

SUPREME COURT OF MISSISSIPPI

Robinson v. State

940 So. 2d 235 (Miss. 2006) · No. 2005-KA-01676-SCT · Decided October 19, 2006

SUMMARY

The Supreme Court of Mississippi affirmed Lorenzo Robinson's convictions for aggravated assault and conspiracy to commit murder, along with consecutive life sentences imposed under the habitual-offender statute. The court held that testimony concerning Robinson's alleged gang affiliation was supported by personal knowledge and that any error in admitting a prior inconsistent statement without a limiting instruction was harmless. The court also held that the verdict was supported by sufficient evidence and was not against the overwhelming weight of the evidence.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| COURT                 | Supreme Court of Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Smith, Chief Justice; Waller, P.J.; Diaz, J.; Easley, J.; Carlson, J.; Dickinson, J.; Randolph, J.; Graves, J.; Cobb, P.J.                                                                                                                                                                                                                                                                                                                                                                                        |
| JURISDICTION          | Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | October 19, 2006                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 2005-KA-01676-SCT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Robinson appealed his convictions for aggravated assault and conspiracy to commit murder, challenging the admission of gang-related testimony and a prior inconsistent statement, and the denial of his motions for judgment notwithstanding the verdict or a new trial.                                                                                                                                                                                                                                          |
| STANDARD OF REVIEW    | Evidentiary rulings are reviewed for abuse of discretion and will not be reversed absent prejudice to the accused. Denial of a motion for a new trial is reviewed for abuse of discretion. The sufficiency of the evidence following denial of a motion for judgment notwithstanding the verdict is viewed in the light most favorable to the State, accepting evidence consistent with guilt and all reasonable favorable inferences. A new trial should be granted only to prevent an unconscionable injustice. |
| PRECEDENTIAL VALUE    | Published, precedential opinion of the Supreme Court of Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| PARTIES               | Lorenzo Robinson a/k/a Tymoochie v. State of Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## TOPICS

evidence

criminal procedure

appellate procedure

harmless error

standard of review

## PRACTICE AREAS

criminal procedure

evidence

criminal appeals

## QUESTIONS PRESENTED

1. Whether the trial court erred by admitting Sergeant Norman Starks's testimony concerning Robinson's alleged gang affiliation.
2. Whether the trial court erred by admitting a prior inconsistent statement by Tiffany Marion without a limiting instruction restricting its use to impeachment.
3. Whether the trial court erred by denying Robinson's motion for a new trial or judgment notwithstanding the verdict because the verdict was against the overwhelming weight or sufficiency of the evidence.

## HOLDINGS

1. The trial court did not abuse its discretion by admitting testimony concerning Robinson's alleged gang affiliation because the testimony was supported by sufficient evidence of Starks's personal knowledge under Mississippi Rule of Evidence 602.
2. Even assuming the trial court should have limited the use of Marion's prior inconsistent statement to impeachment, denial of the limiting instruction was harmless error because the statement did not affect Robinson's substantial rights and other evidence independently established his gang involvement.
3. The circuit court properly denied Robinson's motions for judgment notwithstanding the verdict and a new trial because credible evidence and reasonable inferences supported the aggravated-assault and conspiracy convictions, and the verdict was not against the overwhelming weight of the evidence.

## KEY QUOTATIONS

*"If this evidence would support a verdict of guilty beyond reasonable doubt, the trial court's denial of the motion must be affirmed."* (240)

*"Further, a motion for a new trial should not be granted except to prevent 'an unconscionable injustice.'"* (240)

## FACTUAL BACKGROUND

Robinson was accused of shooting Andrew Hampton in an October 2002 aggravated assault and of conspiring with gang associates to arrange Hampton's subsequent murder in July 2003. Trial witnesses testified that Robinson was affiliated with the Mafia Insane Vice Lord Gang, discussed paying Hampton to avoid prosecution, approved another person's statement that he would take care of the matter, and later warned a witness not to talk. A witness identified Robinson as the shooter in the aggravated assault, and other testimony connected Robinson to the conspiracy and Hampton's murder.

## PROCEDURAL HISTORY

Robinson was indicted in the Circuit Court of Coahoma County for aggravated assault and two counts of conspiracy to commit murder. Following trial, he was convicted of aggravated assault and conspiracy to commit murder and sentenced as a habitual offender to two consecutive life sentences. The circuit court denied his motion for judgment notwithstanding the verdict or a new trial, and the Mississippi Supreme Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Turner v. State, 732 So. 2d 937, 946 (Miss. 1999)
- Dudley v. State, 719 So. 2d 180 (Miss. 1998)
- Hoops v. State, 681 So. 2d 521, 531-32 (Miss. 1996)
- Martindale v. Wilbanks, 744 So. 2d 252, 255 (Miss. 1999)
- Whitehurst v. State, 540 So. 2d 1319, 1324 (Miss. 1989)
- McClain v. State, 625 So. 2d 774, 778 (Miss. 1993)
- Whitehurst v. State, 540 So. 2d 1319, 1327 (Miss. 1989)
- Jones v. State, 635 So. 2d 884, 887 (Miss. 1994)