

SUPREME COURT OF MISSISSIPPI

Dewayne A. Fairley v. State of Mississippi

871 So. 2d 1282 (Miss. 2003) · No. No. 2002-KA-00779-SCT · Decided November 20, 2003

SUMMARY

The Supreme Court of Mississippi affirmed DeWayne A. Fairley's murder conviction and life sentence for shooting and killing Sonja Stapleton. The court held that the evidence was sufficient, the defendant was not entitled to a culpable-negligence manslaughter instruction, and the trial court properly admitted Officer David Ruth's rebuttal testimony concerning the firearm's operation.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Graves, Justice, for the Court; Smith, P.J.; Carlson, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	November 20, 2003
DOCKET	No. 2002-KA-00779-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Fairley appealed his jury conviction for murder and life sentence from the Circuit Court of Rankin County, challenging the sufficiency of the evidence, the refusal of a culpable-negligence manslaughter instruction, and the admission of Officer David Ruth's rebuttal testimony.
STANDARD OF REVIEW	The evidence is reviewed in the light most favorable to the verdict, and a jury verdict is upheld if credible evidence supports or permits a reasonable inference of each element of the offense. The trial court has considerable discretion over the form and substance of jury instructions, and refusal of an instruction is reviewed for abuse of discretion. The admission of rebuttal testimony was considered in light of the evidence and the asserted discovery violation.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Dewayne A. Fairley v. State of Mississippi

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Fairley's murder conviction and whether the Weathersby Rule required a directed verdict, peremptory instruction, judgment notwithstanding the verdict, or new trial.
2. Whether the trial court erred by refusing Fairley's proposed culpable-negligence manslaughter jury instruction D-5.
3. Whether the trial court erred by allowing Officer David Ruth to testify during rebuttal regarding the operation of the firearm after initially sustaining an objection to his being tendered as an expert.

HOLDINGS

1. The Weathersby Rule did not apply because Fairley gave conflicting accounts concerning how he obtained and fired the gun, and the State's evidence contradicted his account. The evidence, viewed in the light most favorable to the verdict, was sufficient to support the murder conviction.
2. The trial court properly refused the proposed culpable-negligence manslaughter instruction because the evidence supported a heat-of-passion theory rather than culpable negligence, and the defendant failed to demonstrate an abuse of discretion.
3. The trial court did not err in allowing Officer Ruth's rebuttal testimony because Ruth was not testifying as an expert; his testimony about the firearm's operation required no specialized knowledge and was within the knowledge of a layperson. The State also was not required to disclose rebuttal witnesses in discovery.

KEY QUOTATIONS

“[W]here the defendant or the defendant's witnesses are the only eyewitnesses to the homicide, their version, if reasonable, must be accepted as true, unless substantially contradicted in material particulars by a credible witness or witnesses for the state, or by the physical facts or by the facts of common knowledge.” (871 So. 2d at 1283)

“Where conflicting stories are given about a homicide by the accused, the Weathersby Rule does not apply” (871 So. 2d at 1284)

FACTUAL BACKGROUND

During an argument while Fairley and Sonja Stapleton were driving, Fairley retrieved a gun, placed it in his lap, cocked it, and pointed it at Stapleton. The gun discharged and struck Stapleton in the head, killing her. Fairley pushed her body from the vehicle onto the roadway, where it was struck by another vehicle, stayed overnight in a hotel, and then returned and confessed to police.

PROCEDURAL HISTORY

A Rankin County Circuit Court jury convicted Fairley of murder and the trial court sentenced him to life imprisonment in the custody of the Mississippi Department of Corrections. The Mississippi Supreme Court reviewed the conviction and sentence and affirmed them.

DISPOSITION

affirmed

CASES CITED

- Weathersby v. State, 165 Miss. 207, 147 So. 481, 482 (1933)
- Buchanan v. State, 567 So. 2d 194, 196 (Miss. 1990)
- Taylor v. State, 795 So. 2d 512, 516-17 (Miss. 2001)
- Davis v. State, 586 So. 2d 817, 819 (Miss. 1991)
- Yates v. State, 685 So. 2d 715, 718 (Miss. 1996)
- Higgins v. State, 725 So. 2d 220, 223 (Miss. 1998)
- Smith v. State, 724 So. 2d 280, 320 (Miss. 1998)
- Dancer v. State, 721 So. 2d 583, 590 (Miss. 1998)