

**IN THE COURT OF APPEALS  
OF THE  
STATE OF MISSISSIPPI  
NO. 95-KA-01269 COA**

**RONNIE J. WRIGHT A/K/A RONNIE JOE WRIGHT**

**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

DATE OF JUDGMENT:	11/06/95
TRIAL JUDGE:	HON. JANNIE M. LEWIS
COURT FROM WHICH APPEALED:	YAZOO COUNTY CIRCUIT COURT
ATTORNEYS FOR APPELLANT:	DEREK E. PARKER MICHAEL T. RUSHING
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: PAT S. FLYNN
DISTRICT ATTORNEY:	NOEL D. CROOK
NATURE OF THE CASE:	CRIMINAL - FELONY
TRIAL COURT DISPOSITION:	CONVICTED OF CAPITOL MURDER; SENTENCED TO LIFE IMPRISONMENT
DISPOSITION:	AFFIRMED - 12/02/97
MOTION FOR REHEARING FILED:	
CERTIORARI FILED:	
MANDATE ISSUED:	12/23/97

BEFORE McMILLIN, P.J., KING, PAYNE, AND SOUTHWICK, JJ.

SOUTHWICK, J., FOR THE COURT:

Ronnie Wright was convicted of capital murder for his part in the shooting of Yazoo County grocery store owner Dan Hargon. Wright appeals his conviction alleging that the verdict was against the overwhelming weight of the evidence. We disagree and affirm.

**DISCUSSION**

Wright argues that the verdict of the jury was against the overwhelming weight of the evidence. He sought a new trial on this basis. A new trial should be granted only if the trial judge is convinced that the verdict is so contrary to the overwhelming weight of the evidence that failure to grant a new trial would result in an unconscionable injustice. *May v. State*, 460 So. 2d 778, 781 (Miss. 1984). In determining whether the motion should have been granted, this Court is required to view all of the evidence in the light consistent with the jury verdict. The proper function of the jury is to decide the outcome of the case. The reviewing court should not substitute its own view of the evidence for that of the jury's. *Blanks v. State*, 542 So. 2d 222, 226 (Miss. 1989).

The pertinent evidence follows. On the morning of April 22, 1994, Wright along with Wesley Jackson and Forest Branch drove from Canton to Yazoo County. Branch, the driver of the car, testified that on the way to Yazoo County the three men planned the robbery and discussed how they would carry it out. Branch said that he and Jackson had a gun while Wright did not. The plan was for Branch to wait in the car while Jackson and Wright went into the store. Wright was to buy cigarettes and distract Hargon. Jackson was to ask for change. While the cash drawer was open, Jackson would pull the gun and rob Hargon. Branch testified that all three of them knew that the gun would be used in the robbery, but it was not supposed to be fired unless Hargon pulled a gun.

According to Branch's testimony, the three men passed the store three times that morning looking for the right opportunity. When that opportunity came, they pulled into the parking lot. Wright entered the store first and Jackson followed. Branch remained outside and thus did not know exactly what happened in the store until he heard gunfire. At trial, it was revealed that Branch had made conflicting statements to the authorities and at trial. Branch was cross-examined regarding the discrepancies with great detail at trial. On redirect, the State also went through the discrepancies. The jury was made fully aware of Branch's inconsistent statements.

A portion of Branch's testimony was corroborated by the driver of a truck who pulled into the parking lot while the robbery was in progress. He testified that when he heard the four or five gunshots, he got into his truck and backed up to pull out of the parking lot. He saw one black male sitting in a car by the gas pumps. As he was leaving the parking lot, he looked back and saw two black males running out of the store. He drove directly to the county supervisor's office where a call was made to the sheriff. Hargon later was found dead behind the counter.

At the time of his arrest, Branch implicated Jackson and Wright. A man who lived near the store corroborated Branch's testimony that the three men had passed the store three times that morning. The Madison County deputy who took the swabs of all three men's hands for gunpowder residue tests testified that only Wright's hand had gunpowder residue on it. The residue was located on the back of Wright's right hand. This indicated that he either fired the gun or was in close proximity to the gun when it was fired.

Wright's statement was taken when he was arrested. He admitted riding to Yazoo County with Jackson and Branch. He denied knowing about the plan to rob the store and denied that they had ridden by the store three times. Wright claims that he went into the store for cigarettes, and Jackson came in and told him that Branch wanted a soda pop. He said that he went to the cooler in the back of the store to get the soda pop and while there he heard four shots. He dropped the soda in surprise, causing the bottle to shatter. Wright claims that Jackson shot Hargon and ordered Wright to go

behind the counter and get any money that was there. Wright states that Jackson asked him to get Hargon's gun. Wright did so and ran to the car. Wright testified that the car began to pull away just as he reached it. He thought that they were leaving him so he dropped the gun and jumped into the car. On the way to Canton, Jackson asked him to hand him a shirt from the back seat. Jackson took the shirt, wiped the gun and threw it and the moneybag out of the window.

There were several discrepancies between Wright's statement at the time of his arrest, his testimony on direct examination, his testimony on cross-examination, and the evidence adduced at trial. For example, his being at the back of the store and dropping a soda bottle in shock when he heard the gunshot was impeached by evidence that no such broken glass was found. A witness confirmed that the car had driven past the store three times before it stopped, which should have told an innocent passenger something. Wright maintained that his story was based on the truth and that everyone else was lying. Wright's main point is that there is no evidence that he had the intent to be involved in this crime and was with the wrong group at the wrong time. The latter two points are certainly true, but there was also evidence through Branch that Wright had the necessary intent.

The evidence presented at trial, viewed in the light consistent with the verdict, amply supported Wright's guilt. Though far from unimpeached, the evidence created a jury question on guilt. The trial judge did not abuse his discretion in denying Wright's motion for a new trial.

**THE JUDGMENT OF THE YAZOO COUNTY CIRCUIT COURT OF CONVICTION OF CAPITAL MURDER AND SENTENCE TO LIFE IMPRISONMENT IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED AGAINST YAZOO COUNTY.**

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