

SUPREME COURT OF MISSISSIPPI

Lambert v. State

777 So. 2d 45 (Miss. 2001) · No. No. 1999-CA-00395-SCT · Decided January 11, 2001

SUMMARY

The Supreme Court of Mississippi reviewed the denial of Gary Dean Lambert's motion for post-conviction collateral relief from his murder conviction and life sentence. The court remanded for DNA testing of hair evidence used at trial, citing doubts concerning the reliability of the investigation and the potential value of modern DNA analysis, while reserving the remaining claims.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Mills, Justice; Banks, P.J.; Cobb, J.; Diaz, J.; McRae, P.J.; Pittman, C.J.; Smith, J.; Easley, J.; Waller, J.
JURISDICTION	Mississippi
DECIDED	January 11, 2001
DOCKET	No. 1999-CA-00395-SCT
DISPOSITION	remanded
PROCEDURAL POSTURE	Appeal from the denial of a motion for post-conviction collateral relief seeking DNA testing of hair evidence used at Lambert's murder trial.
STANDARD OF REVIEW	Following an evidentiary hearing in a post-conviction relief case, factual findings are reviewed for clear error; questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Mississippi.
PARTIES	Gary Dean Lambert v. State of Mississippi

TOPICS

- state post-conviction relief
- post-conviction relief
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

- Mississippi post-conviction relief
- criminal procedure
- forensic evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the court should remand for DNA testing of hair samples recovered from the victim.
2. Whether the trial judge erred in ruling that Lambert's evidence did not support a finding of perjury and fraud.
3. Whether Lambert's indictment was void.
4. Whether the original trial court had jurisdiction to instruct the jury on the lesser-included offense of simple murder.
5. Whether Lambert was denied effective assistance of counsel.

HOLDINGS

1. Because the record raised serious doubts about the reliability of the evidence and Lambert's guilt, the court remanded for entry of an order granting DNA analysis of the appropriate evidence.
2. The court reserved decision on the remaining claims, permitting Lambert to present them to the court or a lower court later depending on the proof obtained through DNA testing.

KEY QUOTATIONS

"The least we can do now is allow Lambert to apply modern science to the evidence used against him." (49)

"Accordingly, we remand this case for entry of an order granting DNA analysis of the appropriate evidence." (49)

FACTUAL BACKGROUND

Lambert was found asleep and partially undressed beside the badly bruised and strangled body of Pearl Lott Trigg in her home. Evidence linking Lambert to the crime included his checkbook found beneath Trigg's body, his automobile at the home, and expert testimony that pubic hairs recovered from Trigg had microscopic characteristics consistent with Lambert's hair. No DNA testing was performed because the Mississippi Crime Laboratory did not institute DNA testing until 1996, and the record contained substantial evidence raising questions about the investigation, the hair evidence, and Lambert's guilt.

PROCEDURAL HISTORY

Lambert was convicted of murder in 1982 and sentenced to life imprisonment. The Mississippi Supreme Court affirmed his conviction by an equally divided vote. Federal habeas relief was denied by the federal district court and affirmed by the Fifth Circuit, and the United States Supreme Court denied certiorari. After obtaining permission to proceed, Lambert filed a 1998 motion for post-conviction relief; the circuit court denied relief, and Lambert appealed. The Mississippi Supreme Court remanded for entry of an order granting DNA analysis of appropriate evidence and reserved the remaining issues.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand for entry of an order granting DNA analysis of the appropriate evidence, specifically the relevant hair samples. The court reserved the remaining assignments of error for possible later presentation.

CASES CITED

- Lambert v. State, 462 So. 2d 308 (Miss. 1984)
- Lambert v. Mississippi Department of Corrections, 974 F.2d 1334 (5th Cir. 1992) (table)
- Lambert v. Mississippi Department of Corrections, 507 U.S. 1020, 113 S. Ct. 1819, 123 L. Ed. 2d 449 (1993)
- Rochell v. State, 748 So. 2d 103, 109 (Miss. 1999)
- Reynolds v. State, 521 So. 2d 914, 917-918 (Miss. 1988)
- Brown v. State, 731 So. 2d 595, 598 (Miss. 1999)
- Polk v. State, 612 So. 2d 381, 388 (Miss. 1992)