

IN THE COURT OF APPEALS OF MISSISSIPPI

NO. 2006-CA-01773

**1994 Mercury Cougar, VIN #1MELM62WORH628952 (Edna Jones)
APPELLANT**

VS.

**Tishomingo County, Mississippi
APPELLEE**

**ON APPEAL FROM THE CIRCUIT COURT OF
TISHOMINGO COUNTY, MISSISSIPPI**

REPLY BRIEF OF APPELLANT

**JOHN R. WHITE
ATTORNEY AT LAW
MISSISSIPPI BAR NO. [REDACTED]
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Attorney for Appellant

ARGUMENT

The facts in this case are simple:

- 1) Mr. and Mrs. Jones were out of town when the drug sales occurred. Pg. 12 and 17 of Transcript.
- 2) J. C. Jones, their son (the perpetrator), did not have a driver's license. Pg. 22 of Transcript.
- 3) The oldest son was supposed to have access to the car not the perpetrator. Pg. 22 of Transcript.
- 4) They did not know the perpetrator was even using the car much less using it to sell drugs. Pg. 12, 17, 21, 22, 23 of Transcript.

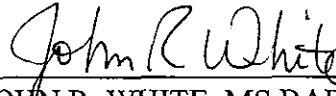
These facts do not support a case for forfeiture. *Saik v. State*, 473 So. 2d 188 (Miss. 1985). *Galloway v. City of New Albany*, 735 So. 2d 407 (Miss. 1999). *Ervin v. State*, 434 So. 2d 1324 (Miss. 1983). *Curtis v. State*, 642 So. 2d 381 (Miss. 1994). In any proceeding for a forfeiture of a vehicle used in connection with the sale of drugs, the state must prove that the owner had knowledge of or gave consent to its use to transport drugs. *Curtis v. State*, 624 So. 2d 381 (Miss. 1994). This case was demurrable or subject to directed verdict after the Plaintiff rested. Pg. 11 of Transcript. Jason Williamson, the state's only witness, never said a word about Edna Jones or her knowledge of the drug case. Why? Because there was nothing to say. Defendant, being pro se, did not know to ask for a directed verdict.

CONCLUSION

Absolutely no evidence was introduced to show knowledge of Defendant that a crime was being committed in her vehicle. In fact, just the opposite was testified to by Defendant and her

husband. Tishomingo County did not meet it's burden and this case should be reversed.

Respectfully submitted,



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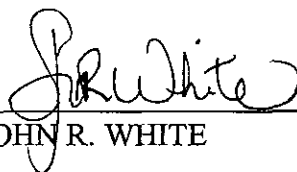
CERTIFICATE OF SERVICE

I, the undersigned, John R. White, attorney of record for the Appellant do hereby certify
that I have this day mailed a true and correct copy of the **Appellant's Reply Brief** to the
following:

Hon. Richard D. Bowen
P.O. Box 690
Iuka, MS 38852

Hon. Sharion Aycock
Circuit Court Judge
P. O. Drawer 1100
Tupelo, MS 38802

This the 25 day of April, 2007.



JOHN R. WHITE

