

**COPY**

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI  
NO. 2006-CP-01880-LOA

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COURT OF APPEALS

APPELLANT

APPELLEE

JEFFERY JONES  
V.  
STATE OF MISSISSIPPI

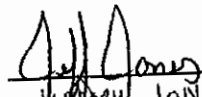
APPEAL FROM THE CIRCUIT COURT OF  
HINDS COUNTY, MISSISSIPPI  
BRIEF OF APPELLANT

CERTIFICATE OF INTERESTED PERSONS

THE UNDERSIGNED OF RECORD CERTIFIES THAT THE FOLLOWING LISTED PERSONS HAVE AN INTEREST IN THE OUTCOME OF THIS CASE. THESE REPRESENTATIONS ARE MADE IN ORDER THAT THE JUSTICES OF THIS COURT MAY EVALUATE POSSIBLE DISQUALIFICATIONS OR RECUSAL.

1. STATE OF MISSISSIPPI
2. ATTORNEY GENERAL OFFICE
3. JUDGE BOBBY DELAUGHTER

THIS THE 24<sup>TH</sup> DAY OF AUGUST 2007.

  
JEFFERY JONES  
PRO SE APPELLANT

REQUEST FOR ORAL ARGUMENT

THE APPELLANT, JEFFERY JONES, RESPECTFULLY REQUESTS ORAL ARGUMENT. THIS APPEAL BRIEFLY DESCRIBES WHAT ISSUES THE APPEAL PRESENTS TO THE CASE. ORAL DISCUSSION OF THE FACTS AND THE APPLICABLE PRECEDENT WOULD BENEFIT THE COURT.

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## STATEMENT OF THE ISSUES

[1.] WHETHER OR NOT DID JONES RECEIVED MORE THAN WHAT WAS OFFERED BY THE STATE ?

[2.] WHETHER OR NOT, WAS IT SENSIBLE THAT JONES BELIEVE HE WOULD RECEIVE OTHER THAN 10 YEARS UPON ACCEPTANCE OF HIS PLEA ?

[3.] WHETHER OR NOT, WAS JONES PLEA ILLEGAL AND/OR AMBIGUOUS ?

[4.] WHETHER OR NOT, IS IT LEGAL TO SUBJECT JONES TO THE MAXIMUM UPON VIOLATION OF HIS POST RELEASE SUPERVISION ?

[5.] WHETHER OR NOT COULD COURT VIOLATE AND REVOKE ALL FIVE OF JONES' CONSECUTIVE SENTENCES, THOUGH ONLY ONE CHARGE WAS PLACED UNDER POST RELEASE SUPERVISION ?

[6.] WHETHER OR NOT, IS THERE ALREADY A RELIEF TO THIS INJUSTICE, IF JONES IS CORRECT IN IMPLYING THAT HIS SENTENCE IS AMBIGUOUS ?

[7.] WHETHER OR NOT IS IT TOO LATE TO ANSWER JONES CLAIMS IF HE IS CORRECT THAT THERE IS A VIOLATION AS TO HOW HIS SENTENCE WAS CONSTRUED ?

# STATEMENT OF THE CASE

THIS APPEAL PROCEEDS FROM THE CIRCUIT COURT OF THE SECOND JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI, AND A JUDGMENT OF CONVICTION FOR FOUR (4) SALES OF CONTROLLED SUBSTANCES AND (1) POSSESSION WITH THE INTENT, FIVE (5) YEARS POST RELEASE SUPERVISION AND \$3,000 FINE ON SEPTEMBER 26, 2001 BY PLEA.

HONORABLE BOBBY B. DELAUGHTER WAS PRESIDING CIRCUIT COURT JUDGE. HONORABLE GREGORY MILES WAS ASSISTANT DISTRICT ATTORNEY AND HONORABLE GLENN FOLSE WAS THE APPEALANT'S ATTORNEY OF RECORD. JEFFERY JONES IS PRESENTLY INCARCERATED WITH THE MISSISSIPPI DEPARTMENT OF CORRECTIONS.

## FACTS

ON SEPTEMBER 17, 2001 (EXHIBIT F) THERE WAS A HEARING TO WITHDRAW GLENN FOLSE (ATTORNEY OF RECORD). DURING THIS HEARING JUDGE DELAUGHTER QUESTIONED APPEALANT'S AUNT ABOUT STATEMENTS TO THE JUDGE'S WIFE ABOUT JONES'S PLEA SENTENCE. AFTERWARDS, THE JUDGE CHARGED DEFENDANT'S AUNT WITH CONSTRUCTIVE CONTEMPT.

THE JUDGE DID NOT WITHDRAW ATTORNEY FOLSE FROM JONES'S CASE BUT SCHEDULE APPEALANT AND HIS AUNT (MS. BOBBIE WILLIAMS) FOR TRIAL SEPTEMBER 27TH, 2001

SEPTEMBER 17TH, 2001 TRANSCRIPT --- REFER IN EXHIBIT F (MARY ROGERS / COURT REPORTER): "THE COURT: SINCE THE TRIAL OF MR. JONES IS SET IN JACKSON NEXT THURSDAY, THE 27TH, UNLESS THE PAPERS YOU RECEIVE INDICATE OTHERWISE, THAT HEARING WILL BE IN JUDGE HILBURN'S COURTROOM AT 1800 THAT SAME DAY. DO YOU UNDERSTAND?"

JUDGE DELAUGHTER CONTINUE AS PRESIDING JUDGE AND PLACE JONES'S AUNT BEFORE JUDGE L. BRELAND HILBURN COURT ROOM.

ATTORNEY FOLSE MENTION OF ILLEGAL AND COERCIVE THEORIES AND STATEMENTS BETWEEN THE AUTHORITIES REGARDING JONES CASE TO HIM AND HIS AUNT. APPEALANT'S AUNT TRIED TO REMEDY THE SITUATION AS BEST AS SHE COULD BY SPEAKING TO THE JUDGE'S WIFE, WHO SHE HAD WORKED WITH IN THE MEDICAL FIELD. BECAUSE JONES'S ATTORNEY SUGGESTED HER TO HELP PAY A BRIBERY FEE OF \$30,000 UNDER THE TABLE.

JONES WAS BROUGHT TO COURT ON SEPTEMBER 25, 2001 TO ACCEPT THE PLEA, EARLY. DURING THE MIDDLE OF THE PLEA WHEN THE JUDGE QUESTION ABOUT "HAVE ANYONE MADE ANY PROMISES OR THREATS AGAINST YOU?" JONES TOLD SOME OF THE COERCIVE BRIBERY THREATS MEANTION TO HIM FROM ATTORNEY FOLSE. THE JUDGE TOLD FOLSE TO "DO NOT LEAVE HERE TODAY BEFORE CONFERING WITH YOUR CLIENT ABOUT TRIAL TOMORROW!"

THE NEXT DAY, SEPTEMBER 26, 2001 (EXHIBIT B), THE JUDGE QUESTION THE RESULTS AND EFFECT OF HIS DEMANDS TO JONES DURING THE BEGINNING OF THE PLEA HEARING (EXHIBIT B).

ATTORNEY FOLSE LED A EXPIAINATION THAT JONES PLEA WAS ONLY A TOTAL OF 18 YEARS INCLUDING THE 5 YEAR POST RELEASE TERM. SINCE APPEALANT'S PLEA WAS RE CONSTRUCTED FROM SIX (6) TO FIVE (5) CHARGES, STILL TOTALING 18 YEARS. JONES WOULD BENEFIT BY A SERVING A TIME SERVED LESS THEN 18 YEARS BY THE CONSTRUNG OF HIS 5 YEAR SUPERVISION TERM.

JONES SIGNED IT BECAUSE THE RECOMMENDATION SEEMED LOGICAL UPON REASONING. AFTERWARD JONES SIGNED THE PLEA AND THE JUDGE ACCEPTANCE OF IT. THE JUDGE THEN EXPLAIN A SENTENCE MORE THAN EXPECTED AND SURPRISINGLY DIFFERENT UPON REVOKATION OF THE POST RELEASE SUPERVISION. JONES FIGURE IT WAS TO LATE SINCE THE PLEA BEEN SIGNED, AND ACCEPTED.

JONES' AUNT (MS. BOBBIE WILLIAMS) HEARING WAS HELD ON 9-27-2001 BEFORE JUDGE HILBURN'S OFFICE WITH D.A. FAYE PETERSEN. JONES' AUNT TOOK A TAPE RECORDING OF FOLSE'S ILLZUAL STATEMENTS MADE TO HER DURING THE MEETING AT HIS OFFICE. JUDGE ~~HILBURN~~ AND D.A. FAYE PETERSEN DROP CHARGES AND APOLOGIZED, BUT JONES WAS ALREADY CONDUCTED BY THEN.

SUMMARY OF THE ARGUMENT  
JONES CONSIDERS THAT HIS UNDERSTANDING WAS MORE WITHIN THE LAW THEN THE EXPIAINATION BY THE JUDGE'S CONSTRUNG JONES PETITION HAS SUGGESTED HIS SENTENCE IS ILLEGAL AS OF NOW, BUT IT'S PURPOSE IS TO CLARIFY OR MODIFY APPEALANT'S SENTENCE TO HIS FAVOR AS REQUESTED.

ALL OF THE INFORMATION IN THIS STATEMENT IS NOT TO NECESSARILY POINT TO OTHER ISSUES, NOT MEANTIONED. BUT IN ORDER TO GIVE THE COURTS A BETTER UNDERSTANDING OF THE SITUATION OF THE APPEALANT IN ORDER TO BE ABLE TO MAKE THE BEST JUDGEMENT POSSIBLE.

# ARGUMENT

[1] WHETHER OR NOT DID JONES RECEIVE MORE THAN WHAT WAS OFFERED BY THE STATE?

THE PLEA PETITION [EXHIBIT A] STATED A 18 YEAR TOTAL, 5 YEAR POST RELEASE SUPERVISION WITH A \$ 3000 FINE. THE JUDGE ACCEPTED THE PLEA BUT ILLEGALLY CONSTRUED THE POST RELEASE TERM TO AMOUNT TO A 23 YEAR SENTENCE. CONSIDERING THE EXPLANATION, CONSIDERING THE EXPIRATION OF THE CONSEQUENCES OF VIOLATING JONES' SUPERVISION TERMS, POSSIBLY MUCH MORE TIME TO SERVE.

JONES ARGUMENT IS THAT THE JUDGE STRAYED FROM THE PLEA WHICH WAS OFFERED, ACCEPTED AND SIGN OFF TO IN HIS EXPLANATION OF THE SENTENCE. [HE] CALCULATED AND STATED THE ENTIRE SENTENCE TO TOTAL 18 YEARS, IN ALL.

[EXHIBIT B] P. 23, line 5-9....

EACH OF THESE CASES AND EACH OF THE COUNTS THERE IN FOR WHICH YOU HAVE BEEN SENTENCED WILL RUN CONSECUTIVE TO AND NOT CONCURRENT WITH ONE ANOTHER FOR A TOTAL OF 18 YEARS.

[MISS. CODE ANN. § 47-7-34 (SUPP. 2003)]

THERE MUST FIRST BE A SENTENCE THAT INCLUDES A TERM OF INCARCERATION WITH A TERM OF POST RELEASE STARTING AFTER INCARCERATION AT THE END OF THE SENTENCE.

SO JONES PERCEIVED THAT SINCE THE TOTAL OF HIS SENTENCES WAS 18 YEARS, THE INCARCERATION AND POST RELEASE TERMS WOULD BE INCLUDED TO EQUAL THE 18 YEAR SENTENCE, AS STATED IN STATUTE 47-7-34.

JONES NOTICED, AS HE FIGURED, THAT 47-7-34 CONSTRUED THE INCARCERATION PERIOD AND POST RELEASE PERIOD AS SEPARATE TERMS. BUT BOTH TERM ARE CONSTRUED TO MAKE UP A SENTENCE.

JONES DO NOT UNDERSTAND WHY WASN'T HIS POST RELEASE TERM INCLUDED INTO THE 18 YEAR SENTENCE, AS STATED. THE APPEALANT CONSIDER HIS SENTENCE TO POSSIBLY BE ILLEGAL. HE RECEIVED SEPARATE SENTENCES ON EACH OF HIS FIVE (5) CHARGES THAT AMOUNT TO 18 YEARS. HIS POST RELEASE TERM WASN'T CONSIDER INTO THE 18 YEAR SENTENCE?

JONES UNDERSTOOD THE 47-7-34 STATUTE LITERALLY. SINCE IT STATES THE INCARCERATION TERM AND POST RELEASE TERM TO BE INCLUDED INTO A SENTENCE. THE APPEALANT AGREES CAUSE HE BELIEVED THAT THE POST RELEASE TERM WOULD BE INCLUDED INTO WHAT EVER THE SENTENCE TO BE. FROM JONES UNDERSTANDING, ALL TOGETHER, IT WAS TO BE 18 ALL TOGETHER.

IN SHORT, IF THERE'S A SENTENCE 2 THE INCARCERATION AND POST RELEASE TERMS HAVE ALREADY BEEN INCLUDED. BECAUSE UNDER THE 47-7-34 STATUTE, YOU MUST FIRST HAVE A SENTENCE. NEXT, THE SENTENCE WILL INCLUDE A POST RELEASE TERM AT THE END AFTER THE INCARCERATION TERM. SINCE THERE WAS A SENTENCE ON EACH OF JONES' CHARGES. THE CHARGE IN WHICH THE SUPERVISION APPLIES TO MUST BE INTERPRETED CONSIDER INTO THE SENTENCE.

[ AFTER, 754 50.2d at 1209 (P.5) ]

§ 47.7.33 IS A CONDITIONAL TERM NOT APART OF THE PRISON[TERM] SENTENCE AND IS NOT THEREFORE SUBJECT TO THE "TOTALITY" OF SENTENCE CONCEPT FOUND IN "47-7-34".

JONES WAS UNDER 47-7-34 AND IT SPEAK AS INCARCERATION AND THE POST RELEASE TERM MAKE UP THE SENTENCE.

SO SINCE THE POST RELEASE TERM IS VIEWED UNDER THE TOTALITY CONCEPT. THE APPELLANT COMPARES THIS UNDERSTANDING TO MEAN THAT THE POST RELEASE TERM MUST BE CONSTRUCTED INTO THE TOTALITY OF ALL THE SENTENCES, WHICH IS 18 YEARS. SINCE THE TRIAL JUDGE HANDED DOWN A SENTENCE VERBALLY, UNDER THE TOTALITY CONCEPT OF 47-7-34 OF 18 YEARS. BY LAW, THE POST RELEASE TERM SHOULD OF BEEN INCLUDED. OR EITHER DEDUCTED FROM THE 18 YEAR SENTENCE, RESULTING IN A PERIOD OF 13 YEARS OF TIME SERVING.

THE PLEA WAS FOR SIX (6) CHARGES (EXHIBIT: C)  
UNTIL THE DAY (9-26-01) APPEALANT ACCEPTED THE PLEA  
OF THE FIVE (5) CHARGES. THE OFFER WAS ALWAYS A SEN-  
TENCE OF 18 YEARS. EACH CHARGE HAD A SEPARATE SENTENCE.

JONES WAS NOT SURE HOW THE POST RELEASE TERM  
WAS TO BE INCLUDED INTO THE SENTENCE OF 18. OR WHY, CAUSE  
NO. 01-0-708 COUNT 2 WAS ENHANCED FROM 3 TO 6 YEARS?  
JONES FIGURED IT WAS DONE IN ORDER TO EASILY SUBTRACT  
HIS 5 YEAR TERM OF POST RELEASE FROM THE LARGER 6 YEAR  
SENTENCE. THIS EVENT WAS MENTIONED IN JONES' AFFIDAVIT (EXHIBIT: H).

JONES UNDERSTOOD EACH OFFER TO BE A SEPARATE  
SENTENCE. EACH OFFER COULDN'T BE VIEWED TO BE JUST  
A INCARCERATION TERM? IF SO, THEN THE REST OF THE  
CHARGES ARE INCOMPLETE BECAUSE OF SUPPOSIBLY MISS-  
ING TERMS OF POST RELEASE.

IF THAT'S THE CASE? IT WOULD EQUAL IN A 43 YEAR  
SENTENCE COMPRISED BY A 18 YEAR TERM OF INCARCERATION  
AND MISSING A 25 YEAR TERM OF POST RELEASE AT THE END.  
THE JUDGE STATED A TOTAL OF 18 YEARS THOUGH.

NOTICE THE JUDGE DID NOT REFER TO THE OFFER OF EACH  
CHARGE AS TERMS BUT MORE AS SENTENCES.

[EXAMPLES FROM EXHIBIT: B] P. 24 LINE 2-4000 AND THESE  
SENTENCES HAVE ALREADY BEEN ORDERED TO RUN CONSECUTIVE TO  
A NOT CONCURRENT WITH ONE ANOTHER.

P. 24 LINE 9000 A FURTHER

PORTION OF YOUR SENTENCE IN 000

ALSO SENTENCE TO THREE YEARS AND A \$ 3,000.00

AS MENTION SEVERAL TIMES BY THE 47-7-34 STATUTE. CLEARLY,  
THE POST RELEASE TERMS MUST BE INCLUDED WITH IN THE SENTENCE.

[ JERRIE WATTS V. EDDIE LUCAS, 394 SO. 2D  
903; 1981 MISS. LEXIS 1951 ANDERSON V. STATE, 288  
SO. 2D 852 (MISS. 1974)... RESOLVED ALL AMBIGUITIES  
IN FAVOR OF THE ACCUSED. ]

IN BOTH CASES THE JUDGE STATED SOME CONFLICT-  
ING PHRASES THAT COULD BE VIEW AMBIGUOUS IN NATURE,  
AS LIKE IN JONES CASE.

THE APPEAL COURTS HEID JUDGES, D.A.s AND  
ANY SUCH UNDER HEAVY BURDENS TO UP HOLD THEIR CONTRACT-  
UAL DEALINS AND PROMISES, EITHER WRITTEN OR ORAL. AS LONG  
AS IT IS MADE DURING SENTENCING AND IN FAVOR FOR THE  
ACCUSED, REGARDLESS!

JONES POINT'S THE ATTENTION OF THE AMBIGUITY  
AT THE STATEMENT MADE BY THE JUDGE. "EACH OF THESE CASES  
AND EACH OF THE COUNTS THERE IN FORCE WHICH YOU HAVE BEEN  
SENTENCE WILL RUN CONSECUTIVE TO AND NOT CONCURRENT  
WITH ONE ANOTHER FOR A TOTAL OF 18 YEARS." ]

IT SEEMS CLEAR THE JUDGE CONSIDERED THE APPEALANT  
TOTAL CASES AND COUNTS BUT ONLY CAME UP WITH A 18 YEAR  
SENTENCE IN TOTALITY. WHO KNEW THE JUDGE'S EXACT ATTEN-  
TIONS. BUT EITHER OR, REGARDLESS OF MIX MESSAGES. IN THE  
INTEREST OF LAW, HIS AMBIGUOUS PHRASES MUST BE  
CONSTRUED IN APPEALANTS FAVOR.

JONES'S ORDER CONCERNING HIS SUPERVISION TERMS IS IN ERROR BECAUSE OF THE AMBIGUITY MADE WHILE SENTENCING. JONES SUPERVISION ORDER [EXHIBIT 6] STATES NO, NO TERM OF TIME OR TYPE OF PUNISHMENT UPON VIOLATION OF HIS POST RELEASE SUPERVISION TERMS. IT IS BLANK IN THAT MARGIN BECAUSE OF THE AMBIGUITY? SINCE THE SENTENCE IS ONLY 3 YEARS AND AFTER SERVING THE THREE (3) YEARS, INCARCERATED. IT SEEM ILLEGAL TO TRY TO SUBJECT APPEALANT TO BE RESENTENCED TO ANY, MORE UPON VIOLATION OF HIS POST RELEASE SUPERVISION!

ALL THESE SITES AND CASES POINT TO A ILLEGAL AND AMBIGUOUS SENTENCE. JONES WAS SUPPOSE TO BENEFIT FROM THE POST RELEASE STATUS.

[ CARTER V. STATE, 754 S.O. 2D 1207, 1208 (MISS. 2000) ... THE PROGRAM CREATES A SPIT SENTENCING OPTION FOR REPEAT OFFENDERS. ]

INSTEAD IT HAS BEEN USE TO ILLEGALLY SUFFER APPEALANT, WHICH IS MORE THAN HARMLESS. JONES PRAYS THAT THIS COURT CLARIFY THE SENTENCE FAIRLY AND RIGHTEOUSLY IN APPEALANT'S FAVOR.

A 18 YEAR SENTENCE WITH A 5 YEAR TERM OF POST RELEASE SUPERVISION IS MORE FAVORABLE THEN A 18 YEAR SENTENCE WITHOUT IT, BECAUSE BOTH TERMS ARE ADDED TO FIGURE THE TOTAL SENTENCE. IF THE TOTAL SENTENCE IS 18 AS STATED BY THE JUDGE, THEN AFTER SUBTRACTING THE 5 YEAR TERM OF SUPERVISION, IT WOULD LEAVE A 13 YEAR TERM OF INCARCERATION. ....

..... IF 5 YEARS IS ADDED TO THE 18 YEARS, THEN IT IS A TOTAL OF 23 YEARS.

BY THE JUDGE STATING A TOTAL OF 18 YEARS, THE COURT WILL HAVE TO DECIDE WHICH WAY TO RULE ON THIS AMBIGUITY. REGARDLESS OF STATE OR FEDERAL, THE LAW REQUIRES AMBIGUITIES TO BE RULED IN THE DEFENDANT FAVOR.

IT WOULD SEEM TO VIOLATE JANE'S CONSTITUTIONAL RIGHTS. CONSIDER EVEN THE JUDGE WAS CONFUSED TO A DEGREE, BECAUSE OF THE VAGUELY DESCRIBES PLEA RECOMMENDATIONS.

[ US v. BALINT, 201 F3D 928 (7th Cir. 2000) > A CRIMINAL STATUS IS UNCONSTITUTIONALLY VAGUE IF IT DOES NOT GIVE A PERSON AN ORDINARY INTELLIGENCE A REASONABLE OPPORTUNITY TO KNOW WHAT IS PROHIBITED. ]

NOWAY JONES COULD BE EXPECTED A AMOUNT OTHER THAN 18 YEARS, WHICH WAS STATED BY THE COURT. ANY ORDINARY NON-LAYMEN OF THE LAW, COULD OR WOULD BE EXPECTED THE SAME UPON VIEW BY A WISE REASONING.

ALL THE INFORMATION STATED, FAVORS JANE'S RECEIVED MUCH MORE BY PLEA OR LAW, DEFERRED BY THE STATE.

[ 2 ] WHETHER OR NOT, WAS IT SENSIBLE THAT JONES BELIEVE HE WOULD RECEIVE OTHER THAN 18 YEARS UPON ACCEPTANCE OF HIS PLEA?

IN THE BEGINNING TRANSCRIPTS OF (EXHIBIT: B) THE JUDGE IS QUESTIONING THE RESULTS BY THE ACTIONS OF THE STATEMENTS MADE BY JONES ON 9-25-01, BEFORE THE 2nd HEARING ON 9-26-01. JONES WAS NOT ABLE TO ACQUIRE A TRANSCRIPT FROM THE HEARING HELD ON 9-25-01 (EXHIBIT: F). OBVIOUSLY FROM JUDGE'S STATEMENTS, SOMETHING TRANSPIRED THE DAY BEFORE THE LAST HEARING HELD ON 9-26-01.

[ P. 1, LINE 1-3: " ALL RIGHT.. MR. JONES, DID YOU HAVE A CHANCE YESTERDAY AFTERNOON TO CONFER WITH YOUR ATTORNEY? " ] EXHIBIT: B

NOTICE THAT THE JUDGE STATED THE EXACT TIME OF THE EVENT " YESTERDAY AFTERNOON " WHILE QUESTIONING JONES. THE JUDGE NARROW THE EVENT DOWN TO THE DAY AND TIME OF DAY.

[ P. 1, LINE 20-24: " ALL RIGHT, AND HAVE YOU GIVEN IT FURTHER THOUGHT OVERNIGHT --- AND IT'S NOW 11 O'CLOCK --- HAVE YOU GIVEN IT THOUGHT OVERNIGHT AND THIS MORNING AS TO WHAT YOU WANT TO DO? " ] EXHIBIT: B

IF THE LAST TIME APPEALANT WAS BEFORE / OR AT COURT WAS ON SEPTEMBER 17, 2001 AND SEPTEMBER 26, 2001 BY MS. MARY ROGERS [COURT REPORTER] RECORDS (EXHIBIT: F). THAT WAS OVER A WEEK, SINCE LAST APPEARANCE. WHY WOULD THE JUDGE QUESTION ABOUT "YESTERDAY AFTERNOON, AND NOW BETWEEN OVERNIGHT; UNTIL NOW, "?

ALL THE QUESTIONING EARLY ON / SUPPORT THE AFFIDAVIT (EXHIBIT: H), BECAUSE JONES WAS BROUGHT TO COURT TO ACCEPT THE FIRST PLEA OFFER (EXHIBIT: L). JONES DENIED THAT PLEA WHILE STATING THE MANY ILLEGAL AND EXERCISE THREATS MEANTION TO HIM ABOUT BRIBERY INFLUENCES. THESE INFLUENCES ARE THE BASES IN WHICH JONES WERE MOTIVATED, AS STATED BY APPEALANT'S TRIAL ATTORNEY.

THE JUDGE CUT SHORT JONES'S ACCUSATIONS THEN MOVED THE SCHEDULE FOR TRIAL TOMORROW (9-26-01). THAT'S THE REASON FOR THE EARLIER, IRRELENT QUESTIONING AT THE START OF THE HEARING. JONES ATTORNEY IMPLIED IN THE AFFIRMITIVE THAT APPEALANT'S OFFER WOULD BE CONSTRUED MORE FAVORABLE FROM THE REARRANGING OF HIS PLEA. SINCE APPEALANT UNDERSTOOD NO MORE THEN A SENTENCE OF 10 YEARS, HE SIGNED AND TRUSTED HIS ATTORNEY ADVICE.

JONES WISH, HOPE, BELIEVE AND EXPECTED THE ENTIRE SENTENCE TO TOTAL NO MORE THAN 18 YEARS, IF ACCEPTED. THAT WAS THE RECOMMENDATION BY PISA, BY LAW AND BY THE JUDGE'S TOTALITY OF ALL THE CASES AND CHARGES.

IT SEEMS TO BE SENSIBLE THAT JONES BELIEVED HE WOULD RECEIVE ANYTHING OTHER THAN 18 YEARS UPON ACCEPTANCE OF HIS PISA.

[ ESTELLE V. GAMBLE, 429 US 97, 50 LED 2D 251, 97 S CT. 285 (1976) - DETENTION BEYOND THE TERMINATION OF THE SENTENCE CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT WHEN IT RESULTS FROM "DELIBERATE INDIFFERENCE" TO THE PRISONERS INTEREST IN LIBERTY. ]

[3] WHETHER OR NOT, WAS JONES PLEA ILLEGAL AND/OR AMBIGUOUS?

JONES WILL EXPLAIN HIS UNDERSTANDING OF THE CASES AND CITES ALONG WITH STATUTES PLUS EXAMPLES WHICH HAS HIM CONFUSED AS TO WHY HE BELIEVES HIS SENTENCE'S MIGHT BE VIEWED AS AMBIGUOUS.

[ THE TOTAL NUMBER OF YEARS INCARCERATION PLUS THE TOTAL NUMBER OF YEARS POST RELEASE SUPERVISION SHALL NOT EXCEED THE MAXIMUM SENTENCE AUTHORIZED TO BE IMPOSED BY LAW FOR THE FELONY COMMITTED. ] + 47-7-34

SO JONES IS WELL WITHIN THE MAXIMUM IN REGARD OF WHAT THE SENTENCE FIRST CARRIED. [BUT ONCE A COURT EXERCISES IT'S OPTION TO IMPOSE A DEFINITE SENTENCE IT CAN NOT SUBSEQUENTLY SET THAT SENTENCE ASIDE AND IMPOSE A GREATER SENTENCE.]

(LEONARD V. STOL 271 S.D. 2d 445 [MS. 1973])

[ UPON A DEFENDANT'S VIOLATION OF HIS PROBATION IT WAS WELL WITHIN THE COURT'S POWER TO REVOKE AND REINSTATE ANY OR ALL OF THE ORIGINAL SENTENCE IF IT DEEMED SUCH AN ACTION NECESSARY. COURT COULD SENTENCE A DEFENDANT TO THE FULL ORIGINAL SENTENCE IF NECESSARY. BRUNSON V. STOL 796 S.D. 2d 284 [MS. CT. APP. 2001] JOHNSON V. STOL 1802 S.D. 2d 110 [MS. CT. APP. 2001] ]

[ ONCE THE TERM OF COURT HAS ENDED AT WHICH A JUDGEMENT OF SENTENCE IS HANDED DOWN, THE GENERAL RULE IS THAT THE TRIAL COURT HAS LOST ITS AUTHORITY TO ALTER OR AMEND THE TERM OF PUNISHMENT AFFORDED TO THE GUILTY DEFENDANT. (MISSISSIPPI COMM'N OF JUDICIAL PERFORMANCE V. RUSSELL, 691 S.O.2D 929, 943 (MISS. 1997)) ]

[ ADDITIONALLY, THERE IS THE WELL ESTABLISHED PROPOSITION THAT ANY ATTEMPT TO ALTER THE TERMS OF PUNISHMENT IN ORDER TO INCREASE THE SEVERITY OF THE PUNISHMENT ONCE THE SENTENCE ORIGINALLY ANNOUNCED BECOMES FINAL, IS NOT PERMITTED UNDER CONSIDERATION ARISING UNDER THE DOUBLE JEOPARDY CLAUSE OF THE CONSTITUTION OF THE UNITED STATES (LEONARD V. ST., 271 S.O.2D 445, 447 (MS. 1973); JOHNSON V. ST., 753 S.O.2D 449 (PP13-14) (MS. CT. APP. 1999)) ]

MOST OF ALL THESE CASES MAINLY DEAL WITH PROBATION BUT POST RELEASE IS GOVERN BY THE SAME PROCEDURES FOR REVOCATION OF PROBATION AND IMPOSITION OF A SUSPENDED SENTENCE.

MS. CODE ANN. 47-7-34 (REV. 2000) (2)

AS A MATTER OF FACT, SOMEONE UNDER POST RELEASE SUPERVISION HAS THAT STATUS REVOKED, THE CIRCUIT JUDGE MAY LAUSE THE SENTENCE IMPOSED TO BE EXECUTED OR MAY IMPOSE ANY PART OF THE SENTENCE WHICH HAVE BEEN IMPOSED AT THE TIME OF THE CONVICTION. 1995 MISS. LAWS (H. 590, § 11, CODIFIED AS MISS. CODE ANN. § 47-7-37 (REV. 2000))

SO JONES'S INTERPRETATION OF THIS STATUS CONCLUDE OR AFFIRM HIS DOUBTS THAT IT'S ILLEGAL TO SUBJECT JONES TO THE MAXIMUM SENTENCE UPON VIOLATION OF HIS POST RELEASE, ESPECIALLY AFTER THE COURT EXERCISED IT'S AUTHORITY TO HAND DOWN A DEFINITE SENTENCE OF 12 YEARS WITH JONES.

HUNT V. ST. 1874 SO. 2d 4429 (MS. 2004) - WAS SENTENCE TO 5 YEARS INCARCERATION AND 5 YEARS POST RELEASE SUPERVISION, TOTALING A 10 YEAR SENTENCE. HUNT WILL BE SUBJECT TO 5 YEARS UPON VIOLATION OF HIS POST RELEASE SUPERVISION.

AVANT V. ST. 1896 SO. 2d 3799 (MS. 2005) - WAS SENTENCE TO 8 YEARS IN PRISON AND 12 YEARS POST RELEASE SUPERVISION TOTALING A 20 YEAR SENTENCE. UPON VIOLATION HE WOULD BE SUBJECT TO ONLY 12 YEARS EVEN THOUGH THE MAXIMUM FOR SALE OF COCAINE IS 30 YEARS BY STATUTE.

SO HOW WOULD JONES BE SUBJECT TO THE MAXIMUM, AND MORE 5 YEARS ON POST RELEASE SUPERVISION? AVANT 12 AND HUNT HAD 5 ON POST RELEASE SUPERVISION. BOTH CHARGE WITH SALE AS JONES WAS, THE TERM OF THEIR POST RELEASE SUPERVISION WAS THE LIMIT UPON VIOLATION. SO HOW WOULD JONES BE SUBJECT TO THE MAXIMUM BY STATUTE WHEN THE COURT HAD ALREADY SENTENCE JONES TO A DEFINITE AMOUNT. THE MERE FACT THAT 18 WAS THE SENTENCE MAKES JONES SENTENCE HE RECEIVED RIGHT NOW, AMBIGUOUS.

ALSO, HUNT WAS SENTENCE TO 10 (TEN) YEARS WITH THE LAST 5 PLACED ON POST RELEASE SUPERVISION. THE 10 YEAR SENTENCE WAS SPLIT. JONES BELIEVE HIS 18 YEARS SHOULD OF BEEN SPLIT. A 5 YEAR SUPERVISION TERM, LEFT HUNT WITH 5 TO SERVE INCARCERATED, SO A 5 YEAR SUPERVISION TERM FROM JONES 18 WOULD LEAVE A 13 YEAR TERM TO SERVE.

[ THERE MUST FIRST BE A SENTENCE THAT INCLUDES A TERM OF INCARCERATION WITH A TERM OF POST RELEASE STARTING AFTER INCARCERATION AT THE END OF THE SENTENCE.

MISS. CODE ANN §. 47-7-34 (SUPP. 2003) ]

JONES WAS SENTENCE TO 18 YEARS, THE ONLY TERM OF HIS SENTENCE MENTION WAS 5 YEARS SERVED ON POST RELEASE SUPERVISION.

EXAMPLE [EXHIBIT 8 B] P. 23, LINE 5-9000

EACH OF THESE CASE AND EACH OF THE COUNTS  
THERE IN FOR WHICH YOU HAVE BEEN SENTENCE WILL RUN CON-  
SECUTIVE TO AND NOT CONCURRENT WITH ONE ANOTHER FOR A  
TOTAL OF 18 YEARS.

SO JONES CONCLUDES UNDER STATUTE 47-7-34  
THEIR MUST BE A SENTENCE (18), AND THAT SENTENCE WILL BECOME  
SPLIT BY A INCARCERATION TERM (13) AND A POST RELEASE TERM  
(5).

REMEMBER HOW IN CARTER V. STATE IT STATED THE  
PROGRAM CREATED A SPLIT - SENTENCING OPTION FOR REPEAT  
OFFENDERS.

APPEALANT IS REMINDED THAT REPEAT OFFENDERS  
CAN'T LEGALLY BE SUSPENDED UNDER 47-7-39 BUT 47-7-34 GRANTS  
THE POWER TO TREAT A REPEAT OFFENDER IN A ALTERNATIVE LIKE A SUS-  
PENDED SENTENCE.

GASTON V. STATE 1817 S.O. 2d 613 (MS. 2002)-  
THE POST RELEASE TERM WERE VIOLATED, THE COURT SIMPLY MODIFIED  
THE TIME LEFT FROM THE TIME ALREADY SERVED WHILE THE SENTENCE  
STAYED THE SAME AT 15 YEARS.

THIS SEEMS TO AFFIRM JONES' THEORY HIS SENTENCE  
SHOULDN'T BE INCREASED FROM THE TIME ALREADY SENTENCE OF 18 YEARS.  
GASTON ALSO STATE THAT 47-7-34 GIVES THE COURT THE POWER TO  
SUSPEND AS IN A ALTERNATIVE TO PROBATION / DEBIONED  
SPECIFICALLY FOR FELONS AS STATED IN CARTER V. STATE 1754 S.O.  
2d 1207, 1208 (P4) (MISS. 2000).

JONES HAS SUBMITTED (EXHIBIT 8 G - JONES PRO-  
BATION ORDER) WHICH DOES NOT SHOW OR STATE ANY  
AMOUNT OF TIME HE WOULD BE SUBJECT TO UPON VIO-  
LATION OF HIS POST RELEASE SUPERVISION. IT IS BLANK  
WHERE THAT INFORMATION SHOULD OF BEEN BECAUSE  
THE CONSTRUING OF JONES SENTENCE IS ILLEGAL.

JONES HAS ALSO FILED (EXHIBIT: H - JONES AFFIDAVIT) IN SWORN FORM WITH EXHIBITS A-G TO SUPPORT HIS CLAIMS. EXHIBIT: H ADMITS THAT D. A. GREG MILES HANDED JONES A SHORT DESCRIPTION OF HIS OFFER AT THE TIME. JONES AFFIDAVIT VERIFIES THAT HIS EVIDENCE SUBMITTED UNDER EXHIBIT: C IS TRUE AND AUTHENTIC.

IF EXHIBIT: C IS PROVEN TO BE AUTHENTIC AS JONES HAS STATED. IT SHOULD AROUSE DOUBTS THAT NEEDS TO BE EXAMINE AND WOULD GRANT JONES THE OPPORTUNITY TO EXPRESS BEFORE COURT.

JONES IS PREPARED TO DEFEND HIS ACCUSATIONS UNDER ANY PENALTY BECAUSE HE SPEAKS THE TRUTH AND STAND CONFIDENT BEHIND WHAT HE KNOWS TO BE TRUE!

[4] WHETHER OR NOT, IS IT LEGAL TO SUBJECT JAMES TO THE MAXIMUM UPON VIOLATION OF HIS POST RELEASE SUPERVISION.

[ THE JUDGE STATED A SENTENCE TOTAL OF 18 YEARS (EXHIBIT: B, p. 23 line 5-9). BUT WHEN EXPLAINING THE CONSEQUENCES OF VIOLATING JAMES'S SUPERVISION, APPELLANT COULD BE SUBJECT UPTO 60 YEARS:

[ EXHIBIT: B, p. 23 line 22 - p. 24 line 2 - AND IF YOU VIOLATE ANY ONE OF THESE TERMS AND CONDITIONS, THEN YOU ARE SUBJECT, WITHOUT BENEFIT OF TRIAL, OF BEING BROUGHT BACK BEFORE THE COURT AT THAT TIME, AND AT THAT TIME THE COURT COULD SENTENCE YOU TO ANYTHING IN EACH OF THESE CASES UPTO 60 YEARS OF INCARCERATION LESS WHATEVER TIME YOU'VE ACTUALLY SERVED ON EACH ONE OF THESE CASES. ]

SINCE 18 WAS THE DEFINITE TOTAL STATED BY THE COURT [EXHIBIT: B, p. 23 line 5-9], THE CIRCUIT JUDGE CAN ONLY IMPOSE ANY PART OF THE SENTENCE WHICH IS LEFT FROM THE (ORIGINAL) SENTENCE IMPOSED AT CONVICTION (MISS. COMM'N ON JUDICIAL PERFORMANCE V. RUSSELL, 691 So. 2d 929, 943 (MISS. 1997)).

[ WHEN SOMEONE UNDER POST RELEASE SUPERVISION HAS THAT STATUS REVOKED, THE CIRCUIT JUDGE "MAY CAUSE THE SENTENCE IMPOSED TO BE EXECUTED OR MAY IMPOSE ANY PART OF THE ~~SENTENCE~~ WHICH HAVE BEEN IMPOSED AT THE TIME OF THE CONVICTION. 1995 MISS. LAWS CH. 596, § 11, CODIFIED AS MISS. CODE ANN. § 97-37 (REV. 2000). ]

JONES IS ALREADY SERVING HIS FULL SENTENCE (ILLEGALLY) WITHOUT A CHANCE TO BENEFIT BY SERVING A PORTION ON SUPERVISION; AS IF, THERE WASN'T A SUPERVISION ATTACHED. NO WONDER JONES'S PROBATION ORDER [EXHIBIT: G] HAS NO NUMBER DECLARED OF A FIXED AMOUNT TO SERVE, UPON VIOLATION OF THE SUPERVISION TERMS.

[ A TRIAL JUDGE MAY SENTENCE A PRIOR CONVICTED FELONY TO MORE THAN FIVE (5) YEARS ON POST RELEASE SUPERVISION, PROVIDED THE PERIOD OF INCARCERATION AND THE POST RELEASE SUPERVISION DO NOT EXCEED THE MAXIMUM PERIOD OF TIME ALLOWED FOR THE OFFENCE.

MILLER V. STATE, 875 S.O.2D 194 (P.10) [MISS. 2004]

THE TRIAL JUDGE COULD OF SENTENCE APPEAL-ANT TO MORE THAN FIVE (5) YEARS OF POST RELEASE SUPERVISION, BUT ONLY 5/FIVE WAS PLACED ON SUPERVISION. SO COURT CAN'T NOW SUBSEQUENTLY SET THE SUPERVISION TERM OF FIVE (5) YEARS ASIDE AND IMPOSE A GREATER [LEONARD V. STATE, 271 S.O.2D 445 [MISS. 1973]].

[ DOUBLE JEOPARDY PROHIBITS INCREASE IN DEFEND-ANT'S SENTENCE WHEN LEGITIMATE EXPECTATION OF FINALITY HAS ATTACHED TO SENTENCE, U.S. V. MCCLAIN, 133 F.3D 1191 [9TH CIR. 1998] US V. DIFRANCESCO, 449 US 117, 66 L.ED. 2D 328, 101 S.Ct. 426 (1980). ]

[ 5 ] WHETHER OR NOT COULD COURT VIOLATE AND REVOKE ALL FIVE OF JONES'S CONSECUTIVE SENTENCES, THOUGH ONLY ONE CHARGE WAS PLACED UNDER POST RELEASE SUPERVISION?

JONES FILED [ EXHIBIT: H ] HIS AFFIDAVIT STATING HOW HE WOULD NOT ACCEPT THE FIRST PLEA OFFER BEFORE COURT ON 9/25/01 ( EXHIBIT: L ) AND TOLD SOME OF THE ILLEGAL AND COERCIVE REASONS RELATING .

THIS EVENT LED TO THE TURNING POINT OF APPEALANT PLEA OFFER IN COURT ON 9/26/01 ( EXHIBIT: A, H AND B ) . THE LIMIT AND BASES OF BOTH PLEAS WAS A DEFINITE SENTENCE OF NO MORE THAN 18 YEARS, CONDITION TO INCLUDE A 5 YEAR TERM OF SUPERVISION WITHIN THE SENTENCES .

JONES SUBMITTED A SWORN AFFIDAVIT ( EXHIBIT: H ) TO THIS CRUCIAL PROCEEDING AND OTHER PIVOTAL EVENTS SURROUNDING THIS HEARING ON 9/25/01 . HONORABLE: GREG MILES ( D.A. ) CHANGED THE FIRST OFFER ( EXHIBIT: L ) TO THE LATTER OFFER ( EXHIBIT: A ) WHICH WAS EVENTUALLY ACCEPTED, MAINLY BECAUSE OF IT'S AMBIGUOUS NATURE .

ONLY ONE CAUSE NUMBER ( 01-D-970 ) WAS ATTACHED UNDER THE 47-7-34 STATUTE ( EXHIBIT: G ) . JONES CAN NOT UNDERSTAND FULLY IF OR HOW COULD HE BE SUBJECT FOR EACH AND EVERY CHARGE, WHEN ONLY ONE ( EXHIBIT: G ) WAS PLACED UNDER SUPERVISION .

[ EXHIBIT B, p. 23 line 23 - p. 24 line 4 -  
AND IF YOU VIOLATE ANY ONE OF THESE TERMS AND  
CONDITIONS, THEN YOU ARE SUBJECT, WITHOUT BENEFIT  
OF TRIAL, OF BEING BROUGHT BACK BEFORE THE  
COURT AT THAT TIME, AND AT THAT TIME THE COURT  
COULD SENTENCE YOU TO ANYTHING IN EACH OF  
THESE CASES UP TO 60 YEARS OF INCARCERATION  
LESS WHATEVER TIME YOU'VE ACTUALLY SERVED ON  
EACH ONE OF THESE CASES. AND THESE ~~SENTENCES~~  
HAVE ALREADY BEEN ORDERED TO RUN CONSECUTIVE  
TO AND NOT CONCURRENT WITH ONE ANOTHER. ]

THE 47-7-37 STATUTE PERTAINS TO THE  
REVOKATION AND IMPOSITION OF POST RELEASE SUPERVISION.

[ "MAY CAUSE THE SENTENCE IMPOSED  
TO BE EXECUTED OR MAY IMPOSE ANY PART OF THE SENTENCE  
WHICH HAVE BEEN IMPOSED AT THE TIME OF THE CONVICTION.  
1995 MISS. LAWS CH. 596, § 11, CODIFIED AS MISS. CODE ]  
§ 47-7-37 (REV. 2000)

SINCE THIS RULE REFERS AND LIMITS THE SEN-  
TENCE WHICH MAY BE IMPOSED UPON A REVOKED SUPERVISION.  
JONES FEELS THIS RELATES A PROBABILITY THAT IT IS A LIMIT  
WHICH SENTENCE IT MAY EFFECT, ESPECIALLY IF THE COURT  
DID NOT EXERCISE IT'S AUTHORITY TO BIND THE 47-7-34  
STATUTE TO EACH CHARGE AND SENTENCE DURING THE  
SENTENCING PHASE.

IF TRUE, COURT CAN NOT VIOLATE AND REVOKE  
ALL FIVE (5) OF JONES'S SENTENCES, THOUGH ONLY ONE CHARGE WAS  
PLACED UNDER POST RELEASE SUPERVISION.

JONES CONSIDERS THAT A ADDITIONAL MIX UP AS TO THE CONSTRUING OF HIS SENTENCE AND SUPERVISION CONSEQUENCES COULD OF RESULTED FROM A LACK OF POORLY ACREDITED ATTENTION BY SOME PEOPLE INVOLVED AMONG OTHER ISSUES. /

APPEALANT'S ATTORNEY (GLENN FOLSE) DID NOT SHOW UP AT HIS EVIDENCE VIEWING ON SEPTEMBER 24, 2001, AT THE OFFICE OF THE DISTRICT ATTORNEY. ASSISTANT DISTRICT ATTORNEY (DREA MILES) FALSELY STATED SEVERAL TIMES ON SWORN AFFIDAVIT (EXHIBIT: D) THAT  
[ EXHIBIT: D --- #4, -- ATTORNEY GLENN FOLSE WAS PRESENT THE ENTIRE TIME THAT JONES WAS AT THE DISTRICT ATTORNEY'S OFFICE. AT NO TIME DID I COMMUNICATE IN ANYWAY WITHOUT MR. FOLSE BEING PRESENT. ]

D.A. DREA MILES EVEN NOTED HIS ENHANCED MEMORY OF THIS EVENT IN HIS AFFIDAVIT.

[ EXHIBIT: D, #9 --- IT SHOULD BE NOTED THAT THE ABOVE ACCOUNT OF MY CONVERSATION WITH JEFFERY JONES AND THE DATE OF THE OCCURRENCE IS FROM MY MEMORY. MY MEMORY OF THIS NEGOTIATION PROCESS AND THE PLEA HEARING IN THIS CASE IS ENHANCED --- ]

ATTORNEY FOLSE RESPONDED TO THE SAME COURSE OF EVENTS CONTRARY TO MR. MILES STATEMENT / CONCERNING GLENN FOLSE BEING AT THE VIEWING AND NEGOTIATION PROCESS AMONG OTHER THINGS.

[ EXHIBIT: E, #2 --- FAILURE TO APPEAR AT THE EVIDENCE VIEWING HAD NO BEARING ON HIS CASE BECAUSE HONORABLE DREA MILES AND I HAD DISCUSSED THE SERIOUSNESS OF THE TAPES AND ATTORNEY TANVA CARL VIEWED THOSE TAPES AS I WAS OUT OF TOWN. ]

BY DREA MILES AFFIDAVIT AND ANY OF ALL THE OTHER RELEVANT DOCUMENTS. THERE'S ONLY ONE CHARGE STATED THE SUPERVISION WOULD APPLY TO, NOT ALL CHARGES. EVEN MORE REASON TO SUPPORT THAT THE REVOKING OF APPEALANT'S SUPERVISION SHOULD NOT HAVE A EFFECT ON ANY OTHER CHARGE, THAT IT DOES NOT APPLIES TOO.

THESE STATEMENTS OF THE EVENTS ARE MAINLY TO EXPLAIN THE INSTANCES OF AND LEADING TO JONES'S CASE AND SENTENCING / INCLUDING THE APPLING OF HIS POST RELEASE SUPERVISION EFFECT.

[6.] WHETHER OR NOT, IS THERE ALREADY A RELIEF TO THIS INJUSTICE, IF JONES IS CORRECT IN IMPLYING THAT HIS SENTENCE IS AMBIGUOUS?

ANDERSON V. STATE, 288 So. 2d 852 (Miss. 1974): THEREFORE, IT RESOLVED THE AMBIGUITY IN FAVOR OF THE ACCUSED. (JERRIE WATTS V. EDDIE LUCAS, 394 So. 2d 903 (Miss. 1981))

US V. KIRK, 70 F3d 791 (5th Cir. 1995): GOVERNMENT MUST STRICTLY COMPLY WITH PLEA AGREEMENTS IT MAKES WITH DEFENDANTS.

US V. FITCH, 282 F3d 364 (6th Cir. 2002): AMBIGUITIES IN A PLEA AGREEMENT MUST BE CONSTRUED AGAINST THE GOVERNMENT.

US V. QUACH, 302 F3d 1096 (9th Cir. 2002): THE COURT OF APPEALS CONSTRUES AMBIGUITIES IN A PLEA AGREEMENT IN FAVOR OF THE DEFENDANT.

US V. HASAN, 205 F3d 1072 (8th Cir. 2000): RULE OF LENITY REQUIRED COURT TO RESOLVE ANY REASONABLE DOUBT ABOUT SENTENCING STATUTES INTERPRETATION IN DEFENDANT'S FAVOR.

[ AT THE OUTSET WE NOTE THAT [HNI] COURTS MUST LOOK TO THE SUBSTANCE OF ANY PETITION FILED SEEKING A POST CONVICTION REMEDY RATHER CONSIDERING SUCH PETITION BY ITS TITLE. ]  
YOUNG V. STATE, 264 So. 2d 821 (Miss. 1972).

So SINCE JONES IS NOT SEEKING IMMEDIATE RELEASE, BUT ONLY A JUDICIAL DETERMINATION OF THE CONSTRUCTING OF HIS POST RELEASE TERMS IN ORDER TO KNOW WHEN HE WILL BE ELIGIBLE TO BE RELEASED ON SUPERVISION. REGARDLESS OF THE FACT THAT HIS SENTENCE IS ILLEGAL UNDER IT'S PRESENT CONDITION, AS VIEWED BY LAW. COURTS CAN CONSIDER ~~MANIPULATING~~ AS A PETITION TO CLARIFY HIS AMBIGUOUS SENTENCE.

[ 7 ] WHETHER OR NOT IS IT TOO LATE TO ANSWER JONES CLAIMS IF HE IS CORRECT THAT THERE IS A VIOLATION AS TO HOW HIS SENTENCE WAS CONSTRUED ?

JONES IS SEEKING EITHER CLARIFICATION AND/OR MODIFICATION EVEN THOUGH HE IS NOT TIME BARRED BECAUSE:  
1. MISSISSIPPI CODE ANNOTATED SECTION 99-39-5(2) [ REV. 2000 ], JONES SENTENCE IS ILLEGAL.

2. JONES IS SERVING A EXPIRED SENTENCE BY RECOGNIZING THAT IF THE SENTENCE WAS CONSTRUED IN JONES FAVOR UNDER THE AMBIGUITY RULE, JONES WOULD BE RELEASED FROM INCARCERATION AND SERVING A PERIOD OF POST RELEASE SUPERVISION, EITHER/OR IS A EXCEPTIONS TO ~~THE~~ UPLERA TIME BAR.

JONES CAN ONLY REASONABLY CONCLUDE THAT HE WOULD BE SERVING HIS SUPERVISION PERIOD OUT ON RELEASE.

## CONCLUSION

JONES IS ENTITLED TO HAVE HIS CONVICTION REVERSED BUT HE PUSHES THE AMBIGUITY RULE THAT SUGGEST THE APPELLANT CAN ENFORCE THE MORE FAVORABLE CONSTRUCTING OF HIS SENTENCE, THAT WOULD BE A SENTENCE OF 10 YEARS, INCLUDING A 13 YEAR TERM OF INCARCERATION WITH A 5 YEAR TERM OF POST RELEASE SUPERVISION, AT THE END.

RESPECTFULLY SUBMITTED,  
JEFFREY JONES (APPELLANT)

2 PRO SE 3

## CERTIFICATE

I, JEFFREY E. JONES, DO HEREBY CERTIFY THAT I HAVE THIS  
THE 29<sup>TH</sup> DAY OF AUGUST, 2007, MAILED A TRUE AND CORRECT COPY  
OF THE ABOVE AND FORWARDED BRIEF OF APPELLANT TO HON. BOBBY DAUGHTER  
, HIND CO. CIRCUIT JUDGE, P.O. Box 327 JACKSON,  
JACKSON, MS. 39205  
P.O. Box 249  
JACKSON, MS. 39205

JUDITH BOBBY DAUGHTER  
P.O. Box 327  
JACKSON, MS. 39205

ALL BY U.S. MAIL, FIRST CLASS POSTAGE PAID.

Jeffrey Jones  
JEFFREY JONES # RD964  
SCARLE  
1420 INDUSTRIAL PARK RD.  
WILBURN, MS. 39577

VS

**FILED**

CASE NUMBER(S)

01-0-706  
 01-0-707  
 01-0-708, 1 & 2  
 01-0-970

OCT X 9 2001

Jeffery E. Jones  
 BARBARA DUNN, CIRCUIT CLERK  
 BY *[Signature]* HC

PETITION TO ENTER A PLEA OF GUILTY

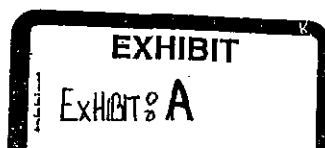
THE DEFENDANT HEREIN, being duly sworn, states in Open Court under oath that:

1. My full name is Jeffery Earl Jones,  
 AKA: none  
 RACE Black SEX Male DOB 3/26/74 SS# 425-25-8814  
 My address (last address) is 2212 Content St.,  
Jackson, MS 39213  
 I am currently confined in the Hinds County Detention Center  
 My birthplace is Brooklyn, N.Y., Immigration # none  
 My Citizenship is U.S.A., FBI# none  
 My age is 27 years and I completed 12 years  
 in school and 1 years in college. I can read and write.  
 I am mentally competent to make this Petition. I understand,  
 should the plea of guilty herein tendered not be accepted and a  
 trial follow, that admissions made herein or during any hearing on  
 this petition would not be admissible against me at trial.

2. I am represented by Glenn Folse, Esq an  
 attorney who has been ~~court appointed~~ <sup>retained</sup> by me.

3. I plead guilty to the charge(s) of sale of a controlled  
substance (Cocaine) and poss. w/intent to sell (Cocaine)  
 as set forth in indictments in cause number(s) 01-0-706, 01-0-707,  
01-0-708 count 1  
01-0-970 and 01-0-708 count 1  
respectively

4. I have told my lawyer all of the facts and circumstances  
 known to me about the charges(s) asserted in the indictment(s). I  
 believe that my lawyer is fully informed on all such matters. My



in that plea and that the Constitution guarantees me (a) the right to a speedy and public trial by jury, (b) the right to see, hear and cross examine all witnesses called to testify, (c) the right to use the power and process of the Court to compel the production of evidence, including the attendance of any witnesses in my favor, (d) the right to have the presence and assistance of a lawyer at all stages of the trial and any appeal, (e) the right to challenge the composition of the Grand Jury, which indicted me, (f) the right to testify in my own defense, (g) the right to a jury verdict of all twelve jurors before I could be found guilty.

6. I understand that if I do not have funds to employ an attorney, the Court will appoint an attorney to represent me; that I do not have to testify against my self; that if I should be convicted after a jury trial, I would have absolute right to an appeal to the Mississippi Supreme Court with assistance of counsel, and at no cost to me should I be determined to be financially unable to pay for same. I understand that by pleading guilty I am admitting that I did commit the crime charged in the indictment(s) and that I am waiving all of the rights set forth in paragraph number five (5) of this Petition.

7. At the time of the crime referred to herein, I was not, and at this time I am not under the influence of drugs, nor alcohol, nor suffering from any mental disease.

8. I declare that no officer or agent of any branch of government, nor any other person has made any promise of inducement of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, probation, early release, or any other form of leniency if I plead "GUILTY". I have not been beaten, threatened, mentally or physically forced, intimidated or coerced in any manner to plead guilty to the crime charged against me. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with full understanding of all the matters set forth in the indictment herein and in the Petition, and this plea is with the advice and consent of my lawyer.

2/11 indictment. The punishment which the Court impose for this crime that I am charged with is as follows:

	MAXIMUM	MINIMUM
COUNT OR # <u>01-0-706</u>	<u>30 years</u>	<u>1 year</u>
COUNT OR # <u>01-0-707</u>	<u>30 years</u>	<u>1 year</u>
COUNT OR # <u>01-0-708, ct. 2</u>	<u>30 years</u>	<u>1 year</u>
<u>01-0-970</u>	<u>30 years</u>	<u>1 year</u>
<u>01-0-708, ct. 1</u>	<u>30 years</u>	<u>1 year</u>

10. If no agreement has been reached with regard to a recommended sentence as a result of so-called "plea-bargaining", I understand neither my attorney nor any other person can represent to me that I will receive any particular sentence if I plead guilty. The final decision as to the sentence rests with the Court.

If as a result of plea bargaining, my attorney and I have reached an agreement with the District Attorney's Office concerning my offer to plea guilty to the charge(s) listed in paragraph three (3), it is my understanding that the District Attorney will recommend to the Court that I receive a sentence as follows: 3 years in 0-706; 3 years in 01-0-707; 01-0-708, Count 2 = 6 years; 0-708, Count 1 = 3 years and 01-0-970, 3 years, 5 years post release and 3 thousand dollars fine

I understand that if I am sentenced for an armed robbery or attempted armed robbery, by displaying a deadly weapon, I will not be eligible for parole. I understand that if I am sentenced as an habitual criminal, I will not be eligible for parole, I understand that if I am sentenced for a sex crime, I will not be eligible for parole. If I am sentenced after July 1, 1995, for any crime, I may

12. I understand that if I am not eligible for parole, I will not receive "good time credits". I also understand that "earned time" or "good time credits" will not be applied to reduce my parole eligibility date. I understand that this Court has no control over the giving of earned time or good time. I understand

13. My lawyer has counseled and assisted me, and I am satisfied with the advice and help he/she has given me.

14. My lawyer advises me that the elements of the charge to

which I am pleading guilty are as follows: in 01-0-706, 01-0-707, 01-0-708(2) and 01-0-970 the elements are illegal and felonious sale of a controlled substance (Cocaine) to an undercover agent without authority of law, and in 01-0-708(1) did willfully and feloniously possess a controlled substance (Cocaine) with the intent to sell without authority of law.

I submit the following facts which I state to be true, and feel that all of the above elements are proven by these facts: in 01-0-706, 01-0-707, 01-0-708(2) and 01-0-970 I willfully and feloniously sold a controlled substance (Cocaine) to an undercover agent without authority of law, and in 01-0-708(1) I willfully and feloniously possess a controlled substance (Cocaine) with the intent to sell without authority of law.

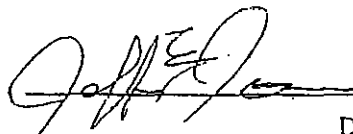
Therefore, I am guilty and ask the Court to accept my plea of guilty.

15. I understand that I am presenting this Petition under Oath and under penalty of perjury for any false statements contained herein. I have not been encouraged by any person to answer falsely any question in this Petition in order to have this plea accepted.

16. I understand that my plea of guilty may be withdrawn at any time during a hearing on this Petition prior to the acceptance of the plea by the Court.

17. I have previously been convicted of the following felonies: Hinds County Charge # 96-2-289

Signed by me in the presence of my lawyer, this the 16th



DEFENDANT

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT  
OF HINDS COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

NO. 01-0-706, 01-0-707,  
01-0-708, 01-0-970

JEFFERY EARL JONES

DEFENDANT

\* \* \* \* \*

TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN THE  
GUILTY PLEA OF THE ABOVE-STYLED AND NUMBERED CAUSE  
BEFORE THE HONORABLE BOBBY B. DELAUGHTER, HINDS  
COUNTY JUDGE, ON THE 26TH DAY OF SEPTEMBER, 2001.

\* \* \* \* \*

APPEARANCES:

Present and Representing the State:

HONORABLE GREGORY MILES  
Assistant Hinds County District Attorney  
Post Office Box 22747  
Jackson, Mississippi 39225

Present and Representing the Defendant:

HONORABLE GLENN FOLSE  
Attorney at Law  
123 South Congress Street, Suite 1508  
Jackson, Mississippi 39201

Reported by: Mary Rogers, CSR #1107  
Official Court Reporter  
Post Office Box 327  
Jackson, Mississippi 39205

EXHIBIT

EXHIBIT: B

1 THE COURT: All right. Mr. Jones,  
2 did you have a chance yesterday afternoon  
3 to confer with your attorney?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. And about  
6 how long did y'all visit together?

7 THE DEFENDANT: A little less than  
8 an hour.

9 THE COURT: Okay. More than a half  
10 hour?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Between 30 minutes and  
13 an hour?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And did y'all discuss  
16 your case, the pros and cons of going to  
17 trial as opposed to the pros and cons of  
18 pleading guilty?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. And have you  
21 given it further thought overnight -- and  
22 it's now 11 o'clock -- have you given it  
23 -- thought-overnight and this morning as to  
24 what you want to do?

25 THE DEFENDANT: Yes, sir.

26 THE COURT: All right. Have you  
27 reached a decision?

28 THE DEFENDANT: Yes, sir.

29 THE COURT: And what's your

1 decision?

2 THE DEFENDANT: Guilty plea.

3 THE COURT: All right. Are you  
4 ready to proceed, Mr. Miles?

5 MR. MILES: Yes, sir..

6 THE COURT: Mr. Folse?

7 MR. FOLSE: Yes, your Honor. At  
8 this time, your Honor, we would withdraw  
9 our previously entered plea of not guilty  
10 to the various indictments and would ask  
11 to approach the bench. We have a  
12 petition to enter a plea of guilty.

13 THE COURT: All right. Mr. Folse,  
14 if you and your client would step over to  
15 the microphone. Go ahead.

16 MR. MILES: Your Honor, this is  
17 State of Mississippi versus Jeffery Earl  
18 Jones charged in indictment number  
19 01-0-706 with sale of cocaine, 01-0-707  
20 with sale of cocaine, 01-0-708, Count 1,  
21 possession of cocaine with intent, and  
22 Count 2, sale of cocaine, 01-0-767 with

~~23 possession of cocaine - less than two grams - more~~

24 than two grams but less than 10 grams,  
25 and 01-0-970 with sale of cocaine. It's  
26 the State's understanding that the  
27 defendant, who is present with his  
28 attorney, Mr. Glenn Folse, wishes to  
29 withdraw his previous entered pleas of

1 not guilty and enter pleas of guilty to  
2 these charges. And if the Court accepts  
3 the plea, the State would have a  
4 recommendation as to sentencing, which  
5 would include remanding 01-0-767, which  
6 is the possession of cocaine in an amount  
7 of two to 10 grams.

8 THE COURT: All right. And he's  
9 pleading guilty to all the other  
10 indictments?

11 MR. MILES: That's what the State  
12 understands, yes, sir.

13 THE COURT: I don't have any court  
14 files. Do you have copies of those  
15 indictments?

16 MR. MILES: Yes, sir, I do.

17 THE COURT: I don't need the one  
18 that you intend to remand. All right. I  
19 need you to raise your right hand as best  
20 you can and be sworn.

21 [COURT ADMINISTERS THE OATH TO THE DEFENDANT]

22 EXAMINATION BY THE COURT:

23 ~~Q. Now all right: Is your real name Jeffery~~  
24 Earl Jones?

25 A. Yes, sir.

26 Q. And you are in court today with your  
27 attorney, Mr. Glenn Folse; is that correct?

28 A. Correct.

29 THE COURT: Mr. Folse, I thought you

1           were retained in this case.

2           MR. FOLSE: I was, your Honor. Did  
3 I put something besides that?

4           THE COURT: It's got court appointed  
5 on it.

6           MR. FOLSE: I apologize, your  
7 Honor. I just marked out the wrong one.  
8 I will be glad to initial it, sir.

9           THE COURT: It's in the record. We  
10 will just change it.

11 THE COURT: (Continuing)

12           Q. All right. Mr. Jones, your attorney has  
13 submitted to the Court a written petition indicating  
14 that you wish to withdraw your previous pleas of not  
15 guilty in these cases and to enter pleas of guilty.  
16 Is it your desire to do so?

17           A. Yes, sir.

18           Q. All right. Turning to the bottom of page  
19 four of the petition, is this your signature?

20           A. Yes, sir.

21           Q. And did you sign that today?

22           A. Yes, sir.

23           MR. FOLSE: Judge, while you are

24           doing that, let me -- one correction to  
25 the indictment or one enhancement that we  
26 will not be -- we would not be seeking.  
27 Yesterday, for the record, the officer  
28 who originally measured the distance  
29 between the gymnasium and the sale site

1                   went and remeasured that, and the sale  
2                   site exceeds the 1,000 feet distance  
3                   between the gymnasium and the sale site,  
4                   so we would not be seeking enhancement on  
5                   that, just for the record..

6                   THE COURT: And that would just  
7                   pertain to 01-706?

8                   MR. MILES: No, sir, that's all the  
9                   sales. They all occurred at the same  
10                  place.

11                  THE COURT: All right. I  
12                  understand.

13                  MR. MILES: Yes, sir.

14                  THE COURT: Mr. Jones, is there  
15                  something I need to know?

16                  MR. FOLSE: Your Honor, I was just  
17                  explaining to him the aspect of that  
18                  particular thing, which came to our  
19                  knowledge today.

20                  THE COURT: All right.

21                  THE COURT: (Continuing)

22                  Q. Well, does that have any effect,

23                  ~~which, in your desire to plead guilty?~~

24                  A. No, sir.

25                  Q. Mr. Jones, did you read through the  
26                  petition before you signed it?

27                  A. Yes, sir.

28                  Q. Did you also go over it with your  
29                  attorney?

1 A. Yes, sir.

2 Q. Did you understand everything in the  
3 petition?

4 A. Yes, sir.

5 Q. Did you understand that the  
6 representations made by you in the petition are  
7 considered under oath just like you are under oath  
8 at this time?

9 A. Yes, sir.

10 Q. And is everything in the petition true  
11 and correct?

12 A. Yes, sir.

13 Q. And you were previously convicted in  
14 Hinds County, case number 96-2-289; is that right?

15 A. Yes, sir, previously convicted. I don't  
16 know -- I don't remember the case number.

17 Q. Was that a drug case?

18 A. Yes, sir, possession.

19 Q. On March 28th of 1997?

20 A. Yes, sir.

21 Q. As far as you know, are there any other  
22 charges pending against you anywhere other than the  
23 ~~charges that you are pleading guilty to today~~ and  
24 other than the charge that the State has indicated  
25 it would remand?

26 A. No charge as far as I know.

27 Q. All right. I need to take some time with  
28 you, Mr. Jones, and make sure that you understand  
29 your constitutional rights that you have at this

1 point in each of these cases but that you will be  
2 waiving or giving up by pleading guilty. Do you  
3 understand?

4 A. I understand.

5 Q. Do you understand that you have the right  
6 to a public trial by jury in each of these cases?

7 A. I understand.

8 Q. Do you understand that you would have the  
9 right to your lawyer's assistance at each one of  
10 those trials?

11 A. I understand.

12 Q. Do you understand that you would have the  
13 right to confront and have your lawyer cross-examine  
14 all witnesses that would testify against you?

15 A. I understand.

16 Q. Do you understand that you would have the  
17 right to subpoena into court any witnesses that you  
18 desire to testify on your behalf?

19 A. I understand.

20 Q. Do you understand that that would include  
21 yourself; that is, you would be considered a  
22 competent witness to testify in your own defense if

23 ~~you were to testify?~~

24 A. I understand.

25 Q. Do you understand, however, that you  
26 would also, in each of these cases, have the right  
27 to remain silent, meaning that you could not be  
28 compelled or made to testify?

29 A. I understand.

1 Q. Do you understand that if you chose not  
2 to testify, you could also have the Court instruct  
3 the jury that they could not hold that fact against  
4 you?

5 A. Yes, I understand.

6 Q. Now you have a number of charges against  
7 you. I want to make sure you understand  
8 specifically each of the charges and the nature of  
9 them. In cause number 01-706 you are charged with  
10 the sale of cocaine on February 16th of 2001, having  
11 been previously convicted of a violation of the  
12 Controlled Substances Act. In cause number 01-707  
13 you are charged with the unlawful sale of cocaine on  
14 or about February 28th of 2001, again, also having  
15 been convicted previously of a violation of the  
16 State Controlled Substances Act. In cause number  
17 01-708 you are charged with two counts. Count 1  
18 charges you with possession of cocaine with the  
19 intent to distribute on or about March the 7th of  
20 this year, and count 2 charges you with the sale of  
21 cocaine on or about that same day, having been  
22 previously convicted for an offense under the  
23 Controlled Substances Act. In cause number 01-876  
24 you are charged with the sale of cocaine. Now, do  
25 you understand each of the charges involved?

26 A. Yes, sir.

27 Q. Has your lawyer advised you of all of the  
28 elements of each one of these offenses that the  
29 State would have to prove if your cases went to

1 trial?

2 A. Yes, sir.

3 Q. And has he fully explained to you and do  
4 you fully understand the nature of the charges  
5 against you?

6 A. Yes, sir.

7 Q. And have you fully discussed all of the  
8 facts and circumstances surrounding your cases with  
9 your lawyer?

10 A. Yes, sir.

11 Q. And has he advised you of possible  
12 defenses that you might have if any of your cases  
13 went to trial?

14 A. Yes, sir.

15 Q. Do you understand that the Court would  
16 also instruct the jury that they must presume that  
17 you are innocent unless and until the prosecution  
18 proved you guilty beyond a reasonable doubt?

19 A. Yes, sir.

20 Q. Do you understand that all 12 jurors  
21 would have to agree on your guilt beyond a  
22 reasonable doubt and so vote before you could be  
23 found guilty and before the Court could impose any  
24 sentence upon you?

25 A. I understand.

26 Q. Do you understand that even if the jury  
27 found you guilty, you would have the right to appeal  
28 that conviction, as well as your sentence, to the  
29 Mississippi Supreme Court?

1 A. I understand.

2 Q. Do you understand that if you were unable  
3 to afford an appeal, the cost of it, including that  
4 of your lawyer, would be paid for either by the  
5 State of Mississippi or by Hinds County?

6 A. Yes, sir.

7 Q. Do you understand each of these rights  
8 that I've gone over with you that you have at this  
9 point and that you would continue to have if any of  
10 your cases went to trial?

11 A. I understand.

12 Q. Do you understand, however, that you  
13 waive or give up every one of these rights in each  
14 one of these cases by pleading guilty?

15 A. Yes, sir.

16 Q. Are you satisfied with the advice and  
17 help as of this point that your lawyer has provided  
18 to you?

19 A. Yes, sir.

20 Q. Do you understand that while he may  
21 advise you on certain matters, including whether or  
22 not in his opinion it would be in your best interest  
23 to plead guilty, the ~~final decision whether to do so~~  
24 is yours and yours alone to make?

25 A. I understand.

26 Q. Do you still wish to plead guilty to each  
27 one of these cases?

28 A. I do.

29 Q. And is that your own independent

1 decision?

2 A. Yes, sir.

3 Q. Other than any plea agreement that has  
4 been reached between your attorney and the district  
5 attorney's office, have any promises or hope of  
6 reward been made to you to get you to plead guilty?

7 A. No.

8 Q. Have any threats been made against you or  
9 has any force or intimidation been used against you  
10 to get you to plead guilty?

11 A. No.

12 Q. At this time are you under the influence  
13 of either alcohol or drugs?

14 A. No, sir.

15 Q. Are you undergoing any type of mental or  
16 emotional treatment?

17 A. No, sir.

18 THE COURT: What would the State  
19 prove in each of the cases?

20 MR. MILES: Your Honor, should this  
21 case proceed to trial, the State would be  
22 prepared to prove in cause number

23 01-00012-Sub A, an undercover officer with the  
24 of 2001, an undercover officer with the  
25 Jackson Police Department purchased from  
26 the defendant for \$200.00 one large rock  
27 of what was tested and proved to be 1.76  
28 grams of cocaine from the defendant.

29 This occurred at 3665 Sykes Park Drive,

1 which is within the First Judicial  
2 District of Hinds County, Mississippi.  
3 In cause number --

4 THE COURT: Let's stop right there a  
5 minute.

6 MR. MILES: Yes, sir.

7 THE COURT: (Continuing)

8 Q. You have heard the facts that the State  
9 claims it would prove in cause number 01-706. Do  
10 you have any disagreement with those facts?

11 A. No, sir.

12 Q. Now it's also an allegation in that  
13 indictment that you have a prior felony conviction,  
14 and that's the one that we were talking about  
15 earlier I believe; is that correct?

16 A. That's correct.

17 Q. All right. So do you admit to that as  
18 well?

19 A. Yes, sir.

20 THE COURT: All right. Mr. Miles.

21 MR. MILES: In cause number  
22 01-0-707, the State would be prepared to  
23 ~~re-open with the defendant February 2001~~  
24 2001, an undercover officer with the  
25 Jackson Police Department purchased for  
26 \$200.00 several pieces of what was tested  
27 and proved to be 2.78 grams of cocaine  
28 from the defendant. This also occurred  
29 at 3665 Sykes Park Drive, which is within

1 the First Judicial District of Hinds  
2 County, Mississippi.

3 THE COURT: And would the State also  
4 offer as evidence at that trial that the  
5 defendant was previously convicted in  
6 cause number 96-2-289 on the docket of  
7 this court on or about March the 28th of  
8 1997, for a violation of the State  
9 Controlled Substances Act?

10 MR. MILES: That's correct.

11 THE COURT: (Continuing)

12 Q. You have heard the facts that the State  
13 claims that it would prove in cause number 01-707.  
14 Do you have any disagreement with those facts?

15 A. No, sir.

16 THE COURT: All right.

17 MR. MILES: Your Honor, in cause  
18 number 01-0-708, the State would be  
19 prepared to prove that on or about March  
20 7th of 2001, an undercover officer with  
21 the Jackson Police Department purchased  
22 one rock of what was tested and proved to  
23 ~~be 9.99 grams of cocaine~~  
24 defendant. At that time he was also  
25 arrested immediately following the sale  
26 and was found to be in possession of what  
27 was tested and proved to be 9.99 grams of  
28 cocaine. All of this occurred within the  
29 First Judicial District of Hinds County,

1 at 3665 Sykes Park Drive. The State  
2 would also be prepared to prove that the  
3 defendant had been previously convicted  
4 on a drug possession with intent in cause  
5 number 96-2-289 on March 28th of 1997.

6 THE COURT: (Continuing)

7 Q. You have heard the facts that the State  
8 claims that it would prove in cause number 01-708.  
9 Do you have any disagreement with those facts?

10 A. No, sir.

11 MR. MILES: The State would be  
12 prepared to prove in cause number  
13 01-0-970 that on or about February 13th,  
14 2001, an undercover officer with the  
15 Jackson Police Department purchased for  
16 \$200.00 from the defendant seven rocks of  
17 what was tested and proved to be crack  
18 cocaine from the defendant. This  
19 occurred at 3665 Sykes Park Drive which  
20 is within the First Judicial District of  
21 Hinds County, Mississippi. The State  
22 would also be prepared to prove that the  
23 ~~defendant had been previously convicted~~  
24 in cause number 96-2-289, which is a drug  
25 possession conviction on March 28th of  
26 1997.

27 THE COURT: Now that indictment does  
28 not contain that allegation. If the case  
29 went to trial, would the State be moving

1 to amend the indictment to reflect that  
2 allegation?

3 MR. MILES: Yes, sir, we would.

4 THE COURT: (Continuing).

5 Q. You have heard the facts that the State  
6 claims that it would prove in cause number 01-970.  
7 Do you have any disagreement with those facts?

8 A. No, sir.

9 Q. Do you understand that the Court is not  
10 bound by whatever plea agreement has been reached  
11 between your attorney and the district attorney's  
12 office, and upon your guilty plea to each one of the  
13 five charges -- that would be four sales and one  
14 possession with intent to distribute -- that the  
15 Court could sentence you up to 60 years of  
16 incarceration?

17 A. Yes, sir.

18 Q. And assess a fine up to 10 million  
19 dollars.

20 A. Yes, sir.

21 Q. Do you understand that if incarceration  
22 is part of your sentence, that no one can assure you  
23 of any particular release date short of you serving  
24 that time?

25 A. Yes, sir.

26 Q. Understanding all of this, Mr. Jones, I  
27 now ask you, in cause number 01-706 for the offense  
28 of the unlawful sale of cocaine, having been  
29 previously convicted of an offense under the

Plea/Jeffery Jones

1 Controlled Substances Act, how do you plead? Guilty  
2 or not guilty?

3 A. Guilty.

4 Q. And in cause number 01-707 for the  
5 unlawful sale of cocaine, having been previously  
6 convicted of a violation of the State Controlled  
7 Substances Act, how do you plead? Guilty or not  
8 guilty?

9 A. Guilty.

10 Q. And in cause number 01-708, Count 1, for  
11 possession of cocaine with intent to distribute,  
12 having been previously convicted for an offense of  
13 the Controlled Substances Act of Mississippi, how do  
14 you plead? Guilty or not guilty?

15 A. Guilty.

16 Q. And in Count 2 of that cause, for the  
17 sale of cocaine, having been previously convicted  
18 for a violation of the State Controlled  
19 Substances Act, how do you plead? Guilty or not  
20 guilty?

21 A. Guilty.

22 Q. And in cause number 01-970 for the  
23 offense of the sale of cocaine, having been  
24 previously convicted of an offense under the State  
25 Controlled Substances Act, how do you plead? Guilty  
26 or not guilty?

27 A. Guilty.

28 BY THE COURT: Mr. Folse, do you  
29 know of any reason why the Court should

1 not accept your client's plea of guilty?

2 MR. FOLSE: No, your Honor.

3 THE COURT: Mr. Miles?

4 MR. MILES: No, sir.

5 THE COURT: Then I find in  
6 accordance with Rule 8.04 of the  
7 Mississippi Uniform Circuit and County  
8 Court Rules that the defendant is  
9 competent to understand the nature of  
10 each one of these charges; that he  
11 understands the nature and consequences  
12 of his pleas, as well as the minimum and  
13 maximum penalties provided by law for  
14 each offense to which he has pled  
15 guilty. I further find that the  
16 defendant understands that by pleading  
17 guilty he waives his constitutional  
18 rights of trial by jury, the right to  
19 confront and cross-examine adverse  
20 witnesses, the right of compulsory  
21 process for the attendance of witnesses,  
22 the right against self-incrimination, the  
23 ~~right of an appeal from any conviction,~~  
24 together with his right to the assistance  
25 of counsel both at trial and on appeal.  
26 I further find that each one of the pleas  
27 are voluntarily and intelligently made,  
28 not induced by fear, violence, deception  
29 or any other improper inducement, and

1           that there is a separate factual basis  
2           for each of the pleas. Accordingly, I  
3           accept the defendant's pleas and  
4           adjudicate you guilty on each one of  
5           those pleas. What's the State's  
6           recommendation?

7           MR. MILES: It's the State's  
8           recommendation that in cause number  
9           01-0-706 for sale of cocaine, that the  
10          defendant be placed in the custody of the  
11          Mississippi Department of Corrections for  
12          a period of three years and that he serve  
13          those three years. In cause number  
14          01-0-707 for sale of cocaine, it's the  
15          State's recommendation that the defendant  
16          be placed in the custody of MDOC for a  
17          period of three years and that he serve  
18          those three years. In cause number --  
19          and that would be consecutive to cause  
20          number 01-0-706. In cause number  
21          01-0-708, Count 1, possession with intent  
22          to distribute, possession of cocaine with  
23          intent to distribute, -it's the State's  
24          recommendation that the defendant be  
25          placed in the custody of the Mississippi  
26          Department of Corrections for a period of  
27          three years and that he serve those three  
28          years consecutive to 01-0-707. And in  
29          cause number 01-0-708, Count 2, sale of

1 cocaine, it's the State's recommendation  
2 that the defendant be placed in the  
3 custody of MDOC for a period of six years  
4 and that that sentence run consecutive  
5 with the sentence in cause number  
6 01-0-708, Count 1. In cause number  
7 01-0-970 for sale of cocaine, it's the  
8 State's recommendation that the defendant  
9 be placed in the custody of MDOC for a  
10 period of three years, that he serve that  
11 three years consecutive to cause number  
12 01-0-708, Count 2, and following release,  
13 that he be placed on five years  
14 post-release supervision and pay a fine  
15 of \$3,000 payable beginning 60 days  
16 following release. It's also the State's  
17 recommendation in cause number 01-0-767,  
18 possession of cocaine in an amount more  
19 than two grams but less than 10 grams,  
20 that that be remanded.

21 THE COURT: What was that cause  
22 number?

23 ~~Mr. Jones.~~ The cause to be  
24 remanded, your Honor, is 01-0-767.

25 THE COURT: (Continuing)

26 Q. Mr. Jones, do you have anything you wish  
27 to say before the Court imposes sentence?

28 A. Yes, sir.

29 Q. Go ahead.

1           A.    I would just like to admit that I'm sorry  
2   that I didn't stop. You know, I had a change in  
3   character. Because even the informant, I was like  
4   believing she was on drugs, and a couple of nights  
5   before they picked me up, I admitted to her that I  
6   was going to stop. I even tried to offer, you know,  
7   drug rehab, because I had it in my heart, you know,  
8   to make a change. Because the Sunday before I got  
9   picked up, I was at my church, and I even talked to  
10   my pastor about trying to, you know, turn my life  
11   back in to God. I was informing them that I was  
12   doing things I shouldn't be doing, so I'm not ready,  
13   but this coming Sunday, I will be up there. I'm  
14   just letting you know that before this incident, you  
15   know, I did have a change of heart, and, you know, a  
16   little conflict within myself that I know I should  
17   do better, But didn't nothing change. I still  
18   wanted to do better, but I'm just sorry that I  
19   didn't do it sooner. It was too late.

20                   THE COURT: All right, sir.

21                   THE COURT: Mr. Folse?

22                   MR. FOLSE: Nothing, your Honor.

23                   THE COURT: MR. JONES, I regret it  
24   too, because it appears to me that you  
25   are not an uneducated person, and you  
26   have some capabilities that you need to  
27   put to better and more positive use. And  
28   I can assure you your sentence would be  
29   different if it was for mere possession,

1 if you were just having an addiction  
2 problem, but when you cross the line and  
3 begin passing it on to other people,  
4 that's a very serious offense.

5 The Court will accept the  
6 recommendation of the State, for the most  
7 part. There will be one thing I'm going  
8 to add. It will be the sentence of the  
9 Court in cause number 01-706 that you be  
10 remanded to the custody of the  
11 Mississippi Department of Corrections for  
12 a period of three years, and the thing  
13 that I'm adding is a provision that you  
14 receive mandatory alcohol and drug  
15 dependency treatment while you are  
16 incarcerated. It will be the sentence of  
17 the Court in cause number 01-707 that you  
18 be remanded to the custody of the  
19 Mississippi Department of Corrections for  
20 a period of three years. It will be the  
21 sentence of the Court in cause number  
22 01-708, Count 1, that you be remanded to  
23 the custody of the Mississippi Department  
24 of Corrections for a period of three  
25 years. It will be the sentence of the  
26 Court in cause number 01-708, Count 2,  
27 that you be remanded to the custody of  
28 the Mississippi Department of Corrections  
29 for a period of six years. It will be

1 the sentence of the Court in cause number  
2 01-970 that you be remanded to the  
3 custody of the Mississippi Department of  
4 Corrections for a period of three years.  
5 Each of these cases and each of the  
6 counts therein for which you have been  
7 sentenced will run consecutive to and not  
8 concurrent with one another for a total  
9 of 18 years. Following your release from  
10 incarceration, you will be placed on  
11 post-release supervision for a period of  
12 five years under the terms and conditions  
13 of Section 47-7-34 of the Mississippi  
14 Code as amended. There will be a number  
15 of terms and conditions of your  
16 post-release supervision which will be  
17 set forth in a separate probation order,  
18 which you need to make sure that you  
19 understand, because after serving this  
20 lengthy period of time, you will still  
21 have to abide by those terms and  
22 conditions. And if you violate any one  
23 of those terms and conditions, then you  
24 are subject, without benefit of trial, of  
25 being brought back before the Court at  
26 that time, and at that time the Court  
27 could sentence you to anything in each of  
28 these cases up to 60 years of  
29 incarceration less whatever time you've

1 actually served on each one of these  
2 cases. And these sentences have already  
3 been ordered to run consecutive to and  
4 not concurrent with one another. It will  
5 be a specific condition of your  
6 post-release supervision that you pay a  
7 fine in cause number 01-706 -- excuse me  
8 -- I'm going to change that. It will be  
9 a further portion of your sentence in  
10 cause number 01-970 that you pay a fine  
11 in the sum of \$3,000, payable over your  
12 five-year period of post-release  
13 supervision, the first payment being due  
14 and payable 60 days of your release from  
15 incarceration in that case. In other  
16 words, on all cases you are receiving  
17 certain amounts of time to serve, and in  
18 cause number 01-970, you are also  
19 sentenced to three years and a \$3,000  
20 fine. Do you understand?

21 A. Yes, sir.

22 THE COURT: And the Court will also,  
23 pursuant to the agreement reached between  
24 your attorney and the district attorney's  
25 office, sign an order remanding cause  
26 number 01-767. All right. Do you have  
27 any questions concerning your sentence?

28 A. No.

29 THE COURT: Mr. Folse?

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MR. FOLSE: None, your Honor.

THE COURT: All right. That will be  
all. Thank you.

[PROCEEDINGS CONCLUDED]

COURT REPORTER'S CERTIFICATE

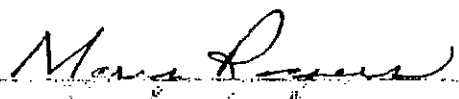
STATE OF MISSISSIPPI

COUNTY OF HINDS

I, Mary Rogers, CSR, Official Court Reporter for Hinds County Court, do hereby certify that the foregoing 25 pages, and including this page, constitute a true and correct transcript of the proceedings had upon the guilty plea in the above entitled and numbered cause before the Honorable Bobby B. DeLaughter, Hinds County Judge, on the 26th day of September, 2001.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

Witness my signature, this the 7th day of April, 2005.

  
MARY ROGERS, CSR #1107  
Official Court Reporter

01-0-706 SALE (3)

01-0-707 SALE (3)

01-0-708 1) LOSS w/INTER (3)

01-0-708 2) SALE (3)

01-0 767 LOSS 2-10 (3)

01-0-970 SALE (3) 5 PLS

\$300 FINE

10

EXHIBIT C

**AFFIDAVIT OF GREG MILES**

**STATE OF MISSISSIPPI  
COUNTY OF HINDS**

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Greg Miles, who being be me first duly sworn, states on oath as follows:

1. My name is Greg Miles, an assistant district attorney for the Seventh Circuit Court District in the State of Mississippi. I am over the age of eighteen (18) years of age and duly competent and qualified to make this affidavit.
2. On or about Wednesday, September 26, 2001 in my capacity as assistant district attorney, I was the prosecutor when Jeffery Earl Jones, represented by attorney Glenn Folse entered guilty pleas and was sentenced in each of the criminal cases, *State of Mississippi v. Jeffery Earl Jones* in Cause Numbers 01-0-706, 01-0-707, 01-0-708 (counts 1 and 2) and 01-0-970.
3. Prior to the disposition of the above-cited criminal case, I insisted to attorney Glenn Folse that he and Jeffery Earl Jones view a copy of the video tape in which Jeffery Earl Jones appears to be making sales of cocaine to an undercover officer, and in Cause Number 01-0-708 (count 1), Jones admits to possession of another quantity of cocaine with the intent to distribute same. These drug sales and possession with intent to distribute later lead to the arrest and indictments of Jeffery Earl Jones in the above-cited cases.
4. On or about the afternoon of Monday, September 24, 2001, Jeffery Earl Jones, who was then in custody of the Hinds County Sheriff's Officer at the Hinds County Detention Center, was brought by a sheriff's deputy to the Office of the District Attorney to view the above mentioned video tape. Attorney Glenn Folse was present the entire time that Jones was at the District Attorney's Office. At no time did I communicate in any way without Mr. Folse being present.
5. During the time that Jeffery Earl Jones and Attorney Glenn Folse were viewing the video tape, Jones reached to turn the video tape player off. This was after the first sale was viewed by Jones on the tape. At that time, I advised Jones that all four of the sales were on this tape and to continue viewing the entirety of the tape.
6. When Jeffery Jones and Attorney Glenn Folse finished viewing the tape, Jones asked me if my plea offer could possibly be reduced. My plea offer to Jeffery Jones through his attorney, Glenn Folse had been as follows:

01-0-706 3 years to serve in custody of the Mississippi Department of Corrections  
01-0-707 3 years to serve in custody of the Mississippi Department of Corrections  
01-0-708 (ct.1) 3 years to serve in custody of the Mississippi Department of Corrections  
01-0-708 (ct.2) 3 years to serve in custody of the Mississippi Department of Corrections  
01-0-970 3 years to serve in custody of the Mississippi Department of Corrections, with 5 years post release supervision, a \$3000 fine to be paid at the rate of \$55 per month beginning 60 days following release from custody.

These sentences were to run consecutively.



7. Jeffery Jones explained to me that the offer of eighteen (18) years was too long of a sentence, considering the fact that he only sold to one person. He counter-offered to plead to nine (9) years rather than what I had previously offered to him through his attorney. Jones specifically mentioned his counter-offer of nine (9) years to serve in custody and my offer to recommend the eighteen (18) year sentence at this time.

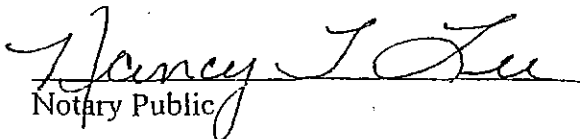
8. I explained to Jeffery Jones that this was not his first drug offense. (Court records reflect that on March 28, 1997, Jones had been previously been convicted of possession of cocaine with intent to distribute in Cause Number 96-2-289 In the First Judicial District of Hinds County, Mississippi.) I explained to him that because of his prior drug charge, and my belief that the pending charges against him involved drug sales occurring within 1000 feet of a school, he was facing a maximum sentence of 120 years on each charge. (It was later determined by law enforcement that the pending offenses occurred outside the 1000 feet range, and I explained that this enhancement was not be pursued by the State in open court prior to Jeffery Jones entering his guilty pleas in these charges.) I further reasoned to him that I didn't believe that the undercover law enforcement officer was his only customer, and that considering the overwhelming evidence on the video tape he just saw, and considering Jeffery Jones' criminal record, 18 years could be considered lenient. The entire conversation between Jeffery Jones and myself occurred at this time in the library room of the District Attorney's Office and in the presence of Glenn Folse, attorney of Jeffery Jones.

9. It should be noted that the above account of my conversation with Jeffery Jones and the date of the occurrence is from my memory. My memory of this negotiation process and the plea hearing in this case is enhanced because of the outstanding quality of the video tape depicting Jeffery Jones selling cocaine. I can state without reservation that this tape and these cases indicates the guilt of the defendant more clearly than any other case I have been assigned during my career as a prosecutor. I make this statement not necessarily to indicate my opinion of the defendant's guilt, but to explain my memory of the events leading up to the disposition of the aforementioned cases.



Signature of Affiant

Sworn to and subscribed before my this and 14 Day of May, 2005.



Nancy T. Lee  
Notary Public

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES FEB. 20, 2006  
BONDED THRU STEGALL NOTARY SERVICE

**FOLSE LAW FIRM**  
**ATTORNEYS AT LAW**

**Attorneys:**  
*Glenn Folse*  
*Tanya N. Carl*

**Staff:**  
*H. N. Carl*

January 22, 2002

The Mississippi Bar  
P. O. Box 2168  
Jackson, MS 39225

RE: Docket Number: 01-214-1

Dear Mr. Martz:

Please allow me to respond to Jone's confabulations by his own numbering so there will be no confusion.

1) Mr. Jone's had 5 unrelated sales of cocaine within 1,000 feet of a church or school building and a one count sale and one count felony possession. Mr. Jones had two more charges of sales that was to be presented for indictment. All were on tape, all law enforcement officers involved were present for his trial. There were no preliminary hearings but only waivers of preliminary hearings. Lawyers from Tom Fortner's office stood in for some waivers which were held at the jailhouse.

2) Failure to appear at the evidence viewing had no bearing on his case because Honorable Greg Miles and I had discussed the seriousness of the tapes and Attorney Tanya Carl viewed those tapes as I was out of town. The tapes took away every defense and the only thing that came to mind was, "did this guy ever look over his shoulder for the police". He always had a lawyer at his side.

3) This misinterpretation may have came about on trial day when Jones did not won't a trial and he did not want to plea. I was ready for trial the first setting but Mr. Jones is first and foremost a liar and a con man. I told him anything could happen at trial, he had about 140 years exposure in jail if found guilty, but only 25 if he took the plea. Mr. Jones the con man, thought that by disrupting the system he could get a better deal. He fired me twice and made a motion to

6712 Old Canton Road • Suite 7 • Ridgeland, Mississippi 39157  
Telephone (601) 956-0940 • Facsimile (601) 956-0604  
Email: [glfolse@bellsouth.net](mailto:glfolse@bellsouth.net) or [tncarl@bellsouth.net](mailto:tncarl@bellsouth.net)

EXHIBIT 8E

withdraw once. Judge Delaughter told him his calendar would not change, Hon. Greg Miles told him there would be no better offer. Judge Delaughter asked if he paid me (retained) and Jones said yes. "Are you dissatisfied with Mr. Folse's services", asked Judge Delaughter. Mr. Jones's answer was yes that he was satisfied with my services and advice. The Judge then said that Glenn Folse is your attorney on the court record.

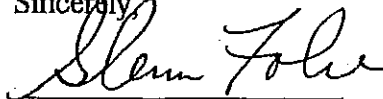
4) This is a bald face lie. I love trial work, the harder the better. He did not have a chance with six indictments, one trial after the other but I never said I would not defend him or even go to the mat in his defense. By this time I knew Mr. Jones to be a trickster, a liar and a con man who would accuse anyone over anything to avoid the inevitable.

5) If Jones means that I suggested bribery he is a liar and his statement is libelous. Now he may have suggested that himself, but I knew he was blowing although his sister Bobby Williams did in fact engage Judge Delaughter's wife to have her influence the Judge's decision, which further complicated and strained normal criminal procedure with Judge Delaughter's bench and made me feel like a fool. I really wanted off of this case at this point.

6) I assume Mr. Jones means consulting for the word consorting. Mr. Jones knows better than this, he knew what he did, I have had to warn family members from my office for profanity, I have had to explain in the most sophomoric way what was happening, what he did, the criminal ramifications, all the while listening to him say "what a smart guy he really is", and that, "he wasn't taking it, he was just selling it". Jones is a liar, con man and probably suffers from mental illness. Even on the day of the plea, he would not give me correct information but only incorrect information, holding up the court, wasting everyone's time, and when I would catch him in a lie, he would laugh like all this was just real cute.

Jeffery Jones never told me he was innocent and in fact told me he was guilty of these charges and unindicted charges and his whole demeanor from day one was get me off and get me out to sell more dope so I can pay you. I think Judge Delaughter and Hon. Greg Miles showed remarkable restraint inasmuch as I had to inform them at each setting that I was fired or constructively filed because of Jones's frivolous Bar Complaint.

Sincerely,



Glenn Folse

GF/jd

c: Honorable Michael B. Martz

c: Jeffery Jones

**CERTIFICATE OF SERVICE**

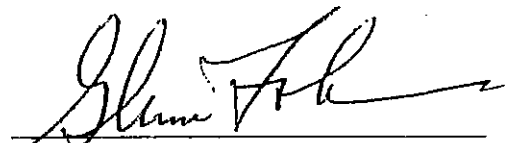
**I, Glenn Folse, do hereby certify that I have this day mailed via United States**

**Mail, postage pre-paid, a true and correct copy of the foregoing Bar Complaint**

**Response to:**

**Jeffrey Earl Jones  
MDOC #R0964  
CMCF  
P.O. Box 88550  
Pearl, MS 39208-8550**

**This the 22 day of January, 2002.**

  
\_\_\_\_\_  
**Glenn Folse**

*Mary Rogers*  
*Official Court Reporter*  
*County Court*

*Linds County Court House*  
*Post Office Box 327*  
*Jackson, Mississippi 39205*

July 2, 2003

*Telephone (601) 968-6678*

Mr. Jeffery Earl Jones #RO964  
WCCF/CCA (Unit V-110)  
2999 Highway 60 North  
Woodville, MS 39669

Dear Mr. Jones:

I have received your letter dated June 23, 2003, in reference to a hearing held on September 25, 2001. I have checked all of my stenographic notes and tapes, and I have nothing of record from that date. I have checked with my fellow court reporter, Pearlle Westmoreland, and she has nothing of record on that date either.

The hearings of record, according to our files, were on September 17, 2001, and September 26, 2001. If there was a matter on September 25, 2001, there was no record made, according to our records.

If I can be of further assistance, please contact me.

Sincerely,



Mary Rogers  
Court Reporter

EXHIBIT 8F

STATE OF MISSISSIPPI

vs.

JEFFERY EARL JONES

A/K/A:

CAUSE NUMBER 01-0-970-00 LBH

B/M DOB: 3/26/74 SSNO: 425-25-8813

PROBATION ORDER

Into open Court came the District Attorney who prosecutes for the State of Mississippi and also came JEFFERY EARL JONES in his own proper person and represented by counsel, GLENN FOLSE and was lawfully arraigned upon indictment lawfully returned by the Grand Jury of the FIRST Judicial District of Hinds County, said State, charging the said defendant with the crime of C/S SALE COCAINE 41-29-139. Being duly advised of all his legal and constitutional rights in the premises and being further advised of the consequences of such a plea the defendant did this date enter his plea of guilty to C/S SALE COCAINE 41-29-139.

Therefore, for said offense and on said plea of guilty it is by the Court ORDERED and ADJUDGED that the said JEFFERY EARL JONES be and is hereby sentenced to serve a term of 3 YEARS in an institution under the control and supervision of the Mississippi Department of Corrections, and he is remanded into the custody of the Sheriff to await transportation.

The court hereby suspends \_\_\_\_\_ thereof for a period of five years conditioned upon good behavior. The defendant is further placed under the supervision of the Mississippi Department of Corrections for a period of 5 YEARS or until the Court shall alter, extend, terminate or direct the enforcement of the above sentence, and the suspension of said sentence is based upon the following conditions:

- a. Defendant shall hereafter commit no offense against the laws of this or any state of the United States, or the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons or places of disreputable or harmful character;
- d. Report to the Department of Corrections, as directed by it;
- e. Permit the Field Officer to visit him at home, or elsewhere;
- f. Work faithfully at suitable employment so far as possible;
- g. Remain within a specified area to wit: Hinds and surrounding counties; unless authorized to leave on proper application therefor;
- h. Support his dependents;
- i. That I do hereby waive extradition to the State of MISSISSIPPI from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of MISSISSIPPI.
- j. Shall pay to the Department of Corrections the sum of \$20.00 per month by "certified check" or "money order", until discharged from supervision, per Mississippi Code Section 47-7-49 Annotated.
- k. Submit, as provided in Section 1 of House Bill 354, 1983 Regular Session, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the State of Mississippi or the United States, and shall pay a \$10.00 fee for each positive urine analysis.
- l. Attend and complete any special programs or counseling as directed by the Court or your Probation Officer, and pay any fees as required for services.

m. And, further, that he/she: SERVE 3 YEARS  
DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED AND PAY A  
FINE OF \$3000 AT THE RATE OF \$55 PER MONTH TO BEGIN 60 DAYS  
AFTER RELEASE FROM MDOC. THIS SHALL RUN CONSECUTIVE WITH  
01-0-706, 01-0-707 AND 01-0-708. PRS.

SO ORDERED and ADJUDGED, in open court this the 26TH day of SEPTEMBER 2001

RECEIVED

NOV 26 2001

BARBARA DUNN  
CIRCUIT CLERK

BOBBY B. DELAUGHTER, COUNTY JUDGE

EXHIBIT 6 G

County Judge, and Acting  
Circuit Judge by Assignment  
Section 9-9-35 Miss. Code of 1972

BOOK 477 PAGE 673

# AFFIDAVIT OF JEFFERY JONES

STATE OF MISSISSIPP

COUNTY OF HINDS

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Jeffery Jones, who being by me first duly sworn, states on oath as follows:

[ 1 ] My name is Jeffery Jones # R0964. I plead guilty (9/26/06) to 5 drug charges totaling 18 years, 5 years Post Release Supervision and \$3,000 fine. I am a adult and duly competent and of my own free will desire to file and make this affidavit, Pro Se.

[ 2 ] My attorney of record was Glenn Folse at the time. Greg Miles was the assistant attorney as the honorable Bobby Delaughter was the Judge in the First Circuit Court of HINDS COUNTY.

[ 3 ] I was brought to the District Attorney office to view the video tapes because I made request to court after I tried to withdraw att. Glenn Folse at a hearing on 9/17/01.

[ 4 ] On 9/24/2001 Att. Tonya Carl (civil lawyer) stood in for Att. Folse because he could not be found at the time. Att. Folse nevered showed during Jones Presence at this viewing, as he admitted in his responce to my bar complaint (EXHIBIT : E ), Contrary to D. A. Greg Miles affidavit ( EXHIBIT : D ).

[ 5 ] After viewing the video tapes, D. A. Greg Miles discuss my plea recommendation. D. A. Greg Miles even went so far as to Pass to me directly a hand written statement of the recommendation he offered to me at the time ( EXHIBIT : D ).

Exhibit: H

(6) I was brought before Judge Delaughter on 9-25-2001 to accept the offer but I rejected it and stated some reasons why I refuse to accept the plea. I told about the threats and how I was enduce to bribery tactics by my lawyer.

(7) My plea offer had ~~been~~ with drawn by this time because the judge stated, "prepare for trial and told my lawyer Glenn Folse, "do not leave here today before confer with your client for trial."

(8) The next day, 9-26-01 at the beginning of the Plea transcript of Exhibit B, the judge ask questions referring to the day before (9-25-01). I was lead to believe that my position have change for the betterment and I was offer another plea instead of the first. I was told by my attorney that he helped all he could and I would benefit because the sentence of charges had changed.

The Plea offer from the District attorney change from:

Offer before 9-26-01

Offer on 9-26-01

1/ Poss. w/intent 01-D-708 (count 1) = 3	1/ 01-D-708 (count 1) = 3
2/ Sale of Cocaine 01-D-970 = 3	2/ 01-D-970 = 3
3/ Sale of Cocaine 01-D-706 = 3	3/ 01-D-706 = 3
4/ Sale of Cocaine 01-D-707 = 3	4/ 01-D-707 = 3
5/ Sale of Cocaine 01-D-708 (count 2) = 3	5/ 01-D-708 (count 2) = 6
6/ <del>Sale of Cocaine</del> Poss 01-D-767 + = 3	01-D-767 <sup>Remand to the file</sup> + = 0

Plea Offer = 18 years

Plea Offer = 18 Years

Plus 5 year Post Release and \$3000 fine.

(9) Also note, I stated that I believed that I was wrongfully indicted under the 1000 feet of a gymnasium enhancement and it was drop the next day on 9/26/2001. Because I was found to be correct.

(10) All the evidence in support of my affidavit over shadows the weight and proves that Att. Greg Miles affidavit had numerous false statements. But the main purpose of this affidavit is to support several points: That my plea had changed. I had sufficient reasons to believe I would benefit from this change of plea. And that it would add on explaining how, when and why D.A. Greg Miles pass me his offer at the time at the video viewing on 9/24/01 (Exhibit C).

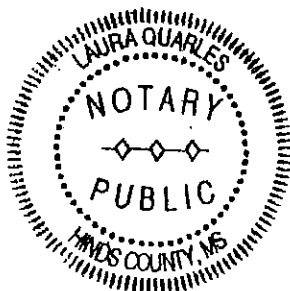
Jeffery Jones

Signature of Affiant

Sworn to and subscribed before me this the 8<sup>th</sup> day of March, 2006.

Laura Quarles  
Notary Public

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: June 21, 2008  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



# CERTIFICATE OF SERVICE

This is to certify that I, the undersigned, have this day and date mailed, via United States Mail, postage pre-paid, a true and correct copy of the foregoing and attached instruments to the following:

Hinds Co. Cir. clerk

Barbara Dunn

P.O. Box 327

Jackson, ms 39205-0327

Hinds Co. Dist. Attorney

Faye Peterson

P.O. Box 22747

Jackson, ms 39225-2747

This the 8 day of march, 2006

Jeffrey Jones

Petitioner

MDOL# R09104

Address:

CMCF 1-A

P.O. Box 88550

Pearl, ms 39288