

**IN THE COURT OF APPEALS  
OF THE  
STATE OF MISSISSIPPI  
NO. 96-KA-00012 COA**

**LITTLE JIMMY FARRIS**

**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:	12/11/95
TRIAL JUDGE:	HON. ANDREW CLEVELAND BAKER
COURT FROM WHICH APPEALED:	TALLAHATCHIE COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	JAMES P. VANCE
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: CHARLES W. MARIS, JR.
DISTRICT ATTORNEY:	J. MICHAEL HORAN
NATURE OF THE CASE:	CRIMINAL - FELONY
TRIAL COURT DISPOSITION:	SALE OF A CONTROLLED SUBSTANCE TO-WIT COCAINE: SENTENCED TO 15 YRS IN THE MDOC, WITH LAST 5 YRS SUSPENDED, PENDING GOOD BEHAVIOR; DEFENDANT SHALL PAY A FINE OF \$1, 000.00 & ALL COURT COSTS
DISPOSITION:	AFFIRMED - 11/4/97
MOTION FOR REHEARING FILED:	
CERTIORARI FILED:	
MANDATE ISSUED:	11/25/97

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

PER CURIAM.

Jimmy Farris was convicted of sale of cocaine in the Circuit Court of Tallahatchie County and sentenced to serve fifteen years in the custody of the Mississippi Department of Corrections with five years suspended and ordered to pay a fine of \$1,000. He appeals and argues that the jury verdict was

contrary to the overwhelming weight of the evidence. We affirm.

On September 23, 1995, Alfred Lee Smallwood was arrested for possession of a crack pipe and residue by the Charleston Police Department. Smallwood agreed to cooperate with police by arranging to buy cocaine from Jimmy Farris. The police searched Smallwood and his car, supplied him with two one hundred dollar bills, and sent him to a convenience store pay phone to call Farris. With police officers providing surveillance, Smallwood drove to the pre-arranged location near a school in Charleston and waited for Farris. Smallwood testified that he got out of his car, went to Farris's car, handed Farris the money, and Farris gave him crack cocaine wrapped in a paper towel. Captain Allen Meek, one of several officers providing surveillance, testified that he saw a white object being handed from Farris to Smallwood. Farris drove away and was immediately apprehended by the police. Captain Meek took possession of the crack from Smallwood.

Farris testified that he just happened to encounter Smallwood at the school and that Smallwood approached his car and threw the two hundred dollars in Farris's car and fled. Farris denied that he passed cocaine or anything else to Smallwood. In rebuttal to Farris's testimony, the State offered testimony from other police officers contradicting Farris's version of events.

Farris correctly argues that the supreme court has stated time and again that it will not reverse a jury verdict and order a new trial unless it is convinced that the verdict was contrary to the overwhelming weight of the evidence and that to allow it to stand would sanction an unconscionable injustice. *Johnson v. State*, 642 So. 2d 924, 928 (Miss. 1994). "In determining whether a jury verdict is against the overwhelming weight of the evidence . . . this Court must accept as true the evidence which supports the verdict and will reverse only when convinced that the trial court has abused its discretion in failing to grant a new trial. Any factual disputes are properly resolved by the jury and do not mandate a new trial." *Johnson*, 642 So. 2d at 928. (citations omitted).

The evidence in this case supports the verdict of guilty of sale of cocaine. Smallwood's testimony that he arranged and completed a purchase of cocaine from Farris is corroborated by the testimony from the police officers. The jury was free to disbelieve Farris's story. We find no merit to Farris's argument and affirm the judgment and sentence.

**THE JUDGMENT OF THE CIRCUIT COURT OF TALLAHATCHIE COUNTY OF CONVICTION OF SALE OF COCAINE AND SENTENCE OF FIFTEEN YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS WITH THE LAST FIVE YEARS SUSPENDED PENDING GOOD BEHAVIOR AND FINE OF \$1,000 IS AFFIRMED. ALL COSTS OF APPEAL ARE TAXED TO THE APPELLANT.**

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