

SUPREME COURT OF MISSISSIPPI

Harrell v. State

134 So. 3d 266 (Miss. 2014) · Decided January 16, 2014

SUMMARY

The Mississippi Supreme Court reviewed Christopher Harrell’s convictions for capital murder and possession of a firearm by a convicted felon. It held that the trial court’s failure to instruct the jury on the elements of the underlying robbery felony violated Harrell’s state constitutional right to a jury trial and required reversal of the capital-murder conviction. The court upheld the flight instruction and affirmed the firearm conviction, remanding the murder charge for a new trial.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Coleman, Justice; Chandler; Coleman; Dickinson; King; Kitchens; Lamar; Pierce; Randolph; Waller
JURISDICTION	Mississippi
DECIDED	January 16, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Harrell was convicted in the Hinds County Circuit Court of capital murder with robbery as the underlying felony and possession of a firearm by a convicted felon. The Court of Appeals affirmed, and the Mississippi Supreme Court granted certiorari on the jury-instruction and flight-instruction issues.
STANDARD OF REVIEW	The court reviewed the legal sufficiency and constitutional adequacy of the jury instructions de novo. The propriety of a flight instruction was reviewed under the requirement that flight be unexplained and highly probative of guilt or guilty knowledge.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Christopher Harrell v. State of Mississippi

TOPICS

- jury instructions
- criminal procedure
- due process
- evidence
- consciousness of guilt instructions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court committed reversible error by failing to instruct the jury on the elements of the underlying felony of robbery in a capital-murder prosecution.
2. Whether the trial court erred by granting the State's requested flight instruction.

HOLDINGS

1. A trial court's failure to instruct the jury on the elements of the underlying felony charged as the basis for capital murder is always reversible error under Article 3, Section 31 of the Mississippi Constitution, regardless of whether the defendant objected at trial; appellate courts may not apply harmless-error analysis to supply elements the jury was never instructed to decide.
2. The trial court did not err in giving the flight instruction because Harrell's flight from Jackson to Holmes County to dispose of Damico's body was unexplained by an independent reason and was highly probative of guilt or guilty knowledge.

KEY QUOTATIONS

"We hold that it is always and in every case reversible error for the courts of Mississippi to deny an accused the right to have a jury decide guilt as to each and every element." (¶ 30)

"Flight is 'unexplained' if there is no explanation for it other than the defendant's guilt or guilty knowledge." (¶ 34)

"AFFIRMED IN PART; REVERSED IN PART; AND REMANDED." (¶ 37)

FACTUAL BACKGROUND

Frank Damico disappeared after leaving with Harrell in Damico's vehicle on April 6, 2008. Damico's body was later found in Holmes County with a fatal gunshot wound, and his vehicle, with its trunk lining removed, was found near a church. Harrell gave several differing accounts of the events and was arrested with a nine-millimeter pistol and the vehicle keys beside him; an inmate also testified that Harrell confessed to shooting Damico and helping dispose of the body.

PROCEDURAL HISTORY

A Hinds County jury convicted Harrell of capital murder and felon-in-possession of a firearm. The circuit court imposed life without parole for capital murder and a concurrent ten-year sentence for firearm possession. The Mississippi Court of Appeals affirmed both convictions. On certiorari, the Mississippi Supreme Court reversed the capital-murder conviction because the jury was not instructed on the elements of robbery, affirmed the firearm conviction and the flight instruction, and remanded for a new trial on the murder indictment.

DISPOSITION

REMAND INSTRUCTIONS

Reverse the capital-murder conviction and remand to the Hinds County Circuit Court for a new trial on the murder indictment. Affirm the conviction and concurrent ten-year sentence for possession of a firearm by a convicted felon.

CASES CITED

- Goff v. State, 14 So. 3d 625, 647 (Miss. 2009)
- Kolberg v. State, 829 So. 2d 29, 45-51 (Miss. 2002)
- Shaffer v. State, 740 So. 2d 273, 282 (Miss. 1998)
- Hunter v. State, 684 So. 2d 625, 635-36 (Miss. 1996)
- Neder v. United States, 527 U.S. 1, 6-7, 10, 30-31 (1999)
- United States v. McClain, 545 F.2d 988, 1003 (5th Cir. 1977)
- United States v. Pelullo, 14 F.3d 881, 890 (3d Cir. 1994)
- United States v. Goetz, 746 F.2d 705, 708 (11th Cir. 1984)
- Pope v. Illinois, 481 U.S. 497, 509-10 (1987)
- Jackson v. Virginia, 443 U.S. 307, 320 n.14 (1979)
- United Brotherhood of Carpenters & Joiners of America v. United States, 330 U.S. 395, 408-09 (1947)
- Bollenbach v. United States, 326 U.S. 607, 615 (1946)
- Conley v. State, 790 So. 2d 773, 792-94 (Miss. 2001)
- Ballenger v. State, 761 So. 2d 214, 216-19 (Miss. 2000)
- Doby v. State, 557 So. 2d 533, 540 (Miss. 1990)
- Steele v. State, 544 So. 2d 802, 808-09 (Miss. 1989)
- Fairchild v. State, 459 So. 2d 793, 800-01 (Miss. 1984)
- States v. State, 88 So. 3d 749, 757-58 (Miss. 2012)
- Austin v. State, 784 So. 2d 186, 194 (Miss. 2001)
- Fuselier v. State, 702 So. 2d 388, 390 (Miss. 1997)
- Shumpert v. State, 935 So. 2d 962, 970 (Miss. 2006)
- Mack v. State, 650 So. 2d 1289, 1309 (Miss. 1995)
- Stevenson v. State, 733 So. 2d 177, 186 (Miss. 1998)
- Young v. Smith, 67 So. 3d 732, 739 (Miss. 2011)
- Madison HMA, Inc. v. St. Dominic-Jackson Memorial Hospital, 35 So. 3d 1209, 1214 (Miss. 2010)
- Hill Brothers Construction & Engineering Co. v. Mississippi Transportation Commission, 909 So. 2d 58, 66 (Miss. 2005)
- Ivy v. Harrington, 644 So. 2d 1218, 1221 (Miss. 1994)

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