

SUPREME COURT OF MISSISSIPPI

Andy Nicholas Brown a/k/a Andy Brown v. State of Mississippi

176 So. 3d 1 (Miss. 2015) · No. No. 2013-KA-01585-SCT · Decided June 11, 2015

SUMMARY

The Supreme Court of Mississippi affirmed Andy Nicholas Brown’s murder conviction and life sentence for stabbing Earlie D. Balford eighteen times. The court rejected Brown’s claims concerning ineffective assistance of counsel, allegedly erroneous jury instructions, insufficiency of the evidence, and exclusion of testimony from a psychiatric evaluator. The court also found no cumulative error requiring reversal.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Pierce, Justice; Waller, C.J.; Randolph, P.J.; Pierce, J.; King, J.; Lamar, J.; Coleman, J.; Dickinson, P.J.; Kitchens, J.; Chandler, J.
JURISDICTION	Mississippi
DECIDED	June 11, 2015
DOCKET	No. 2013-KA-01585-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brown appealed his murder conviction and life sentence from the Calhoun County Circuit Court, challenging ineffective assistance of counsel, jury instructions, the sufficiency of the evidence, admission of psychiatric-evaluation testimony, and cumulative error.
STANDARD OF REVIEW	Jury-instruction rulings are reviewed for abuse of discretion and in the context of the instructions as a whole. Denials of a directed verdict, peremptory instruction, and JNOV are reviewed under the same legal-sufficiency standard, viewing the evidence in the light most favorable to the State and asking whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. Evidentiary rulings are reviewed for abuse of discretion, with reversal only when the discretion was abused and a substantial right was affected.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Andy Nicholas Brown a/k/a Andy Brown v. State of Mississippi

TOPICS

criminal procedure jury instructions lesser included offense instructions evidence self defense

PRACTICE AREAS

criminal law criminal procedure appellate procedure evidence jury instructions
ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether Brown received ineffective assistance of counsel because counsel allegedly failed to develop evidence of Balford's alleged sexual misconduct and failed to seek a new trial.
2. Whether the trial court abused its discretion by refusing Brown's proposed manslaughter jury instructions.
3. Whether the evidence was legally sufficient to support the murder conviction and whether Brown was entitled to a directed verdict, peremptory instruction, JNOV, or new trial under the Weathersby rule.
4. Whether the trial court erred by excluding psychiatric-evaluation testimony concerning Brown's apparent truthfulness.
5. Whether cumulative error deprived Brown of a fair trial.

HOLDINGS

1. Brown's ineffective-assistance claims were without merit because the record showed that counsel made the challenged motions and Brown received adequate self-defense and manslaughter instructions.
2. The trial court did not abuse its discretion by refusing Brown's proposed manslaughter instructions because they were redundant, confusing, or adequately covered by instructions already given.
3. The trial court properly denied Brown's motions for a directed verdict, peremptory instruction, JNOV, and new trial because the evidence, viewed in the light most favorable to the State, permitted a rational jury to find deliberate design and substantially contradicted Brown's self-defense account.
4. The trial court properly excluded the evaluating psychologist's proposed testimony about Brown's propensity for truthfulness.
5. Brown was not entitled to relief for cumulative error because the court found no reversible error in the individual issues raised.

KEY QUOTATIONS

"A trial judge is under no obligation to grant redundant instructions." (at 17)

"The use of a deadly weapon is prima facie evidence of malice, because a man must be taken to intend the necessary and usual consequences of his act." (at 20)

"where the defendant or the defendant's witnesses are the only eyewitnesses to the homicide, their version, if reasonable, must be accepted as true, unless substantially contradicted in material particulars by a credible

witness or witnesses for the State, or by the physical facts or by the facts of common knowledge.” (at 20)

FACTUAL BACKGROUND

Brown and Earlie Balford were longtime neighbors. Brown testified that Balford attacked him with a screwdriver and strangled him inside Balford's trailer, prompting Brown to seize the screwdriver and stab Balford repeatedly in self-defense. Balford sustained eighteen puncture wounds, three of which were independently fatal, and the State presented testimony and other evidence that Brown admitted killing Balford because he talked too much and later apologized for murdering him.

PROCEDURAL HISTORY

A Calhoun County grand jury indicted Brown for deliberate-design murder under Mississippi Code section 97-3-19(1)(a). Following a jury trial, Brown was convicted of murder and sentenced to life imprisonment. The trial court denied his posttrial motion for JNOV or a new trial, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Davis v. State, 18 So. 3d 842, 847 (Miss. 2009)
- Milano v. State, 790 So. 2d 179, 184 (Miss. 2001)
- Phillipson v. State, 943 So. 2d 670, 671 (Miss. 2006)
- Norman v. State, 385 So. 2d 1298, 1301 (Miss. 1980)
- Montana v. State, 822 So. 2d 954, 961 (Miss. 2002)
- Hawthorne v. State, 835 So. 2d 14, 21 (Miss. 2003)
- Coleman v. State, 697 So. 2d 777, 787 (Miss. 1977)
- McClain v. State, 625 So. 2d 774, 778 (Miss. 1993)
- Collier v. State, 711 So. 2d 458, 461 (Miss. 1998)
- Bush v. State, 895 So. 2d 836, 843 (Miss. 2005)
- Jackson v. Virginia, 443 U.S. 307, 315 (1979)
- Weathersby v. State, 165 Miss. 207, 147 So. 481, 482 (1933)
- Blanks v. State, 547 So. 2d 29, 33-34 (Miss. 1989)
- Buchanan v. State, 567 So. 2d 194, 197 (Miss. 1990)
- Russell v. State, 497 So. 2d 75, 76-77 (Miss. 1986)
- Nicolaou v. State, 534 So. 2d 168, 171-72 (Miss. 1988)
- Nicolaou v. State, 612 So. 2d 1080, 1080 (Miss. 1992)
- Fairchild v. State, 459 So. 2d 793, 802 (Miss. 1984)
- Wilson v. State, 936 So. 2d 357, 364 (Miss. 2006)

- Head v. State, 44 Miss. 731, 753-54 (1871)
- Walker v. State, 878 So. 2d 913, 915 (Miss. 2004)
- Cox v. State, 849 So. 2d 1257, 1268 (Miss. 2003)
- United States v. Stewart, 104 F.3d 1377, 1384 (D.C. Cir. 1997)
- Mississippi Transportation Commission v. McLemore, 863 So. 2d 31, 38 (Miss. 2003)
- Tran v. State, 681 So. 2d 514, 517-18 (Miss. 1996)
- Day v. State, 589 So. 2d 637, 642 (Miss. 1991)
- Wilson v. State, 574 So. 2d 1324, 1337 (Miss. 1990)
- McGowan v. State, 541 So. 2d 1027, 1030 (Miss. 1989)
- Dickins v. State, 43 So. 2d 366, 373 (Miss. 1949)
- Hawthorne v. State, 835 So. 2d 14, 19 (Miss. 2003)
- Jones v. State, 710 So. 2d 870, 877 (Miss. 1998)
- Gray v. State, 158 Miss. 266, 130 So. 150 (1930)
- Walters v. State, 153 Miss. 709, 122 So. 189 (1929)
- Wesley v. State, 153 Miss. 357, 120 So. 918 (1929)
- Patty v. State, 126 Miss. 94, 88 So. 498 (1921)
- Harrison v. State, 534 So. 2d 175 (Miss. 1988)
- Harveston v. State, 493 So. 2d 365 (Miss. 1986)