

SUPREME COURT OF MISSISSIPPI

Quintez Wren Hodges v. State of Mississippi

Hodges · No. No. 2005-DR-00632-SCT · Decided September 13, 2001

SUMMARY

The Supreme Court of Mississippi considered Quintez Wren Hodges’s petition for post-conviction relief following his capital-murder conviction and death sentence. The court addressed procedural bars, alleged prosecutorial misconduct, evidentiary issues, ineffective assistance of counsel, sentencing claims, and related constitutional arguments. The petition was denied.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Smith, Chief Justice; Waller, Presiding Justice; Cobb, Presiding Justice; Carlson, Justice; Randolph, Justice
JURISDICTION	Mississippi
DECIDED	September 13, 2001
DOCKET	No. 2005-DR-00632-SCT
DISPOSITION	denied
PROCEDURAL POSTURE	Capital defendant's petition for post-conviction relief following affirmance of his capital-murder conviction and death sentence on direct appeal and denial of certiorari by the United States Supreme Court.
STANDARD OF REVIEW	Post-conviction claims previously decided on direct appeal are barred as res judicata. Ineffective-assistance claims are evaluated under Strickland v. Washington, requiring deficient performance and resulting prejudice; courts apply highly deferential scrutiny and presume counsel's conduct falls within the range of reasonable professional assistance.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; en banc decision
PARTIES	Quintez Wren Hodges v. State of Mississippi

TOPICS

- state post-conviction relief
- post-conviction relief
- ineffective assistance
- sentencing
- criminal procedure

PRACTICE AREAS

state post-conviction relief

capital punishment

criminal procedure

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether claims of prosecutorial misconduct, improper evidence, jury instructions, indictment defects, juror removal, lesser-offense instructions, aggravating circumstances, record completeness, and cumulative error that were raised and decided on direct appeal were barred by res judicata in post-conviction proceedings.
2. Whether Hodges was denied effective assistance of counsel under Strickland v. Washington based on alleged failures involving suppression of his confession, investigation and impeachment of witnesses, plea advice, mitigation evidence, expert assistance, victim-impact evidence, cross-examination, preparation for closing argument and testimony, counsel's experience and personal circumstances, and investigative assistance.
3. Whether newly submitted evidence and materials not included in the direct-appeal record overcame Mississippi's post-conviction procedural bars.
4. Whether Hodges was entitled to relief from his conviction or death sentence based on the aggregate effect of alleged errors.

HOLDINGS

1. Issues, both factual and legal, that were decided at trial or on direct appeal are barred from review as res judicata under Mississippi's post-conviction statute. Hodges's renewed claims concerning prosecutorial misconduct, other-crimes evidence, parole instructions, prosecutorial closing argument, indictment defects, juror removal, lesser-offense instructions, aggravating circumstances, the trial record, and cumulative error were therefore procedurally barred.
2. When ineffective assistance was raised on direct appeal but the post-conviction petition supported the claim with extraneous materials unavailable on direct appeal, res judicata did not bar consideration of the claim. Claims that merely rephrased issues decided on direct appeal remained barred.
3. Hodges failed to establish ineffective assistance of counsel because he did not show both deficient performance and a reasonable probability that the alleged deficiencies changed the conviction or death sentence. The ineffective-assistance issue as a whole was therefore without merit.
4. Hodges's Petition for Post-Conviction Relief was denied.

KEY QUOTATIONS

"Post-conviction review is a limited proceeding whereby this Court will only review "those objections, defenses, claims, questions, issues or errors which in practical reality could not or should not have been raised at trial or on direct appeal." (¶12)

"The benchmark for judging any claim of ineffectiveness [of counsel] must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having

produced a just result.”” (§120)

“PETITION FOR POST-CONVICTION RELIEF DENIED.” (§155)

FACTUAL BACKGROUND

On July 20, 1999, Hodges broke into the Lowndes County home of his former girlfriend, Cora Johnson, and kidnapped Cora and her infant daughter. While in the home, he shot and killed Cora's brother, Isaac Johnson. Hodges drove Cora and her daughter to Alabama, where Cora testified that he raped her at gunpoint, and then returned to Mississippi and surrendered to police.

PROCEDURAL HISTORY

Hodges was convicted of capital murder and sentenced to death in Lowndes County Circuit Court. The Mississippi Supreme Court affirmed the conviction and sentence on direct appeal in 2005, and the United States Supreme Court denied certiorari on November 28, 2005. Hodges then filed a petition for post-conviction relief in the Mississippi Supreme Court. The court held that most claims previously raised and decided on direct appeal were barred by res judicata, considered the ineffective-assistance claims that were supported by materials unavailable on direct appeal, rejected them on the merits, and denied the petition.

DISPOSITION

denied

CASES CITED

- Hodges v. State, Hodges v. State, 912 So. 2d 730 (Miss. 2005)
- Hodges v. Mississippi, 126 S. Ct. 739, 163 L. Ed. 2d 579 (2005)
- Branch v. State, 882 So. 2d 36, 49 (Miss. 2004)
- Westley v. Johnson, 83 F.3d 714, 726 (5th Cir. 1996)
- Crawford v. State, 867 So. 2d 196, 202 (Miss. 2003)
- Cabello v. State, 524 So. 2d 313, 323 (Miss. 1988)
- Lockett v. State, 614 So. 2d 888, 893 (Miss. 1992)
- Irving v. State, 498 So. 2d 305, 311 (Miss. 1986)
- Havard v. State, 928 So. 2d 771, 785-86 (Miss. 2006)
- Brown v. State, 798 So. 2d 481, 493-94 (Miss. 2001)
- Stringer v. State, 454 So. 2d 468, 477 (Miss. 1984)
- Mohr v. State, 584 So. 2d 426, 430 (Miss. 1991)
- Neal v. State, 525 So. 2d 1279, 1281 (Miss. 1987)
- Foster v. State, 687 So. 2d 1124, 1130 (Miss. 1996)
- Davis v. State, 743 So. 2d 326, 334 (Miss. 1999)
- Sanders v. State, 846 So. 2d 230, 239 (Miss. Ct. App. 2002)

- *Jermyn v. Horn*, 266 F.3d 257 (3d Cir. 2001)
- *Berry v. State*, 765 F.2d 451, 454 (5th Cir. 1985)
- *Guy v. Cockrell*, No. 01-10425, 2002 U.S. App. LEXIS 28184, at *10 (5th Cir. July 23, 2002)
- *Burnett v. Collins*, 982 F.2d 922 (5th Cir. 1993)
- *Gonzales v. State*, 915 So. 2d 1108, 1111 (Miss. Ct. App. 2005)
- *Wiley v. State*, 750 So. 2d 1193, 1202, 1206 (Miss. 1999)
- *Turner v. State*, 732 So. 2d 937, 950 (Miss. 1999)
- *Hansen v. State*, 592 So. 2d 114, 148 (Miss. 1991)
- *Simpson v. State*, 497 So. 2d 424, 428-29 (Miss. 1986)
- *Winters v. State*, 449 So. 2d 766, 771 (Miss. 1984)
- *Puckett v. State*, 737 So. 2d 322, 363 (Miss. 1999)
- *Williams v. State*
- *State v. Berryhill*, 703 So. 2d 250, 256 (Miss. 1997)
- *Booker v. State*, 716 So. 2d 1064, 1068 (Miss. 1998)
- *King v. State*, 784 So. 2d 884, 888 (Miss. 2001)
- *Brown v. State*, 890 So. 2d 901, 910, 913 (Miss. 2004)
- *Watson*
- *Robinson v. State*, 735 So. 2d 208 (Miss. 1999)
- *Wheeler v. State*, 536 So. 2d 1347, 1352 (Miss. 1988)
- *Neal v. State*, 451 So. 2d 744, 759 (Miss. 1984)
- *McNeal v. State*, 551 So. 2d 151 (Miss. 1989)
- *Blue v. State*, 674 So. 2d 1184, 1201 (Miss. 1996)
- *Doss v. State*, 709 So. 2d 369, 377 (Miss. 1996)