

MISSISSIPPI SUPREME COURT

Chaupette v. State

136 So. 3d 1041 (Miss. 2014) · Decided March 6, 2014

SUMMARY

The Mississippi Supreme Court affirmed Troy Chaupette’s conviction for child molestation and fifteen-year sentence. The court held that any improper expert testimony by the victim’s pediatrician and therapist was harmless, that the therapist’s testimony concerning the victim’s susceptibility to suggestion was permissible in context, and that the admission of multiple hearsay statements under the tender-years exception was not unfairly prejudicial.

CASE DETAILS

COURT	Mississippi Supreme Court
WRITING FOR THE COURT	Lamar, Justice; Waller, C.J.; Dickinson, P.J.; Randolph, P.J.; Kitchens, J.; Pierce, J.; Coleman, J.; Chandler, J.; King, J.
JURISDICTION	Mississippi
DECIDED	March 6, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Troy Chaupette appealed his conviction for child fondling and fifteen-year sentence, challenging the admission of testimony from two fact witnesses as expert testimony, a therapist's testimony concerning the victim's susceptibility to suggestion, and cumulative hearsay testimony admitted under the tender-years exception.
STANDARD OF REVIEW	Admission or exclusion of testimony is reviewed for abuse of discretion. Reversal requires prejudice, harm, or an adverse effect on a substantial right.
PRECEDENTIAL VALUE	published precedential opinion of the Mississippi Supreme Court
PARTIES	Troy Chaupette v. State of Mississippi

TOPICS

- evidence
- expert testimony
- hearsay
- criminal procedure
- character evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court improperly allowed a pediatrician and psychotherapist who were not tendered as experts to provide testimony based on specialized knowledge.
2. Whether the psychotherapist improperly commented on the truthfulness or credibility of the child-abuse victim.
3. Whether cumulative hearsay testimony from multiple witnesses was improperly admitted under Mississippi's tender-years exception and should have been excluded as unfairly prejudicial.

HOLDINGS

1. An opinion based on scientific, technical, or specialized knowledge must be admitted under Mississippi Rule of Evidence 702 through a qualified, tendered, and accepted expert; however, the admission of Dr. Dupont's diagnosis and Banano's isolated specialized-knowledge comment was harmless because it did not substantially prejudice Chaupette.
2. The psychotherapist's testimony that she did not believe the child had been brainwashed or improperly influenced was permissible because it responded to an attack on the child's credibility and did not directly state that the child was truthful or credible.
3. Hearsay testimony from multiple witnesses was properly admitted under the tender-years exception and was not unfairly prejudicial because each witness discussed the child's allegations in connection with that witness's role in the case.

KEY QUOTATIONS

"But if an opinion is based on scientific, technical, or other specialized knowledge, it can be admitted only under the guidance of Rule 702 as an expert opinion." (136 So. 3d at 1045-46)

"Testimony regarding a child sex-abuse victim's credibility is not highly regarded, being considered "of dubious competency." However, such testimony is permissible so long as it does not comment on the truthfulness of the victim's accusations and is especially warranted when a victim's credibility previously has been attacked." (136 So. 3d at 1048-49)

"Viewed out of context, the above-quoted testimony treads close to the brink of reversible error as a comment upon the truthfulness of the child's accusations." (136 So. 3d at 1049)

FACTUAL BACKGROUND

Four-year-old Claire reported to her mother and later to social workers, a physician, a police officer, and a therapist that her great-uncle Troy Chaupette had touched her vagina with his finger in a bathroom. Claire reenacted or described the incident on multiple occasions and testified at trial, while Chaupette denied the allegations and suggested that a family member fabricated them. A pediatrician found no physical injury but diagnosed sexual abuse based on the history and examination, and the child was later treated by a psychotherapist.

PROCEDURAL HISTORY

Chaupette was indicted on December 7, 2006, tried in the Pearl River Circuit Court, convicted of one count of child fondling, and sentenced to fifteen years in prison, with five years to serve and the remaining ten years under post-release provisions with five years of supervision. He timely appealed to the Mississippi Supreme Court, which found no reversible error and affirmed the conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- Foster v. Noel, 715 So. 2d 174, 181, 183 (Miss. 1998)
- Carter v. State, 996 So. 2d 112, 116, 124-25 (Miss. Ct. App. 2008)
- United American Ins. Co. v. Merrill, 978 So. 2d 613, 631, 633 (Miss. 2007)
- Blake v. Clein, 903 So. 2d 710, 723 (Miss. 2005)
- Sample v. State, 643 So. 2d 524, 530 (Miss. 1994)
- Cotton v. State, 675 So. 2d 308, 312 (Miss. 1996)
- Roberson v. State, 569 So. 2d 691, 696 (Miss. 1990)
- Langston v. Kidder, 670 So. 2d 1, 3-4 (Miss. 1995)
- Griffin v. McKenney, 877 So. 2d 425, 439-40, 441 (Miss. Ct. App. 2003)
- Hobgood v. State, 926 So. 2d 847, 853-54 (Miss. 2006)
- Hosford v. State, 560 So. 2d 163, 166-67 (Miss. 1990)
- Williams v. State, 539 So. 2d 1049, 1051 (Miss. 1989)
- Elkins v. State, 918 So. 2d 828, 831-32 (Miss. Ct. App. 2005)
- Smith v. State, 925 So. 2d 825, 830-32 (Miss. 2006)
- Withers v. State, 907 So. 2d 342, 344, 348-49 (Miss. 2005)

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