

SUPREME COURT OF MISSISSIPPI

Fredrick Moore v. State of Mississippi

986 So. 2d 928 (Miss. 2008) · No. No. 2005-CT-02063-SCT · Decided June 19, 2008

SUMMARY

The Supreme Court of Mississippi reversed the Court of Appeals and reinstated the trial court's denial of Fredrick Moore's post-conviction-relief motion. The court held that the officer had probable cause to conduct the traffic stop based on a reasonable mistake of law concerning the vehicle's tail light, making the subsequent search lawful and defeating Moore's ineffective-assistance claim based on counsel's failure to file a suppression motion. The court also upheld the forfeiture of sixty days of accrued earned time for filing a frivolous motion and rejected Moore's cumulative-error claim.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Carlson, Justice; Smith, C.J.; Waller, P.J.; Easley, J.; Randolph, J.; Lamar, J.; Graves, J.; Dickinson, J.; Diaz, P.J.
JURISDICTION	Mississippi
DECIDED	June 19, 2008
DOCKET	No. 2005-CT-02063-SCT
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for certiorari review after the Mississippi Court of Appeals reversed the denial of Moore's post-conviction-relief motion and remanded for an evidentiary hearing on ineffective assistance of counsel.
STANDARD OF REVIEW	For post-conviction-relief decisions, factual findings are reviewed for clear error and questions of law are reviewed de novo. The circuit court's imposition of sanctions for a frivolous filing is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Fredrick Moore v. State of Mississippi

TOPICS

- state post-conviction relief
- ineffective assistance
- search and seizure
- probable cause
- appellate procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

constitutional law

ineffective assistance of counsel

search and seizure

QUESTIONS PRESENTED

1. Whether Moore's post-conviction-relief claim was procedurally barred.
2. Whether Moore had a prima facie showing of ineffective assistance of counsel based on counsel's failure to investigate, explain the Alford plea, stay abreast of applicable law, and seek suppression of evidence obtained after the traffic stop.
3. Whether a factual basis supported Moore's Alford guilty plea.
4. Whether the circuit court properly forfeited sixty days of Moore's accrued earned time for filing a frivolous post-conviction-relief motion.
5. Whether cumulative trial-court errors entitled Moore to post-conviction relief.

HOLDINGS

1. A traffic stop is supported by probable cause when, under the totality of the circumstances, the officer has an objective and reasonable basis to believe a traffic law has been violated, even if that belief results from a reasonable mistake of law. The officer had sufficient probable cause to stop Moore, and the resulting vehicle search was lawful.
2. Moore failed to make a prima facie showing of ineffective assistance of counsel based on counsel's failure to seek suppression of the firearm, because the stop and search were lawful and the firearm would have been admissible.
3. Moore's ineffective-assistance claim was not procedurally barred.
4. The record unquestionably revealed a factual basis supporting Moore's guilty plea.
5. The circuit court did not abuse its discretion by ordering forfeiture of sixty days of Moore's accrued earned time after dismissing his post-conviction-relief petition as frivolous.
6. The trial court committed no reversible error and no harmless errors that cumulatively deprived Moore of a fundamentally fair and impartial proceeding.

KEY QUOTATIONS

“Based on the totality of the circumstances and the valid reasonable belief that Harrison was violating the traffic laws, the two deputies had probable cause to stop Harrison, even though it was based on a mistake of law.” (935)

“In other words, based on the totality of the circumstances with which Officer Moulds was confronted, including a valid, reasonable belief that Moore was violating a traffic law, Officer Moulds had sufficient probable cause to pull Moore over, although, as it turns out, Officer Moulds based his belief of a traffic violation on a mistake of law.” (935-36)

FACTUAL BACKGROUND

Meridian police stopped Moore after an officer observed that the vehicle he was driving had only one working tail light. The officer was mistaken because Mississippi law required only one working tail light. During the stop, the officer detected the odor of marihuana, learned that Moore had provided a false name and had a nonexistent license number, and searched the vehicle, finding a marihuana cigarette and a handgun under the driver's seat. Moore, a convicted felon, entered an Alford plea to firearm possession after counsel advised him that he could not prevail at trial.

PROCEDURAL HISTORY

Moore pleaded guilty under North Carolina v. Alford to possession of a firearm by a felon and received a consecutive sentence. The Lauderdale County Circuit Court denied his post-conviction-relief petition and ordered forfeiture of sixty days of accrued earned time. The Court of Appeals reversed and remanded for an evidentiary hearing on whether counsel was ineffective for failing to challenge the traffic stop and resulting search. The Mississippi Supreme Court granted certiorari, reversed the Court of Appeals, and reinstated and affirmed the circuit court's judgment.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment of the Mississippi Court of Appeals was reversed, and the final judgment of the Lauderdale County Circuit Court denying Moore's post-conviction-relief petition was reinstated and affirmed.

CASES CITED

- Moore v. State, 986 So. 2d 959 (Miss. Ct. App. Apr. 17, 2007)
- Moore v. State, 2007 Miss. App. LEXIS 744 (Miss. Ct. App. Nov. 6, 2007)
- Moore v. State, 977 So. 2d 1144 (Miss. 2008)
- North Carolina v. Alford, 400 U.S. 25 (1970)
- Lambert v. State, 941 So. 2d 804, 807 (Miss. 2006)
- Brown v. State, 731 So. 2d 595, 598 (Miss. 1999)
- Bank of Miss. v. S. Mem'l Park, Inc., 677 So. 2d 186, 191 (Miss. 1996)
- Walker v. State, 913 So. 2d 198, 225-26 (Miss. 2005)
- United States v. Escalante, 239 F.3d 678, 680-81 (5th Cir. 2001)
- Whren v. United States, 517 U.S. 806, 810 (1996)
- Delaware v. Prouse, 440 U.S. 648, 659 (1979)
- Haddox v. State, 636 So. 2d 1229, 1235 (Miss. 1994)
- Conway v. State, 397 So. 2d 1095, 1098 (Miss. 1980)
- Strode v. State, 231 So. 2d 779 (Miss. 1970)

- United States v. Wallace, 213 F.3d 1216 (9th Cir. 2000)
- United States v. Sanders, 196 F.3d 910 (8th Cir. 1999)
- DeChene v. Smallwood, 226 Va. 475, 311 S.E.2d 749 (1984)
- Arizona v. Evans, 514 U.S. 1, 17 (1995)
- Stanley v. State, 904 So. 2d 1127, 1133 (Miss. Ct. App. 2004)
- Holt v. State, 757 So. 2d 1088, 1090 (Miss. Ct. App. 2000)
- Byrom v. State, 863 So. 2d 836, 847 (Miss. 2003)

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