

SUPREME COURT OF MISSISSIPPI

Baskin v. State

145 So. 3d 601 (Miss. 2014) · Decided January 30, 2014

SUMMARY

The Mississippi Supreme Court held that the defendant’s challenge to the probable-cause basis for his arrest warrant was procedurally barred and did not constitute plain error. However, the court held that the trial court improperly admitted a defense witness’s misdemeanor petty-larceny conviction for impeachment under Mississippi Rule of Evidence 609. Because the error substantially affected the credibility dispute central to the case, the court reversed the conviction and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Presiding Justice; Waller, Chief Justice; Kitchens, Justice; Chandler, Justice; King, Justice; Coleman, Justice; Randolph, Presiding Justice; Lamar, Justice; Pierce, Justice
JURISDICTION	Mississippi
DECIDED	January 30, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Baskin appealed his conviction for possession of cocaine and habitual-offender sentence. The Mississippi Court of Appeals held that his challenges to the arrest warrant and the impeachment evidence were procedurally barred. The Mississippi Supreme Court granted certiorari.
STANDARD OF REVIEW	Plain-error review for the unpreserved probable-cause challenge; review of preserved evidentiary error under the harmless-error standard.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Joel Baskin v. State of Mississippi

TOPICS

- impeachment
- evidence
- preservation of error
- appellate procedure
- harmless error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Baskin preserved a challenge to the probable-cause basis for his arrest warrant and, if not, whether the record established plain error requiring review.
2. Whether the trial court erroneously admitted Wallace's petty-larceny conviction to impeach her under Mississippi Rule of Evidence 609.
3. Whether the erroneous admission of the petty-larceny conviction was harmless.

HOLDINGS

1. Baskin was procedurally barred from challenging the validity of the arrest warrant because he did not present the warrant's probable-cause basis to the trial court.
2. The Supreme Court declined to find plain error because the appellate record contained no evidence undermining the probable-cause basis for the arrest warrant.
3. A petty-larceny conviction is inadmissible to impeach a witness under Rule 609(a)(2) because theft crimes do not satisfy the rule's requirement that the conviction involve dishonesty or a false statement.
4. The erroneous admission of Wallace's petty-larceny conviction was not harmless because credibility was central, the evidence was closely balanced, and the improper impeachment directly affected the principal defense witness.

KEY QUOTATIONS

"We therefore must reverse and remand for a new trial." (601)

"Such convictions are peculiarly probative of credibility and are always to be admitted, not subject to the discretionary balancing by the judge." (605)

"We cannot say that it is apparent from the record that a fair-minded jury could have reached no other result than guilty when the State relied on directly contradicted testimony and the trial judge's error directly affected that jury's perception of the contradicting witness's credibility." (607)

FACTUAL BACKGROUND

Police officers arrested Joel Baskin pursuant to an aggravated-assault arrest warrant and testified that they found crack cocaine in his pocket during a search incident to arrest. Defense eyewitnesses Darskeika Wallace and Michael Forrest testified that the officers found nothing in Baskin's pocket. The trial court allowed the State to impeach Wallace with misdemeanor petty-larceny and embezzlement convictions, and the jury convicted Baskin of cocaine possession.

PROCEDURAL HISTORY

Police arrested Baskin on an aggravated-assault warrant and found cocaine during a search incident to arrest. The Montgomery County Circuit Court denied suppression, admitted a defense witness's petty-larceny

conviction for impeachment, and entered a conviction and life-without-parole habitual-offender sentence. The Court of Appeals found both appellate issues procedurally barred. The Supreme Court affirmed the probable-cause ruling but reversed because the impeachment ruling was preserved, erroneous, and not harmless, remanding for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for a new trial.

CASES CITED

- Conerly v. State, 760 So. 2d 737, 739-41 (Miss. 2000)
- Colburn v. State, 431 So. 2d 1111, 1114 (Miss. 1983)
- Stringer v. State, 279 So. 2d 156 (Miss. 1973)
- Adams v. State, 772 So. 2d 1010, 1022 (Miss. 2000)
- Blackman v. State, 659 So. 2d 583, 585 (Miss. 1995)
- Hopkins v. State, 639 So. 2d 1247, 1249-50, 1254 (Miss. 1993)
- Townsend v. State, 605 So. 2d 767, 770-71 (Miss. 1992)
- Gilmore v. State, 119 So. 3d 278, 290-91 (Miss. 2013)
- Forrest v. State, 335 So. 2d 900, 903 (Miss. 1976)
- Ross v. State, 954 So. 2d 968, 1018 (Miss. 2007)