

**SUPREME COURT OF MISSISSIPPI  
COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**State of Mississippi**

**Plaintiff/Appellee**

**vs.**

**DOCKET NO. 2005-CP-00175-COA**

**DOCKET NO. 2010-TS-02039**

**TRIAL COURT CASE NO. 2000-00080**

**One 1970 Mercury Cougar, One 1992 Ford  
Mustang, One Ford Mustang, \$355.00  
U.S. Currency, And Willie Hampton**

**Defendant/Appellant**

**APPEAL FROM THE CIRCUIT COURT OF THE 11TH JUDICIAL DISTRICT OF  
TUNICA COUNTY**

**SUPPLEMENTAL APPENDIX**

**WILLIE RAY HAMPTON**

**ORAL ARGUMENT REQUESTED**

**John M. Collette, MSB # [REDACTED]  
190 East Capital Street, Suite 475  
Jackson, MS 39201  
(601) 355-6277 Office  
(601) 355-6283 Facsimile  
*Counsel for Appellant***

**and**

**Marvin D. Miller  
1203 Duke Street  
Alexandria, VA 22314  
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*Counsel for Appellant, Pro Hac Vice***

1 WILLIE HAMPTON  
2 Reg, #79948-011  
3 3901 Kline Blvd.  
4 Lmpoc, California 93436

5 In Pro Per

6 IN THE CIRCUIT COURT OF TUNICA COUNTY, MISSISSIPPI  
7 CIVIL DIVISION

8 STATE OF MISSISSIPPI,  
9 COUNTY OF TUNICA

10 PLAINTIFF,

11 -vs-

Cause No, 2000-00080

12 Defendants,

13 ONE 1970 MERCURY COUGAR, VIN # OF9111545940  
14 ONE 1992 FORD MUSTANG, VIN # IFACP44E4NF173360  
15 ONE FORD MUSTANG  
16 \$355.00 U.S. CURRENCY

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REPLEVIN

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20 COMES now, Willie Hampton, the interested party in some or  
21 all of the aforementioned property named defendant in this action  
22 and as follows:

23 1, That I am innocent of the allegations described in criminal  
24 indictment, docket: case #TC. 000320-2, and civil docket: cause no,  
25 2000.00080. both cited matters originates from the Tunica County  
26 Justice Court, Tunica Mississippi.

27 2, I have never sold or given a Schedule I, II, III, IV, V,  
28 controlled substance as described in Title 21, U.S.C. § 812,

DEC 17 2001

TUNICA COUNTY  
SHARON GRANBERRY

1 to a Ms. RUBBY L. GOODEN.

2 3, matter-of-fact, I do not personally know Ms. Gooden and  
3 may of had incidental contact with her in the small community of  
4 Tunica Mississippi.

5 4, On March 20, 2000 I was arrested by LT, JEROME HUDSON of  
6 the Tunica County Sheriff,s Department (Investigator with the  
7 Narcotics Division), for allegedly sale of Crack Cocaine, to Ms.  
8 Gooden.

#### 9 STATEMENT OF FACTS

10 Defendant Willie Hampton was originally charged, without any  
11 co-defendant, in a three count Indictment, (No.2:00CRO<sup>94</sup>~~48~~) filed April  
12 6, 2000. Mr. Hampton was charged in Count One with distributing in  
13 excess of 5 grams of cocaine base on March 20, 2000 at approximately  
14 2:30 p.m. He was charged in Count 2 with possession, with intent to  
15 distribute, in excess of 5 grams of cocaine base at approximately  
16 4:30 p.m. on the same date. Finally, he was charged in Count 3 with  
17 possession, with intent to distribute, in escess of 50 grams of  
18 cocaine base and in excess of 500 grams of cocaine hydrochloride on  
19 the following day, March 21, 2000. All such acts allegedly were in  
20 violation of 18 U.S.C. § 841 (a).

21 The three substantive charges against Hampton in Count 4, 5  
22 and 6 in the Superceding Indictment derive from an investigation  
23 conducted by local law enforcement officials.

24 In essence, the government has alleged that an informant, while  
25 alone and not under the visual supervision of any law enforcement  
26 officer, purchased a small quantity of cocaine from Hampton (Count 4).  
27 This "investigation " was run by state law enforcement officers,  
28 especially LT. JEROME HUDSON of the Tunica County Sheriff,s Depart-

1 -ment. Based on that alleged transaction, local law enforcement  
2 officers obtained a search warrant for a residence on Collins  
3 street in Tunica (hereafter "Collins Warrant") to search and seize  
4 marijuana and related items. They executed the warrant the same day.  
5 and found Hampton and several other individuals in that residence.  
6 Hampton was arrested. NO or related paraphernalia were discovered  
7 on Hampton, but a small quantity of cocaine was allegedly found  
8 in the residence. (Count 5).

9 Based on the drugs recovered in the residence, the officers  
10 obtained a search warrant for a building at a different location,  
11 the corner of Hickory and Edwards in Tunica (hereafter "Hickory").

12 During the execution of the search warrant, officers allegedly  
13 found a substantial quantity of cocaine base, which is the basis of  
14 Count 6.

15 Hence, it is self-evident that the key allegation in the  
16 affidavit to secure a search warrant was the affiant's contention  
17 that an informant-a person characterized as "reliable"-had purchased  
18 cocaine from Hampton at his residence. In fact, the affiant know-  
19 ingly lied on even these few points. Most importantly, as LT.  
20 HUDSON has admitted under oath in this case, the informant had never  
21 before been used by the affiant or any other law enforcement officer.  
22 Thus, the informant had never demonstrated that she was reliable and  
23 honest. In other words, RUBBY L. GOODEN, the informant was under  
24 arrest and in the custody of the officers as a suspected felon,  
25 when she was used for the first time in this case.

26 Second, the affiant LT. HUDSON, intentionally failed to disc-  
27 lose to Justice Court Judge Ted Emanuel that the affiant had per-  
28 sonally arrasted the informant earlier that day on a felony drug

charges. And that the informant was in custody at the time of this alleged investigation.

On March 20, 2000. Agent,s James Jones along with LT. Jerome Hudson, equipped Rubby Gooden with audio recording and transmitting devices to monitor and survel a planned transaction. She was also provided with \$250.00, with which to purchase cocaine.

The serial number of each bill was recorded, how ever during Hampton trial it was revealed through agent James Jones testimony that none of the marked bills was found in the residence were Hamptc was arrested it was also discovered through Government,s Testimony, that the voice on the recored was not Mr. Hampton,s voice.

LT. Jerome Hudson, did lie to Justice Court Judge Ted Emmanuel to get a search warrant and to his co-worker,s Hudson maintained for months that Ms. Rubby L. Gooden was in the Federal Witness Program . (He lied).

#### UNDERLYING FACTS AND CIRCUMSTANCE.

LT. Jerome Hudson, state, and I quote "Several Confidential informant,s have gave information that, Hampton was keeping drug,s in a building after returning from California. (HE LIED). The confidential informant, Rubby L. Gooden has requested to buy more Crack Cocaine. (HE LIED). Willie Hampton then left his residence in a 1992 Ford Mustang convertible, white in color California plates Cobra-92 (HE LIED). That a concerned citizens, DR. Harah Schrader, stated Willie Hampton was at the garage all hours of the night,(HE LIED).

Hudson admitted that Hampton was not under surveillance. Hudson testified at the hearing and trial, that he had no idea who left in mustang or who returned in the mustang.

1 No witness actually stated the things Hudson alleges in his  
2 Underlying Facts and Circumstance. Dr. Sarah Scharder through trial  
3 testimony, stated that she never told Lt. Hudson anything. In addi-  
4 tion, the affidavit asserted that 1069 Collins was Hampton,s  
5 residence. That location was not Hampton,s residence, and the affian  
6 knew that fact. The affiant, a local law enforcement officer in  
7 Tunica, knew that other lived at that address and that Hampton lived  
8 in California. On March 21, 2000. Lt. Jerome Hudson obtained a  
9 search warrant from Justice Court Judge Ted Emmanuel, to search (in  
10 the above following place). He goe,s one to give direction to the  
11 corner of Edwards and Hickory, but no place to search. (see affadivi  
12 for search warrant). (exhibit B.) Lt. Hudson discribed the above  
13 place is controlled by Willie Hampton, (Warrant Deed). (exhibit A.)  
14 in-side the garage He (Hudson). fine a 1999 Ford Expedition where  
15 allegedly found kilgs of cocaine.

16 **FACT**

17 On August 24, 1999, a 1999 Ford Expedition (VIN# IFMPU18L7XLA-  
18 82109) was seized from my person by Lt. Jerome Hudson of the Tunica  
19 County Sheriff,s Department (Investigator with the Narcotics Division  
20 in the presence of citizens Linda Jackson, Stephanie Hubbard, along  
21 with Lenard Conway of the Tunica Sheriff,s Department. (Vehicle was  
22 towed to the Tunica County Impound, by 61 Gulf Station (Jeral Canell)  
23 however it was revealed during my criminal trial that when the veh-  
24 icle mentioned above was seized a nation wide computer check was  
25 conducted and registered the subject vehicle stolen;  
26 Notwithstanding the foresaid information revealed to the Tunica  
27 County Sheriff,s Department. it was Lt. Jerome Hudson,s testimony  
28 at my criminal trial that concurred , on or about March 21, 2000.

1 law enforcement officers of the Mississippi Bureau of Narcotics  
2 and the Tunica County Sheriff's Department executed a state search  
3 warrant on a garage building located upon the property mentioned,  
4 in-side a 1999 Ford Expedition parked inside said garage and previously  
5 driven in the Tunica County area by Willie Hampton was approximately  
6 3.66 kilos of cocaine. As which on foresaid date, at beginning of  
7 this paragraph, the 1999 Ford Expedition were seized. As stated this  
8 investigation were instigated and spearheaded, among other known and  
9 unknown, by Lieutenant Jerome Hudson, Investigator with the Narcotic  
10 Division of the Tunica County Sheriff's Department.

11 In February of 2001, foresaid Lieutenant Hudson was fired from such  
12 foresaid employment for the "falsifying of official records stem[ing]  
13 from a document concerning a female witness [Rubby Gooden] involved  
14 in the recent Willie Hampton drug case, tried in Oxford last month.  
15 According to the Sheriff [Jerry Ellington]. Lt. Hudson falsified a  
16 document stating the female witness was in the Federal Witness  
17 Protection Program when in actuality ...the ...was not in the witness  
18 protection program." specifically dates and the whereabouts of the  
19 1999 Ford Expedition.

20 If I had been given an opportunity to appear at the "probable  
21 cause hearing" the court would have been informed that Lt. Jerome  
22 Hudson has seized a vehicle, 1999 Ford Expedition from my person on  
23 August 24, 1999. an allegedly stolen vehicle, that I never repossessed  
24 after said seizure, notwithstanding, the following year, same said  
25 vehicle is allegedly found in a garage March 21, 2000. conveniently  
26 with a kilo of "crack" and powder cocaine inside, upon property not  
27 belonging to me. I have not driven nor seen foresaid 1999 vehicle  
28 since forementioned date.

1 No druge was found in any of the property seized, One 1970  
2 Mercury Cougar, VIN # OF9111545940, One 1992 Ford Mustang, VIN#  
3 IFACP44E4NF173360, One Ford Mustang and \$355.00 U.S. Currency, taken  
4 from the home of Ms. Mary Jane Jackson. Is not subject to forfeiture  
5 under violation of Mississippi Controlled Substance Law. Ms. Rubby  
6 L. Gooden, has recanted all testimony of alleged drug sail,s to Mg.  
7 Willie Hampton March 20, 2000. (See Affidavit,s). (A-H),  
8 Defendant assert, his right's to a speedy trial. and all property  
9 to be returned seized by the Tunica County Sheriff's Department.

10 WHEREFORE, premises considered prays that the Court vacate and  
11 dismiss the Tunica County Circuite Court forfeiture action with  
12 prejudice.

13 I am presently located at the United States Penitentiary,  
14 Lompoc, California. Your affiant sayeth nought.

15  
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18 RESPECTFULLY SUBMITTED

19 BY.

20  
21 12-7-2001  
22 DATE

23   
24 WILLIE HAMPTON  
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SEIZURE EVIDENCE LIST

CASE# TC 000320-2

1. Ford Outland Brush Guard Stainless  
Box 2 of 3 Tracking# 2099-11(0-28) D-60 (Ford Expedition)
2. Clear plastic and green part with warning label about Rolls-Royce.
3. Ford Outland Grille Guard Stainless  
Box 1 of 3 Tracking# 2099-10(D-62) (Ford Expedition)
4. One (1) G.T.S. BLACKOUT KIT
5. One (1) Bug Guard for Ford Expedition
6. One (1) Black and chrome Shelby 351 Equipped Grill
7. One (1) Black Dash with VIN# 3F03H219539
8. One (1) Black leather-like seat cover
9. One (1) Green and black JBC Cool Speaker w/box
10. One (1) blue and white Ford tire cover
11. Two (2) black bucket seats w/bottom and top back seat. Two(2) sun visors, black leather like material.
12. One (1) black Orion HCCA Speaker w/1200watts (completion speaker)
13. One (1) white fiber glass w/Pat# 02888309 51309060&0330003 5108142
14. One (1) black dash piece in plastic
15. One (1) black cloth convertible top in box
16. One (1) box containing two (2) Boss Speakers
17. One (1) Scotchcast 2144 (electrical and sealing compound)
18. One (1) box (Boplon) containing three (3) break pads Purchase order #23990
19. One (1) black Rubber Queen 2 in 1 funnel
20. One (1) large black garbage bag containing miscellaneous items.
21. Two (2) cans of specialty wheel and breaking grease
22. Two (2) rolls of 2 in 1 insulation
23. One (1) large gray car covering
24. One (1) large blue car covering
25. One (1) box containing headlights covers for Mustang GT
26. Six (6) red and black jack stand.

# CERTIFICATE OF SERVICE

I, WILLIE HAMPTON hereby certify that I have served a true and correct copy of the following:

"WILLIE HAMPTON, S APPLICATION FOR REPLEVIN  
WITH SEPARATE AFFIDAVIT AND EXHIBIT IN SUPPORT"

"AFFIDAVIT OF RUBBY L. GOODEN"; and

"EXHIBIT IN RE: WILLIE HAMPTON, S REPLEVIN."

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston v. Lack 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

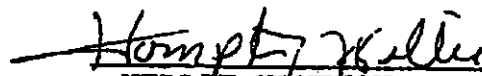
HONORABLE CHARLES B. GRAVES, JR.  
P.O. BOX 1413  
TUNICA MISS.  
TUNICA COUNTY CIRCUIT COURT

AND

THE HONORABLE TED EMMANUAL  
TUNICA COUNTY JUSTICE COURT  
5130 OLD MHOON LANDING ROAD  
TUNICA MISS. 38676

TUNICA COUNTY CIRCUIT COURT CLERK  
SHARON GRANDBERY CLERK

and deposited same in the United States Postal Mail at the United States Penitentiary, Lompoc, California, on this: 7 day of: DECEMBER, 2001.

  
WILLIE HAMPTON  
USP-LOMPOC ("The New Rock")  
3901 Klein Boulevard  
Lompoc, California 93436