

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2025-KA-00894-SCT

***JACCORY CARR a/k/a JACOREY CARR a/k/a
JACCOREY CARR***

v.

STATE OF MISSISSIPPI

DATE OF JUDGMENT:	06/27/2025
TRIAL JUDGE:	HON. CARMEN BROOKS DRAKE
TRIAL COURT ATTORNEYS:	JEFFERY KENDRICK HARNESS LARRY GUS BAKER LISA JORDAN DALE TIM COTTON MATTHEW PAUL KIDDER
COURT FROM WHICH APPEALED:	WILKINSON COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	OFFICE OF STATE PUBLIC DEFENDER BY: JOSEPH SCOTT HEMLEBEN
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: JULIANNE KAY BAILEY
DISTRICT ATTORNEY:	TIM COTTON
NATURE OF THE CASE:	CRIMINAL - FELONY
DISPOSITION:	AFFIRMED - 10/15/2026
MOTION FOR REHEARING FILED:	

BEFORE RANDOLPH, C.J., ISHEE AND TOLLISON, JJ.

ISHEE, JUSTICE, FOR THE COURT:

¶1. A Wilkinson County jury found Jaccory Carr guilty of aggravated assault on a law-enforcement officer under Mississippi Code Section 97-3-7 (Rev. 2020). The trial court sentenced Carr to thirty years in the custody of the Mississippi Department of Corrections. Carr appeals, arguing that (1) the jury was not properly instructed on the essential elements of the offense, and (2) the verdict is contrary to the overwhelming weight of the evidence.

Finding no reversible error, we affirm Carr's conviction and sentence.

FACTS AND PROCEDURAL HISTORY

¶2. On May 10, 2022, Jaylan Bynum was asleep inside her sister Brianna Bynum's residence in Woodville, Mississippi. Jaylan awoke to discover Carr standing inside the bedroom. Having known Carr since childhood, she immediately recognized him. Although she testified that Carr had behaved normally in the past, she stated that his demeanor on that day was markedly different and caused her concern.

¶3. Jaylan testified that after remaining in the bedroom briefly, she and Carr walked into the living room, where she observed Carr with a firearm. She stated that she was frightened because Carr appeared nervous and acted unlike the person she had previously known.

¶4. Brianna called Jaylan to warn her that Carr reportedly was being sought by law enforcement; Brianna instructed Jaylan to keep the residence locked. During that conversation, Brianna learned that Carr already was inside the house.

¶5. Brianna returned to the residence with her two-year-old child and a friend identified in the record as Kayla. Brianna testified that as she attempted to enter the residence, Carr opened the door and instructed the group to come inside and sit down while asking where the police were. Brianna testified that Carr had multiple firearms, including one slung across his shoulder and others carried in his clothing. According to Brianna, Carr appeared "weird" and "jittery."

¶6. Both Jaylan and Brianna testified that they feared Carr during the encounter. Brianna stated that she refrained from contacting law enforcement while inside the residence because

she believed Carr would harm her if he discovered she was seeking assistance. She further testified that Carr threatened to shoot Kayla because he believed she was acting suspiciously.

¶7. After remaining inside the residence for a period of time, Jaylan, Brianna, Brianna's child, and Kayla eventually left the home. Brianna first transported her child to her mother's residence before attempting to report the incident to law enforcement. On her way, she encountered officers already assembling nearby and informed them that Carr remained inside the residence and that he had multiple firearms.

¶8. Chief Joseph Daughtry, then serving as chief of police for the City of Natchez, testified that he responded with members of the Natchez Police Department's Special Weapons and Tactics ("SWAT") team after receiving information regarding the situation. According to Chief Daughtry, officers established positions around the residence while attempting to apprehend Carr.

¶9. Chief Daughtry testified that as officers moved toward the rear of the residence, Carr exited the house and fired two rounds in the direction of law enforcement. Chief Daughtry stated that although he raised his weapon to return fire, Chief Lemuel Rutledge, then serving as chief of police for the City of Woodville, crossed into his line of fire, preventing him from discharging his weapon safely.

¶10. Chief Rutledge similarly testified that after moving toward the rear of the residence, he observed a man emerge from the house. Chief Rutledge testified that immediately after making eye contact with the individual, two shots were fired in his direction. He returned fire but did not strike the fleeing suspect.

¶11. Following the exchange of gunfire, Chief Rutledge initially believed that he had been struck by one of the bullets. Officers soon determined, however, that he had been struck only by debris from a wooden post that had been hit by gunfire.

¶12. Carr fled into the wooded area behind the residence. Despite an extensive search involving multiple law-enforcement agencies, officers were unable to locate him that evening. Carr was apprehended approximately one week later.

DISCUSSION

¶13. On appeal, Carr raises two assignments of error.¹ First, he argues that he was deprived of his constitutional right to a jury trial because the jury allegedly was not instructed on the essential elements of aggravated assault on a law-enforcement officer. Second, he argues that the verdict is contrary to the overwhelming weight of the evidence because the State presented no physical or forensic evidence linking him to the shooting.

1. The jury was properly instructed on the crime of aggravated assault on a law-enforcement officer.

¹ After Carr's counsel filed an appellant's brief on his behalf, Carr filed two pro se supplemental briefs and one pro se supplemental reply brief. All three were filed outside the time limit allowed under Mississippi Rule of Appellate Procedure Rule 31. None complied with Mississippi Rule of Appellate Procedure 28(b). Further, Mississippi Rule of Appellate Procedure 28(d) prohibits Carr from filing a reply brief without leave of the Court. Rule 28(b) addresses pro se supplemental briefs that "may address issues not raised by counsel, but such issues must be based on the record." It further requires pro se supplemental briefs to "conform to the requirements of Rule 28(a), (e), (f), (h) and (l)." M.R.A.P. 28(b). Here, in his first two briefs, Carr failed to include the following: a certificate of interested persons, the style of the case, a table of contents, a table of authorities, a separate statement of the issues, a statement of the case, and a statement of the argument. He also failed to cite to any legal authority or the record, as required by Mississippi Rule of Appellate Procedure 28(a)(7). It is well-settled that failure to cite authority in support of claims of error results in this Court declining to consider the specific claim on appeal. *Graves v. State*, 216 So. 3d 1152, 1162 (Miss. 2016).

¶14. Carr first claims that the jury was not properly instructed on the essential elements of aggravated assault on a law-enforcement officer. The State initially proposed the following jury instruction:

The defendant, Jaccory Carr, has been charged in the indictment with the crime of aggravated assault on law enforcement officer against Chief Lemuel Rutledge.

If you find from the evidence in this case beyond a reasonable doubt that:

1. Jaccory Carr, on or about May 10, 2022, in Wilkinson County, Mississippi,
2. Unlawfully attempted to cause bodily injury, which a deadly weapon, to Chief Lemuel Rutledge,
3. By shooting at him with a firearm;
4. While Police Chief Lemuel Rutledge was acting within the scope of his duties as a law enforcement officer; and
5. **Jaccory Carr knew that Chief Lemuel Rutledge was acting within the scope of his duty as a law enforcement officer.**

Then you shall find [Carr] guilty of the crime of aggravated assault on law enforcement officer.

(Emphasis added.) During the jury-instruction conference, Carr objected to one word, “knew,” in paragraph 5, arguing that the State had not presented any evidence that Carr had identified Chief Rutledge. The State acknowledged that the instruction did not track exactly with the model instruction, and the trial court instructed the State to file a revised instruction with the word “knew” removed. The revised instruction is missing from the original record on appeal. As a result, the State filed a motion to supplement the record with the revised jury instruction. Despite this Court’s order, the written instruction was not included in the

supplemental materials. Rather, the trial court provided a supplemental volume transcript, which shows that the trial judge read the following jury instruction to the jury:

If you find from the evidence in this case, beyond a reasonable doubt that: (1) Jaccory Carr, on or about May 10th, 2022, in Wilkinson County, Mississippi, (2) unlawfully attempted to cause bodily injury, with a deadly weapon, to Chief Lemuel Rutledge, (3) by shooting at him with a firearm, (4) while Police Chief Lemuel Rutledge was acting within the scope of his duties as a law enforcement officer[r], then you shall find the defendant, Jaccory Carr, guilty of the crime of aggravated assault on a law enforcement officer[r].

¶15. The State argues that the supplemental volume is sufficient to show that the jury was properly instructed on the elements of aggravated assault on a law-enforcement officer. Carr argues in reply that the supplemental transcript establishes only oral delivery and not that the written instruction accompanied the jury during deliberations under Mississippi Rule of Criminal Procedure 22(e). Rule 22(e) states that “[p]rior to closing argument, the court shall rule on the requested instructions, marking each ‘given’ or ‘refused,’ and all such instructions shall become part of the record.” MRCrP 22(e).

¶16. We agree with the State that the supplemented record sufficiently demonstrates that the jury received instructions on every essential element of aggravated assault on a law-enforcement officer. Mississippi Code Section 97-3-7(2)(a) (Rev. 2020) reads in relevant part that “[a] person is guilty of aggravated assault if he or she . . . attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm.” Mississippi Code Section 97-3-7(14)(a) (Rev. 2020) states that assault on a law-enforcement officer is an aggravating circumstance for charging when the officer is acting within the scope of his duty at the time of the assault.

As shown above, the oral jury instruction tracks the language set forth in the statute and lists each element of the offense.

¶17. In support of his argument, Carr relies on two cases that are distinguishable. In *Reynolds v. Allied Emergency Services, PC*, 193 So. 3d 625, 631 (Miss. 2016), this Court found reversible error because the jury received an incorrect instruction. That did not occur here. Rather, the trial court recognized that the State’s initial proposed jury instruction was erroneous and directed the State to submit a revised instruction. In *Harrell v. State*, 134 So. 3d 266, 269-75 (Miss. 2014), this Court found reversible error when the jury was not instructed on the elements of the underlying felony of robbery. The present case likewise does not involve a complete failure to instruct the jury on an essential element. Instead, the only deficiency concerns the absence of the written instruction from the appellate record.

¶18. Nothing in the record affirmatively demonstrates that the written instruction was not marked “given” or that it did not accompany the jury. Carr asks this Court to infer a Rule 22 violation solely from the clerk’s inability to locate the physical instruction after trial. An incomplete appellate record, however, does not itself establish reversible error absent an affirmative showing that the trial court failed to comply with Rule 22 or that the defendant suffered prejudice. Neither *Allied Emergency Services* nor *Harrell* compels reversal.

2. The jury verdict is not against the overwhelming weight of the evidence.

¶19. Carr also argues that the verdict is against the overwhelming weight of the evidence due to the lack of physical and forensic evidence presented at trial. In reviewing a challenge to the weight of the evidence, this Court must “view the evidence in the light most favorable

to the verdict and disturb the verdict only when it is so contrary to the overwhelming weight of the evidence that to allow it to stand would sanction an unconscionable injustice.” *Little v. State*, 233 So. 3d 288, 289 (Miss. 2017). This Court does not reweigh evidence, assess witness credibility, or resolve factual disputes. *Id.*

¶20. Viewing the evidence in the light most favorable to the verdict, substantial eyewitness evidence supported Carr’s conviction. Mississippi courts have long held that a conviction may stand solely on credible testimonial evidence. *Brown v. State*, 130 So. 3d 1074, 1082 (Miss. 2013) (quoting *Graham v. State*, 812 So. 2d 1150, 1153 (Miss. Ct. App. 2002)). Chief Daughtry and Chief Rutledge each testified that Carr fired toward law-enforcement officers. The jury was entitled to assess the witnesses’ credibility and resolve any conflicts in the testimony. *Butler v. State*, 102 So. 3d 260, 269-70 (Miss. 2012). Accordingly, Carr’s argument fails.

CONCLUSION

¶21. Because the supplemented record establishes that the jury was instructed on every essential element of the offense and because the verdict is not against the overwhelming weight of the evidence, we affirm the judgment of the Circuit Court of Wilkinson County.

¶22. **AFFIRMED.**

RANDOLPH, C.J., COLEMAN, P.J., GRIFFIS, SULLIVAN, BRANNING, WILSON AND TOLLISON, JJ., CONCUR. KING, P.J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION.