

SUPREME COURT OF MISSISSIPPI

Mickey L. Johnson a/k/a Mickey Johnson v. State of Mississippi

No. 2012-KA-00921-SCT · No. No. 2012-KA-00921-SCT · Decided May 9, 2012

SUMMARY

The Supreme Court of Mississippi affirmed Mickey L. Johnson’s conviction for possession of cocaine and his sentence as a second drug offender. The court held that Johnson’s confession was voluntary and that the Miranda warning, which advised him of the right to have an attorney present during interrogation, was constitutionally sufficient.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Presiding Justice; Dickinson, P.J.; Kitchens, J.; Chandler, J.
JURISDICTION	Mississippi
DECIDED	May 9, 2012
DOCKET	No. 2012-KA-00921-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed his conviction for possession of cocaine and his sentence as a second drug offender, challenging the admission of his written confession after the trial court denied his motion to suppress.
STANDARD OF REVIEW	The voluntariness ruling is reviewed for manifest error or whether it is contrary to the overwhelming weight of the evidence. The trial judge's credibility determinations at the suppression hearing receive deference because the trial judge heard and observed the witnesses.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential value is not otherwise qualified in the provided text.
PARTIES	Mickey L. Johnson a/k/a Mickey Johnson v. State of Mississippi

TOPICS

[miranda rights](#) [right to counsel](#) [fifth amendment](#) [suppression of evidence](#) [criminal procedure](#)

PRACTICE AREAS

[criminal procedure](#) [constitutional law](#) [evidence](#)

QUESTIONS PRESENTED

1. Whether Johnson's written confession was involuntary because officers coerced it by threatening or promising not to charge his fiancée.
2. Whether the Miranda warning was defective because it informed Johnson of his right to have an attorney present during interrogation but did not expressly state that he had the right to consult with counsel before questioning.

HOLDINGS

1. The confession was voluntary and admissible. The State met its burden through the officers' testimony, and the trial judge did not manifestly err in rejecting Johnson's conflicting account that his confession was induced by a threat or promise concerning his fiancée.
2. The Miranda warning was sufficient. Advising Johnson that he had the right to have an attorney present during interrogation, together with the right to appointed counsel if he could not afford one, adequately conveyed his right to counsel even though the warning did not use the specific phrase 'right to consult with counsel.'

KEY QUOTATIONS

“As the fact-finder, the trial judge must consider “the totality of the circumstances” and decide whether “the statement [was] the product of the accused’s free and rational choice.”” (§11)

“We have never insisted that Miranda warnings be given in the exact form described in that decision” (§20)

“This adequately informed Johnson of his right to counsel.” (§22)

FACTUAL BACKGROUND

Officers executing a search warrant at Johnson's home found a plastic bottle containing cocaine and arrested Johnson. At the jail, officers presented Johnson with a Miranda warning and waiver, which he signed, and Officer McCombs wrote a statement that Johnson signed admitting ownership of the cocaine and stating that his fiancée had nothing to do with it. Johnson claimed the statement was coerced by a threat to charge his fiancée, while the officers testified that no threat or promise was made and that Johnson had initiated the question about whether she would be charged.

PROCEDURAL HISTORY

Law enforcement searched Johnson's home pursuant to a warrant, arrested him, and obtained a signed written statement after administering a Miranda warning and waiver. The Leake County grand jury indicted Johnson, and the Leake County Circuit Court held a suppression hearing and admitted the statement at trial. Following his conviction and sentence, Johnson appealed to the Mississippi Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- *Wilson v. State*, 936 So. 2d 357, 361-62 (Miss. 2006)
- *Manix v. State*, 895 So. 2d 167, 180 (Miss. 2005)
- *Dancer v. State*, 721 So. 2d 583, 587 (Miss. 1998)
- *Morgan v. State*, 681 So. 2d 82, 86-87 (Miss. 1996)
- *Chase v. State*, 645 So. 2d 829, 838-39 (Miss. 1994)
- *Thorson v. State*, 653 So. 2d 876, 888 (Miss. 1994)
- *Abram v. State*, 606 So. 2d 1015, 1030 (Miss. 1992)
- *Jacobs v. State*, 870 So. 2d 1202, 1207 (Miss. 2004)
- *Glasper v. State*, 914 So. 2d 708, 716, 720 (Miss. 2005)
- *Barnes v. State*, 30 So. 3d 313, 317 (Miss. 2010)
- *Haymer v. State*, 613 So. 2d 837, 839 (Miss. 1993)
- *Cox v. State*, 586 So. 2d 761, 763 (Miss. 1991)
- *Duckworth v. Eagan*, 492 U.S. 195, 202-03, 109 S. Ct. 2875, 106 S. Ct. 2875, 106 L. Ed. 2d 166 (1989)
- *California v. Prysock*, 453 U.S. 355, 361, 101 S. Ct. 2806, 2810, 69 L. Ed. 2d 696 (1981)
- *Byrom v. State*, 863 So. 2d 836, 855, 858 (Miss. 2003)
- *Culbreath v. Johnson*, 427 So. 2d 705, 708-09 (Miss. 1983)