

SUPREME COURT OF MISSISSIPPI

Tabitha Yolanda Miller v. State of Mississippi

Miller v. State · No. No. 2005-KA-00566-SCT · Decided February 11, 2005

SUMMARY

The Supreme Court of Mississippi reversed Tabitha Yolanda Miller’s manslaughter conviction and remanded for a new trial. The court held that the trial court improperly excluded evidence of prior abuse by the deceased that was relevant to Miller’s self-defense theory and that the error prejudiced her. Miller’s speedy-trial claim was dismissed without prejudice because it was raised for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Justice, for the Court; Smith, C.J.; Waller, P.J.; Diaz, P.J.; Carlson, J.; Graves, J.; Dickinson, J.; Easley, J.
JURISDICTION	Mississippi
DECIDED	February 11, 2005
DOCKET	No. 2005-KA-00566-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Miller appealed her manslaughter conviction and twenty-year sentence from the Washington County Circuit Court. She raised speedy-trial claims and argued that the exclusion of evidence of the deceased's prior abuse deprived her of a fundamentally fair trial.
STANDARD OF REVIEW	Speedy-trial findings concerning good cause are reviewed for substantial, credible evidence. The admissibility of testimonial evidence is reviewed for abuse of discretion, and reversal is warranted when the abuse results in prejudice to the accused.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Mississippi
PARTIES	Tabitha Yolanda Miller a/k/a Tab v. State of Mississippi

TOPICS

- self defense
- evidence
- criminal procedure
- speedy trial
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Miller's statutory and constitutional speedy-trial claims could be decided when first raised on appeal without an evidentiary hearing in the trial court.
2. Whether the trial court erred under Mississippi Rule of Evidence 404(a)(2) by excluding officers' testimony concerning James's prior abuse of Miller, and whether the exclusion was prejudicial.

HOLDINGS

1. A speedy-trial claim raised for the first time on appeal must be dismissed without prejudice when the trial court has not had the opportunity to conduct an evidentiary hearing and determine the relevant facts.
2. When sufficient evidence exists that the deceased was the aggressor, evidence of the deceased's prior threats, harassment, and abuse toward the defendant is admissible under Mississippi Rule of Evidence 404(a)(2) to corroborate the defendant's self-defense account.
3. The exclusion of the officers' testimony was not harmless because the error affected the jury's ability to evaluate the circumstances of the killing and could have affected the verdict.

KEY QUOTATIONS

“where any doubt exists as to who was the aggressor in an incident which results in the death of a participant or where a defendant claims self-defense, evidence of a deceased’s previous threats and harassments against defendant . . . is admissible.” (at 8)

“enables jurors to put themselves in the defendant’s place at the time of the killing and view the situation as it appeared to him.” (at 8)

“Without all the facts and circumstances surrounding the [incident], the jury was handicapped in determining what really occurred, and [Miller] was prejudiced by any decision that resulted.” (at 9)

FACTUAL BACKGROUND

Miller and Calvin James had a tumultuous romantic relationship marked by repeated violence, including assaults with a broken bottle and box cutter and a burglary of Miller's home. On November 23, 2000, James confronted Miller at a residence, cursed and threatened her, punched her, and allegedly raised a butcher knife toward her. Miller stabbed James in the chest, causing his death, and later sought to introduce police officers' testimony about James's prior abuse to corroborate her self-defense account.

PROCEDURAL HISTORY

Miller was initially arrested and charged with murder on November 23, 2000, and was later indicted for manslaughter on May 10, 2001. A jury convicted her of manslaughter on February 9, 2005, and the circuit court sentenced her to twenty years. The circuit court denied her motion for judgment notwithstanding the verdict or a new trial. On appeal, the Supreme Court dismissed the speedy-trial issue without prejudice because it was raised

for the first time on appeal, but reversed the conviction and remanded for a new trial based on the improper exclusion of relevant corroborating evidence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Washington County Circuit Court for a new trial. The speedy-trial issue was dismissed without prejudice so that Miller may properly file it in the trial court and obtain an evidentiary hearing.

CASES CITED

- DeLoach v. State, 722 So. 2d 512, 516 (Miss. 1998)
- Southern v. Miss. State Hosp., 853 So. 2d 1212, 1214 (Miss. 2003)
- Barker v. Wingo, 407 U.S. 514, 530, 533 (1972)
- Klopfer v. North Carolina, 386 U.S. 213 (1967)
- Harris v. State, 861 So. 2d 1003, 1018 (Miss. 2003)
- Robinson v. State, 566 So. 2d 1240, 1241 (Miss. 1990)
- Day v. State, 589 So. 2d 637, 642, 644 (Miss. 1991)
- Burnside v. State, 882 So. 2d 212, 216 (Miss. 2004)
- Lancaster v. State, 200 So. 721, 722 (Miss. 1941)
- State of Wisconsin v. Huusko, 2006 Wisc. App. LEXIS 837, at *4 (Wisc. App. 2006)