

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2018-KA-01757-SCT

***STEPHEN WAYNE REDMOND a/k/a STEPHEN
W. REDMOND a/k/a STEPHEN REDMOND***

v.

STATE OF MISSISSIPPI

DATE OF JUDGMENT:	09/19/2018
TRIAL JUDGE:	HON. ROGER T. CLARK
TRIAL COURT ATTORNEYS:	JOEL SMITH MITCHELL LANCE OWEN PATRICIA K. SIMPSON THERESSIA AUDREY LYONS LISA D. COLLUMS GLENN F. RISHEL, JR.
COURT FROM WHICH APPEALED:	HARRISON COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	OFFICE OF STATE PUBLIC DEFENDER BY: JUSTIN TAYLOR COOK
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: ALICIA MARIE AINSWORTH
DISTRICT ATTORNEY:	JOEL SMITH
NATURE OF THE CASE:	CRIMINAL - FELONY
DISPOSITION:	AFFIRMED - 01/30/2020
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

BEFORE RANDOLPH, C.J., MAXWELL AND BEAM, JJ.

RANDOLPH, CHIEF JUSTICE, FOR THE COURT:

¶1. Redmond appeals a Harrison County jury verdict finding him guilty of first-degree murder. He was sentenced by the Harrison County Circuit Court to life in prison. He argues that he should have been granted a new trial because the verdict was against the

overwhelming weight of the evidence. We find that the trial court did not abuse its discretion by denying his motion. We affirm.

FACTS

¶2. Around March 30, 2017, Redmond and his wife, Hope Allen, separated. Redmond was taken in by Robert Walters at Walters's home in Gulfport, Mississippi. Redmond and Walters had met a few days before through a mutual friend. Shortly thereafter, Allen also came to stay at Walters's home. Over the course of five days, the trio, joined by Christopher Weaver, drank alcohol and used methamphetamine and marijuana. In the early hours of April 4, 2017, Redmond confronted Walters about his growing familiarity with Allen. Walters and Allen told Redmond to leave, and he did so.

¶3. Later in the morning, Redmond returned to the house, asked to talk to Allen, was rebuffed, and fell asleep in the front yard. When he awoke, Redmond renewed his request to reenter, and Walters agreed to let Redmond back in the house. Redmond began to argue again, and Walters and Allen again told Redmond to leave. He did so. Walters then told Weaver that he was going to Stone County with Allen to visit her children. As Walters was preparing to leave, he noticed that his gun, which he had placed in his truck, was missing.

¶4. Around twenty minutes after Walters and Allen had left, Weaver realized there was movement in the backyard. He opened the back door to find Redmond lying on the ground with a hunting rifle pointed at the back door. Redmond had noticed Walters's gun in the truck

and had taken it and had lain down in the backyard. Weaver told Redmond not to shoot him, and Redmond replied that this had nothing to do with Weaver.

¶5. Shortly after that confrontation, Walters and Allen returned from their trip, apparently foregoing the Stone County excursion. Weaver had reentered the house and was talking with Walters in the garage when Allen started screaming. Weaver turned to see Redmond come through the back door with the rifle. Walters and Redmond began arguing, Redmond pointed the rifle at Walters, Walters tried to grab the rifle, and the rifle fired. Walters, suffering from a gunshot wound, ran back to his bedroom. As Allen called 911, both Redmond and Weaver left the house. Walters died about an hour after being taken to the hospital. Redmond was arrested the same night.

¶6. Redmond was charged with first-degree murder and was found guilty. He testified in his own defense, admitting he stole Walters's rifle, accidentally loaded the gun, and entered the home with the gun intending only to intimidate Walters, not shoot him. At trial, Redmond made a motion for a directed verdict after the State finished its case-in-chief. The court denied the motion. After Redmond's conviction, he made a motion for a new trial, reiterating arguments made in the motion for directed verdict. The court denied that motion as well. Redmond now appeals that denial.

STANDARD OF REVIEW

¶7. This Court applies an abuse-of-discretion standard in reviewing a trial court's decision to deny a new trial. *Johnson v. State*, 268 So. 3d 534, 541 (Miss. 2019) (quoting *Cyrus v.*

State, 248 So. 3d 760, 761–62 (Miss. 2018)). A court abuses its discretion by relying on an erroneous or improper statement of the law or by applying improper or erroneous facts. *Overton v. State*, 195 So. 3d 715, 725 (Miss. 2016) (quoting *Abuse of Discretion*, Black’s Law Dictionary (10th ed. 2014)); see also *Dorr v. Watson*, 28 Miss. 383, 395 (1854) (“The granting of a new trial rests in a great measure upon the sound discretion of the court below, to be exercised under all circumstances of the case with reference to settled legal rules as well as the justice of the particular case.”). We therefore review any legal conclusions to ensure the proper law was applied and any factual conclusions to ensure the decision was supported by evidence. See *Overton*, 195 So. 3d at 725.

ANALYSIS

¶8. Redmond argues that the trial court abused its discretion by denying the motion for a new trial. A trial court may grant a new trial when, viewed in the light most favorable to the verdict, the verdict is against the overwhelming weight of the evidence. *Lindsey v. State*, 212 So. 3d 44, 45 (Miss. 2017) (citing *Bush v. State*, 895 So. 2d 836, 844 (Miss. 2005), *abrogated on other grounds by Little v. State*, 233 So. 3d 288 (Miss. 2017)). Jury verdicts should only be overturned and new trials granted, though, in exceptional cases in which the evidence heavily outweighs the verdict. *Id.* (citing *Bush*, 895 So. 2d at 844). Redmond does not argue that the trial court misstated the law or relied on an incorrect formulation of the law. Rather, Redmond argues that the trial court improperly evaluated the facts.

¶9. Redmond argues that the only piece of evidence bearing on Redmond's intent was his own testimony. This testimony, he argues, irrefutably establishes that he was merely trying to intimidate Walters, not to kill him. Singling out such evidence contradicts the standard of review. Viewed in a light most favorable to the verdict, a plethora of conflicting evidence allows a reasonable inference of Redmond's intent.

¶10. The circuit court referenced its own earlier ruling and the arguments of the State to support its denial of the motion for a new trial. The circuit court had denied Redmond's earlier motion for a directed verdict after the State's case-in-chief. To reach that decision, the court found sufficient evidence supported a finding of deliberate design by Redmond to kill Walters. The State argued that Redmond's decision to steal the gun from Walters's car, to lie in wait in the backyard of the house with a loaded gun, to enter the house without permission with a loaded gun, and to aim a loaded gun at Walters supported a deliberate-design finding. We find no error by the learned trial judge.

CONCLUSION

¶11. Viewing the evidence in the light most favorable to the jury's verdict, the evidence does not weigh overwhelmingly against the verdict, and the circuit court did not abuse its discretion by denying the motion. Accordingly, we affirm the judgment of the circuit court.

¶12. **AFFIRMED.**

**KITCHENS AND KING, P.JJ., COLEMAN, MAXWELL, BEAM,
CHAMBERLIN, ISHEE AND GRIFFIS, JJ., CONCUR.**