

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

**CARL EDWARD RAYFORD**

**APPELLANT**

**VS.**

**NO. 2009-KA-1160-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

**BRIEF FOR THE APPELLEE**

**APPELLEE DOES NOT REQUEST ORAL ARGUMENT**

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**STATEMENT OF ISSUES**

- I. THE STATE PRESENTED LEGALLY SUFFICIENT EVIDENCE TO SUPPORT THE JURY'S VERDICT.
- II. THE JURY'S VERDICT IS NOT AGAINST THE WEIGHT OF THE EVIDENCE.

**STATEMENT OF FACTS**

On May 26, 2002, Rodney Terrell was walking to work when he was spotted by his friend David Carter. T. 391. Carter offered Terrell a ride, and Terrell accepted. T. 392. After only a few blocks, however, Terrell asked Carter to drop him off on the corner of 42nd and 20th so he could catch a ride with someone he worked with. T. 392, 397.

Moses Brent was in his front yard when he saw Terrell get out of Carter's truck and walk to the front door of Apartment #5. T. 398-400. Terrell made it to the door of apartment #5, but before he even knocked on the door, the occupant, Carl Edward Rayford, came out shooting. T. 401, 408. Brent, who witnessed the entire event, saw Rayford shoot Terrell four or five times before Terrell fell to the ground. T. 402. Rayford then stood over Terrell and shot him again. T. 403. Immediately after the shooting, Rayford began

taking from his truck and apartment items, including the murder weapon and other firearms and ammunition, and placing them in his Mustang. T. 403, 411. Rayford also went inside and changed his shirt before fleeing the scene in his Mustang. T. 411. At some point before Rayford fled the scene, Brent saw him reload the clip in the automatic pistol he used to shoot the victim with. T. 403.

Gulfport Police Department Officer Greg Goodman was advised by dispatch of the shooting and of the description of Rayford's vehicle. T. 415. On the way to the crime scene, Officer Goodman spotted Rayford's Mustang traveling in the opposite direction and attempted to block him in. T. 415. However, Rayford accelerated his vehicle and swerved around Officer Goodman's vehicle. T. 416. Rayford's vehicle was stopped shortly thereafter, and Rayford complied with the officers' commands. T. 417. Rayford had the semi-automatic handgun he used to murder the victim, a Russian assault rifle, and a canvas bag full of ammunition in the vehicle. T. 418, 451, 471-74.

Rayford was ultimately found guilty of murder by a Harrison County Circuit Court jury.

### **SUMMARY OF ARGUMENT**

The State proved beyond a reasonable doubt that Rayford was legally sane at the time of the murder. The jury's verdict is not against the weight of the evidence. The State provided expert testimony that showed Rayford knew right from wrong at the time of the shooting. Additionally, the evidence showed that Rayford felt picked on by his co-workers and that he became extremely angry when he saw the victim at his door. Rayford then armed himself, opened the door, shot the victim to death, packed up the murder weapon along with another firearm and a bag full of ammunition, and fled the scene. This evidence shows that Rayford knew that his actions were wrong.

## ARGUMENT

### I. THE STATE PRESENTED LEGALLY SUFFICIENT EVIDENCE TO SUPPORT THE JURY'S VERDICT.

Rayford argues on appeal that the State did not prove beyond a reasonable doubt that he was legally sane at the moment he shot Terrell to death. “A defendant is presumed sane until a reasonable doubt of sanity is created.” *Hearn v. State*, 3 So.3d 722, 738 (¶47) (Miss. 2008) (citing *Roundtree v. State*, 568 So.2d 1173, 1181 (Miss. 1990)). If a reasonable doubt of the defendant’s sanity is raised, the State must prove beyond a reasonable doubt that the defendant was sane at the time of the commission of the crime. *Id.* A defendant who is shown to be medically insane is not automatically considered legally insane. *Epps v. State*, 984 So.2d 1042, 1048 (¶ 22) (Miss. Ct. App. 2008) (citing *Laney v. State*, 486 So.2d 1242, 1245 (Miss. 1986) . Under the M’Naghten test, one is legally insane if at the time of the crime he was “laboring under such defect of reason from disease of the mind as (1) not to know the nature and quality of the act he was doing or (2) if he did know it, that he did not know that what he was doing was wrong.” *Hearn*, 3 So. 3d at 738. “The question of a defendant’s sanity is within the province of the jury, which may accept or reject expert and lay testimony.” *Id.* “Institutional and practical considerations mandate that in insanity defense cases, perhaps more than any other, a jury’s verdict ought be given great respect and deference.” *Groseclose v. State*, 440 So.2d 297, 301 (Miss. 1983).

Dr. Anthony Stock testified on behalf of Rayford. Dr. Stock is not board certified in forensic psychiatry. T. 576. Dr. Stock interviewed Rayford one year after the murder for fifty-eight minutes. T. 576, 596. After taking Rayford’s basic history and conducting a cognitive mental status exam, Dr. Stock spent only thirty minutes examining Rayford about the shooting. T. 577, 610. Dr. Stock testified that Rayford suffered from depression throughout his life, and that Rayford had attempted to commit suicide numerous times. T. 577. At the conclusion of the interview, Dr. Stock diagnosed Rayford with major depression,

recurrent, severe with psychotic findings. T. 585. Dr. Stock initially indicated that Rayford may have suffered brief psychotic disorder at the time of the shooting. T. 585. Dr. Stock described brief psychotic disorder as “the presence of delusions and/or hallucinations and/or disorganized speech and/or grossly disorganized or catatonic behavior.” T. 586-87. Dr. Stock also testified that in order to be considered brief psychotic disorder, the psychotic event must last at least one full day but less than one month. T. 587. Dr. Stock testified that he reached the conclusion that Rayford experienced brief psychotic disorder based on the following.

It was based upon the way he reported the events of the day. He reported having this emotional surge of anger, seeing red. He -- also, again, floating out of his body. He could not give me very specific details other than that. That's why I have two diagnoses, one is major depression recurrent, severe with psychotic findings. That was at the time the interview because he still admitted hearing hallucinations at that time. And then for back during the event, I was unsure as to whether it was just simply a continuations of his major depression and being psychotic, or if it was a brief psychotic disorder where it really was one where by the book it did not fully meet the criteria because it was more -- it was not a full day in length, but it was - you know, the question was was he just part of the psychotic process all along off and on, you know, that part.

T. 587-88. Dr. Stock's expert opinion was, “At the time of the event, based on what I was able to ascertain, without any further testing, I felt he was unable to appreciate those -- the reality testing.” T. 595. Defense counsel then asked, “So he could not determine the difference between right and wrong at the time of the crime?” T. 595. Dr. Stock replied in the affirmative. T. 595.

Dr. Stock admitted on cross-examination admitted that his opinion was based entirely on Rayford's and defense counsel's description of the events surrounding the murder. T. 604-605. Dr. Stock further admitted that he had not been provided a copy of the police report and was unaware that there was an eyewitness to the murder. T. 605. Dr. Stock acknowledged that this information would have been beneficial. T. 605. Dr. Stock admitted that Rayford's actions of obtaining weapons from his truck and placing them in his car and going back to his apartment for a bag of ammunition could be perceived as

cunning and purposeful actions. T. 606. Dr. Stock also admitted that if Rayford fled the scene to avoid the crime, he knew what he did was wrong. T. 607. At one point during cross-examination, Dr. Stock appeared to shy away from the opinion he gave on direct examination by stating that Rayford was merely of “unsound mind” at the time of the shooting. T. 611. Dr. Stock also testified that being depressed, dysthymic, paranoid, attempting suicide, and not sleeping for a week does not take away one’s ability to know the difference between right and wrong. T. 618-619. Dr. Stock also admitted that in the report he prepared for defense counsel after evaluating Rayford he suggested that further testing be conducted to ascertain whether Rayford was malingering. T. 624. Although Dr. Stock testified on direct that he believed Rayford did not know right from wrong at the time of the shooting, his report prepared for defense counsel after the evaluation stated only that Rayford may have been suffering a “‘micropsychotic’ like event clinically known in the DSM-4-TR as a brief psychotic disorder,” but that further testing was needed to substantiate that opinion.” T. 625. Dr. Stock recognized that no further testing was conducted, and he received no further information after the evaluation. T. 625-626.

Dr. Henry Maggio testified for the State. Dr. Maggio specializes in psychiatry and forensic psychiatry and is board certified in forensic psychiatry. T. 630-31. Dr. Maggio also evaluated the defendant more than a year after the murder, but conducted a two hour evaluation. T. 633. Additionally, Dr. Maggio reviewed Rayford’s medical records as well as court documents related to the case. T. 633. Dr. Maggio agreed that Rayford suffered from long-term major depression, but opined that he knew the difference between right and wrong at the time of the shooting. T. 636. Dr. Maggio opined that all of Rayford’s actions at the time of the shooting were purposeful actions rather than the result of impulse. T. 639, 640. For example, Rayford armed himself before answering the door, and after shooting the victim several times, he packs up his guns and ammunition and flees the scene. T. 640-641. Furthermore, immediately after the shooting, Rayford was fully compliant with the officers commands. T. 640-641. Dr. Maggio was of the



opinion that at the time of the shooting Rayford suffered from major depressive disorder, recurrent, moderately severe “with psychotic ideations by history” meaning he said he had it. T. 646. Dr. Maggio pointed out that Rayford had seen many psychologists and psychiatrists over the years, including a two week stay in the hospital after a failed suicide attempt, yet no psychotic ideation had ever been documented in Rayford’s medical history.

It is undisputed that Rayford suffered a disease of the mind. However, Rayford’s own expert admitted that being depressed, dysthymic, and paranoid, attempting suicide, and not sleeping for a week does not take away one’s ability to know the difference between right and wrong. Our reviewing courts have repeatedly stated that a person who is medically insane or suffers from mental disorders is not necessarily or automatically legally insane. *Epps*, 984 So. 2d at 1050 (¶22). See also, *Hunter v. State*, 489 So.2d 1086, 1090 (Miss. 1986) (“Just because you are crazy does not mean you are legally insane.”).

“The question of a defendants sanity is within the province of the jury, which may accept or reject expert and lay testimony.” *Hearn v. State*, 3 So.3d 722, 738 (¶ 46) (Miss. 2008). The jury’s finding that a defendant was legally sane at the time of the crime will not be reversed where substantial evidence supports the jury’s finding. *Woodham v. State*, 800 So. 2d 1148, 1159 (¶31) (Miss. Ct. App. 2001). In addition to the State having Dr. Maggio’s expert opinion that Rayford knew right from wrong at the time he shot the victim to death, the State presented the following evidence to show that Rayford’s actions were purposeful and that he knew right from wrong. Rayford had been upset that his co-workers picked on him and also believed that they were trying to con him out of his money. T. 548, 582. This could be the reason that Rayford told Dr. Stock that when he saw the victim at his front door, he became extremely angry before shooting him to death. T. 604. Rayford also told Dr. Stock that prior to the murder he could not sleep and that “things [my co-workers] would do to me kept going through my mind.” T. 582. Just because Rayford’s perception may have been skewed regarding his co-workers intent does not mean that he did not understand

that it is wrong to shoot someone to death. Rayford fled the scene and secreted the murder weapon. Reviewing courts have found that such behavior evinces “someone with a guilty mind [] who knew what he had done was wrong.” *Tyler v. State*, 618 So.2d 1306, 1312 (Miss. 1993). Additionally, when Rayford crossed paths with Officer Goodin who attempted to block Rayford from passing, Rayford accelerated his vehicle and swerved around Goodin’s vehicle.

When the State is given the benefit of all reasonable inference that may be drawn from the evidence and when the evidence is viewed in the light most favorable to the verdict, any rational juror could have found that the State proved each element of the crime charged beyond a reasonable doubt. Through Dr. Maggio’s expert testimony and the evidence of the circumstances surround the shooting, including Rayford’s packing up pf the murder weapon and flight from the scene, the State proved beyond a reasonable doubt that Rayford knew right from wrong at the time of the murder.

## **II. THE JURY’S VERDICT IS NOT AGAINST THE WEIGHT OF THE EVIDENCE.**

In exercising its exclusive duty to determine whether the defendant was sane at the time of the crime, the jury may accept or reject expert and lay testimony. *Hearn*, 3 So.3d at 738. Dr. Maggio’s expert opinion was that Rayford knew right from wrong at the time he shot the victim to death. Although Rayford’s expert opined at trial that Rayford did not know right from wrong when he killed the victim, Dr. Stock’s report after evaluating Rayford stated only that he may have been laboring under a brief psychotic event at the time of the killing, but that further testing was needed to substantiate such a finding. Further testing was never done, nor did Dr. Stock receive any new information after his evaluation and prior to trial. Dr. Stock never explained at trial how, with that being the case, his opinion changed from Rayford may not have known right from wrong to Rayford did not know right from wrong at the critical moment.

It is within the sole province of the jury to assess witness credibility and resolve conflicts in the evidence. *Stephens v. State*, 911 So.2d 424, 436 (¶38) (Miss. 2005). Our supreme court has stated that when

## CERTIFICATE OF SERVICE

I, La Donna C. Holland, 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:

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This the 25th day of March, 2010.

  
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