

SUPREME COURT OF MISSISSIPPI

Mark Everett McDaniel a/k/a Mark McDaniel a/k/a Mark E.
McDaniel v. State of Mississippi

McDaniel v. State · No. 2025-KA-00202-SCT · Decided March 19, 2026

SUMMARY

The Supreme Court of Mississippi affirmed Mark Everett McDaniel's conviction for second-degree murder and his sentence of twenty years' incarceration followed by ten years of post-release supervision. The court rejected his claims of ineffective assistance of counsel, prejudicial deliberate-design and manslaughter jury instructions, and a verdict against the overwhelming weight of the evidence. The court held that the evidence did not support an excusable-homicide or manslaughter instruction and that any conflict between the deliberate-design and manslaughter instructions was harmless.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, C.J.; King, P.J.; Coleman, P.J.; Ishee, J.; Griffis, J.; Sullivan, J.; Branning, J.
JURISDICTION	Supreme Court of Mississippi
DECIDED	March 19, 2026
DOCKET	2025-KA-00202-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a second-degree-murder conviction and sentence entered after a second jury trial following a mistrial in the first trial.
STANDARD OF REVIEW	Ineffective-assistance claims are reviewed de novo when properly considered on direct appeal. Unpreserved instructional-error claims are reviewed for plain error, requiring an error that resulted in a manifest miscarriage of justice and affected a substantive or fundamental right. An overwhelming-weight challenge is reviewed in the light most favorable to the verdict; reversal is warranted only when the verdict is so contrary to the overwhelming weight of the evidence that allowing it to stand would sanction an unconscionable injustice. The appellate court does not reweigh facts or substitute its credibility determinations for those of the jury.

PRECEDENTIAL VALUE	Published opinion
PARTIES	Mark Everett McDaniel a/k/a Mark McDaniel a/k/a Mark E. McDaniel v. State of Mississippi

TOPICS

ineffective assistance jury instructions criminal procedure preservation of error evidence

PRACTICE AREAS

criminal law criminal procedure appellate procedure jury instructions ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to request an excusable-homicide instruction under Mississippi Code Section 97-3-17.
2. Whether giving deliberate-design and manslaughter jury instructions together prejudiced McDaniel or constituted reversible plain error.
3. Whether McDaniel's second-degree-murder conviction was contrary to the overwhelming weight of the evidence.

HOLDINGS

1. Counsel was not ineffective for failing to request an excusable-homicide instruction because the evidence did not support the instruction, counsel's pursuit of self-defense was a reasonable trial strategy, and McDaniel failed to establish prejudice.
2. Although deliberate-design and manslaughter instructions generally conflict, giving both instructions was harmless error here because the evidence did not warrant a manslaughter instruction and therefore did not result in a manifest miscarriage of justice.
3. The second-degree-murder conviction was not contrary to the overwhelming weight of the evidence because the evidence permitted the jury to find that McDaniel fired a gun into a crowd in an unnecessary and imminently dangerous manner, and conflicts concerning self-defense were for the jury to resolve.

KEY QUOTATIONS

“The Court strongly presumes that counsel’s conduct falls within the wide range of reasonably professional assistance, and the challenged act or omission might be considered sound trial strategy.” (¶ 14)

“Moreover, it is possible for a deliberate design to exist and the slaying nevertheless by no greater than manslaughter.” (¶ 19)

“Issues of fact and credibility are the primary responsibility of the trier of fact. Accordingly, this Court should not reweigh the facts nor substitute its judgment for that of the fact finder as to credibility issues.” (¶ 27)

FACTUAL BACKGROUND

At a party in DeSoto County, McDaniel became heavily intoxicated and was later confronted after damaging a bathroom. After an initial altercation in which the host punched McDaniel, McDaniel went to his car and remained there while others approached and told him to leave. Witnesses gave differing accounts of a second altercation at the car, but McDaniel fired a gun into a group of people, fatally striking Christian Saulsberry with two gunshot wounds. McDaniel later admitted during a phone call that he had fired his weapon at the group.

PROCEDURAL HISTORY

A DeSoto County grand jury indicted McDaniel for murder on July 14, 2023. His first trial, held August 27, 2024, ended in a mistrial because of a hung jury. At the second trial on November 21, 2024, the jury convicted him of second-degree murder, and the circuit court sentenced him to twenty years' incarceration with ten years of post-release supervision. McDaniel appealed, raising ineffective assistance of counsel, instructional error concerning deliberate design and manslaughter, and an overwhelming-weight-of-the-evidence challenge. The Supreme Court of Mississippi affirmed.

DISPOSITION

affirmed

CASES CITED

- Taylor v. State, 167 So. 3d 1143, 1146 (Miss. 2015)
- Swinney v. State, 241 So. 3d 599, 613 (Miss. 2018)
- Bell v. State, 202 So. 3d 1239, 1242 (Miss. 2016)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Chamberlin v. State, 55 So. 3d 1046, 1050 (Miss. 2010)
- Ashford v. State, 233 So. 3d 765, 779 (Miss. 2017)
- Wilson v. State, 194 So. 3d 855, 862 (Miss. 2016)
- Flora v. State, 925 So. 2d 797, 811 (Miss. 2006)
- Foster v. State, 639 So. 2d 1263, 1289 (Miss. 1994)
- Williams v. State, 794 So. 2d 181, 187 (Miss. 2001)
- Brown v. State, 995 So. 2d 698, 703 (Miss. 2008)
- Grubb v. State, 584 So. 2d 786, 789 (Miss. 1991)
- Catchings v. State, 684 So. 2d 591, 595 (Miss. 1996)
- Blanks v. State, 542 So. 2d 222, 227 (Miss. 1989)
- Windham v. State, 520 So. 2d 123, 126 (Miss. 1987)
- Nicolaou v. State, 534 So. 2d 168, 173 (Miss. 1988)
- Coleman v. State, 411 So. 3d 137, 145 (Miss. 2025)
- Moore v. State, 348 So. 3d 322, 327 (Miss. 2022)
- Moore v. State, 349 So. 3d 327 (Miss. 2022)
- Jones v. State, 390 So. 3d 498, 503 (Miss. 2024)

- Williams v. State, 391 So. 3d 1151, 1158 (Miss. 2024)
- McFadden v. Miss. State Bd. of Med. Licensure, 735 So. 2d 145, 152 (Miss. 1999)
- Eubanks v. State, 341 So. 3d 896, 912 (Miss. 2022)
- Williams v. State, 64 So. 3d 1029, 1033 (Miss. Ct. App. 2011)

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