

SUPREME COURT OF MISSISSIPPI

Rucker v. State

118 So. 716 (Miss. 1928) · Decided November 12, 1928

SUMMARY

The court affirmed Louie Rucker’s manslaughter conviction and six-year sentence for the shooting death of Oscar Conner. It held that the trial court properly admitted evidence concerning a defense witness’s alcohol consumption, that any error in admitting duplicative testimony about Rucker’s intoxication was nonprejudicial, and that the evidence was sufficient to support the verdict.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Cook
JURISDICTION	Mississippi
DECIDED	November 12, 1928
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rucker appealed his conviction for manslaughter and six-year penitentiary sentence following a murder trial in the Circuit Court of Tippah County.
STANDARD OF REVIEW	The court reviewed evidentiary rulings for prejudicial error and declined to disturb the jury’s factual finding where the evidence, if believed, was sufficient to support the verdict.
PRECEDENTIAL VALUE	published opinion
PARTIES	Louie Rucker v. State

TOPICS

- evidence
- impeachment
- harmless error
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly admitted a defense witness's written statement concerning his purchase and consumption of whisky as a contradiction on a collateral and immaterial matter.
2. Whether the sheriff's testimony that Rucker was very drunk when arrested was prejudicially cumulative and therefore reversible error.
3. Whether the evidence was sufficient to support the manslaughter verdict.

HOLDINGS

1. The written statement was properly admitted because the witness's sobriety and resulting ability to perceive and recall the events were legitimate subjects of cross-examination, and the statement did not materially contradict his testimony after he acknowledged its truth.
2. Any error in admitting the sheriff's testimony was harmless and did not warrant reversal because Rucker himself testified on redirect examination to the same fact.
3. The evidence was sufficient to support the manslaughter verdict, and the appellate court would not disturb the jury's finding.

KEY QUOTATIONS

"The condition of this witness as to sobriety, and his consequent ability to know and appreciate the facts to which he was testifying, was a legitimate subject of inquiry on his cross-examination." (146)

"This evidence, if believed, is clearly sufficient to support the verdict, and the judgment of the court below will therefore be affirmed." (147)

FACTUAL BACKGROUND

During a nighttime shooting at a festival outside the home of the victim's father, an eyewitness testified that Rucker called Oscar Conner, shot him in the chin and neck, and immediately entered the house. Other witnesses heard Rucker say that Conner was the person he was looking for and saw him carrying a pistol. Rucker presented witnesses placing him inside the house, while the prosecution challenged the reliability of one defense witness by showing that the witness had been drinking and introduced the witness's signed statement concerning the purchase of whisky.

PROCEDURAL HISTORY

Rucker was indicted and tried for the murder of Oscar Conner in the Circuit Court of Tippah County. The jury convicted him of manslaughter and the court imposed a six-year penitentiary sentence. Rucker challenged the admission of evidence and the sufficiency of the evidence on appeal.

DISPOSITION

affirmed

CASES CITED

- Williams v. State, 73 Miss. 823
- Davis v. State, 85 Miss. 416
- Garman v. State, 66 Miss. 198
- Magness v. State, 106 Miss. 195
- Ware v. State, 110 So. 503
- Moore v. State, 102 Miss. 155

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