEW	Admission or exclusion of evidence, denial of a continuance, and the decision to try a felony defendant in absentia are reviewed for abuse of discretion. Reversal requires prejudice or manifest injustice where applicable.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Alvin C. Wilson a/k/a Alvin Wilson a/k/a Alvin Cornelious Wilson v. State of Mississippi

TOPICS

criminal procedure

evidence

authentication

right to counsel

sixth amendment

PRACTICE AREAS

criminal procedure

evidence

constitutional law

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting the video recording of Wilson's interview with law enforcement without sufficient authentication under Mississippi Rule of Evidence 901.
2. Whether the trial court abused its discretion by denying a continuance and conducting Wilson's felony trial and sentencing in absentia after finding that his absence was willful and voluntary.

HOLDINGS

1. The trial court did not abuse its discretion by admitting the video-recorded interview because Investigator Thompson's testimony provided sufficient prima facie authentication under Mississippi Rule of Evidence 901. Wilson also suffered no prejudice because his counsel invited the court to play the entire video.
2. The trial court did not abuse its discretion by denying a continuance and trying and sentencing Wilson in absentia because substantial circumstantial evidence established that Wilson knowingly, willfully, and voluntarily absented himself to avoid trial.

KEY QUOTATIONS

“A party need only make a prima facie showing of authenticity, not a full argument on admissibility. ‘Once a prima facie case is made, the evidence goes to the jury and it is the jury who will ultimately determine the authenticity of the evidence, not the court.’” (¶ 24)

“In criminal cases the presence of the prisoner may be waived (a) if the defendant is in custody and consenting thereto, or (b) is on recognizance or bail, has been arrested and escaped, or has been notified in writing by the proper officer of the pendency of the indictment against him, and resisted or fled, or refused to be taken, or is in any way in default for nonappearance, the trial may progress at the discretion of the court, and judgment made final and sentence awarded as though such defendant were personally present in court.” (¶ 29)

FACTUAL BACKGROUND

Wilson was twenty-two years old when he had sexual intercourse with Jane, who was eleven years old at the time. Jane became pregnant and later gave birth to a daughter; DNA evidence indicated that Wilson could not be excluded as the child's biological father, with a reported paternity probability of 99.999998 percent. Wilson had been advised of his February 7, 2018 trial date but failed to appear, and both his attorney and law enforcement made unsuccessful efforts to contact him. The trial court found his absence willful and voluntary and proceeded with the trial and sentencing in absentia.

PROCEDURAL HISTORY

A Jasper County grand jury indicted Wilson for sexual battery of a child under fourteen. A jury found him guilty, and the circuit court sentenced him to thirty-five years, with thirty years to be served day for day followed by five years of supervised post-release supervision. The circuit court denied Wilson's motion for judgment notwithstanding the verdict or a new trial, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Hargett v. State, 62 So. 3d 950, 952 (¶ 7) (Miss. 2011)
- Shaw v. State, 915 So. 2d 442, 445 (¶ 8) (Miss. 2005)
- Jefferson v. State, 818 So. 2d 1099, 1104 (Miss. 2002)
- Miles v. State, 249 So. 3d 362, 367 (¶ 23) (Miss. 2018)
- Wales v. State, 73 So. 3d 1113, 1119-20 (¶¶ 16-18) (Miss. 2011)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Walters v. State, 206 So. 3d 524, 535 (¶ 32) (Miss. 2016)
- Sewell v. State, 721 So. 2d 129, 140 (¶ 60) (Miss. 1998)
- Conway v. State, 915 So. 2d 521, 526 (¶ 19) (Miss. Ct. App. 2005)
- Corrothers v. State, 148 So. 3d 278, 310 (¶ 78) (Miss. 2014)
- Bunch v. State, 123 So. 3d 484, 492 (¶ 20) (Miss. Ct. App. 2013)
- State ex rel. Miss. Bureau of Narcotics v. Canada, 164 So. 3d 1003, 1006 (¶ 9) (Miss. 2015)
- Oakwood Homes Corp. v. Randall, 824 So. 2d 1292, 1293 (¶ 4) (Miss. 2002)
- Simmons v. State, 805 So. 2d 452, 484 (¶ 72) (Miss. 2001)
- Coleman v. State, 697 So. 2d 777, 780 (Miss. 1997)