

**COPY**

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**SHAWN GAVIN O'NEAL**

**APPELLANT**

**FILED**

**OCT 16 2007**

**VS.**

**OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS**

**NO. 2007-KA-0788-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

**BRIEF FOR THE APPELLEE**

**APPELLEE DOES NOT REQUEST ORAL ARGUMENT**

**JIM HOOD, ATTORNEY GENERAL**

**BY: W. GLENN WATTS  
SPECIAL ASSISTANT ATTORNEY GENERAL  
MISSISSIPPI BAR NO. [REDACTED]**

**OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MS 39205-0220  
TELEPHONE: (601) 359-3680**

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**PROCEDURAL HISTORY:**

On March 27-28, 2007, Shawn Gavin O'Neal, "O'Neal" was tried for aggravated domestic violence before a Lamar County Circuit Court jury, the Honorable R.I. Prichard, III. presiding. R. 1. O'Neal was found guilty and given a twenty with twelve years suspended sentence in the custody of the Mississippi Department of Corrections. R. 193; 198. From that conviction he appealed to the Supreme Court. C.P. 109-110.

**ISSUES ON APPEAL**

**I.**

**WAS TESTIMONY ABOUT A NECKLACE AND ITS  
ADMISSION INTO EVIDENCE PROPER?**

**II.**

**DID DR. BARBIERE'S TESTIMONY PREJUDICE O'NEAL'S  
DEFENSE TO THE CHARGE?**

### **STATEMENT OF THE FACTS**

On November 17, 2004 , O'Neal was indicted for aggravated domestic violence of Ms. Mary Landry on August 15, 2004 under M. C. A. § 97-3-7(4), by a Lamar County Grand jury. C.P. 4.

On March 27-28, 2007, O'Neal was tried for aggravated domestic violence before a Lamar County Circuit Court jury, the Honorable R.I. Prichard, III. presiding. R. 1. O'Neal was represented by Mr. Thomas Schwartz.

Officer James Murray, an investigator with the Lamar County Sheriff's Department, testified that he responded to a 911 call. R. 53. This was on August 15, 2004. He went to 15 Windless Drive. R. 54. When he arrived, Ms. Mary Landry was being removed by ambulance to a hospital for medical assistance. She was in "a lot of pain and very upset and said she had been in an altercation with O'Neal." R. 54-55.

Ms. Landry told Murray that O' Neal "had knocked her down and kicked her in her leg." R. 55. O' Neal, who was still present on the premises , told Murray that he was trying to help her. When he went to kick the dog out of the way, they "both fell" on the garage floor. R. 56.

Ms. Mary Landry testified that she had allowed O'Neal to move in with her. R. 68. Nevertheless, she was "afraid of" O'Neal. This was during a family "cook out" on August 15, 2004. R. 69. On this day, O'Neal seemed "anxious and very aggravated" about something. Landry, who was around other family members, at the cook out decided she did not want to be alone with him. R. 69.

When Ms. Landry decided to let her son go "tubing," she went to her car. She was going to visit with friends. This was to avoid being alone with the seemingly distraught O' Neal. Landry testified that O' Neal jumped in the car, reached the keys, and turned the ignition off. He then grabbed her by the hair and drug her out of the car. O'Neal pulled an ear ring out of her ear, and

told her to get herself "in the house." R. 72. When she refused, he kicked her "as hard as he could with steel toed boots." R. 72.

She testified that O'Neal was wearing "cut off army fatigues, steel toed boots and no shirt." R. 72. When she fell from the impact of being kicked, she could not get her self back on her feet. She also was temporarily unconscious. Her femur on her left leg was broken. R. 73.

Landry testified that O'Neal proceeded to kick her in other places, including "in my side and in my back." R. 74. Mary Landry also testified that a month prior to this incident, O'Neal "put his hands around my neck and told me he was going to kill me one day." R. 92. This was in explanation about why she felt "threatened" by his moody behavior on August 15, 2004. R. 92.

Landry identified various photographs showing bruises on her neck, arms, back and legs. She testified that these bruises were produced as a result of the attack upon her person by O'Neal. R. 78-88. One such photograph showed what appeared to be the imprint of a shoe on her back. R. 87. She testified that she did not have bruises prior to the incident and she did after the incident. R. 82. She also testified that the photographs were faithful and accurate representations of the bruises on her body after the aforementioned incident. R. 78-88.

Ms. Mary Landry testified that she had a broken femur in her left leg. R. 73. She was operated on to repair the fracture. R. 75. It was a permanent injury to her leg which was repaired with "a rod in my left leg with screws to hold it together." R. 75. Landry testified to telling investigators at the scene at her house that "this was not an accident." R. 74. She testified that she could not support herself on her left leg, and was removed to a hospital "on a stretcher." R. 74.

Mr. Nicholas Landry was a high school student at the time of this incident. He testified that he was Mary Landry's son. Nicholas remembered that O'Neal seemed "distant", "nervous and anxious about something." R. 113. This was on the day of the incident. Nicholas testified that

O'Neal was wearing "some cut-offs and combat boots." R. 113. Nick testified that he remembered that his mother was upset when he left to go "tubing." R. 125. He was the last person left with his mother and O'Neal. Nick was going to a neighbor's where there was access to water for swimming and floating in the water on a hot day.

While Nicholas was present at his friend's house, he was called by O'Neal. O'Neal told over the telephone that "the dog tripped my mother and she broke her leg and she's unconscious..." R. 115. When he went to see about his mother, O'Neal told him that he missed kicking the dog who was in the way and accidentally kicked her. As he stated it: "He missed the dog and kicked her..." R. 115. He also remembered that O'Neal had put on a shirt and "changed into some sandals." R. 116. Nicholas testified to finding a necklace he gave his mother for Mother's Day. It was ripped into several pieces. It was on the floor in the garage. R. 116.

An objection to the introduction of the necklace was raised on lack of disclosure in discovery. R. 117. The prosecution pointed out that it did not know the location of the necklace until Friday, and it was shown to the defense the morning of the second day of the trial. R. 117. The trial court allowed the defense to cross examine Nick about the necklace. There was no request for additional time or for a continuance. R. 117.

Mr. Rocco Barbieri, M. D. , an orthopedic surgeon, testified that he examined Ms. Landry at the hospital. R. 135. He determined from examining her leg that she had a broken left femur. R. 135. An x-ray further confirmed a fracture of the femur. R. 135. Barbieri testified without objection that the injury was "serious." R. 137.

An objection was sustained as to testimony about whether Landry's injuries were consistent with what the victim told him had happened to her. R. 135. This was based upon Dr. Barbieri not having being qualified as an expert by the prosecution. R. 136. The objection was based upon an



objection to what the patient told him being "hearsay." R. 135.

An objection was also sustained to testimony about the injury being "consistent with a fall."

However, Dr. Barbieri was allowed to testify that Landry's injury would be the result of a "high energy source", such as a car wreck or a fall from a height, and not from a simple fall. R. 137.

The trial court denied a motion for a directed verdict. R. 140-141. This was in part because the defense did not believe that the prosecution had proven that Landry's injuries were "serious bodily injury" as required by M. C.A. § 97-3-7 (4), the aggravated domestic violence statute.

O'Neal testified in his own behalf. R. 143-159. O'Neal admitted that he was living in the same house with Ms. Landry at the time of the incident. R. 143. O'Neal denied having owned any boots, whether work boots or steel toed. R. 144. He denied having worn any boots the day of the incident or at any other time. R. 145. He denied having kicked Mary Landry or stomped her on her thigh. R. 152. He claimed in his testimony that Ms. Mary Landry was intoxicated and fell down when he was trying to get the bulldog out of their way in the garage. R. 151.

On cross examination, O' Neal denied having told Officer Murray that he kicked Mary when he was trying to kick the dog. R. 157. O' Neal denied having grabbed Mary Landry around the neck and threatened to kill her. R. 157. O' Neal also denied having told Nick three different versions of what had happened to his mother. R.158. He admitted that he was alone with Mary Landry when she broke he leg. R. 159.

O'Neal was found guilty and given a twenty with twelve years suspended sentence in the custody of the Mississippi Department of Corrections. R. 193; 198. From that conviction he appealed to the Supreme Court. C.P. 109-110.

## SUMMARY OF THE ARGUMENT

1. This issue was waived for failure to request time or a continuance when given an opportunity. R. 117. Motions are not self executing. It was also waived for failure to ever raise it with the trial court. C.P. 77-79.

In addition, there was also no showing of prejudice to O'Neal's defense. Mr. Nicholas Landry was cross examined about when, where and how he found the necklace he gave his mother, and why he had not previously mentioned the necklace until a few days prior to his testimony at trial. R. 118-128.

Given this failure to request either additional time, a continuance, as well as cross examination, the Appellee would submit that there was no showing of any prejudice to O'Neal's defense to the charge. Therefore, the issue was not only waived, it was also lacking in merit.

2. The record reflects that Dr. Barbieri did not testify as to whether the injuries of Ms. Mary Landry were consistent with her account of what happened to her. R. 135. Barbieri testified that he examined and treated Landry for her injuries at the hospital. He testified Landry was "in pain." R. 135. He testified that he examined her and found she had a broken "mid shaft" left femur which he repaired during surgery. R. 135. He testified without objection that it was a "serious injury." R. 137.

Likewise, he testified over an objection that the injury he observed would be the result of "a high energy force" such as a fall from a height or a car wreck as opposed to a household slip and fall. R. 136-137.

The Appellee would submit that if Dr. Barbieri's testimony about causes for Landry's injury was considered error, it was harmless error. Landy had already testified without objection that her left thigh bone was broken. R. 73. As a result of her injury, she was rendered unconscious. She could not walk. Her broken thigh bone was repaired through surgery and the use of a metal "rod and

pins.” She also testified about the circumstances under which her leg was broken. This including testifying that her broken leg was the result not of a fall, but rather the result of being kicked hard with boots on her leg by O’Neal. R. 71-73. Consequently, Dr. Barbieri. merely corroborated, based upon his clinical examination, that Landry did have a broken left femur which was “a serious injury.” R. 137.

Nicholas Landry corroborated his mother in testifying that initially O’Neal admitted that he had kicked her. R. 115. Landry was corroborated by officers who testified that she told them her broken leg was not the result of an accident, as O’Neal initially told them. R. 55. Landry was corroborated by her son, Nick, as to O’Neal wearing combat boots the day of the incident. R. 72; 113. O’Neal’s testimony denying having kicked the victim, or having told others that he had done so made his credibility a major issue with the jury.

Consequently, there was sufficient partially corroborated evidence in support of the trial court’s denial of peremptory instructions and in support of the jury’s verdict. And this would be true even if Dr. Barbieri’s testimony was excluded as to possible causes of the broken femur. A broken leg which prevents one from standing or walking would be a “serious injury.” A broken thigh bone requiring “a rod and pins” for healing over many weeks would be sufficient for establishing a “serious injury.”

## **ARGUMENT**

### **PROPOSITION I**

#### **THIS ISSUE WAS WAIVED AND IS LACKING MERIT.**

O' Neal believes the trial court erred in allowing Nicholas Landry to testify about a necklace. He also believes he erred in admitting it into evidence over his objection. He believes this was trial by ambush. This testimony was "extremely incriminating evidence." This was a necklace Nick Landry gave to his mother, Ms. Mary Landry, for mother's day. Although Nick did not mention the necklace in his prior statements to investigators, nevertheless, the trial court allowed him to testify about the necklace at trial. He claimed that he found it on the floor where his mother was allegedly attacked by O'Neal. The prosecution admitted that they did not notify them about O'Neal's having found the necklace until the day of the trial. Appellant's brief page 4-10.

The record reflects that there was no request for either time to interview the witness or for a continuance on the part of counsel for O'Neal. This was when Nicholas Landry was testifying about how he found his mother's broken necklace. This was on the day of the incident at issue. R. 117-118.

Contrary to O'Neal's argument on appeal, O'Neal had an opportunity to request both additional time to view the broken necklace as well as time to request a continuance to prepare for cross examination. R. 112-128. He never at any time requested time, a continuance or even mentioned to the trial court the well known **Box v. State**, 437 So. 2d 19 (Miss. 1983) guidelines for alleged discovery violations. Nor did he raise this issue in his motion for a new trial. C.P. 77-79.

Mr. Nicholas Landry, the son of Mary Landry, testified that he found a necklace on the floor of the garage. He found it when he came home after hearing in a telephone call his mother was

“unconscious” as a result of her having broken her leg. He recognized the necklace because it was a present he had previously given his mother for mother’s day.

Q. So this was the necklace that you found in the garage ?

A. Yes, ma’am.

Howell: Judge, we object. We’ve never been presented with this necklace or even known of its existence until today.

Barnes: **Your Honor, we came into possession of this necklace on Friday and I showed it to the defense this morning.**

Howell: That’s what I’m saying till today, Judge.

Turner: That’s correct. We didn’t know about the necklace’s existence until—

Howell: Well this was Tuesday. They’ve know about it since Friday and never informed us.

Court: I will overrule the objection at this time without going any further, the necklace and let him cross examine her.

Howell: Yes, sir.

Turner: So shall I have it marked for identification purposes?

Court: No, ma’am. If he knows whose it is and where he found it I don’t have any problem with you admitting it into evidence but I’m going to reserve ruling weighing the probative, prejudicial and what situation comes out on cross examination.

Turner: Okay. Thank you, your Honor.

Q. So you held onto the necklace for how long?

A. Three years.

Q. And then who did you give it to?

A. District Attorney. R. 117-118. (Emphasis by Appellee).

On cross examination, Nick Landry was questioned about the circumstances under which he found the broken necklace which was a gift to his mother. R. 119-120. Nick explained that he found

it “was scattered” in the garage “in three or four different places.” R. 120. He found it the day his mother was taken to the hospital. R. 119. He admitted that he had not mentioned it in his previous statements to investigators. R. 119-120.

In **Prewitt v. State** 755 So.2d 537, \*541 ( Miss. App.1999), the appeals court found that failure to request “a continuance” waives a discovery violation complaint on appeal.

This issue is controlled by the aforementioned **Box** guidelines, now codified in Rule 9.04. If Prewitt was unfairly surprised by the testimony of Blanks, he should have requested a continuance after making his objection. By failing to do so, Prewitt again waives the issue for appeal.

[9] [10] [11] ¶ 11. A violation of Rule 9.04 is considered harmless error unless it affirmatively appears from the entire record that the violation caused a miscarriage of justice. **Buckhalter v. State**, 480 So.2d 1128, 1128 (Miss.1985). The record reflects that Muscio testified to precisely the same set of facts as Blanks concerning the content of the conversation between Prewitt and Blanks. Where the discovery violation results in the admission of evidence that is merely cumulative, the error is harmless. **Beckwith**, 707 So.2d at 576.

In **Berry v. State** 575 So.2d 1, \*10 (Miss. 1990), the Court found that the right to a continuance was not self executing. Without such a request, the trial court will not be found in error.

The remedial procedure to be followed when such a discovery violation is made is the granting of continuance. **Nixon v. State**, 533 So.2d 1078, 1090 (Miss.1987); **Cole v. State**, 525 So.2d at 367; **Box v. State**, 437 So.2d 19 (Miss.1983). The remedy for tardy disclosure of that to which a defendant is entitled to in pre-trial discovery, under these circumstances, is a continuance. **Moore v. State**, 536 So.2d 909, 911 (Miss.1988). **The right to a continuance is not self-executing but defense must affirmatively request it on pain of waiver. Cole**, 525 So.2d at 368.

The Appellee would submit that the record shows no request for time or a continuance, and no showing of prejudice. The right to a continuance or for time to interview a witness is not self executing. The record also reflects that O’Neal cross examined Nicholas Landry about the broken necklace and why he had not previously mentioned it in any of the statements made to investigators prior to trial. R. 118-128.

In **Frierson v. State**, 606 So. 2d 607 (Miss. 1992 ), relied upon by O'Neal, defense counsel sought a ruling at a bench conference on the hand written note on grounds of relevancy. There was a lack of evidence as to who wrote the note and when, and its contents as interpreted by an investigator tended to prejudice Frierson. There were no authentication and identification problems in connection with the necklace in the instant cause.

The Appellee would submit that this issue was waived for failure to raise it with the trial court. There was no showing of prejudice to O'Neal's defense. This issue is lacking in merit.

## **PROPOSITION II**

### **IF THERE WAS ERROR IN DR. BARBIERI'S TESTIMONY IT WAS HARMLESS ERROR UNDER THE FACTS OF THIS CASE.**

O'Neal believes the trial court erred in allowing testimony from Dr. Barbieri. Since Dr Barbieri was not qualified as an expert witness but rather as a fact witness, he believes he should not have been permitted to testify about the causes of the injury to Mary Landry's left leg. This testimony was either expert testimony or inadmissible opinion testimony by a lay witness. Appellant's brief page 10-13.

The record reflect that Dr. Barbieri did not testify about whether the fractured femur he examined on Mary Landry was consistent with her account of what had happened to her . R. 135-136. Rather he testified that he examined her injured leg. He found she had a fractured left femur. Barbieri performed surgery to repair it using "a rod and pins" to reconnect the broken bone ends.

He also testified that her broken leg was "a serious injury." R. 137. There was no objection. It would take 16 weeks for her leg to heal after surgery. R. 137-138.

Officer James Murray testified that he arrived in answer to a 911 call. He found Mary Landry to be "in a lot of pain and very upset." E. 54. Mary Landry told him that she had been "in an altercation with Mr. O'Neal." R. 55. She told him that O'Neal "had knocked her down and kicked her in her leg." R. 55. Murray testified that O'Neal told him that when he tried to kick the dog out of the way, they both fell. She fell on the garage floor. R. 56.

Q. And what did you observe upon arrival?

A. After the paramedics placed Ms. Landry in the back of the ambulance I got a chance to interview her for a brief period of time. She was in a lot of pain and very upset and said she had been in an altercation with Mr. O'Neal.

Q. Did she describe the altercation to you?



A. Yes, ma'am. It was very limited. **She stated that Mr. O'Neal had knocked her down and kicked her in her leg.** R. 54-55. (Emphasis by Appellee).

Dr. Rocco Barbieri testified that he examined Ms. Mary Landry at the emergency room. He found she had broken her left leg which was confirmed by x-rays. For some unknown reason Barbieri was not qualified by the prosecution as an expert witness. Therefore, the trial court sustained objections to testimony about whether Landry's injuries were consistent with Ms. Landry's account of what happened. However, Barbieri did testify that based upon his examination of the patient's break and his previous experience that he believed it to be the result of "high energy force." This would be what would occur from a fall from a height or as a result of an auto accident.

Q. What type of break?

A. A fracture of the –I believe it was the mid-shaft of the left thigh bone, the femur.

Q. Was this consistent with what she told you happened to her?

Schwartz: If the Court please, at this point in time I'm going to object to whatever the patient told him is obviously hearsay and just her version of what happened.

Court: Sustained.

A. She said at that point that–

Court: You can't testify what she said. They didn't qualify you as an expert. If they qualified you as an expert that would be–

Turner: Your Honor, under the medical privilege exception to the hearsay exception, he could talk about what he ascertained from the patient during the course of his treatment.

Court: That's true, except in criminal cases where the defendant who's not waiving that hearsay.

Schwartz: No, sir. They are not.

Q. Would you say this injury was consistent with a fall?

Schwartz: If the Court please, same objection. He is not called as an expert. He is called as a fact witness. What they are calling from him to render at this point is an opinion about causation.

Court: I sustain.

Q. In this type of fracture would it—what type of force would be necessary to—

Schwartz: Same objection, Your Honor.

Court: **I'll let him testify to that, because you did examine the fracture yourself?**

A. Yes.

Court: Okay.

Q. Okay. What type of force would be necessary to cause this type or fracture?

A. Usually a high energy force.

Q. High energy force?

A. High energy force. A fall from a height or usually a car wreck. It's not something you usually see every day from a simple fall. He was one of the last person left in the house with his mother and O'Neal.

Q. So you would consider this injury to be serious?

A. Yes. R. 136-137. (Emphasis by Appellee).

In **Whitehurst v. State**, 540 So. 2d 1319, 1324 (Miss. 1989), the Court found that it was harmless error for the trial court to have admitted the results of blood tests on the deceased.

Assuming, without deciding, that this evidence was irrelevant, and therefore, inadmissible pursuant to Mississippi Rules of Evidence 402, it is clear that error, if any, by the trial judge in admitting this evidence did not affect a substantial right of Whitehurst. MRE 103(a). The fact that Wallace was sober is a neutral fact not likely to excite the jurors in any way prejudicial to Whitehurst. Consequently, any error in admitting this evidence was harmless beyond doubt.

The Appellee would submit that if there was any error in Dr. Barbieri's testimony about causes it was harmless error. Barbieri did not testify about Mary Landry's injuries being consistent

with the medical history he took from her during his medical examination. R. 135. Barbieri testified without objection that Ms. Mary Landrieu's injuries were "serious." R. 137.

The record reflects no hearsay from the victim was introduced through Barbieri's testimony. O'Neal testified that he did not assault or kick the victim, and had never been violent toward her. He attributed her injuries to a household accident. He testified that Landry was injured when she fell. This was when he was supposedly trying to help her since she supposedly had been drinking too much. R. 143-159. This made his uncorroborated account of what happened to Ms. Landry and her broken leg, a factual issue for the jury to resolve during their deliberations.

Ms. Mary Landry identified O'Neal as her assailant. It was he who kicked her left thigh with heavy boots and fractured her left femur. R. 72. She was corroborated by her son, Nick Landry, both about O'Neal wearing boots that day as well as the fact that he was not in a good mood. R. 72; 113. There was also corroboration from photographs taken of the bruises on the side and back of Ms. Mary Landry. One of these bruises on her right hip left a shape that was configured like a footprint. R. 87. .

Q. You're going to have to speak up.

A. **I'm sorry. It's a footprint in my opinion.**

Q. **Of that—okay. So that's a picture of your right hip. And did you have that bruise before the assault?**

A. **No, ma'am. I did not.**

Q. Do you remember whether you were kicked in that area or not?

A. **I was stomped many times, but—and I'm sure that was one of them.** R. 87.  
(Emphasis by Appellee).

In **Martin v. State** 726 So.2d 1210, \*1214 (Miss. App. 1998), the Court of Appeals pointed out that only errors in admitting evidence that resulted in "denying a defendant a fundamentally fair

trial” would be considered reversible error.

¶ 13. Nevertheless, not every error by the trial court in admitting evidence that should have been excluded requires the conviction to be reversed. The rules of evidence say that reversal is not the proper result “unless a substantial right of the party is affected ....” M.R.E. 103(a). Case law has long held that, in order to be reversible error, such evidentiary rulings must have had the effect of denying the defendant a fundamentally fair trial. **Peterson v. State**, 671 So. 2d 647, 656 (Miss.1996).

The Appellee would submit that any error in admitting testimony about possible causes for the victim’s broken femur was harmless error, if error at all. It was not an error that undermined confidence in the fundamental fairness of O’Neal’s trial. The prosecution established the elements of the aggravated domestic violence. O’Neal admitted that he was living with the victim in her home. R. 143. Landry identified him as her assailant. R. 72. She was corroborated about O’Neal wearing boots the day of the incident. R. 72; 113. She was corroborated by photographs showing bruises and injuries to the back of her head , arms, back, hips and legs. R. . 78-88. She was corroborated by Dr. Barbieri that her broken femur was a “serious injury.” R. 137. Officer Murray corroborated Landry in testifying that she told him her painful injury was the result of O’ Neal kicking her. R. 55.

In **Doby v. State**, 532 So. 2d 584, 591 (Miss. 1988) , the Court stated: the uncorroborated testimony of a single witness can be sufficient to support a conviction.

With this reasoning in mind, the Court holds that the testimony of Conner was legally sufficient to support Doby's conviction for the sale of cocaine. This Court recognizes the rule that persons may be found guilty on the uncorroborated testimony of a single witness. See **Ragland v. State**, 403 So. 2d 146 (Miss. 1981);..

Consequently, if Barbieri’s testimony about the break not being the result of a household accident was excluded, there would still be sufficient evidence for establishing all the elements of aggravated domestic violence.

O' Neal's testimony merely created a conflict in the evidence the jury as trier of fact and judge of credibility was responsible for resolving. **McClain v. State**, 625 So. 2d 774, 778 (Miss. 1993), and **Neal v. State**, 451 So. 2d 743, 758 (Miss. 1984)

This issue is also lacking in merit.

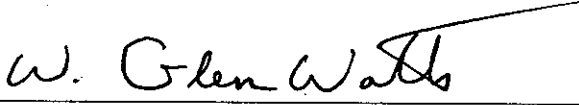
**CONCLUSION**


O' Neal's conviction should be affirmed for the reasons cited in this brief.

Respectfully submitted,

JIM HOOD, ATTORNEY GENERAL

BY:



W. GLENN WATTS  
SPECIAL ASSISTANT ATTORNEY GENERAL  
MISSISSIPPI BAR NO. 

OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MS 39205-0220  
TELEPHONE: (601) 359-3680

## CERTIFICATE OF SERVICE

I, W. Glenn Watts, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing **BRIEF FOR THE APPELLEE** to the following:

Honorable R. I. Prichard, III  
Circuit Court Judge  
Post Office Box 1075  
Picayune, MS 39466

Honorable Haldon J. Kittrell  
District Attorney  
500 Courthouse Sq., Ste. 3  
Columbia, MS 39429

Brenda Jackson Patterson, Esquire  
Attorney At Law  
301 North Lamar St., Ste. 210  
Jackson, MS 39201

This the 16th day of October, 2007.



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W. GLENN WATTS  
SPECIAL ASSISTANT ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MISSISSIPPI 39205-0220  
TELEPHONE: (601) 359-3680