

SUPREME COURT OF MISSISSIPPI

John A. Williams v. State of Mississippi

No. 2006-KA-00418-SCT · No. 2006-KA-00418-SCT · Decided February 3, 2006

SUMMARY

The Supreme Court of Mississippi affirmed John A. Williams’s convictions for manufacturing more than thirty grams of marijuana and possessing a firearm as a convicted felon. The court rejected challenges concerning evidentiary sufficiency, juror familiarity, surveillance videotapes, admission of the prior felony conviction, Miranda warnings, prosecutorial remarks, and ineffective assistance of counsel. The court held that the claims were either procedurally barred, unsupported, or did not establish reversible error.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Lamar, Justice; Smith, C.J.; Waller, P.J.; Diaz, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Randolph, J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	February 3, 2006
DOCKET	2006-KA-00418-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for manufacturing marijuana in an amount greater than thirty grams and possession of a firearm by a convicted felon.
STANDARD OF REVIEW	Denial of a motion for directed verdict or judgment notwithstanding the verdict is reviewed de novo. Evidentiary rulings are reviewed for abuse of discretion. A mistrial ruling is reviewed for abuse of discretion. Ineffective-assistance claims are evaluated under the two-pronged Strickland standard.
PRECEDENTIAL VALUE	published precedential opinion of the Mississippi Supreme Court
PARTIES	John A. Williams v. State of Mississippi

TOPICS

- criminal procedure
- evidence
- appellate procedure
- ineffective assistance
- miranda rights

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the conviction for manufacturing more than thirty grams of marijuana.
2. Whether the evidence was legally sufficient to support the conviction for possession of a firearm by a convicted felon under a constructive-possession theory.
3. Whether Williams waived his challenge to jurors who knew the defendant, attorneys, or witnesses by failing to challenge them at trial.
4. Whether the trial court abused its discretion by admitting the surveillance videotapes.
5. Whether the videotapes were properly authenticated, and whether that issue was preserved for appeal.
6. Whether admission of the indictment and sentencing order establishing Williams's prior felony conviction was preserved for appellate review.
7. Whether Williams's Miranda claim was waived because it was not raised in the trial court.
8. Whether the prosecutor's closing-rebuttal comment warranted a mistrial.
9. Whether trial counsel was ineffective for failing to seek severance, failing to present a defense case, or failing to seek the trial judge's recusal.

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that Williams manufactured more than thirty grams of marijuana.
2. The evidence was sufficient to establish that Williams constructively possessed the handgun despite the residence being jointly controlled by Williams and his wife.
3. Williams's challenge to jurors who knew the defendant, attorneys, or witnesses was procedurally barred because the defense did not challenge those jurors for cause or exercise peremptory challenges against them.
4. The trial court did not abuse its discretion by admitting and playing the surveillance videotapes for the jury.
5. The authentication challenge was procedurally barred because Williams did not object to the authenticity of the videotapes at trial.
6. The challenge to admission of the indictment and sentencing order documenting Williams's prior aggravated-assault conviction was procedurally barred because no trial objection was made.
7. Williams's claim that he was questioned before receiving Miranda warnings was procedurally barred because he did not move to suppress the statements or otherwise raise the constitutional issue in the trial court.

8. The trial court did not abuse its discretion by failing to declare a mistrial sua sponte after the prosecutor referred to the gun as the type of pistol used in Williams's prior shooting.
9. Williams failed to establish ineffective assistance of counsel because he did not show deficient performance and resulting prejudice under Strickland.

KEY QUOTATIONS

““there must be sufficient facts to warrant a finding that the defendant was aware of the presence and character of the particular [contraband] and was intentionally and consciously in possession of it.”” (§16)

“Where the premises upon which contraband is found is not in the exclusive possession of the accused, the accused is entitled to acquittal, absent some competent evidence connecting him with the contraband.” (§17)

“Our law presumes the jury does as it is told. To presume otherwise would render the jury system inoperable.” (§31)

“To prevail on a claim of ineffective assistance of counsel, a defendant must meet a two-pronged test set forth in Strickland v. Washington” (§34)

FACTUAL BACKGROUND

Authorities discovered marijuana plants growing in cups in a wooded area and conducted motion-activated video surveillance. The videos showed a person tending the plants, accompanied by two dogs later found at Williams's residence; a later video clearly showed the person's face, and officers identified him as Williams. Williams admitted ownership of the plants and related marijuana found at his residence, while forensic testing established an aggregate marijuana weight of 39.4 grams. Officers also found a handgun in a nightstand on the apparent masculine side of the bedroom, along with marijuana-growing literature identified as Williams's, and Williams had a prior aggravated-assault felony conviction.

PROCEDURAL HISTORY

Williams was indicted by an Itawamba County grand jury on August 2, 2005. After a one-day jury trial on January 27, 2006, the circuit court convicted him on both counts and imposed concurrent sentences of fifteen years for manufacturing marijuana and three years for possession of a firearm by a convicted felon. Williams appealed, raising evidentiary, constitutional, prosecutorial-misconduct, sufficiency-of-the-evidence, and ineffective-assistance claims. The Mississippi Supreme Court found sufficient evidence and no reversible error, holding that several claims were procedurally barred and affirming.

DISPOSITION

affirmed

CASES CITED

- Gilmer v. State, 955 So. 2d 829, 833 (Miss. 2007)
- Ivy v. State, 949 So. 2d 748, 751 (Miss. 2007)

- Dixon v. State, 953 So. 2d 1108, 1111 (Miss. 2007)
- Roberson v. State, 595 So. 2d 1310, 1319 (Miss. 1992)
- Vickery v. State, 535 So. 2d 1371, 1379 (Miss. 1988)
- Curry v. State, 249 So. 2d 414, 416 (Miss. 1971)
- Ginn v. State, 860 So. 2d 675, 685 (Miss. 2003)
- Jaco v. State, 574 So. 2d 625, 633-634 (Miss. 1990)
- Ratliff v. State, 515 So. 2d 877, 880 (Miss. 1987)
- Coleman v. State, 697 So. 2d 777, 784 (Miss. 1997)
- Dye v. State, 498 So. 2d 343, 344 (Miss. 1986)
- Flora v. State, 925 So. 2d 797, 805 (Miss. 2006)
- Thornhill v. State, 561 So. 2d 1025, 1029 (Miss. 1989)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Pinkney v. State, 757 So. 2d 297, 299 (Miss. 2000)
- Hoops v. State, 681 So. 2d 521, 528 (Miss. 1996)
- Williams v. State, 684 So. 2d 1179, 1209 (Miss. 1996)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Rankin v. State, 636 So. 2d 652, 656 (Miss. 1994)
- Corley v. State, 584 So. 2d 769, 772 (Miss. 1991)
- Burrows v. State, 961 So. 2d 701 (Miss. 2007)
- Shields v. State, 702 So. 2d 380 (Miss. 1997)
- Harrison v. State, 635 So. 2d 894 (Miss. 1994)
- Ruffin v. State, 481 So. 2d 312, 317 (Miss. 1985)