

SUPREME COURT OF MISSISSIPPI

Lynch v. State

877 So. 2d 1254 (Miss. 2004) · No. No. 1998-DP-01149-SCT · Decided May 27, 2004

SUMMARY

The Supreme Court of Mississippi reviewed Leroy Lynch's capital murder conviction and death sentence arising from the killing of Richard Lee during a carjacking. The court addressed whether Lynch was entitled to a two-theory or circumstantial-evidence jury instruction and whether the sentencing instructions properly stated the burden of proof for the Enmund factors. In the excerpt, the court upheld the instructions and concluded that the case was not purely circumstantial because Lynch's statements and testimony constituted direct evidence or admissions.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Smith, Chief Justice, for the Court; Waller, P.J.; Cobb, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Randolph, J.
JURISDICTION	Mississippi
DECIDED	May 27, 2004
DOCKET	No. 1998-DP-01149-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a capital murder conviction and death sentence entered by the Bolivar County Circuit Court. Lynch challenged the denial of his motion for judgment of acquittal notwithstanding the verdict or, alternatively, a new trial, and raised numerous guilt-phase, sentencing-phase, evidentiary, jury-instruction, Batson, sufficiency, proportionality, and constitutional claims.
STANDARD OF REVIEW	Capital convictions and death sentences receive heightened scrutiny, with doubts resolved in favor of the accused. The court reviewed the weight of the evidence for abuse of discretion, sufficiency of the evidence and JNOV claims under a favorable-to-the-State substantial-evidence standard, jury-instruction claims for procedural bar or clear error, Batson findings for clear error with great deference to the trial court, evidentiary rulings for abuse of discretion, and the death sentence for sufficiency, proportionality, and constitutional compliance.

PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; binding state precedent.
PARTIES	Leroy Lynch v. State of Mississippi

TOPICS

sentencing jury instructions standard of review appellate procedure

PRACTICE AREAS

criminal law capital punishment criminal procedure evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by refusing or modifying a proposed two-theory circumstantial-evidence jury instruction.
2. Whether the sentencing-phase jury instructions properly stated the State's burden concerning the Enmund factors under Mississippi Code section 99-19-101(7).
3. Whether sufficient evidence supported the aggravating circumstance that the capital offense was committed to avoid or prevent a lawful arrest.
4. Whether the trial court correctly applied Batson and accepted the State's race-neutral reasons for peremptory strikes.
5. Whether the verdict was against the overwhelming weight of the evidence and whether the evidence was legally sufficient to support the conviction and denial of JNOV.
6. Whether the Weathersby rule required acceptance of Lynch's version of events or a directed verdict.
7. Whether the trial court improperly excluded portions of Lynch's testimony concerning statements allegedly made by Scott.
8. Whether the evidence was sufficient to support imposition of the death penalty under Enmund and whether the sentence was disproportionate or unconstitutional.

HOLDINGS

1. A two-theory circumstantial-evidence instruction is required only in a purely circumstantial case. A defendant's admission against interest concerning a significant element of the offense makes the case non-purely circumstantial and defeats the need for that instruction. Lynch's statement that he thought Scott was going to carjack someone constituted an admission concerning the underlying felony.
2. The sentencing instruction was not clearly erroneous because it required the jury to find beyond a reasonable doubt one or more of the statutory Enmund factors, and Mississippi law does not require circumstantial-evidence language in an instruction under section 99-19-101(7).
3. The evidence was sufficient to submit and support the aggravating circumstance that the capital offense was committed to avoid or prevent a lawful arrest.

4. The trial court did not clearly err in finding race-neutral reasons for the State's peremptory challenges to Jurors 22, 25, 27, 41, and 47; no Batson violation occurred.
5. The evidence was legally sufficient to support Lynch's capital murder conviction, the jury's verdict was not against the overwhelming weight of the evidence, and the trial court properly denied the motion for JNOV or a new trial.
6. The trial court properly excluded the testimony as inadmissible hearsay, and Lynch's failure to make an offer of proof independently prevented meaningful appellate review.
7. The evidence supported the jury's Enmund findings and the death sentence was neither excessive nor disproportionate and did not violate the federal or state constitutions.

KEY QUOTATIONS

"CONVICTION OF CAPITAL MURDER AND SENTENCE OF DEATH BY LETHAL INJECTION AFFIRMED." (1260-1261)

"For purposes of granting a two-theory instruction, "[a] circumstantial evidence case ... is one in which there is neither an eyewitness nor a confession to the crime."" (1265)

"If there is evidence from which it may be reasonably inferred that a substantial reason for the killing was to conceal the identity of the killer or killers or to `cover their tracks' so as to avoid apprehension and eventual arrest by authorities, then it is proper for the court to allow the jury to consider this aggravating circumstance." (1270)

FACTUAL BACKGROUND

Lynch accompanied Kevin D. Scott to Cleveland, Mississippi, ostensibly to obtain a vehicle resembling one Scott had wrecked. Scott retrieved a .380 pistol, and the pair followed Richard Lee from several stores to Lee's home, where Scott shot Lee, shot at Lee's wife, and took Lee's vehicle. Lynch drove away in the vehicle they had used, was later seen near the location where Lee's vehicle and the murder weapon were abandoned, and had previously supplied Scott with the pistol. Lynch denied knowing of Scott's plan and claimed he did not intend to participate, but his statements and trial testimony contained material inconsistencies.

PROCEDURAL HISTORY

A Bolivar County Circuit Court jury found Lynch guilty of capital murder as an accomplice to Kevin D. Scott in the robbery and killing of Richard Lee and sentenced him to death. The trial court entered judgment, denied Lynch's posttrial motion for JNOV or a new trial, and Lynch appealed. The Mississippi Supreme Court affirmed the conviction and death sentence in all respects; rehearing was denied August 5, 2004.

DISPOSITION

affirmed

CASES CITED

- Flowers v. State, 842 So. 2d 531, 539 (Miss. 2003)
- Balfour v. State, 598 So. 2d 731, 739 (Miss. 1992)
- State v. Rogers, 847 So. 2d 858, 862-63 (Miss. 2003)
- Taylor v. State, 672 So. 2d 1246, 1270 (Miss. 1996)
- Mack v. State, 481 So. 2d 793, 795 (Miss. 1985)
- Conner v. State, 632 So. 2d 1239, 1256 (Miss. 1993)
- Wiley v. State, 750 So. 2d 1193, 1206 (Miss. 1999)
- Woodward v. State, 726 So. 2d 524, 541 (Miss. 1997)
- Walker v. State, 815 So. 2d 1209, 1214-15 (Miss. 2002)
- Manning v. State, 735 So. 2d 323, 339-40 (Miss. 1999)
- Berry v. State, 802 So. 2d 1033, 1039-46 (Miss. 2001)
- Pruitt v. State, 807 So. 2d 1236, 1243 (Miss. 2002)
- Vaughn v. State, 712 So. 2d 721, 723 (Miss. 1998)
- Brooks v. State, 763 So. 2d 859, 861 (Miss. 2000)
- Weathersby v. State, 165 Miss. 207, 147 So. 481 (1933)
- Mississippi Rule of Evidence 103
- Harris v. State, 731 So. 2d 1125, 1130 (Miss. 1999)
- Enmund v. Florida, 458 U.S. 782 (1982)
- Bishop v. State, 812 So. 2d 934, 948 (Miss. 2002)
- Smith v. State, 729 So. 2d 1191 (Miss. 1998)
- Abram v. State, 606 So. 2d 1015 (Miss. 1992)