

SUPREME COURT OF MISSISSIPPI

Chandler v. State

946 So. 2d 355 (Miss. 2006) · No. No. 2005-KA-01321-SCT · Decided December 7, 2006

SUMMARY

The Supreme Court of Mississippi reviewed Joey Montrell Chandler's murder conviction and life sentence for the shooting death of Emmitt Chandler. The court held that the trial court properly refused instructions on culpable-negligence manslaughter and reasonable self-defense because the evidence did not support them, and it addressed the exclusion of hearsay evidence offered to support self-defense. The appeal was denied.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Easley, Justice; Smith, C.J.; Waller, P.J.; Cobb, P.J.; Carlson, J.; Dickinson, J.; Randolph, J.; Graves, J.; Diaz, J. (not participating)
JURISDICTION	Mississippi
DECIDED	December 7, 2006
DOCKET	No. 2005-KA-01321-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Chandler appealed his Clay County Circuit Court murder conviction and life sentence, challenging the denial of requested jury instructions and the exclusion of alleged hearsay evidence supporting self-defense.
STANDARD OF REVIEW	Jury-instruction issues are reviewed by reading the instructions as a whole and determining whether they fairly announce the law and create no injustice; a lesser-included-offense instruction is proper only when supported by an evidentiary basis. Admission or exclusion of evidence is reviewed for abuse of discretion, and reversal requires prejudicial abuse. Unpreserved evidentiary error is procedurally barred absent a contemporaneous objection.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Joey Montrell Chandler v. State of Mississippi

TOPICS

jury instructions

lesser included offense instructions

self defense

hearsay

preservation of error

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate practice

QUESTIONS PRESENTED

1. Whether the trial court erred by refusing culpable-negligence manslaughter instructions.
2. Whether the trial court erred by refusing reasonable self-defense instructions.
3. Whether the trial court erred by excluding statements offered to support Chandler's claim of self-defense.

HOLDINGS

1. The trial court properly refused the culpable-negligence manslaughter instructions because the evidence did not provide a sufficient basis for a reasonable jury to find culpable negligence rather than murder, and the jury was otherwise given an adequate manslaughter instruction based on imperfect self-defense.
2. The trial court properly refused reasonable self-defense instructions because the evidence did not support a reasonable self-defense theory; Chandler deliberately armed himself in advance and was therefore the aggressor, and the jury received adequate instructions on imperfect self-defense and accident or misfortune.
3. The exclusion of McCurry's statement was proper because it was offered for the truth of the matter asserted and was hearsay. Chandler's challenge to the exclusion of Ewing's statement was procedurally barred because he made no contemporaneous argument or objection preserving the issue; in any event, Chandler presented substantially the same fear-and-rumors evidence to the jury, making any error harmless.

KEY QUOTATIONS

"A lesser-included offense instruction should be granted unless the trial judge and ultimately this Court can say, taking the evidence in the light most favorable to the accused and considering all the reasonable inferences which may be drawn in favor of the accused from the evidence, that no reasonable jury could find the defendant guilty of the lesser-included offense (conversely, not guilty of at least one element of the principal charge)." (946 So. 2d at 360)

"Thus, culpable negligence is defined as 'the conscious and wanton or reckless disregard of the probabilities of fatal consequences to others as a result of the wilful creation of an unreasonable risk thereof.'" (946 So. 2d at 361)

"If a person provokes a difficulty, arming himself in advance, and intending, if necessary, to use his weapon and overcome his adversary, he becomes the aggressor, and deprives himself of the right of self-defense." (946 So. 2d at 363)

FACTUAL BACKGROUND

Chandler believed that his cousin, Emmitt Chandler, had stolen marijuana and money from him. On the day of the shooting, Chandler borrowed a .357 Magnum, followed Emmitt into the woods, and shot Emmitt three times, with two shots causing fatal chest wounds. Chandler gave an investigator an initial account that he pulled out and fired the gun, but at trial claimed that the gun discharged during a struggle after Emmitt grabbed it; eyewitnesses did not corroborate the alleged struggle or self-defense.

PROCEDURAL HISTORY

Chandler was indicted for murder, tried before a jury in the Circuit Court of Clay County, Mississippi, and convicted and sentenced to life imprisonment. The trial court denied his post-trial motions. The Mississippi Supreme Court affirmed the conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- Windham v. State, 602 So. 2d 798, 801 (Miss. 1992)
- Ladnier v. State, 878 So. 2d 926, 931 (Miss. 2004)
- Wilson v. State, 904 So. 2d 987, 992 (Miss. 2004)
- Fairley v. State, 871 So. 2d 1282, 1285 (Miss. 2004)
- Sanders v. State, 781 So. 2d 114, 119 (Miss. 2001)
- Welch v. State, 566 So. 2d 680, 684 (Miss. 1990)
- McGowan v. State, 541 So. 2d 1027, 1028 (Miss. 1989)
- Lee v. State, 469 So. 2d 1225, 1230 (Miss. 1985)
- Evans v. State, 562 So. 2d 91, 94-95 (Miss. 1990)
- Shumpert v. State, 935 So. 2d 962, 967 (Miss. 2006)
- Clark v. State, 693 So. 2d 927, 932 (Miss. 1997)
- Hurns v. State, 616 So. 2d 313, 315 (Miss. 1993)
- Goff v. State, 778 So. 2d 779 (Miss. Ct. App. 2000)
- Johnson v. State, 908 So. 2d 758, 764 (Miss. 2005)
- Williams v. State, 863 So. 2d 63, 65 (Miss. Ct. App. 2004)
- Parker v. State, 401 So. 2d 1282, 1286 (Miss. 1981)
- Shaw v. State, 915 So. 2d 442, 445 (Miss. 2005)
- Jefferson v. State, 818 So. 2d 1099, 1104 (Miss. 2002)
- Fisher v. State, 690 So. 2d 268, 274 (Miss. 1996)
- Hill v. State, 774 So. 2d 441, 444 (Miss. 2000)
- Crawford v. State, 754 So. 2d 1211, 1215 (Miss. 2000)
- Gilley v. State, 748 So. 2d 123, 126 (Miss. 1999)

- Hughes v. State, 735 So. 2d 238, 269 (Miss. 1999)
- Walker v. State, 671 So. 2d 581, 597 (Miss. 1995)
- Foster v. State, 639 So. 2d 1263, 1270 (Miss. 1994)

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