

SUPREME COURT OF MISSISSIPPI

Justin Crockett a/k/a Justin Randle Crockett a/k/a Justin R. Crockett
v. State of Mississippi

212 So. 3d 763 (Miss. 2017) · No. No. 2015-KM-00828-SCT · Decided January 12, 2017

SUMMARY

The Supreme Court of Mississippi affirmed Justin Crockett’s conviction for hunting and killing a deer at night by headlighting in violation of Mississippi Code Section 49-7-95. The Court held that substantial evidence supported the trial court’s finding that Crockett committed the required overt act, including evidence that he possessed a recently killed deer that could not have been killed during legal hunting hours. The Court also declined to consider a hearsay challenge because Crockett had not objected at trial.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Justice Kitchens; Presiding Justice Dickinson; Justice King; Chief Justice Waller; Presiding Justice Randolph; Justice Coleman; Justice Maxwell; Justice Beam
JURISDICTION	Mississippi
DECIDED	January 12, 2017
DOCKET	No. 2015-KM-00828-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Crockett appealed to the Mississippi Supreme Court after a de novo bench trial in circuit court resulted in his conviction for headlighting a deer.
STANDARD OF REVIEW	When a trial judge sits without a jury, the Mississippi Supreme Court will not disturb factual determinations supported by substantial evidence and will affirm unless the trial court was manifestly wrong.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion
PARTIES	Justin Crockett a/k/a Justin Randle Crockett a/k/a Justin R. Crockett v. State of Mississippi

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether sufficient evidence supported Crockett's conviction under Mississippi Code section 49-7-95 for killing a deer at night by headlighting.
2. Whether possession of a recently killed deer that could not have been killed during legal hunting hours constituted an observed overt act under section 49-7-95(1)(b).
3. Whether the admission of hearsay testimony could be challenged on appeal when Crockett did not object at trial.

HOLDINGS

1. Sufficient evidence supported Crockett's conviction under Mississippi Code section 49-7-95.
2. Evidence that the defendant possessed a recently killed deer that could not have been killed during legal hunting hours may satisfy the statute's observed overt-act requirement when accompanied by evidence connecting the defendant to the killing.
3. Because Crockett did not object to the hearsay testimony at trial, he waived the right to raise its admission as an appellate issue.

KEY QUOTATIONS

“when a trial judge sits without a jury, this Court will not disturb his factual determinations where there is substantial evidence in the record to support those findings.” (§10)

“Such observation may include, but shall not be limited to . . . seeing the person in possession of a recently killed deer which could not have been killed during legal hunting hours.” (§13)

“We affirm Crockett’s conviction of headlighting a deer in violation of Mississippi Code Section 49-7-95.” (§16)

FACTUAL BACKGROUND

Wildlife officers found three men at night in a truck carrying three recently killed deer. The men told Lieutenant Marion Pearson that they had been headlighting deer with Crockett and that Crockett had shot two of the deer, including the spike buck for which he was charged. Crockett admitted shooting the spike but claimed that he had done so during legal hunting hours; unchallenged forensic evidence placed the time of death between 8:00 p.m. and 10:00 p.m., after legal hunting hours ended at 5:57 p.m.

PROCEDURAL HISTORY

Crockett pleaded guilty in Panola County Justice Court to violating Mississippi Code section 49-7-95. He appealed to the Circuit Court of the First Judicial District of Panola County, which conducted a bench trial de novo and found him guilty. He then timely appealed to the Mississippi Supreme Court, arguing that the evidence was insufficient to support his conviction.

DISPOSITION

affirmed

CASES CITED

- Jones v. State, 972 So. 2d 579, 580 (Miss. 2008)
- Neblett v. State, 75 Miss. 105, 21 So. 799 (1897)
- Pharr v. State, 465 So. 2d 294 (Miss. 1984)
- Transocean Enter., Inc. v. Ingalls Shipbuilding, Inc., 33 So. 3d 459, 462 (Miss. 2010)
- Ezell v. Williams, 724 So. 2d 396, 397 (Miss. 1998)
- City of Greenville v. Jones, 925 So. 2d 106, 109 (Miss. 2006)
- Yarbrough v. Camphor, 645 So. 2d 867, 869 (Miss. 1994)
- Purvis v. Barnes, 791 So. 2d 199, 202 (Miss. 2001)
- Cross v. State, 759 So. 2d 354, 357 (Miss. 1999)
- Hansen v. State, 592 So. 2d 114, 127 (Miss. 1991)