

SUPREME COURT OF MISSISSIPPI

Jefferson v. State

807 So. 2d 1222 (Miss. 2002) · No. No. 2000-KA-01788-SCT · Decided February 14, 2002

SUMMARY

The Supreme Court of Mississippi held that the trial court properly tried John Wayne Jefferson in absentia because he knowingly, willingly, and deliberately absented himself after receiving direct notice of the trial date. The court carved out a limited exception to prior Mississippi precedent disfavoring felony trials in absentia and affirmed Jefferson’s convictions and sentences for marijuana possession and possession of a firearm by a convicted felon.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Smith, P.J.; Cobb, J.; Diaz, J.
JURISDICTION	Mississippi
DECIDED	February 14, 2002
DOCKET	No. 2000-KA-01788-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jefferson appealed his felony convictions and sentences, challenging the trial court's decision to conduct the trial in his absence.
STANDARD OF REVIEW	The issue was a question of law reviewed de novo; the trial court's decision to proceed in absentia was also challenged as an abuse of discretion.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; binding state precedent.
PARTIES	John Wayne Jefferson v. State of Mississippi

TOPICS

- criminal procedure
- due process
- sixth amendment
- fourteenth amendment
- sentencing

PRACTICE AREAS

- criminal procedure
- constitutional criminal procedure
- appellate criminal law
- habitual-offender sentencing

QUESTIONS PRESENTED

1. Whether the trial court erred by conducting Jefferson's felony trial in absentia after finding that he knowingly, willingly, freely, voluntarily, and intentionally absented himself to avoid prosecution.
2. Whether trial in absentia under these circumstances violated Jefferson's rights under the Mississippi Constitution, the Sixth Amendment, or the Fourteenth Amendment.

HOLDINGS

1. A felony trial may proceed in absentia when the defendant has actual notice of the trial date and knowingly, willingly, freely, voluntarily, and deliberately absents himself for the purpose of avoiding prosecution.
2. Jefferson was not prejudiced by being tried in absentia under the circumstances presented.
3. Proceeding with Jefferson's trial in absentia on these facts did not violate the Mississippi Constitution, the Sixth Amendment, or the Fourteenth Amendment.

KEY QUOTATIONS

"We find that Jefferson voluntarily and deliberately absented himself from trial; and therefore, we affirm the trial court." (807 So. 2d at 1223)

"Recognizing this trend, we deem it prudent to carve out an exception to our holding in Sandoval." (807 So. 2d at 1226)

"By our ruling today, we do not overrule Sandoval and its progeny; rather, we carve out an exception based on willful, voluntary and deliberate actions by a defendant in avoiding trial, such as those presented here." (807 So. 2d at 1227)

FACTUAL BACKGROUND

Jefferson was present for arraignment and an omnibus hearing at which his March 20, 2000, trial date was set, and he communicated with appointed counsel about the case shortly before trial. He failed to appear on March 20, March 21, and March 22 despite counsel's repeated efforts to contact him, and the trial court found that he had actual notice of the trial date. An acquaintance testified without contradiction that Jefferson had said he was going to run, supporting the finding that his absence was deliberate and intended to avoid prosecution. Jefferson was tried in absentia and convicted of marihuana possession and possession of a firearm by a convicted felon.

PROCEDURAL HISTORY

Jefferson was indicted by the Walthall County Grand Jury, and the indictment was later amended to add a recidivism charge. After Jefferson failed to appear on three consecutive trial dates, the circuit court found that he had knowingly and voluntarily absented himself and proceeded with trial in absentia. The jury convicted him of marihuana possession and possession of a firearm by a convicted felon; after his arrest, he was sentenced as a habitual offender and filed an unsuccessful motion for a new trial. The Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Attorney General v. Interest of B.C.M., 744 So. 2d 299 (Miss. 1999)
- Simmons v. State, 746 So. 2d 302 (Miss. 1999)
- Jackson v. State, 689 So. 2d 760 (Miss. 1997)
- Villaverde v. State, 673 So. 2d 745 (Miss. 1996)
- Banos v. State, 632 So. 2d 1305 (Miss. 1994)
- Sandoval v. State, 631 So. 2d 159 (Miss. 1994)
- Samuels v. State, 567 So. 2d 843 (Miss. 1990)
- Thomas v. State, 117 Miss. 532, 78 So. 147 (1918)
- Williams v. State, 103 Miss. 147, 60 So. 73 (1912)
- Taylor v. United States, 414 U.S. 17, 94 S. Ct. 194, 38 L. Ed. 2d 174 (1973)
- Crosby v. United States, 506 U.S. 255, 113 S. Ct. 748, 122 L. Ed. 2d 25 (1993)