

SUPREME COURT OF MISSISSIPPI

Dondrego Bolton v. State of Mississippi

Bolton · No. 2011-CT-00161-SCT · Decided December 1, 2010

SUMMARY

The Supreme Court of Mississippi held that the burglary jury instructions were fatally flawed because they allowed conviction based on an intent to commit any crime rather than the specific crime charged in the indictment. The court found plain error despite the defendant's failure to object, reversed the lower court decisions, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Kitchens, Justice; Waller, C.J.; Dickinson, P.J.; Randolph, P.J.; Lamar, J.; Chandler, J.; Pierce, J.; King, J.; Coleman, J.
JURISDICTION	Mississippi
DECIDED	December 1, 2010
DOCKET	2011-CT-00161-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Bolton sought review by writ of certiorari after the Mississippi Court of Appeals affirmed his burglary conviction and found the jury instructions sufficient. The Mississippi Supreme Court vacated its earlier denial of certiorari after issuing Daniels v. State and granted review.
STANDARD OF REVIEW	The Supreme Court reviewed the legal sufficiency of the jury instructions for plain error because Bolton did not object at trial.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Mississippi; binding precedent within Mississippi.
PARTIES	Dondrego Bolton v. State of Mississippi

TOPICS

- jury instructions
- lesser included offense instructions
- criminal procedure
- preservation of error
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether jury instructions permitting conviction for burglary upon a finding that the defendant intended to commit larceny or any other crime failed to require the jury to find the specific intended crime charged in the indictment.
2. Whether the instructional error constituted plain error requiring reversal despite Bolton's failure to object at trial.

HOLDINGS

1. When the indictment specifies the intended crime underlying a burglary charge, the State must prove beyond a reasonable doubt, and the jury must find, the defendant's intent to commit that specific crime. An instruction allowing conviction based on intent to commit any crime is fatally flawed.
2. Failure to instruct the jury on an essential element of the charged crime constitutes plain error requiring reversal, even when the defendant did not object to the instruction at trial.

KEY QUOTATIONS

“The intent to commit a specific crime charged in the indictment must be proven beyond a reasonable doubt, and the jury must be so instructed.” (§3)

“Bolton’s jury instructions were “fatally flawed” in exactly the manner as Daniels’s: the jury was permitted to convict him of burglary if it found he had intended to commit any crime while inside the dwelling, and the prosecution therefore was relieved of its obligation of proving his intent to commit a particular crime.” (§4)

FACTUAL BACKGROUND

Bolton was charged with burglary of a dwelling after allegedly breaking and entering a home with intent to commit larceny. At trial, the jury was instructed that it could convict him if he entered the dwelling with intent to commit larceny or any other crime. The jury found him guilty, and he received a twenty-year prison sentence.

PROCEDURAL HISTORY

Bolton was convicted in the Hinds County Circuit Court of burglary of a dwelling and sentenced to twenty years in prison. The Court of Appeals affirmed, holding that the State did not need to prove that Bolton actually committed larceny and that the jury instruction allowing conviction upon intent to commit larceny or any other crime was sufficient. The Supreme Court reversed the Court of Appeals and circuit court and remanded for proceedings consistent with its decision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for proceedings consistent with the Supreme Court's decision.

CASES CITED

- Bolton v. State, 2012 WL 2104852, *2 (Miss. Ct. App. June 12, 2012)
- Daniels v. State, 107 So. 3d 961 (Miss. 2013)
- Rogers v. State, 95 So. 3d 623, 632 (Miss. 2012)
- Berry v. State, 728 So. 2d 568, 571 (Miss. 1999)

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