

SUPREME COURT OF MISSISSIPPI

Eboni Bena White a/k/a Eboni White a/k/a Eboni B. White v. State of Mississippi

White v. State · No. 2011-CT-00048-SCT · Decided September 27, 2010

SUMMARY

The Supreme Court of Mississippi reviewed Eboni White’s manslaughter conviction arising from the shooting death of Danielle Newsome. The court held that the trial court abused its discretion by excluding a defense witness based solely on a sequestration-rule violation and erred by refusing a jury instruction addressing Mississippi’s Castle Doctrine. The court reversed the judgments and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Per Curiam; Chief Justice Waller; Presiding Justice Dickinson; Presiding Justice Randolph; Justice Lamar; Justice Kitchens; Justice Chandler; Justice King; Justice Coleman
JURISDICTION	Mississippi
DECIDED	September 27, 2010
DOCKET	2011-CT-00048-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On writ of certiorari to review the Mississippi Court of Appeals' affirmance of White's manslaughter conviction and twenty-year sentence.
STANDARD OF REVIEW	Abuse of discretion for exclusion of a witness based on a sequestration violation and for denial of a jury instruction.
PRECEDENTIAL VALUE	Published, en banc Mississippi Supreme Court opinion; precedential.
PARTIES	Eboni Bena White a/k/a Eboni White a/k/a Eboni B. White v. State of Mississippi

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding defense witness Ricky Thompson solely because he had been present in the courtroom during another witness's testimony in violation of the sequestration rule.
2. Whether the trial court erred by refusing to give a jury instruction embodying Mississippi's Castle Doctrine statutory presumption and its prerequisites where the evidence raised a question whether the victim unlawfully entered the immediate premises surrounding the defendant's residence and blocked access to the defendant's vehicle.

HOLDINGS

1. A sequestration-rule violation, standing alone, does not make a witness's testimony inadmissible. Before excluding the witness, the trial court must determine whether the violation caused probable prejudice or otherwise justified exclusion; the trial court abused its discretion by excluding Thompson without making that determination.
2. A defendant is entitled to an instruction embodying Mississippi Code Section 97-3-15(3)'s Castle Doctrine presumption and prerequisites when the trial evidence provides more than a mere scintilla supporting that theory. White presented sufficient evidence to raise a question whether Newsome unlawfully entered the immediate premises surrounding White's residence and blocked White's access to her vehicle, so the instruction should have been given.

KEY QUOTATIONS

"Given the evidence presented at trial, White was entitled to an adequate jury instruction setting forth Section 97-3-15(3)'s statutory presumption and its attending prerequisites as prescribed by that section." (§ 23)

"Reversal is not justified unless there is a showing of prejudice sufficient to constitute abuse of discretion on the part of the trial judge in not ordering a mistrial or not excluding testimony." (§ 10)

"[T]he defense is entitled to an instruction covering the theory of the case so long as there is evidence in the record that would support that theory without regard to the probative value of that evidence so long as it is more than a mere scintilla of proof." (§ 19)

FACTUAL BACKGROUND

Eboni White and Danielle Newsome, former friends and neighbors, had a dispute after Newsome accused White of driving around her child's school bus. Newsome repeatedly harassed and threatened White, including banging on White's trailer door and threatening to confront her on November 12, 2009. When White left her trailer and approached her vehicle, Newsome crossed from her trailer, blocked White's access to the vehicle, and continued the confrontation; White believed Newsome's raised hand held a weapon and shot her multiple times. Newsome died from the gunshot wounds.

PROCEDURAL HISTORY

White was indicted for murder in Claiborne County Circuit Court. A jury convicted her of the lesser-included offense of manslaughter, and the circuit court sentenced her to twenty years in the custody of the Mississippi Department of Corrections. The circuit court denied her motion for judgment notwithstanding the verdict or a new trial. The Court of Appeals affirmed in an eight-to-two decision. The Mississippi Supreme Court granted certiorari on the exclusion of witness Ricky Thompson and the denial of a jury instruction embodying the Castle Doctrine, reversed both the Court of Appeals and circuit court judgments, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgments of the Mississippi Court of Appeals and the Claiborne County Circuit Court were reversed, and the case was remanded to the Claiborne County Circuit Court for a new trial and further proceedings consistent with the opinion.

CASES CITED

- Douglas v. State, 525 So. 2d 1312, 1316-18 (Miss. 1988)
- Geders v. U.S., 425 U.S. 80, 87, 96 S. Ct. 1330, 1335, 47 L. Ed. 2d 592 (1976)
- Whittington v. State, 748 So. 2d 716, 719 (Miss. 1999)
- Finley v. State, 725 So. 2d 226, 233 (Miss. 1998)
- U.S. v. Suarez, 487 F.2d 236, 238 (5th Cir. 1973)
- U.S. v. Warren, 578 F.2d 1058, 1076 & n.16 (5th Cir. 1978)
- U.S. v. Blasco, 702 F.2d 1315, 1327 (11th Cir. 1983)
- U.S. v. Jimenez, 780 F.2d 975, 981 (11th Cir. 1986)
- U.S. v. Cox, 752 F.2d 741, 748 (1st Cir. 1985)
- Brown v. State, 682 So. 2d 340, 349 (Miss. 1996)
- Holder v. United States, 150 U.S. 91, 92, 14 S. Ct. 10, 37 L. Ed. 1010 (1893)
- Braswell v. Wainwright, 463 F.2d 1148, 1150-56 (5th Cir. 1972)
- United States v. Schaefer, 299 F.2d 625, 631 (7th Cir. 1962)
- Washington v. Texas, 388 U.S. 14, 87 S. Ct. 1920, 18 L. Ed. 2d 1019 (1967)
- Davis v. State, 18 So. 3d 842, 847 (Miss. 2009)
- Lester v. State, 862 So. 2d 582, 586 (Miss. Ct. App. 2004)
- McGee v. State, 820 So. 2d 700, 705 (Miss. Ct. App. 2000)
- White v. State, No. 2011-KA-00048-COA, 2012 WL 8023585, at *10 n.3, *20, *30 (¶ 59) (Miss. Ct. App. Oct. 23, 2012)

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