

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON  
Assigned on Briefs July 11, 2023

FILED

08/04/2023

Clerk of the  
Appellate Courts

**JAMAURI RANSOM v. STATE OF TENNESSEE**

**Appeal from the Circuit Court for Madison County**  
**No. C22-170            Joseph T. Howell, Judge**

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**No. W2022-01660-CCA-R3-PC**

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A Madison County jury convicted the Petitioner, Jamauri Ransom, of aggravated robbery and first degree felony murder. The Petitioner appealed, claiming insufficient evidence, and this court affirmed the Petitioner's conviction. *State v. Jamauri Ransom*, No. W2019-02319-CCA-R3-CD, 2021 WL 1310877, at \*1 (Tenn. Crim. App., April 8, 2021), *perm. app. denied* (Tenn. July 12, 2021). The Petitioner timely filed a post-conviction petition, alleging that he received the ineffective assistance of counsel because trial counsel failed to move for a mistrial based upon alleged juror misconduct. After a hearing, the post-conviction court denied relief. After review, we affirm the post-conviction court's judgment.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed**

ROBERT W. WEDEMEYER, J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN, P.J., and JILL BARTEE AYERS, J., joined.

J. Colin Morris, Jackson, Tennessee, for the appellant, Jamauri Ransom.

Jonathan Skrmetti, Attorney General and Reporter; Katherine C. Redding, Senior Assistant Attorney General; Jody S. Pickens, District Attorney General; and Al L. Earls, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**I. Procedural History and Facts**

**A. Procedural History**

On January 28, 2019, a Madison County grand jury indicted the Petitioner for felony murder and aggravated robbery for the April 15, 2018 robbery of Cardierre Miller and death of Kevin Minter. After a trial, a jury convicted the Petitioner as indicted, and the trial court imposed an effective life sentence. The trial court denied the Petitioner's motion

for a new trial. On direct appeal, this court affirmed the trial court's judgments, and our supreme court denied the Petitioner's application to appeal. The Petitioner, *pro se*, timely filed a petition for post-conviction relief, and his post-conviction counsel filed an amended petition.

## **B. Trial**

On direct appeal, this court summarized the facts presented at trial as follows:

On the evening of April 15, 2018, Mr. Miller and Mr. Minter were at Huck's gas station in Jackson. According to Mr. Miller, while there, he put gas in his Hyundai Accent, and Mr. Minter sold some marijuana. In addition, Mr. Miller encountered Mr. Davante Harris while at the gas station; Mr. Harris was at the gas station to get gas and pizza. Mr. Miller said that he recognized Mr. Harris because the two men had previously worked together at Kellogg's. Mr. Miller informed Mr. Harris that his friend had some "loud" for sale, which was slang for high quality marijuana. Though Mr. Harris did not purchase any marijuana at that time, Mr. Harris seemed interested, so Mr. Miller gave Mr. Harris his phone number.

Later that evening, Mr. Harris called Mr. Miller to purchase some marijuana before he left Jackson and headed to Memphis, and they agreed to meet at a local Marathon gas station. Mr. Miller, still accompanied by Mr. Minter, arrived at the Marathon and parked next to a white Nissan Altima, which was parked at the gas pumps. The Altima was being driven by Mr. Harris; Dedrick House was in the front passenger seat; and the Petitioner was in the backseat behind Mr. Harris. It was dark outside, and the cars were parked facing each other.

Though the two parties initially quarreled over who would get out of their respective vehicles, Mr. Miller acquiesced and left his vehicle to sell the marijuana while Mr. Minter stayed in the car. Mr. Miller entered the Altima on the rear passenger's side of the vehicle and sat in the backseat with the Petitioner, who was the person interested in purchasing the marijuana. The [Petitioner] showed Mr. Miller the money and then asked Mr. Miller to weigh the marijuana. Mr. Miller complied and placed the marijuana on the scale that was in the middle "between the seats" and already present in the car prior to Mr. Miller's entry. According to Mr. Miller, as soon as he put the marijuana on the scale the [Petitioner] pulled out a handgun and instructed Mr. Miller "to give him everything" or the [Petitioner] would shoot. Mr. Harris testified that the [Petitioner] said to Mr. Miller, "Give me

that,” and that cussing, “b---hing,” and wrestling ensued between Mr. Miller and the [Petitioner]. Mr. Miller stated that in response to the [Petitioner]’s actions, he put hands up and asked of the [Petitioner], “[S]o you gonna do me like that, you gonna do me like that[?]” Mr. Miller tried to grab the marijuana and reclaim possession, but when the bag “busted everywhere,” Mr. Miller decided to abandon the enterprise and get out of the car because he felt threatened and feared for his life.

Mr. Minter, who was armed with a 9mm handgun with an extended magazine, observed the events taking place in the adjacent vehicle and got out of Hyundai in an attempt to aid Mr. Miller, who was still inside the car. As Mr. Minter exited his vehicle, he was backing away from the Altima, and according to Mr. Miller, Mr. Minter had the gun pointed in the Altima’s direction “raised up ready to use.” Mr. Harris described that Mr. Minter was standing in front of the Altima, that the gun was pointed at Mr. Harris’s face, and that he was scared of being shot by Mr. Minter. As Mr. Miller was exiting the Altima, the [Petitioner], almost simultaneously, opened fire on Mr. Minter using a .45 “auto-caliber” handgun. The [Petitioner] shot from the passenger-side rear door and hit Mr. Minter in the head.

After the shooting, the Altima fled the scene. The incident at the Marathon gas station was captured on surveillance video, which was shown to the jury, and reflected that the entire encounter was brief in nature. The video showed that only thirty-three seconds passed between Mr. Miller’s getting in the backseat of the Altima and Mr. Minter’s getting out of the Hyundai with his gun. Mr. Minter lay on the concrete shot in the head only four seconds after exiting the vehicle.

According to Mr. Harris, the three-man group proceeded to Memphis following the incident. In the days that followed, the [Petitioner] was arrested while carrying a .45-caliber handgun.

According to Mr. Harris, his Altima was struck by a bullet. Review of the photographs from the crime scene indicated observable damage to Mr. Miller’s Hyundai from several bullet strikes. Also, three .45-caliber shell casings were found on the ground at the Marathon, and one .45-caliber projectile was found in the backseat floorboard of Mr. Miller’s vehicle. In addition, one 9mm shell casing was found at the scene. It was determined that these casings and the projectile were fired through the respective weapons at issue in this case. Though a projectile was later discovered in Mr. Minter’s clothing, it was not tested for comparison.

Mr. Minter died from a single “through-and-through” gunshot to the head. While on the scene, officers found a bag of marijuana on Mr. Minter’s person. Also, Mr. Minter’s subsequent blood test was positive for marijuana.

In Mr. Miller’s subsequent police statement at the Jackson Police Department, Mr. Miller advised the authorities that when the vehicle first pulled up, he asked the two Black males inside if they had any marijuana for purchase, but before he could purchase the marijuana, the two men pulled guns on him and tried to rob him. Mr. Miller further said that the two men “then started shooting at him and his friend” and that someone stole \$40 from him at the scene. Mr. Miller admitted that he lied several times during the statement, including why he picked up Mr. Minter’s weapon, but then returned Mr. Minter’s gun to the ground.

At trial, Mr. Miller indicated that he was unfamiliar with either Mr. House or the [Petitioner]. Mr. Miller confirmed that he had a previous 2018 conviction for possession of marijuana with intent to sell or deliver, that he was not charged with anything related to the drug sale in this case, and that his probation was violated partly due to his inability to be truthful about this case. On cross-examination, the defense played a rap video Mr. Miller made that showed Mr. Minter with a gun that looked like the gun Mr. Minter had at the gas station, though Mr. Miller also said that he had never seen Mr. Minter’s gun before. Also, in the video, Mr. Miller rapped about his selling drugs to get rich, shooting any person who got in the way of that enterprise, and always carrying a weapon for protection.

Mr. Harris also gave a subsequent police statement following the shooting, wherein he relayed information similar to this trial testimony. However, Mr. Harris indicated in his statement that he thought Mr. Minter and Mr. Miller were trying to rob them at the Marathon that evening.

At trial, Mr. Harris testified that he and [Petitioner] were merely acquaintances, that the [Petitioner] was a friend of Mr. House’s, and that he was simply giving the [Petitioner] a ride back to Memphis when they stopped at the Marathon. Mr. Harris also claimed that he had no prior knowledge that the [Petitioner] was in possession of [a] handgun. Mr. Harris confirmed that he had been charged in relation to the shooting, that those charges were still pending, and that he had been “promised . . . that everything would go well” for him in that case if he testified against the [Petitioner].

Relative to who fired the gunshots first, Mr. Miller said that he heard gunshots, though he did not see whether Mr. Minter or the [Petitioner] fired first. Mr. Miller confirmed, however, that the shot that killed Mr. Minter came from the backseat of the Altima. Then, Mr. Harris testified that the first weapon he saw was Mr. Minter's when Mr. Minter approached the Altima, which caused him to duck under the steering wheel. Therefore, Mr. Harris had "no idea" whether it was Mr. Minter or the [Petitioner] who fired first, though Mr. Harris acknowledged that only Mr. Minter and the [Petitioner] displayed a gun and that it was the [Petitioner] who shot and killed Mr. Minter.

After the [Petitioner]'s arrest, Jackson Police Sergeant Adam Pinion interviewed the [Petitioner] on April 26, 2018. The [Petitioner] confirmed that he was with Mr. Harris and Mr. House on the evening of April 15, 2018, headed to Memphis and that prior to leaving Jackson, they stopped at Marathon gas station to purchase some marijuana from Mr. Miller, whom they had encountered earlier in the evening. The [Petitioner] relayed that Mr. Miller pulled up in his car, which had tinted windows, and that Mr. Miller "let down the front passenger[-]side window just a little bit" and motioned for the [Petitioner] to get into Mr. Miller's car. However, because the [Petitioner] did not know Mr. Miller, he motioned for Mr. Miller to get in the car with them instead. Mr. Miller complied and got out of his car and sat in the backseat of Mr. Harris's car with the [Petitioner]. According to the [Petitioner], Mr. Miller then placed approximately seven grams of marijuana on the scale in the car, and the [Petitioner] took about four grams from the scale and "told him let me get that." Mr. Miller "started trying to get the weed back and then he opened the door and ran off." At that time, Mr. Minter "got out of the passenger[']s side of the other car and started shooting" at the Altima, so the [Petitioner] pulled out his gun from his backpack between his legs and returned fire by shooting out of the rear passenger-side door. The [Petitioner] said that he fired two or three "scared shots" and that he "wasn't looking when [he] shot." The [Petitioner] confirmed that they then drove off and that he used a silver .45 caliber handgun.

*Id.* at \*1-3 (footnotes removed).

After hearing the evidence, the jury convicted the Petitioner as charged. The trial court sentenced the Petitioner to life in prison for his felony murder conviction and to a concurrent sentence of twelve years for his aggravated robbery conviction.

### **C. Post-Conviction Hearing**

The Petitioner alleged that his trial attorney (“Counsel”) was ineffective because he failed to move for a mistrial based on improper jury conduct. It was alleged that a juror had improper contact with the victim’s mother. The trial court judge inquired about the issue, and after finding no improper communication, the trial proceeded. At a hearing on the petition, the parties presented the following evidence: The State submitted a portion of the trial transcript relevant to the possible juror contact. The transcript reflects that Counsel notified the trial court that the Petitioner’s mother had observed the victim’s mother talking to a black female juror outside the courthouse. The trial court called the three jurors that met the description into the courtroom and asked whether they had spoken about the case with any individual. The first juror questioned answered, “No.” The trial court then asked whether the juror had spoken to the victim’s mother and the juror again replied, “No.” Finally, the trial court asked whether the juror had any knowledge of another juror speaking with the victim’s mother, and the juror responded, “No.” They called in the other two jurors individually and asked the same questions. Both jurors answered “No” to all the questions. In addition to the trial court’s questions, Counsel asked the second and third jurors whether they had “discussed the case with anybody.” Both jurors replied in the negative.

After questioning the jurors, the trial court stated that “[i]n an effort to be completely thorough” the court wanted to question the bailiff about any potential conversations. The record reflects that “Court Officer Stanfill” stated,

I saw the guy in the long-sleeve white shirt with the dreds that testified said something to Ms. Thomas [the second juror questioned], but when I - - I mean, I don’t know what he said, but when I realized it was him. I told her she needed to come on and come to the jury room.

She clarified, that she did not observe a conversation and stated, “I mean, I’m not even sure she said anything.” The trial court asked Counsel if he was satisfied and Counsel stated, “Yes, sir.” The trial proceeded.

At the post-conviction hearing, the Petitioner presented two witnesses, Counsel and the Bailiff, Debra Stanfill. Counsel was appointed to represent the Petitioner shortly after arraignment in this case and represented the Petitioner through the motion for new trial. About the charges, Counsel recalled that it was alleged that the Petitioner was present during a drug transaction that resulted in a struggle between the parties. One of the parties selling the drugs began firing a handgun, and the Petitioner returned fire striking one of the men.

Counsel could not recall the specifics of the State's offer to settle the case, but he relayed the offer to the Petitioner. He believed there was some negotiation between the Petitioner and the State; however, no agreement was reached so they proceeded to trial. Counsel stated that he had no independent recollection of the juror communication issue, but he had reviewed the transcript in preparation for the post-conviction hearing. Counsel confirmed that the transcript accurately reflected how he addressed the situation, which did not include a motion for mistrial. He explained that, based on the responses of each of the jurors questioned about a possible interaction, he did not think there was cause for a mistrial.

Counsel worked in the Public Defender's Office at the time of the Petitioner's trial. After the motion for new trial, he referred the case to the Public Defender's Office appeals division. Counsel confirmed that the juror issue was not addressed on appeal. He stated that, in his opinion, it was not an issue. When questioned further on the seriousness of improper juror interaction, Counsel stated that he believed "it was properly addressed at the time" by the trial court.

On cross-examination, Counsel testified that he believed that he handled the notification of potential juror interaction with an outside party both appropriately and correctly. The trial court addressed the issue, found no basis, and the trial proceeded.

Debra Stanfill testified that she believed that she was the court bailiff at the time of the Petitioner's trial but that she was "not 100 percent sure." Ms. Stanfill recalled that this issue was not reported to her but raised with the trial court judge. She could not say for certain that it was the Petitioner's case, but she did recall escorting two to three black female jurors in to court one at a time to speak with the trial court judge. The Petitioner's attorney read a quote from the transcript, and Ms. Stanfill said that she did not recall the statement.

After hearing the evidence, the post-conviction court found that the Petitioner failed to prove the allegation by clear and convincing evidence and denied relief. It is from this judgment that the Petitioner appeals.

## **II. Analysis**

On appeal, the Petitioner asserts that he received the ineffective assistance of counsel at trial. He asserts that Counsel's failure to move for a mistrial due to alleged juror contact with the victim's mother rendered his representation ineffective. The State responds that the Petitioner failed to prove his allegation by clear and convincing evidence and, therefore, the post-conviction court properly denied relief. We agree with the State.

The right of a criminally accused to representation is guaranteed by both the Sixth Amendment to the United States Constitution and article I, section 9, of the Tennessee Constitution. *State v. White*, 114 S.W.3d 469, 475 (Tenn. 2003); *State v. Burns*, 6 S.W.3d 453, 461 (Tenn. 1999); *Baxter v. Rose*, 523 S.W.2d 930, 936 (Tenn. 1975). The following two-prong test directs a court's evaluation of a claim for ineffectiveness:

First, the [petitioner] must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the [petitioner] by the Sixth Amendment. Second, the [petitioner] must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the [petitioner] of a fair trial, a trial whose result is reliable. Unless a [petitioner] makes both showings, it cannot be said that the conviction or death sentence resulted from a breakdown in the adversary process that renders the result unreliable.

*Strickland v. Washington*, 466 U.S. 668, 687 (1984); *see also State v. Melson*, 772 S.W.2d 417, 419 (Tenn. 1989).

In reviewing a claim of ineffective assistance of counsel, this Court must determine whether the advice given or services rendered by the attorney are within the range of competence demanded of attorneys in criminal cases. *Baxter*, 523 S.W.2d at 936. To prevail on a claim of ineffective assistance of counsel, "a petitioner must show that counsel's representation fell below an objective standard of reasonableness." *House v. State*, 44 S.W.3d 508, 515 (Tenn. 2001) (citing *Goad v. State*, 938 S.W.2d 363, 369 (Tenn. 1996)).

When evaluating an ineffective assistance of counsel claim, the reviewing court should judge the attorney's performance within the context of the case as a whole, taking into account all relevant circumstances. *Strickland*, 466 U.S. at 690; *State v. Mitchell*, 753 S.W.2d 148, 149 (Tenn. Crim. App. 1988). The reviewing court should avoid the "distorting effects of hindsight" and "judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." *Strickland*, 466 U.S. at 689-90. In doing so, the reviewing court must be highly deferential and "should indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." *Burns*, 6 S.W.3d at 462. Finally, we note that a defendant in a criminal case is not entitled to perfect representation, only constitutionally adequate representation. *Denton v. State*, 945 S.W.2d 793, 796 (Tenn. Crim. App. 1996). In other words, "in considering claims of ineffective assistance of counsel, 'we address not what is prudent or appropriate, but only what is constitutionally compelled.'" *Burger v. Kemp*, 483 U.S. 776, 794 (1987) (quoting *United States v. Cronin*,



466 U.S. 648, 665 n.38 (1984)). Counsel should not be deemed to have been ineffective merely because a different procedure or strategy might have produced a different result. *Williams v. State*, 599 S.W.2d 276, 279-80 (Tenn. Crim. App. 1980). “The fact that a particular strategy or tactic failed or hurt the defense, does not, standing alone, establish unreasonable representation. However, deference to matters of strategy and tactical choices applies only if the choices are informed ones based upon adequate preparation.” *House*, 44 S.W.3d at 515 (quoting *Goad*, 938 S.W.2d at 369).

If the petitioner shows that counsel’s representation fell below a reasonable standard, then the petitioner must satisfy the prejudice prong of the *Strickland* test by demonstrating “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Strickland*, 466 U.S. at 694; *Nichols v. State*, 90 S.W.3d 576, 587 (Tenn. 2002). This reasonable probability must be “sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694; *Harris v. State*, 875 S.W.2d 662, 665 (Tenn. 1994).

The Petitioner claims that Counsel was deficient because he did not make a motion for mistrial. A mistrial should be declared only if there is a manifest necessity for such action. *Arnold v. State*, 563 S.W.2d 792, 794 (Tenn. Crim. App. 1977). One description of manifest necessity is that, “[i]f it appears that some matter has occurred which would prevent an impartial verdict from being reached,” a mistrial must be declared. *Id.* Additionally, a manifest necessity exists when “no feasible alternative to halting the proceedings” exists. *State v. Knight*, 616 S.W.2d 593, 596 (Tenn. 1981). The defendant bears the burden of establishing a manifest necessity. *State v. Seay*, 945 S.W.2d 755, 764 (Tenn. Crim. App. 1996). Thus, the Petitioner had the burden of showing that Counsel had the grounds to move for a mistrial based upon the alleged juror interaction with the victim’s mother.

In the written order denying relief, the post-conviction court made the following findings:

In this matter the [P]etitioner raised the sole issue that certain jurors received extraneous contact during the trial. At the hearing the State provided a copy of the relevant portion of the transcript which was referenced by the [P]etitioner in his post-conviction petition. The transcript clearly demonstrates that the issue was brought to the attention of the Court and Judge Morgan who was at the time the Circuit Court Judge for Division I held a hearing outside the presence of the jury and called all the jurors who might have had extraneous contact and questioned them in the presence of the attorneys and allowed the attorneys the opportunity to question them as well. After the matter was thoroughly inquired into by the Court and counsel

there was no proof of any error or extraneous contact and the parties agreed that there was no issue of error to proceed upon. Because this matter was thoroughly investigated by the Court during the trial and the issue previously determined . . . the petition is denied.

The evidence does not preponderate against the post-conviction court's findings. Based upon the trial transcript entered in evidence, Counsel notified the court of possible juror contact with the victim's mother. The trial court questioned all possible jurors about any possible communication about the case and any communication with the victim's mother. All three jurors questioned denied speaking with the victim's mother or, for that matter, any one outside the jury. The trial court also questioned the bailiff about any possible interactions. There was no evidence that any improper communication occurred; therefore, the trial proceeded. At the post-conviction hearing, Counsel testified that he did not have an independent recollection of the events, but he had reviewed the transcript and it appeared to accurately reflect what occurred.

The record reflects that Counsel responded appropriately upon learning of potential inappropriate communication between a juror and the victim's mother by notifying the trial court. The trial court investigated the matter consistent with the Tennessee Supreme Court's guidance in *State v. Smith*, 418 S.W.3d 38 (Tenn. 2013) by conducting a hearing on the record to determine whether the jurors had been exposed to extraneous information. The questioning resulted in no indication of any extraneous influence to the jurors; thus, there was no basis for a mistrial.

The Petitioner has not presented any evidence to show that juror misconduct occurred. Accordingly, the post-conviction court properly denied relief, because the Petitioner failed to prove his allegation by clear and convincing evidence. The Petitioner is not entitled to relief.

### **III. Conclusion**

Based on the foregoing, we affirm the post-conviction court's judgment.

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ROBERT W. WEDEMEYER, JUDGE