

MISSISSIPPI COURT OF APPEALS

Jacqueze Marshall v. State of Mississippi

Jacqueze Marshall v. State of Mississippi · No. 2025-KA-00011-COA · Decided June 9, 2026

SUMMARY

The Mississippi Court of Appeals held that the trial court abused its discretion by excluding evidence concerning an alternative suspect’s indictment, bond, and nolle prosequi order. The excluded evidence was relevant to Marshall’s theory that the alternative suspect had a motive to kill the victim and that law enforcement failed to investigate that possibility. The court concluded that the error was not harmless, reversed Marshall’s conviction and sentence, and remanded for a new trial.

CASE DETAILS

COURT	Mississippi Court of Appeals
WRITING FOR THE COURT	Lassitter St. Pé, J.; Barnes, C.J.; Carlton, P.J.; Wilson, P.J.; Westbrooks, J.; McDonald, J.; Lawrence, J.; McCarty, J.; Emfinger, J.; Weddle, J.
JURISDICTION	Mississippi Court of Appeals
DECIDED	June 9, 2026
DOCKET	2025-KA-00011-COA
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Marshall appealed his conviction and sentence for first-degree murder after the Bolivar County Circuit Court denied admission of documentary evidence concerning an alleged alternative suspect.
STANDARD OF REVIEW	Admission or exclusion of evidence is reviewed for abuse of discretion; the appellate court affirms unless the error resulted in prejudice to the accused. An evidentiary error is harmless only if it did not prejudice the jury's verdict.
PRECEDENTIAL VALUE	published
PARTIES	Jacqueze Marshall v. State of Mississippi

TOPICS

- evidence
- relevance
- criminal procedure
- appellate procedure
- harmless error

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding Butler's bond paperwork, indictment, and nolle prosequi order as irrelevant.
2. Whether the documents, although relevant to Marshall's alternative-suspect defense, were properly excluded under Mississippi Rule of Evidence 403.
3. Whether exclusion of the documents was harmless beyond a reasonable doubt.

HOLDINGS

1. The trial court abused its discretion by finding that Butler's indictment and nolle prosequi order were irrelevant to Marshall's defense that Butler, rather than Marshall, wanted Lewis dead and committed the murder.
2. The trial court abused its discretion by excluding the relevant documents under Rule 403 because their probative value was not substantially outweighed by the danger of misleading the jury or confusing the issues.
3. The exclusion of the Butler evidence was not harmless, and Marshall was entitled to a new trial.

KEY QUOTATIONS

“Indeed, “the Constitution guarantees criminal defendants a meaningful opportunity to present a complete defense.”” (§36)

“The probative value of that evidence was not substantially outweighed by any reason under Rule 403, and the trial court abused its discretion by excluding it.” (§46)

“Given this, we cannot conclude that the exclusion of Butler’s evidence was harmless.” (§52)

FACTUAL BACKGROUND

Jafarrion Lewis was shot and killed after witnesses saw him leave with Marshall in Marshall's blue pickup truck. The State presented firearms, glass, and gunshot-residue evidence, as well as testimony that Marshall confessed to shooting Lewis. Marshall told an investigator that Cordarius Butler and Butler's brother had hired him to kill Lewis, and he sought to introduce Butler's bond paperwork, indictment charging Butler with murdering and intimidating Lewis, and the later nolle prosequi order entered after Lewis was killed. The trial court excluded those documents, preventing Marshall from fully presenting his theory that Butler had a motive and was the actual killer.

PROCEDURAL HISTORY

Marshall was indicted for first-degree murder in September 2021 and convicted by a Bolivar County jury. His first conviction, following a May 2022 trial, was reversed in an earlier appeal. After retrial and conviction, the

circuit court refused to admit an alleged alternative suspect's bond paperwork, indictment, and nolle prosequi order. The Mississippi Court of Appeals reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse Marshall's conviction and sentence and remand for a new trial.

CASES CITED

- Marshall v. State, 393 So. 3d 1113 (Miss. Ct. App. 2024)
- Edwards v. State, 379 So. 3d 906, 911 (¶12) (Miss. Ct. App. 2024)
- Cage v. State, 149 So. 3d 1038, 1044 (¶13) (Miss. 2014)
- Ross v. State, 954 So. 2d 968, 997 (¶56) (Miss. 2007)
- Ambrose v. State, 254 So. 3d 77, 100 (¶52) (Miss. 2018)
- Kuebler v. State, 205 So. 3d 623, 641-43 (¶¶49-57) (Miss. Ct. App. 2015)
- Moffett v. State, 49 So. 3d 1073, 1095-96 (¶68) (Miss. 2010)
- Bufford v. State, 191 So. 3d 755, 762 (¶32) (Miss. Ct. App. 2015)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Kuebler v. State, 204 So. 3d 1220 (Miss. 2016)