

MISSISSIPPI COURT OF APPEALS

Amanda Ellen O'Callaghan a/k/a Amanda O'Callaghan a/k/a Amy
O'Callaghan v. State of Mississippi

No. 2024-KA-00415-COA · No. 2024-KA-00415-COA · Decided December 9, 2025

SUMMARY

The Mississippi Court of Appeals affirmed Amanda Ellen O’Callaghan’s convictions for two counts of possession of methamphetamine and her consecutive twelve-year sentences. The court held that the trial court did not abuse its discretion by trying O’Callaghan in absentia after finding that she knowingly and voluntarily waived her right to be present. The court also held that the trial court properly denied a mistrial based on a prospective juror’s comment concerning O’Callaghan’s possible prior arrests.

CASE DETAILS

COURT	Mississippi Court of Appeals
WRITING FOR THE COURT	Presiding Judge Carlton; Barnes, C.J.; Wilson, P.J.; Carlton, P.J.; Lawrence, J.; Emfinger, J.; Weddle, J.; Lassitter St. Pé, J.; Westbrooks, J.; McCarty, J.; McDonald, J.
JURISDICTION	Mississippi Court of Appeals
DECIDED	December 9, 2025
DOCKET	2024-KA-00415-COA
DISPOSITION	affirmed
PROCEDURAL POSTURE	O'Callaghan appealed her felony convictions for two counts of possession of methamphetamine and consecutive enhanced sentences, challenging her trial in absentia and the denial of her motion for a mistrial based on a potential juror's comment during voir dire.
STANDARD OF REVIEW	The decision to try a defendant in absentia and the denial of a mistrial based on potentially prejudicial voir dire statements are reviewed for abuse of discretion. Reversal of a mistrial ruling requires a showing of prejudice.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Amanda Ellen O'Callaghan a/k/a Amanda O'Callaghan a/k/a Amy O'Callaghan v. State of Mississippi

TOPICS

criminal procedure

sixth amendment

jury selection

evidence

appellate procedure

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by trying O'Callaghan in absentia after finding that her absence was knowing, intelligent, and voluntary.
2. Whether the circuit court abused its discretion by denying a mistrial based on a potential juror's allegedly prejudicial comment that O'Callaghan may have been jailed and repeatedly bailed out.

HOLDINGS

1. The circuit court did not abuse its discretion in finding that O'Callaghan knowingly, intelligently, and voluntarily waived her constitutional right to be present and in trying her in absentia.
2. The circuit court acted within its discretion in denying a mistrial because O'Callaghan failed to show prejudice or that the potential juror's isolated comment tainted the jury panel.

KEY QUOTATIONS

“For the reasons stated and in accordance with our precedent, we find the trial court did not abuse its discretion in finding that O’Callaghan “knowingly and intentionally and willfully relinquish[ed]” her right to be present at trial and in proceeding with trial in her absence.” (¶17)

“There is simply no evidence in this case that the jury was tainted. For all these reasons, we find that the trial judge was within her discretion in refusing to grant a mistrial in this case.” (¶38)

“AFFIRMED.” (¶39)

FACTUAL BACKGROUND

A police officer stopped a vehicle traveling at night without headlights. O'Callaghan was one of five occupants, and a female officer found suspected drugs in crystal and pill form in small Ziploc bags inside O'Callaghan's underwear; the substances were later identified as methamphetamine. O'Callaghan had appeared in court during the prior term and on the day before trial, was informed to return for trial the next morning, but did not appear and did not provide a reason for her absence. During voir dire, a potential juror stated that his brother, a bail bondsman, may have bailed O'Callaghan out of jail many times; the juror was excused, and the court instructed the jury to consider only admitted evidence.

PROCEDURAL HISTORY

A Lowndes County grand jury indicted O'Callaghan on two counts of possession of methamphetamine as a nonviolent habitual offender and subsequent drug offender. After O'Callaghan failed to appear for trial, the circuit court found that she knowingly and voluntarily waived her right to be present and tried her in absentia.

The jury found her guilty, and the circuit court imposed two consecutive six-year terms. The court denied her motion for a judgment notwithstanding the verdict or, alternatively, a new trial, and the Mississippi Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Smith v. State, 394 So. 3d 967, 975-77 (Miss. Ct. App. 2024), cert. denied, 394 So. 3d 923 (Miss. 2024)
- Nevels v. State, 325 So. 3d 627, 634 (Miss. 2021)
- Wilson v. State, 267 So. 3d 264, 271 (Miss. 2019)
- Benthall v. State, 311 So. 3d 697, 702 (Miss. Ct. App. 2021)
- Carroll v. State, 196 So. 3d 1054, 1058-59 (Miss. Ct. App. 2016)
- Edwards v. State, 856 So. 2d 587, 593 (Miss. Ct. App. 2003)
- Chambliss v. State, 233 So. 3d 898, 900-02 (Miss. Ct. App. 2017)
- DeHenre v. State, 43 So. 3d 407, 411-12 (Miss. 2010)
- Grayson v. State, 806 So. 2d 241, 252-53 (Miss. 2001)
- Holland v. State, 705 So. 2d 307, 339-40 (Miss. 1997)
- Jones v. State, 354 So. 3d 384, 391-92 (Miss. Ct. App. 2023)
- Whitaker v. State, 114 So. 3d 725, 729-30 (Miss. Ct. App. 2012)