

SUPREME COURT OF MISSISSIPPI

Weatherspoon v. State

56 So. 3d 559 (Miss. 2011) · Decided January 20, 2011

SUMMARY

The Mississippi Supreme Court affirmed Jennifer Weatherspoon’s convictions for aggravated assault and murder. The court held that the murder verdict was not so contrary to the overwhelming weight of the evidence that allowing it to stand would constitute an unconscionable injustice, despite the absence of an eyewitness who specifically saw Weatherspoon shoot the victim and the presence of evidence concerning potential additional shooters.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Carlson, Presiding Justice; Waller, Chief Justice; Graves, Presiding Justice; Dickinson, Justice; Randolph, Justice; Lamar, Justice; Kitchens, Justice; Chandler, Justice; Pierce, Justice
JURISDICTION	Mississippi
DECIDED	January 20, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for aggravated assault and murder after the trial court denied Weatherspoon's motion for a new trial. On appeal, she challenged only the murder conviction, arguing that the verdict was against the overwhelming weight of the evidence.
STANDARD OF REVIEW	A denial of a motion for a new trial based on the weight of the evidence is reviewed for abuse of discretion. The verdict will be disturbed only when it is so contrary to the overwhelming weight of the evidence that allowing it to stand would sanction an unconscionable injustice. The evidence is weighed in the light most favorable to the verdict, and a new trial should be granted only in exceptional cases in which the evidence heavily preponderates against the verdict.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential
PARTIES	Jennifer Weatherspoon v. State of Mississippi

TOPICS

evidence

standard of review

appellate procedure

criminal procedure

PRACTICE AREAS

criminal law

criminal appellate practice

evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Weatherspoon's motion for a new trial because the murder verdict was against the overwhelming weight of the evidence.
2. Whether the evidence identifying Weatherspoon as the shooter, including eyewitness, forensic, and admissions evidence, was sufficient to avoid an unconscionable injustice in allowing the murder verdict to stand.

HOLDINGS

1. The trial court did not abuse its discretion by denying Weatherspoon's motion for a new trial because the murder verdict was not so contrary to the overwhelming weight of the evidence that allowing it to stand would sanction an unconscionable injustice.
2. The aggravated-assault conviction and twenty-year sentence were affirmed because Weatherspoon did not present argument or authority challenging them.

KEY QUOTATIONS

“reviewing a denial of a motion for a new trial based on an objection to the weight of the evidence, we will only disturb a verdict when it is so contrary to the overwhelming weight of the evidence that to allow it to stand would sanction an unconscionable injustice.” (564)

“We are unable to conclude from the record before us that we are sanctioning an unconscionable injustice by allowing the jury’s verdict to stand finding Jennifer Weatherspoon guilty of the murder of Derrick McKinney.” (567)

FACTUAL BACKGROUND

At the Hurricane Club in Cleveland, Mississippi, a fight broke out between Damien Johnson and Carlos White. Multiple witnesses testified that Weatherspoon drew a firearm and fired several shots toward the altercation, after which Den'ick McKinney ran away, said that she had shot him, and collapsed and died from a gunshot wound caused by a .22-caliber bullet. Although other firearms or potential shooters were mentioned and the murder weapon was not recovered, the evidence included eyewitness testimony identifying Weatherspoon as the shooter, her statements to police that she had fired a weapon, and forensic evidence consistent with the State's theory.

PROCEDURAL HISTORY

A jury in the Circuit Court for the Second Judicial District of Bolivar County convicted Weatherspoon of aggravated assault and murder. The circuit court imposed consecutive sentences of twenty years for aggravated assault and life imprisonment for murder and denied her motion for a new trial. The Mississippi Supreme Court affirmed both convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- Bush v. State, 895 So. 2d 886, 844 (Miss. 2005)
- Herring v. State, 691 So. 2d 948, 957 (Miss. 1997)
- Amiker v. Drugs For Less, Inc., 796 So. 2d 942, 947 (Miss. 2000)
- Russell v. State, 497 So. 2d 75 (Miss. 1986)
- Jordan v. State, 995 So. 2d 94, 104 (Miss. 2008)
- Pierre v. State, 607 So. 2d 43, 48 (Miss. 1992)
- Byrd v. State, 522 So. 2d 756, 760 (Miss. 1988)