IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-KA-00537-COA

RANTELVIN D. RICHARDSON A/K/A RANTELVIN RICHARDSON A/K/A RANTELVIN DAJUAN RICHARDSON — **APPELLANT**

v.

STATE OF MISSISSIPPI — **APPELLEE**

DATE OF JUDGMENT:	04/01/2025
TRIAL JUDGE:	HON. M. BRADLEY MILLS
COURT FROM WHICH APPEALED:	MADISON COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	OFFICE OF STATE PUBLIC DEFENDER BY: STACY L. FERRARO
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: BARBARA WAKELAND BYRD
DISTRICT ATTORNEY:	JOHN K. BRAMLETT JR.
NATURE OF THE CASE:	CRIMINAL - FELONY
DISPOSITION:	REVERSED AND REMANDED - 09/01/2026
MOTION FOR REHEARING FILED:	

EN BANC.

LASSITTER ST. PÉ, J., FOR THE COURT:

¶1. Rantelvin Richardson was charged with first-degree murder in the Madison County Circuit Court and proceeded to trial, where he faced the possibility of a life sentence. Unbeknownst to Richardson, his retained counsel had been temporarily suspended from the practice of law in all cases but Richardson's, per Rule 12(c) of the Rules of Discipline for the Mississippi State Bar. Richardson argues on appeal that this suspension was a per se deprivation of his Sixth Amendment right to counsel and that the trial court erred by denying his request for a castle doctrine (or stand-your-ground) jury instruction.

¶2. After review, we decline to find that Rule 12(c) is a per se violation of the Sixth Amendment, but we hold that the decision to effectively hide the suspension from Richardson deprived him of full knowledge of his counsel and his choice to continue with a recently suspended attorney. The deprivation of the right to choose counsel is a structural error, and we reverse Richardson's conviction and remand for a new trial.

FACTS AND PROCEDURAL HISTORY

¶3. On January 7, 2024, Canton Police were dispatched to Boyd Street after receiving a report that shots had been fired. Upon arrival, an officer was directed to a backroom where he encountered Derrick Mack suffering from a gunshot wound to his abdomen. The officer called for medical assistance and stepped outside to gather information. As the officer gathered information, a second gunshot victim, Derrick's son Quindarius Mack, approached him explaining the events leading up to the shooting. Derrick later succumbed to his injuries.

¶4. Quindarius stated that the shooting began with an argument over money between him and the next door neighbor, Michael Morment. At first, the two exchanged words in the street. Then things got physical, at which point Derrick attempted to intervene.

¶5. Quindarius said that at some point after that, Morment's stepson Rantelvin Richardson came out of the house with a gun. According to Quindarius he tried to talk to Richardson, but Richardson started shooting at him and his father and chased them behind their home.

¶6. Investigators found shell casings both on Morment's property at 227 Boyd Street and at the Macks' property at 221 Boyd Street. An additional shell casing was found on the street between the properties as well.

¶7. Criminal investigators initially identified Morment as a person of interest, but after speaking with Morment and Quindarius, Richardson was identified as the shooter. Richardson was located at Yazoo City High School and taken into custody. He was ultimately indicted for first-degree murder and aggravated assault.

¶8. Dexter Woodberry entered his appearance as attorney of record for Richardson, and the matter proceeded towards trial—scheduled to begin October 28, 2024. However, when the court reporter became unavailable due to injury, trial was continued until the January term.

¶9. A telephone conference was held to discuss the continuation. During the conference, the trial court sua sponte addressed attorney Woodberry's suspension by the Bar on another matter.

¶10. Although the details surrounding the basis of the suspension were not discussed, the trial court noted that Woodberry's suspension would become effective November 15, 2024, and would continue "through June of next year."

¶11. As the trial court further detailed, "the opinion and judgment entered by the bar on August the 30th[] . . . allowed [Woodberry] to continue representation of this case pursuant to [Mississippi Rule of Discipline] 12(c), which allows a limited practice for specific cases." Woodberry was "allowed to continue until . . . either trial or until the resolution of th[e] case[,] and it basically exempt[ed] all other cases . . . except for this one."

¶12. After consideration, the trial court agreed with the Tribunal's determination and solicited Woodberry's consent to continue representation—Woodberry agreed. The State also

agreed with Woodberry's continued representation of Richardson. It does not appear from the transcript that Richardson was consulted, and he was not listed as present on the telephone conference.

¶13. Richardson's trial occurred in February 2025. During trial, Derrick's mother Clemmietine testified that after the shooting, she walked out of her house and saw Morment, an unidentified woman, and some children walk out from behind her backyard. She even recalled asking the woman, as she walked by Derrick's truck, to shut an open door. She then described how Derrick came from behind the house, told her he had been shot, and how she ran across the street for help.

¶14. The testimony from the neighbor across the street corroborated the story given by Quindarius at the scene. The neighbor testified that he saw the initial altercation take place in the street, saw Richardson shoot at the Macks, and saw Richardson chase the Macks behind their house.

¶15. Richardson's mother, Masheka Gibson, and stepfather, Morment, testified for the defense. Both Gibson and Morment claimed that the incident occurred on their property. They testified that they were sitting in their parked truck in their yard when Derrick knocked on their car window requesting to speak with Morment. Gibson said that she remained in the truck on her phone and did not see what initially started the altercation. However at some point, she saw what she described as "my husband's getting jumped. . . . Derrick Mack and his son, Quindarius Mack[] . . . was beating him up." So she told the jury that she exited the vehicle to help.

¶16. Gibson testified that she saw a gun fall from Quindarius' waist during the altercation, so she yelled, "[H]e got gun, he got a gun[.]" She did not see her son before or during the shooting. Gibson testified that she "was in fear for [her] life" and that her son "saved my life. He saved my life. He saved my husband's life that night. If it wasn't for him, I wouldn't be here."

¶17. When asked on cross-examination why she did not contact the police about the presence of a gun, Gibson stated law enforcement never approached or questioned her. Meanwhile, Morment did not mention during his testimony whether he saw Quindarius with a gun.

¶18. The jury was instructed on the indicted offenses of first-degree murder, second-degree murder, manslaughter, and aggravated assault. The trial court also gave instructions regarding self-defense of others, but the court denied Richardson's request for a stand-your-ground instruction.

¶19. The jury ultimately found Richardson guilty of manslaughter for the shooting death of Derrick and guilty of the aggravated assault of Quindarius. Richardson was sentenced to serve twenty years for manslaughter and twenty years for aggravated assault, with ten years suspended and ten years to serve, followed by five years of post-release supervision. The court ordered the sentences to run consecutively in the custody of the Mississippi Department of Corrections.

¶20. Richardson filed a motion for judgment notwithstanding the verdict or for a new trial, which was denied. Richardson raises two issues on appeal. First, he claims that his Sixth

Amendment right to counsel was violated when he was represented by a lawyer whose license to practice law had been temporarily suspended. Next, he claims that the trial court erred by denying his request for a stand-your-ground jury instruction.

ANALYSIS

I. Right to Counsel

¶21. Richardson argues that Woodberry's suspension from the practice of law was a per se violation of his Sixth Amendment right to counsel and that Mississippi Rule of Discipline 12(c) is unconstitutional as applied to him.

¶22. The Sixth Amendment to the United States Constitution guarantees a criminal defendant the right "to have the Assistance of Counsel for his defence." The United States Supreme Court has held that "an element of this right is the right of a defendant who does not require appointed counsel to choose who will represent him." *United States v. Gonzalez-Lopez*, 548 U.S. 140, 144 (2006) (citing *Wheat v. United States*, 486 U.S. 153, 159 (1988) ("It is hardly necessary to say that, the right to counsel being conceded, a defendant should be afforded a fair opportunity to secure counsel of his own choice." (quoting *Powell v. Alabama*, 287 U.S. 45, 53 (1932))).

¶23. In *Gonzalez-Lopez*, the Supreme Court rejected an argument similar to the one made by the State here, acknowledging that the Sixth Amendment "commands, not that a trial be fair, but that a particular guarantee of fairness be provided—to wit, that the accused be defended by the counsel he believes to be best." *Id.* at 146. In that case, a district court refused the defendant the attorney of his choice by refusing to allow counsel admission to

practice pro hac vice. *Id.* at 142-43. The Supreme Court noted that "the right to select counsel of one's choice . . . has never been derived from the Sixth Amendment's purpose of ensuring a fair trial. It has been regarded as the root meaning of the constitutional guarantee." *Id.* at 147-48. The Supreme Court concluded that the deprivation of such a fundamental right "unquestionably qualifies as structural error," which could not be cured after a harmless-error analysis. *Id.* at 149-50.

¶24. We do not cite *Gonzalez-Lopez* to suggest that the clear deprivation of that defendant's right to counsel is the same as Richardson's trial with the counsel he originally chose. We cite *Gonzalez-Lopez* to establish the great importance of the right to counsel embedded in the Sixth Amendment, emphasizing that a defendant has a "particular guarantee of fairness" in choosing his own counsel that is "the root . . . of the constitutional guarantee" that cannot be erased by harmless error.

¶25. Nor do we conclude that the Rules of Discipline for the Mississippi State Bar, which provide that the complaint tribunal may grant a suspended attorney "the ability to practice law while on suspension," per se violate the Sixth Amendment right to counsel. As recognized in *Gonzalez-Lopez*, trial courts may "establish criteria for admitting lawyers to argue before them," and enjoy "wide latitude in balancing the right to counsel of choice against the needs of fairness and against the demands of its calendar." *Id.* at 151-52 (citation omitted). Accordingly, it does not violate the Sixth Amendment for the Bar tribunal to allow a suspended attorney to continue practicing law, nor does it offend the Constitution for the trial court in this case to have allowed Richardson to continue with the counsel he chose.

¶26. But by hiding from Richardson the fact of Woodberry's suspension from the practice of law based on multiple violations of the Mississippi Rules of Professional Conduct, the Bar tribunal and the trial court effectively deprived Richardson of *choice*—the choice to continue with the counsel of his choosing despite the suspension or the choice to proceed with new counsel who was not temporarily suspended from the practice of law. As noted in the Bar tribunal's order, Woodberry was suspended from every aspect of practicing law except Richardson's murder case and was required to tell everyone *but Richardson* that he had been suspended.

¶27. The deprivation of material information regarding Woodberry's professional conduct and candor to the court and his clients eliminated Richardson's choice of counsel. This deprivation violated Richardson's Sixth Amendment guarantee to counsel of his own choice, a guarantee that recognizes "the need for confidence, and the critical importance of trust," "[g]iven the necessarily close working relationship between lawyer and client." *Luis v. United States*, 578 U.S. 5, 11 (2016). Richardson had the utmost need for confidence and trust in his counsel of choice—he was a minor charged with murder and facing a life sentence. Although the jury convicted him of a lesser offense and he received a shorter sentence, the deprivation of counsel under the Sixth Amendment is structural error and cannot be harmless.

¶28. It is also important to note that everyone *except Richardson* knew that Woodberry had been suspended. The trial court conducted a telephonic hearing—without Richardson—to determine whether the court would allow Woodberry's representation to continue. The trial

court, the State, and Woodberry all had knowledge and a choice regarding Woodberry's representation. The one person whose choice was guaranteed by the United States Constitution did not have that knowledge or choice.

¶29. This error cannot be harmless, and we reverse Richardson's conviction and remand for a new trial.

II. Jury Instruction

¶30. Richardson also argues that the trial court erred by refusing to give his proposed jury instruction on the right to stand his ground, Instruction D3. Because we remand for a new trial, the issue of the instruction is likely to arise again, so we address it here.

¶31. We review the grant or denial of requests for jury instructions for an abuse of discretion. *Williams v. State*, 343 So. 3d 1035, 1037 (¶14) (Miss. 2022). The instructions given to the jury "must be read as a whole," and if "the instructions fairly announce the law of the case and create no injustice, no reversible error will be found." *Id.* However, the "defendant is entitled to have every legal defense he asserts to be submitted as a factual issue for determination by the jury under proper instruction of the court." *Id.* "When serious doubt exists as to whether an instruction should be included, the doubt should be resolved in favor of the accused." *Nichols v. State*, 376 So. 3d 394, 400 (¶19) (Miss. Ct. App. 2023).

¶32. Richardson's proposed instruction read:

> The Court instructs the jury that [a] person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force if the person is in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the person's use of force was unnecessary, excessive, or unreasonable.

This language tracks the stand-your-ground law, codified at Mississippi Code Annotated section 97-3-15(4) (Rev. 2024); *see also Williams*, 343 So. 3d at 1038 (¶¶15-17). Under section 97-3-15(4), a defendant has no duty to retreat before using defensive force if he (1) is in a place he has a right to be, (2) is not the immediate aggressor, and (3) is not engaged in unlawful activity. Miss. Code Ann. § 97-3-15(4).

¶33. The trial court refused the instruction due to "a complete lack of evidence as to who the initial aggressor was," reasoning that because Richardson had not testified, there was no one to establish that Richardson "was under the impression that Mr. Mack was the initial aggressor." This is not a correct statement of law.

¶34. Application of the stand-your-ground doctrine does not require evidence establishing the identity of the initial aggressor; it requires evidence that the person claiming the protection of the stand-your-ground doctrine was not the aggressor. *See* Miss. Code Ann. § 97-3-15(4). Thus, if evidence at trial showed that the defendant was in a place he had a right to be, was not the immediate provoker and aggressor, and was not engaged in unlawful activity, he may be entitled to a stand-your-ground jury instruction. *Williams*, 343 So. 3d at 1038 (¶17); Miss. Code Ann. § 97-3-15(4).[1] Because we remand for a new trial, we decline

[1] As noted in *Williams*, it has long been the law that a defendant may be entitled to a jury instruction explaining that the defendant has no duty to retreat in certain situations. *Williams*, 343 So. 3d at 1038 (¶18) (citing *Haynes v. State*, 451 So. 2d 227, 229 (Miss. 1984)). The Supreme Court has stated:

> It has always been the law in this State that a defendant is not deprived of the right to claim self-defense in a slaying even if he could have avoided the threat to his safety by fleeing. . . . "Flight is a mode of escaping danger to which a party is not bound to resort, so long as he is in a place where he has a right to be, and is neither engaged in an unlawful, *nor the provoker of, nor*

to address whether there was sufficient evidence to support the jury instruction, but we were compelled to correct the trial court's misstatement of law as to stand-your-ground instructions.

CONCLUSION

¶35. Because Richardson was not informed of his trial counsel's suspension from the Bar in every matter except his own, Richardson's Sixth Amendment right to choose his counsel was violated, a structural error that requires reversal of his conviction. Although we decline to address the merits of Richardson's argument as to his proposed jury instruction, we correct the trial court's misstatement of law, as the issue is likely to arise again on remand.

¶36. **REVERSED AND REMANDED.**

BARNES, C.J., CARLTON, P.J., WESTBROOKS, McDONALD AND LAWRENCE, JJ., CONCUR. WILSON, P.J., DISSENTS WITHOUT SEPARATE WRITTEN OPINION. McCARTY, J., DISSENTS WITH SEPARATE WRITTEN OPINION, JOINED BY EMFINGER AND WEDDLE, JJ.; WILSON, P.J., JOINS IN PART.

McCARTY, J., DISSENTING:

¶37. Because I am concerned that today we intrude into the Supreme Court's exclusive power to govern the discipline of attorneys, I must respectfully dissent. The majority's opinion essentially nullifies the order of a Complaint Tribunal and the Rule upon which it is based, and assumes *as fact* an essential point not contained in the record before us.

> *the aggressor in,* the combat. In such case he may stand his ground and resist force by force, taking care that his resistance be not disproportioned to the attack." . . . [I]f the other requisite factors are present as stated in *Long*, then the defendant is entitled to such an instruction.

Haynes, 451 So. 2d at 229 (quoting *Long v. State*, 52 Miss. 23 (1876)).

¶38. It is beyond question that our Supreme "Court enjoys 'exclusive and inherent jurisdiction of matters and proceedings pertaining to attorney discipline[.]'" *Miss. Bar v. Carr*, 431 So. 3d 727, 727 (¶4) (Miss. 2026) (quoting Miss. R. Discipline 1). This rule stems from language originally contained in statute. *See* Miss. Code Ann. § 73-3-301 (recognizing that attorneys "are subject to the exclusive and inherent disciplinary jurisdiction of the supreme court of Mississippi").

¶39. In 1984, the Supreme Court declared that the Rules of Discipline – which it created – would solely guide attorney discipline. *Miss. State Bar v. Att'y L*, 511 So. 2d 119, 122 (Miss. 1987) (explaining how the "Court asserted its exclusive and inherent jurisdiction of matters pertaining to attorney discipline and promulgated rules of discipline for the Mississippi State Bar" (citations omitted)). Further, "[a]ll bar disciplinary matters are governed first and foremost by the Rules of Discipline for the Mississippi State Bar . . . subject *only* to the Constitutions of the State of Mississippi and of the United States of America." *Id.* (emphasis added).

¶40. The Rules set out how the Court administers its "disciplinary jurisdiction[.]" Miss. R. Discipline 3. Rule 3 "establishe[s] and designate[s] as agencies of the Court" a series of groups, including "[t]he Complaint Tribunal and Panels appointed by the Court." *Id.* And as the Procedures for Rule 3 make clear, "[w]hen acting in the course of their disciplinary duties, each of the disciplinary agencies shall be considered a special master of the Court." *Id.* at Procedure 3.1. So, if a Tribunal makes a decision, it is as if *the Supreme Court itself made the decision*. Consequently, any other court must treat the Tribunal's decision as such.

¶41. The basis of the Appellant's Sixth Amendment claim and the majority's opinion is the constitutional argument concerning Rule 12, specifically subsection (c), which discusses attorney suspension. Rule 12(c) provides that

> A suspended attorney may, at the discretion of the Complaint Tribunal or the Court, be placed on probation or specified terms. The terms may include the ability to practice law while on suspension.

Miss. R. Discipline 12(c).

¶42. Entered on August 29, 2024, the Tribunal's order[2] states that

> Pursuant to Rule 12(c) of the Rules of Discipline for the Mississippi State Bar, the Complaint Tribunal finds that Mr. Woodberry should be, and hereby is allowed to represent Rantelvin Richardson through completion of the criminal trial in Cause No. 45CI1:24-cr-00076-JM-1.

¶43. Appellant argues that Rule 12(c) is *per se* "unconstitutional as applied to Richardson" because "he was represented by a lawyer whose license to practice law had been suspended." But given the order of the Tribunal, this cannot be correct because the Tribunal expressly allowed him to—Woodberry was permitted to legally represent Richardson.

¶44. Notably, the record reflects that Richardson's trial was scheduled to begin on October 28, 2024. Woodberry's suspension was set to go into effect just a little over two weeks later. Had things gone accordingly, Woodberry's suspension would have occurred after Richardson's trial. But it was not until the eve of trial that it was determined a continuation would be necessary given the lack of a court reporter. Nonetheless, the Tribunal's order included the possibility of a delay, allowing for Woodberry's representation "through

[2] The order was not included in the record, but attached to Appellee's brief as an exhibit.

completion of the criminal trial." For all intents and purposes, Woodberry was licensed as it related to Richardson. Therefore, there could be no *per se* violation of Richardson's Sixth Amendment right to counsel.

¶45. The majority artfully attempts to sidestep this argument altogether, along with the Supreme Court's inherent authority in this matter. It opines that the "deprivation of material information regarding Woodberry's professional conduct and candor to the court and his clients eliminated Richardson's choice of counsel." But we do not have in the record before us whether Richardson knew or did not know of Woodberry's suspension. While the majority protests that it is not making a *per se* finding that Rule 12(c) does not violate Richardson's right to counsel, that is essentially the effect of its opinion.

¶46. Even still, Woodberry's candor should not matter, because the Tribunal did not suspend Woodberry's license as to Richardson. Woodberry was not required to inform Richardson of his suspension because it did not apply to the case.

¶47. The Supreme Court crafted Rule 12(c) to allow for discretion in its administration of attorney discipline, and its deputized agency, the Tribunal, applied it in this case. Because discipline and rule creation are within the exclusive province of our Supreme Court, we do not have the authority to question the application of Rule 12(c).

¶48. The majority reverses solely on this ethical consideration. However, the better route would be to affirm Richardson's conviction and sentence; and if he so desires, he can seek post-conviction relief on this point.

¶49. The Supreme Court made clear that "[t]he Court *shall be* the *ultimate judge* of matters

arising under these rules, and from time to time the Court shall review these rules and amend them when necessary or desirable." Miss. R. Discipline 1(a) (emphasis added). It is the exclusive role of the Supreme Court or its authorized deputies to handle attorney discipline and not ours. Because I am concerned we cross over into that domain, I respectfully dissent.

EMFINGER AND WEDDLE, JJ., JOIN THIS OPINION. WILSON, P.J., JOINS THIS OPINION IN PART.