

SUPREME COURT OF MISSISSIPPI

State of Mississippi v. Darrell Oliver

856 So. 2d 328 (Miss. 2003) · No. No. 2002-CA-00820-SCT · Decided October 2, 2003

SUMMARY

The Supreme Court of Mississippi held that dismissal of a probation-revocation proceeding based on the State's failure to establish cocaine possession did not bar a later indictment and trial on the same underlying criminal conduct. The court concluded that the revocation hearing and criminal trial involved different issues, burdens of proof, and procedures, and therefore collateral estoppel did not apply. The judgment dismissing the indictment was reversed and remanded.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Carlson, Justice; Pittman, C.J.; Smith, P.J.; Waller, J.; Cobb, J.; Easley, J.; Graves, J.; McRae, P.J.; Diaz, J.
JURISDICTION	Mississippi
DECIDED	October 2, 2003
DOCKET	No. 2002-CA-00820-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed the Warren County Circuit Court's dismissal of an indictment charging Oliver with possession of cocaine, enhanced as a subsequent drug offender. The circuit court dismissed the indictment on collateral-estoppel grounds after previously dismissing a probation-revocation proceeding based on the same alleged conduct.
STANDARD OF REVIEW	The court applied the substantial-evidence and manifest-error standards to the appeal from the grant of the motion to dismiss. In considering a motion to dismiss, the trial court should dismiss only if it would find for the defendant when fairly considering the State's evidence.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Mississippi; decided en banc.
PARTIES	State of Mississippi v. Darrell Oliver

TOPICS

criminal procedure

double jeopardy

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether dismissal of a probation-revocation proceeding based on the State's failure to prove the alleged new offense barred a subsequent indictment and prosecution for the same alleged criminal conduct under collateral estoppel or double jeopardy principles.
2. Whether the circuit court erred in dismissing the cocaine-possession indictment on collateral-estoppel grounds.

HOLDINGS

1. Dismissal of a petition to revoke a previously imposed suspended sentence based on new criminal charges does not bar a subsequent indictment and trial on those criminal charges.
2. The circuit court erred in dismissing the indictment on collateral-estoppel grounds.

KEY QUOTATIONS

“Because of the different issues in a revocation hearing and trial on the indictment, the different burdens of proof, the different arbiters of fact, and issues of public policy, collateral estoppel does not forbid subsequent prosecution.” (856 So. 2d at 332)

“The question then is primarily whether or not a revocation hearing comes within th[e] term [criminal prosecution]. Clearly, it does not.” (856 So. 2d at 332)

FACTUAL BACKGROUND

Police responding to a disturbance at the Relax Inn encountered Oliver outside room 406 and entered the room to check on a woman discovered hiding in the bathroom. Officers observed a substance resembling marijuana, learned that Oliver was on probation, obtained verbal consent to search the room, and then directed Oliver to submit to a body-cavity search after becoming suspicious that he possessed another substance. Oliver threw a substance into a toilet, leading to his arrest and charges alleging possession of cocaine with intent to deliver. The State first pursued probation revocation based on the alleged new offense and later obtained an indictment for possession of cocaine.

PROCEDURAL HISTORY

The State filed a petition to revoke Oliver's suspended sentence and probation based on alleged possession of cocaine with intent to deliver. After the State presented its case, the circuit court dismissed the revocation charges because the State did not introduce a crime-lab report or other evidence establishing that the substance was cocaine. Oliver was later indicted for possession of cocaine, and the circuit court dismissed that indictment on collateral-estoppel grounds. The Mississippi Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Warren County Circuit Court for further proceedings consistent with the opinion.

CASES CITED

- Alexander v. Brown, 793 So. 2d 601, 603 (Miss. 2001)
- Stewart v. Merchants National Bank, 700 So. 2d 255, 259 (Miss. 1997)
- Ashe v. Swenson, 397 U.S. 436, 442-43, 90 S. Ct. 1189, 25 L. Ed. 2d 469 (1970)
- Sanders v. State, 429 So. 2d 245, 250-51 (Miss. 1983)
- Griffin v. State, 545 So. 2d 729, 734 n. 1 (Miss. 1989)
- Wallace v. State, 607 So. 2d 1184, 1190 (Miss. 1992)
- Williams v. State, 409 So. 2d 1331, 1331-32 (Miss. 1982)
- Pipkin v. State, 292 So. 2d 181, 182 (Miss. 1974)
- Beasley v. State, 795 So. 2d 539, 540 (Miss. 2001)
- Farris v. State, 764 So. 2d 411, 423 (Miss. 2000)
- Cotton v. Walker, 164 Miss. 208, 144 So. 45, 47 (1932)
- Pickle v. State, 791 So. 2d 204 (Miss. 2001)
- United States v. Oppenheimer, 242 U.S. 85, 37 S. Ct. 68, 61 L. Ed. 161 (1916)