

**SYNOPSIS OF OPINION IN DEATH PENALTY CASE IN THE MISSISSIPPI SUPREME COURT  
HANDED DOWN November 9, 2017**

*Blakeney v. State*, No. 2015-DP-00058-SCT, 2017 WL 5188335 (Miss. Nov. 9, 2017)

**CASE:** Direct appeal from conviction of capital murder and death sentence

**SENTENCE:** Death

**COURT:** Circuit Court, Jones County,

**TRIAL JUDGE:** Hon. Billy Jo Landrum

**APPELLANT'S ATTORNEYS:** Office of the State Public Defender by Alison Steiner, William R. Labarre, John A. Piazza

**APPELLEE'S ATTORNEYS:** Office of the Attorney General by Brad A. Smith, Jason L. Davis

**DISTRICT ATTORNEY:** Anthony Buckley, DA; J. Ronald Parish, ADA

**DISPOSITION:** Conviction of capital murder and sentence of death reversed remanded.. King, J. for the Court *en banc*. Waller, C.J., Kitchens, P.J., Coleman, Beam and Ishee, JJ., concur. Maxwell and Chamberlin, JJ., concur in part and in result without separate written opinion. Randolph, P.J., concurs in result only without separate written opinion.

**ISSUES:** Multiple errors were raised, including: 1) The failure to continue the case after the State identified a new jailhouse informant witness, new documentary evidence and three new expert witnesses shortly before trial; 2) *Massiah* error in admitting recorded statements, testimony about verbal statements, and other evidence obtained from Blakeney by two jailhouse informant witnesses acting as agents of the state; and 3) Prosecutorial misconduct for failure to preserve and turn over results of forensic examination of defendants' and co-defendants' computers, phones and other electronic devices.

**FACTS:** Blakeney was convicted of capital murder for the death of his girlfriend's 2 year old daughter in the course of child abuse. On the morning of August 10, 2010 Blakeney called 911, and reported that the child collapsed with seizures, approximately 45 minutes after the girlfriend left for work. Despite treatment, the child eventually died at UMC of brain swelling and head trauma after the mother ordered removal of life support two days later. The girlfriend, an undocumented Mexican immigrant, pleaded guilty to child neglect, received a probationary sentence and repatriated to Mexico The prosecutor said he was unaware of the forensic reports on the defendants' electronics, that if it had been incriminating it would have been turned over, but if it was not, he never kept exculpatory evidence. . Blakeney consistently denied he had ever abused or struck the child. The prosecutor recruited two different jailhouse informants to attempt to secure another story from Blakeney, and to testify that Blakeney's motive in killing the child had been to gain admission to a prison gang (that that actually refuses admission to child killers.) The first informant did not testify but a recording of his conversation with Blakeney (that did not include any admissions of guilt, but did include conversation about admission to the prison gang) was admitted in evidence. The second informant, who was disclosed only days before the trial testified to an ostensible admission to killing the child because of Blakeney's prison gang interest. The second informant created a document that was authenticated by one of the late-disclosed expert) and to an ostensible admission.

**HELD:** Each of the three errors identified was reversible and required a new trial. None of the other errors raised was reached.

To read the full opinion, click here: <https://courts.ms.gov/Images/Opinions/CO125580.pdf>

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