

SUPREME COURT OF MISSISSIPPI

Hawthorne v. State

835 So. 2d 14 (Miss. 2003) · No. No. 2001-KA-01712-SCT · Decided January 16, 2003

SUMMARY

The Supreme Court of Mississippi affirmed Tony Darel Hawthorne's conviction for murder and sentence of life imprisonment. The court held that the challenge to the deliberate-design jury instruction was procedurally barred and meritless, rejected the ineffective-assistance claim concerning the manslaughter instruction, and concluded that the evidence was legally sufficient and supported the verdict.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Easley, J.; Smith, P.J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	January 16, 2003
DOCKET	No. 2001-KA-01712-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a murder conviction and life sentence following a jury trial in the Circuit Court of Harrison County, Mississippi.
STANDARD OF REVIEW	Jury instructions are reviewed as a whole to determine whether they fairly announce the law and create no injustice. Legal sufficiency is reviewed under whether reasonable and fair-minded jurors could find the defendant guilty beyond a reasonable doubt, viewing the evidence and reasonable inferences in the light most favorable to the verdict. A motion for new trial challenges the weight of the evidence and is reviewed for abuse of discretion; reversal is warranted only when the verdict is so contrary to the overwhelming weight of the evidence that allowing it to stand would result in an unconscionable injustice. Ineffective-assistance claims require deficient performance and prejudice under Strickland v. Washington.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Hawthorne v. State of Mississippi

TOPICS

jury instructions

criminal procedure

appellate procedure

standard of review

harmless error

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate practice

Evidence

QUESTIONS PRESENTED

1. Whether the deliberate-design jury instruction was reversible error because it omitted language concerning when deliberate design must be formed.
2. Whether submission of the defense manslaughter instruction constituted ineffective assistance of counsel because it instructed the jury to find Hawthorne guilty as charged if the manslaughter elements were proven.
3. Whether the evidence was legally sufficient to support the murder conviction.
4. Whether the murder verdict was against the overwhelming weight of the evidence.

HOLDINGS

1. The challenge to the deliberate-design instruction was procedurally barred because Hawthorne did not object to it at trial. The challenge also lacked merit because the instruction's language had previously been approved as a proper definition of deliberate design.
2. The manslaughter instruction did not constitute reversible error when read together with the other instructions, and counsel's submission of the instruction did not establish ineffective assistance.
3. The evidence was legally sufficient because reasonable and fair-minded jurors could find beyond a reasonable doubt that Hawthorne deliberately shot and killed Seldon.
4. The verdict was not against the overwhelming weight of the evidence, and the trial court did not abuse its discretion by denying the motion for a new trial.

KEY QUOTATIONS

“There is no flaw in the instruction given as it does not state that deliberate design can be formed at the very moment of the fatal act” (at 20)

“if there is in the record substantial evidence of such quality and weight that, having in mind the beyond a reasonable doubt burden of proof standard, reasonable and fair-minded jurors in the exercise of impartial judgement might have reached different conclusions, the verdict of guilty is thus placed beyond our authority to disturb.” (at 22)

FACTUAL BACKGROUND

Hawthorne encountered his cousin Aaron J. Seldon after becoming upset over money he believed Seldon had taken. Hawthorne drove to Seldon's location, confronted him while armed, and shot him at close range while

Seldon was seated in a truck. Seldon died from the gunshot wound, and Hawthorne claimed the gun fired accidentally when Seldon attempted to grab it.

PROCEDURAL HISTORY

Hawthorne was indicted for murder, tried before a jury, convicted, and sentenced to life imprisonment. The trial court denied his motion for judgment notwithstanding the verdict or, alternatively, a new trial. Hawthorne appealed, challenging a deliberate-design jury instruction, the manslaughter instruction and related ineffective-assistance claim, and the legal sufficiency and weight of the evidence.

DISPOSITION

affirmed

CASES CITED

- Jones v. State, 776 So. 2d 643, 653 (Miss. 2000)
- Walker v. State, 729 So. 2d 197, 202 (Miss. 1998)
- Green v. State, 631 So. 2d 167, 173 (Miss. 1994)
- Tran v. State, 681 So. 2d 514, 516-17 (Miss. 1996)
- Windham v. State, 602 So. 2d 798, 801 (Miss. 1992)
- Johnson v. State, 475 So. 2d 1136, 1139 (Miss. 1985)
- Dye v. State, 127 Miss. 492, 90 So. 180 (1922)
- Hawthorne v. State, 58 Miss. 778 (1881)
- McDaniel v. State, 16 Miss. (8 S. & M.) 401 (Miss. 1847)
- Blanks v. State, 542 So. 2d 222, 227 (Miss. 1989)
- Fairman v. State, 513 So. 2d 910, 913 (Miss. 1987)
- Lancaster v. State, 472 So. 2d 363, 367 (Miss. 1985)
- Jones v. State, 710 So. 2d 870, 877-78 (Miss. 1998)
- Peterson v. State, 242 So. 2d 420, 427 (Miss. 1970)
- Woodham v. State, 800 So. 2d 1148, 1156 (Miss. 2001)
- Burton ex rel. Bradford v. Barnett, 615 So. 2d 580, 583 (Miss. 1993)
- Coleman v. State, 697 So. 2d 777, 782, 787 (Miss. 1997)
- Collins v. State, 691 So. 2d 918 (Miss. 1997)
- Strickland v. Washington, 466 U.S. 668, 687, 694 (1984)
- Ferguson v. State, 507 So. 2d 94, 95 (Miss. 1987)
- Henley v. State, 729 So. 2d 232, 241 (Miss. 1998)
- Waldrop v. State, 506 So. 2d 273, 275 (Miss. 1987)
- Wetz v. State, 503 So. 2d 803, 807-08 (Miss. 1987)
- McClain v. State, 625 So. 2d 774, 778 (Miss. 1993)

- Neal v. State, 451 So. 2d 743, 758 (Miss. 1984)
- Kinney v. State, 336 So. 2d 493, 496 (Miss. 1976)
- Sheffield v. State, 749 So. 2d 123, 127 (Miss. 1999)
- Gleeton v. State, 716 So. 2d 1083 (Miss. 1998)
- McFee v. State, 511 So. 2d 130, 133-34 (Miss. 1987)
- May v. State, 460 So. 2d 778, 781 (Miss. 1984)
- Groseclose v. State, 440 So. 2d 297, 300 (Miss. 1983)
- Danner v. State, 748 So. 2d 844, 846 (Miss. Ct. App. 1999)
- Collier v. State, 711 So. 2d 458, 461 (Miss. 1998)
- Gathright v. State, 380 So. 2d 1276, 1278 (Miss. 1980)
- Davis v. State, 320 So. 2d 789 (Miss. 1975)
- Carter v. State, 722 So. 2d 1258, 1263 (Miss. 1998)
- Mitchell v. State, 803 So. 2d 479, 484 (Miss. Ct. App. 2001)