

**IN THE COURT OF APPEALS
OF THE
STATE OF MISSISSIPPI
NO. 96-KA-00061-COA**

**YOLANDA EUNICE MILLS A/K/A YOLANDA E.
MILLS**

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

PER CURIAM AFFIRMANCE MEMORANDUM OPINION

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND MAY NOT BE CITED,
PURSUANT TO M.R.A.P. 35-B

DATE OF JUDGMENT:	02/09/95
TRIAL JUDGE:	HON. R. KENNETH COLEMAN
COURT FROM WHICH APPEALED:	TIPPAH COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	DAVID O. BELL
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: CHARLES W. MARIS, JR.
DISTRICT ATTORNEY:	LAWRENCE L. LITTLE
NATURE OF THE CASE:	CRIMINAL - FELONY
TRIAL COURT DISPOSITION:	AGGRAVATED ASSAULT: SENTENCED TO 15 YRS WITH 5 YRS OF SAID SENTENCE SUSPENDED; CASE# TK92 035 TO RUN CONSECUTIVE TO CASE# TK920 36 TO WIT 20 YRS WITH 5 YRS SUSPENDED; DEFENDANT TO SERVE A TOTAL SENTENCE OF 25 YRS
DISPOSITION:	AFFIRMED -12/2/97
MOTION FOR REHEARING FILED:	
CERTIORARI FILED:	
MANDATE ISSUED:	12/23/97

BEFORE THOMAS, P.J., HINKEBEIN, KING, AND COLEMAN, JJ.

PER CURIAM:

Yolanda Eunice Mills, a/k/a Yolanda E. Mills was convicted of aggravated assault in the Tippah County Circuit Court. Mills was sentenced to serve fifteen years with five years suspended.

On July 7, 1992, Mills, Christopher Gibbs, and Jeff Graves were riding together in a pickup truck in Tippah county. While riding, Mills told Graves that Gibbs had stolen some valium from her. Becoming angry, Graves pulled the truck to the side of the road and ordered Mills to hold Gibbs at gunpoint. Gibbs and Graves engaged in a fist fight and at some point during the fight, shots were fired. Both Gibbs and Graves were shot, but Graves was fatally wounded.

Subsequently, Mills was convicted of manslaughter for the killing of Graves and aggravated assault for the shooting of Gibbs. Mills argues on appeal that the trial court erred in not granting the defense motion to dismiss the Gibbs indictment on grounds of a double jeopardy violation when Mills had been previously indicted and tried in the Graves case which arose out of the same set of facts and circumstances indistinguishable from the Gibbs case.

The doctrine of double jeopardy dictates that no person's life or liberty shall be twice placed in jeopardy for the same offense. **Miss. Const. art. 3, § 22; U.S. Const. amend. V.** However, the doctrine does not protect a defendant against *different prosecutions for different offenses*. ***Hughes v. State*, 401 So.2d 1100, 1105 (Miss.1981); *Wright v. State*, 540 So.2d 1, 5 (Miss. 1989).** Mills was convicted of two different offenses, aggravated assault and manslaughter, which were committed against two different individuals, namely Gibbs and Graves. We find that the doctrine of double jeopardy does not apply in the instant case, and Mills' argument is therefore, without merit. We affirm Mills' conviction and sentence.

THE JUDGMENT OF THE CIRCUIT COURT OF TIPPAH COUNTY OF CONVICTION OF AGGRAVATED ASSAULT AND SENTENCE TO FIFTEEN YEARS, WITH FIVE YEARS SUSPENDED, IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS IS AFFIRMED. CASE #TK92035 TO RUN CONSECUTIVELY TO CASE# TK92036 TO-WIT 20 YEARS WITH 5 YEARS SUSPENDED; APPELLANT TO SERVE A TOTAL SENTENCE OF TWENTY-FIVE YEARS. ALL COSTS OF THIS APPEAL ARE TAXED TO TIPPAH COUNTY.

BRIDGES, C.J., McMILLIN AND THOMAS, P.JJ., COLEMAN, DIAZ, HERRING, HINKEBEIN, KING, PAYNE, AND SOUTHWICK, JJ., CONCUR.