

SUPREME COURT OF MISSISSIPPI

Thomas Edwin Loden, Jr. v. State of Mississippi

971 So. 2d 548 (Miss. 2007) · No. Nos. 2002-DP-00282-SCT, 2006-CA-00432-SCT · Decided October 4, 2007

SUMMARY

The Supreme Court of Mississippi reviewed Thomas Edwin Loden, Jr.'s guilty pleas and death sentence for capital murder, rape, and four counts of sexual battery. Loden argued in post-conviction proceedings that his pleas were involuntary because counsel allegedly misadvised him about the availability of appellate review after a guilty plea. The court considered the plea colloquy, sentencing proceedings, counsel's advice, and the circuit court's findings concerning voluntariness and ineffective assistance.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Justice; Smith, C.J.; Waller, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Lamar, J.; Graves, J.; Diaz, P.J.
JURISDICTION	Mississippi
DECIDED	October 4, 2007
DOCKET	Nos. 2002-DP-00282-SCT, 2006-CA-00432-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Loden appealed his capital-murder conviction and death sentence after pleading guilty and waiving a jury for both guilt and sentencing. He also appealed the denial of post-conviction relief challenging the voluntariness of his guilty plea and alleging ineffective assistance of counsel. The Mississippi Supreme Court consolidated the direct appeal and post-conviction appeal.
STANDARD OF REVIEW	Capital convictions and death sentences receive heightened scrutiny, with doubts resolved in favor of the accused. Funding decisions for consultants or investigators are reviewed for abuse of discretion. Factual findings in post-conviction proceedings are not disturbed unless clearly erroneous, with deference to the lower court's credibility determinations. Sufficiency of aggravating-circumstance evidence is reviewed by considering whether a rational factfinder could find the circumstance beyond a reasonable doubt in the light most favorable to the verdict.

PRECEDENTIAL VALUE	published
PARTIES	Thomas Edwin Loden, Jr. v. State of Mississippi

TOPICS

sentencing post-conviction relief ineffective assistance plea bargaining appellate procedure

PRACTICE AREAS

criminal procedure capital punishment post-conviction relief ineffective assistance of counsel
appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly denied funds for a forensic social worker to investigate and present mitigating evidence.
2. Whether the indictment charged a death-penalty-eligible offense despite not alleging a statutory aggravating circumstance or mens rea element.
3. Whether the evidence supported the avoiding-arrest aggravating circumstance.
4. Whether use of the underlying felony as a capital-sentencing aggravator violated the state or federal constitutions.
5. Whether use of the underlying-felony and especially-heinous aggravators was impermissibly duplicative.
6. Whether the statutorily mandated proportionality review was satisfied.
7. Whether erroneous advice by trial counsel rendered Loden's guilty plea involuntary or constituted ineffective assistance of counsel.

HOLDINGS

1. The trial court did not abuse its discretion by denying additional funds for a forensic social worker because Loden already had state-funded investigative and psychological assistance and offered only generic, unsubstantiated reasons for duplicative services.
2. The indictment was sufficient without separately alleging the statutory aggravating circumstances or the capital-sentencing mens rea elements.
3. The issue was procedurally barred because Loden failed to object at trial, and, alternatively, the evidence supported the aggravating circumstance.
4. Using the underlying felony as a capital-sentencing aggravator did not violate the state or federal constitutions.
5. The aggravators were separate and distinct, and their concurrent use did not violate the Constitution.

6. The death sentence was not imposed under an arbitrary factor, the aggravating circumstances were supported beyond a reasonable doubt, and the sentence was neither excessive nor disproportionate.
7. Loden's guilty plea was knowing and voluntary, and he failed to prove deficient performance or prejudice under Strickland.

KEY QUOTATIONS

“First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the “counsel” guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense.”

(971 So. 2d at 573-74)

“A plea of guilty is not binding upon a criminal defendant unless it is entered voluntarily and intelligently.”

(971 So. 2d at 572)

FACTUAL BACKGROUND

Loden kidnapped sixteen-year-old Leesa Marie Gray, repeatedly raped and sexually battered her over approximately four hours, videotaped portions of the assault, and killed her by suffocation and manual strangulation. He was indicted for capital murder, rape, and four counts of sexual battery. Loden waived a jury, pleaded guilty to all six counts, waived cross-examination and objections to the State's evidence, and declined to present mitigation evidence before receiving a death sentence.

PROCEDURAL HISTORY

Loden pleaded guilty in the Itawamba County Circuit Court to capital murder, rape, and four counts of sexual battery. The circuit court imposed death for capital murder and consecutive thirty-year sentences for each remaining count. The circuit court later denied Loden's motion to vacate his guilty plea and dismissed his post-conviction-relief motion. The Mississippi Supreme Court affirmed all convictions and sentences and denied post-conviction relief.

DISPOSITION

affirmed

CASES CITED

- Ake v. Oklahoma, 470 U.S. 68 (1985)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Blakely v. Washington, 542 U.S. 296 (2004)
- Williams v. State, 445 So. 2d 798 (Miss. 1984)
- Thorson v. State, 895 So. 2d 85 (Miss. 2004)

- Woodward v. State, 726 So. 2d 524 (Miss. 1997)
- White v. State, 532 So. 2d 1207 (Miss. 1988)
- Jordan v. State, 786 So. 2d 987 (Miss. 2001)
- Lowenfield v. Phelps, 484 U.S. 231 (1988)
- Tuilaepa v. California, 512 U.S. 967 (1994)
- Meeks v. State, 604 So. 2d 748 (Miss. 1992)
- Hodges v. State, Hodges v. State, 912 So. 2d 730 (Miss. 2005)
- Brown v. State, 731 So. 2d 595 (Miss. 1999)
- Baker v. State, 358 So. 2d 401 (Miss. 1978)
- Holt v. State, 650 So. 2d 1267 (Miss. 1994)
- Alexander v. State, 605 So. 2d 1170 (Miss. 1992)

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