

**IN THE COURT OF APPEALS 12/03/96**

**OF THE**

**STATE OF MISSISSIPPI**

**NO. 94-KA-00798 COA**

**AARON HEARRON**

**APPELLANT**

**v.**

**STATE OF MISSISSIPPI**

**APPELLEE**

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

TRIAL JUDGE: HON. FRANK G. VOLLOR

COURT FROM WHICH APPEALED: WARREN COUNTY CIRCUIT COURT

ATTORNEY FOR APPELLANT:

W. RICHARD JOHNSON

ATTORNEY FOR APPELLEE:

OFFICE OF THE ATTORNEY GENERAL

BY: DEWITT ALLRED III

DISTRICT ATTORNEY: MARTIN, G. GILMORE,

NATURE OF THE CASE: CRIMINAL: CARRYING CONCEALED WEAPON AFTER BEING  
CONVICTED OF FELONY

TRIAL COURT DISPOSITION: GUILTY: SENTENCED TO SERVE FIVE YEARS IN THE  
MDOC PLUS PAYMENT OF COURT COSTS

BEFORE THOMAS, P.J., DIAZ, AND SOUTHWICK, JJ.

DIAZ, J., FOR THE COURT:

The Appellant, Aaron Hearron (Hearron), was convicted in the Warren County Circuit Court of carrying a concealed weapon after being convicted of a felony. Hearron was sentenced to serve five (5) years in the Mississippi Department of Corrections, and to pay court costs. Aggrieved from this judgment, he appeals to this Court asserting that the evidence was insufficient to support the verdict. We disagree with his contention and affirm the judgment.

### FACTS

On December 9, 1993, Officer Robert Donahue was on a routine patrol in a marked police car when he recognized the Appellant, Hearron, driving a green Ford Pinto at an excessive rate of speed. Officer Donahue started to pursue Hearron not only because Hearron was exceeding the speed limit, but also because he knew that the car Hearron was driving had an expired tag. Unable to stop Hearron, Officer Donahue contacted the police dispatch to notify any unit in the area to render assistance. Officer Billy Brown, who was parked in his patrol car when he saw Officer Donahue in pursuit of Hearron, joined the chase. The chase proceeded into a residential neighborhood where Hearron slammed on his brakes, and slid to a stop. Hearron got out of the car and began to flee on foot. The Officers got out of their cars and followed him on foot. When Officer Brown heard the Appellant hiding behind some dead vines, he ordered Hearron to come out with his hands in sight. Officer Brown testified that he saw Hearron reach into his waistband and pull out a revolver. At that point, Officer Brown went into a "combat-crouch" position, and warned Officer Donahue that the Appellant had a gun. As he was doing that, Hearron threw the gun on the ground. The officers then forced Hearron to the ground on top of the gun. After they handcuffed him, and rolled him over, they recovered the .44 Magnum revolver. Upon recovering the gun, the officers put it in an evidence bag and turned it over to the detective in charge of the case. Hearron denies that he had a gun on him.

### DISCUSSION

The sole issue raised on appeal is that the evidence was insufficient to support the verdict. Hearron argues that there were discrepancies between the police reports filed after arrest, and the testimony of the officers at trial. Hearron seems to use the terms overwhelming weight of evidence interchangeably with the term legal sufficiency of the evidence. Therefore, we will address both points.

This Court follows the well-established standard for reviewing the legal sufficiency of the evidence. Our authority to disrupt the jury's verdict is quite limited. *Carr v. State*, 655 So. 2d 824, 837 (Miss. 1995) (citations omitted). We must consider all the evidence in the light most consistent with the verdict. *Id.* (citations omitted). We give the prosecution the benefit of all favorable inferences from the evidence. *Id.* If the facts and inferences so considered point in favor of the accused with sufficient force that reasonable men could not have found that he was guilty beyond a reasonable doubt,

reversal and discharge are required. *Id.* On the other hand, if there is substantial evidence of such quality and weight that, having in mind the burden of proof, reasonable and fair-minded jurors might have reached different conclusions, the jurors verdict is beyond our authority to disturb. *Id.*

Hearron was indicted under section 97-37-1(1)(d) of the Mississippi Code. The statute states in relevant part:

Except as otherwise provided in section 45-9-101, any person who carries, concealed in whole or in part, any . . . pistol, revolver . . . or deadly weapon . . . shall upon conviction be punished as follows: (d) By imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years for any person previously convicted of any felony who is convicted under this section.

Miss. Code Ann. § 97-37-1(1)(d) (1972).

The evidence at trial indicates that Officer Donahue recognized the Appellant's car when he began chasing him because he had previously issued a warning to Hearron in reference to his expired car tag. After Hearron was ordered to come out from the vines, Officer Brown saw Hearron reach into his waistband, pull out a revolver, and throw it on the ground. After the officers had handcuffed Hearron, they recovered the gun that Hearron had thrown on the ground. Despite the fact that Hearron argues that the police reports filled out after the incident, and arrest conflicted with the testimony at trial, the familiar rule is that when there is any conflict in the evidence, it is the job of the jury to resolve the conflict. *Id.* at 838. Considering the evidence in the light most consistent with the verdict, we find that the evidence supports that verdict reached by reasonable and fair-minded jurors in the exercise of impartial judgment.

When we consider whether the jury's verdict is against the overwhelming weight of the evidence, we accept as true all evidence supporting the verdict. *Ellis v. State*, 667 So. 2d 599, 611 (Miss. 1995). Reversal is warranted only if there was an abuse of discretion in the circuit court's denial of a new trial. *Ellis*, 667 So. 2d at 611. Considering the above, we find no abuse of discretion. There is no merit to this issue.

There is no merit to Hearron's appeal; therefore the conviction and sentence are affirmed.

**THE JUDGMENT OF CONVICTION IN THE WARREN COUNTY CIRCUIT COURT OF CARRYING A CONCEALED WEAPON AFTER CONVICTION OF A FELONY AND SENTENCE OF FIVE (5) YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS IS AFFIRMED. COSTS OF THIS APPEAL ARE TAXED TO APPELLANT.**

**FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, KING, McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR.**