

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

COPY

VERNELL SAGO

APPELLANT

Vs

Case 2006-^{cl}TS-01881-COA

STATE OF MISSISSIPPI

APPELLEE

FILED

JUL 11 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

PRINCIPAL BRIEF

COMES NOW, Vernell Sago by and through pro-se representation being aggrieved by the denial of his post-conviction on the date of October 12, 2006 and files his principal brief of his appeal in this Honorable Court, Sago states the following under oath;

(JURISDICTION)

This Honorable Court has jurisdiction of this proceeding pursuant to Miss. Code Ann. section applicable law and statutes of the State of Mississippi.

(STATEMENT OF ISSUES)

ISSUE I

The trial court errored when the state amended Sago's indictment from House Burglary 97-17-23, to Business Burglary 97-17-33.

ISSUE II

The trial court errored when they sentence Sago to 5 years to serve and 2 years on Supervised probation upon release, Under 47-7-33 a previously Convicted felony is not eligible for probation.

ISSUE III

Sago's guilty plea was induced by his Attorney and the District Attorney, When Sago was under Narcotics and in pain from the June 16, 2005, Car Wreck.

ISSUE IV

Sago received ineffective Assistance of Counsel.

(STATEMENT OF FACTS)

That on the date of March 19, 2003, Sago was arrested for house burglary at; Oak Hurst Drive and Alta Woods Boulevard.

The house in question was abandoned for years and still is to this date, the inside walls had been gutted out for years, no Water, electricity, No phone as you can see in Exhibit A the phone wires are torn away from the house, the grass had not been cut and trees had grown up all around the abandon house until the arrest of Sago and to make the house to look like it was not abandoned they cut the grass and trees.

The location of the house is in fact in a rural area, (SEE Exhibit B) the City Map and is not located in a business area as the State Claimed when they amended the indictment to one year later (SEE Exhibit F) Business Burglary under the authority of 97-17-33.

That on the date of June 16, 2005, Sago was involved in a head on car wreck that threw him out of the van he was driving and witness, claimed he was thrown over 40 feet from the van causing head trauma and several injuries including broken bones (SEE EXHIBIT C) medical records, Sago was in fact on medications and under Doctor's Care, when he was brought before the Hinds Circuit Court on July 25, 2005, to answer for the Charge of house burglary under the authority of 97-17-33, little did he know that the State had enhance the charge

to **Business Burglary**. Sago had a visit at his home (see **Exhibit G**) on the date of **July 24, 2005**, by his Attorney **Mr. McWilliams** the night **before** the plea on **July 25, 2005**, and Sago having the **trauma** from the car accident did not understand the indictment had been **enhanced** by the State.

Mr. McWilliam stated that he just left the District Attorney and he had agreed for Sago to take a offer of **5 years ,3 to Serve, and 2 on probation.**

However, the public defender instructed Sago to **perjured** himself, before the Court, when he told Sago to say he understood his rights, and there had been no **promises** made to him, and when he told the court there had been no **threats** made against him **SEE EXHIBIT G** where the **Threat** came from the District Attorney that he would be tried as a **Habitual offender** and he would get life without if he went to trial. This was just to scare the Sago's to take the plea when he is in fact **innocent** of House and Business Burglary.

That Sago is Clearly indicted the first time with **house burglary** the **second time** for **Business Burglary** (see **Exhibits D AND E**)

When the **house** is clearly **abandon** and the things Sago had was trash from the **abandoned** house hardly worth the **NEW PRICE OF \$ 20.00** Sago had a cut up **extension cord, light bulbs, and some old blue jeans**. The "crime" that was committed was cleaning up junk at the worse Trespassing.

ISSUE I

The State errored when they amended Sago's indictment from house burglary 97-17-23 to Business burglary 97-17-23

The State would argue upon Sago entering a plea of guilty he waives any flaw's in the indictment. Sago argue the fact the Court, should never have taken a guilty plea from a man that is on, medication.

medications and in major pain and in need of surgery that he still have not received being in **MDOC** (SEE **EXHIBIT C**) in the first place. Sago had no knowledge of any law and did not know the indictment had been amended by the state.(SEE **EXHIBIT E**)

The emendation of the indictment went to the **substance** of the indictment and had the Attorney done his job as he is required to do by the United States Constitution **6th Amendment** he should have asked for the indictment to be dismissed instead of getting Sago to plea guilty of a "Crime" that he is in fact **innocent of**, without the knowledge of Sago the indictment was amended to enhance the Charge itself See **Chandler Vs.State,789 S0.2d 109, 111 (P4) (MISS.APP.2001)** Prior to entering Sago's guilty plea the State errored when they amended Sago's indictment without his knowledge,a violation of Sago's federal protected rights

The Hinds County Circuit Court knew they would have to dismiss the house burglary against Sago,because Sago did not burglarize a house.The house was uninhabited/**abandoned. (see Exhibit A)**

Further the house is clearly located in a **rural area (See Exhibit B)** Is clearly not a business as described in the amended indictment (**See Exhibit D**)

The State waited **one year after the fact** to amend the indictment to change the charge all together without the knowledge of the Sago's.

The State is only permitted to amend the indictment to the extent that the emendation is limited to the form of the indictment and not the **substance** of the charge (**SEE URCCC 7.09 and Exhibits - D and E**)

Sago does state when the State amended the indictment from House Burglary to Business Burglary his Constitutional protected rights were violated and he suffered prejudice.

The State **threaten** Sago in to taken the plea with the amended indictment as a habitual offender 99-19-81. See Exhibit F

The State is only **permitted** to amend the indictment to the extent that the amendment is **limited** to the form of the indictment and not to the substance of the **charge**. (SEE U.R.C.C.C. 7.09 and Exhibits E and F) ALSO Chandler V. State, 789 So.2d 109, 111 (P.4) (MISS. Ct. App. 2001)

It is the prayer of Sago that this Honorable Court to reverse this case and **grant** a hearing on issue I

ISSUE II

The trial Court ~~errred~~ in sentencing Sago to 5 years to serve and Two years supervised probation upon release. Under 47-7-33 A Previously convicted felon is not eligible for probation.

Sago states under the Mississippi's Law he could not be sentence to any probation See (MISS. CODE ANN. 47-7-33) (SEE EXHIBIT F)

Section 47-7-33, gives Circuit and County Courts the power to suspend the imposition or execution of the sentence and place the defendant on probation as herein provided except... where the defendant has been convicted of a **felony** on a **previous occasion** in any court or courts of the **United States** and of any State or Territories thereof.... Sago had **twice** previously been convicted of **felonies** and the trial Court **knew** this fact (SEE EXHIBIT F) and therefore was **bound** by the statute section 47-7-33 and could not place Sago on probation Goss Vs. State, 721 So.2d 144 1998 Miss.

Sago plead guilty on the advice of Counsel and the counsel told Sago that the District Attorney's offer was **final** and he would get **5 years with 3 to serve and 2 on probation** The Supervised probation is without **authority** and therefore invalid. See Robinson Vs State, 585 So.2d 757 (MISS. 1991) The trial Court errored when they gave him a **illegal sentence**, First Sago only faced

a **7 year sentence** under **Business Burglary Mandatory**, Sago still received **7 years** under the plea **3 years to serve and two on probation (SEE EXHIBITS D, E AND F)**

The trial Court Judge was constrained in its ability to place Sago on probation See **47-7-33**

Further the Supreme Court ruled in **Moore Vs State, 585 So.2d 738, 741 (Miss.1991)** " Probation denotes a release of the defendant under the **supervision of a probation officer.**"

In **Robinson Vs State, 585 So.2d 757; 1991 Miss.LEXIS 604** The Supreme Court reversed and remanded for new Trial because, under **Miss.Code Ann. § 47-7-33 (1972)** did not permit suspension of sentence and probation to a defendant with a **prior felony conviction**, Sago's suspended sentence and probation was without **authority** and therefore **invalid**.

On Issue II THIS case should be reversed and trial **granted** in the interest of **Justice**.

Further under issue II The trial Court knew the defendant had been convicted **twice of felonies (See Robinson Vs State, 585 So.2d 757; The Supreme Court stated "There was no misleading Judge Garner in this case. He knew that Robinson had been convicted of prior felony to his suspending the sentence and placing Robinson on probation an act of judicial nullification. The sentence was clearly erroneous Denton Vs Maples, 394 So.2d 895, 897 (Miss.1981) (SEE EXHIBITS E AND F)** In **Goss Vs. State 721, so.2d 144; The Supreme Court held; We find that the wording of the statute 47-7-33 not only restricts the courts ability to place defendants with prior felony convictions on probation, but it also restricts their ability to wholly or partially suspend the sentence of a previously convicted felon**

Sago has the Constitutional right to be free from a illegal sentence. and therefore in the interest of Justice this case must reversed.

(ISSUE III)

Sago's guilty plea was induced by his counsel and the District Attorney by threats, illegal amendment indictment. When Sago was under Narcotics, from the car accident.

On June 16, 2005, Sago was in a head on Car accident that threw him 40 feet out of the Van he was driving Causing Head trauma, several injuries including broken bones (SEE EXHIBIT C) and the Doctor put Sago on Medication as described in exhibit C.

The Court, District Attorney and his Counsel knew that he had been in the June 16, 2005 Car accident from the bandages around him head and being on crutches from the broken bones as described in Exhibit C and they knew Sago was on medications this is why the Court did not asked the question Are you on any drugs today?

THE COURT

Counsel McWilliam came to the home of the Sago's on July 24, 2005, and told the Sago's that he just left the District Attorney and he wanted Sago to take 5 years with 3 to serve and 2 years on probation if Sago refused to take the plea then the District attorney would try Sago as a Habitual offender and he would get life without. (See exhibit G)

This threat of the District Attorney is what scared the Sago's enough to take the plea. And Counsel for the defense told Sago how to answer the questions at the hearing/plea on July 25, 2005.

Counsel told Sago to perjured himself before the Court when (1) told Sago to say he had not been promised a lighter sentence, and (2) when he told Sago to say yes to the question was he knowing, and voluntary wave his rights, (3) and when he told Sago to say that no one had made any threats against him.

Counsel was in fact telling Sago in his ear how to answer the question, of the Court, Where no one else could hear what Counsel was saying just like Counsels do all over this state.

In Sago's case Counsel Came to his home to deliver the threat of

the District Attorney See Exhibit GG and to tell him of what the District Attorney would take a plea from Sago **five years, three to serve and two on probation.** The State will argue that the plea bargain is not binding upon the court. Sago disagree In **Machibroda Vs United States, supra, 368 U.S. at 493, 82 S.Ct. at 513;** The Court held, It is also clear that a prosecutor's promise may deprive a guilty plea of the character of the voluntary act, where the plea bargain is not kept by the prosecutor the sentence must be vacated.

Sago claims that the very nature of the involuntary claim made here takes us beyond the transcript of the plea hearing.

See Chavez Vs. Wilson, 417 F.2d 584 (9th Cir. 1969)

A plea induced by fear, deception or improper indictment is not voluntary **See Uniform Circuit and County Rule 8.04 sub, A, par 3.**

And where the defense Counsel lies to the defendant See exhibit G May be subject to collateral attack

Burkin Vs State, 522 S.W.2d 159 (MO. APP. 1975) Counsel came to the Sago's home with the threat and promise see **exhibit G)** In **Masher Vs. Lavallee, 491 F.2d 1346 (2d. Cir)** Counsel's representation to the defendant that he will receive a specified sentence may render a guilty plea involuntary.

The Court has gone further and has recognized that mistaken advice of counsel may in some cases vitiate a guilty plea **See Barker Vs State, 358 So.2d 401 (Miss. 1978)** Had Counsel had not brought the threats and promise to Sago's home on **July 24, 2005** and had Counsel not gave the promise of the said plea agreement Sago would have **insisted** on going to trial **See Sanders Vs State, 440 So.2d 278 (MISS. 1983)** And unkept promise which has induced a guilty plea is grounds for relief **Sartobello Vs. New York, 404 U.S. 257-267.** The Mississippi Supreme Court has held on several occasions that unfulfilled promises or assurances by defense counsel may render involuntary guilty pleas, based on such assurances.

See Myers Vs State, 358 So.2d

See **Myers Vs State**, 583 S0.2d 174; 1991 Miss.LEXIS 388.

Further in **Tiller Vs State**, 440 So,2d 1001 (MISS. 1983)

Mississippi Supreme Court recognized that mistaken advice of Counsel may in some cases vitiate a guilty plea citing **Baker Vs State**, 358 S0.2d 401 (Miss.1978)

Sago is entitled to a hearing on Issue III or Reversed this case for a New Trial.

(ISSUE IV)

SAGO RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL

On **May 6th, 2005**, Sago started his own investigation He went to the City and got **Exhibit B** (MAP) to prove his case before the Court, He also took pictures of the abandon house **Exhibit A**

Sago had every intention of going to trial with this case, and as **exhibit A and B** does prove to this Court He is in fact **innocent of business burglary** that he is clearly indicted for.

When he tried to give the evidence to his Counsel he would reply" **ITS INADMISSIBLE**" He refused to even look at the evidence, Counsel had one defense/one goal on his mind and that was to get Sago to plea guilty to a "crime" he is in fact innocent of.

Counsel refused to do his own investigation for his client, had counsel wanted to defend Sago he would have looked at the pictures **exhibit A and exhibit B** and from this evidence he would have seen where there was no **business burglary** that his client is clearly charged with The case would have been dismissed had Sago had Counsel on his side instead on the **State's** side.

There is no way he was working for Sago if he would have done a investigation, and present the evidence to the Court or at the least he could have presented the evidence Sago already had to the Court. Counsel fullfield one thing only. And that was to deliver the threat to the Sago's on the night of **July 24, 2005**, see **exhibit G** and to scare his family to talk Sago into not going to trial as he had planned. His Wife and his children did

not want to see their love one go to prison for the rest of his life. Sago is a loving person and is a mister **see exhibit H** and no one wanted to see him go away for his life.

Had Counsel went to the house he would have seen the doors of the house will not lock and there was no recent damages to the door. The door was open when Sago arrived and at one time the abandon house was used for people smoking drugs.

Counsel only asked **Two** questions on the date of **July 25, 2005** to the responding officer did you read Sago's Rights and what other officers responded ? and the officer never answered the question **Did you read Sago's Rights ?** The Judge answered for him and said " I find it standard, and I find he did read Sago's rights" How did the "impartial" Judge know Sago's rights was read to him? Was the Judge at the scene at the time of Sago's arrest???????

The **Six Amendment** of the United States Constitution **guarantees** that every criminal defendant is entitled to the assistance of counsel in presenting their defense. The Supreme Court has stated "the right to counsel is a fundamental right of criminal defendants; it assures the fairness, and thus the legitimacy of our adversary process" **Kimmelman Vs. Morrisison, 477 U.S. 365, 374 (1986)** Furthermore, the Supreme Court has recognized that the right to counsel is the right to effective assistance of counsel." **McMann Vs. Richardson, 397 U.S. 759, 771 (1970)**. The right to effective assistance of counsel may be violated by even an isolated error of counsel if the error is sufficiently egregious and prejudicial. **Murray Vs Carrier, 477 U.S. 478 (1986)**

To establish ineffective assistance of counsel, a defendant must satisfy a two-prong test set forth by the United States Supreme Court in **Strickland Vs. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984)**. **SEE Osborn V. State, 695 S6.2d 570 (Miss. 1997)** Under this two-prong test, the defendant must first show that counsel's performance fell below an objective standard of reasonableness as

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defined by professional norms. This means that the defendant must show that his attorney made errors so serious that counsel was not functioning as the counsel **guaranteed by the Sixth Amendment**. Second, once defendant satisfies the first prong, he must allege, with specificity and detail that counsel's deficient performance so prejudiced his defense so as to deprive him of a fair trial.

The standard in Mississippi for the second prong of prejudice to the defense is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. **Mohr V. State, 584 So.2d 426, 430 (Miss.1991)**

Sago states the evidence is very clear, there would have been a different outcome had he had counsel as the **Six Amendment** of the United States Constitution **guarantee**. Counsel could clearly see that Sago is indicted for **business burglary** and he could clearly see from the pictures the abandoned house is **NOT a business**. and as the **Map of the City clearly Shows**, the house is in a **rural area**, and is not in a **business district**. (SEE EXHIBITS A AND B)

In the context of guilty pleas, the United States Supreme Court announced that counsel must give objectively reasonable advice before the presumption of effectiveness will be applied. **Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985)** Ineffective assistance of counsel at the plea stage of proceeding will render the plea involuntary, and hence invalid. **Id. at 56, 106 S.Ct. at 369**

The high court has stated that the prejudice prong in guilty plea cases focuses on whether counsel's constitutionally ineffective performance effected the outcome of the plea process **Id. at 59**.

In other words, in order to satisfy the "prejudice" requirement, the petitioner must show that a reasonable exists that but for, counsel's errors he would not have pleaded guilty and would have insisted on going to trial. Sago states the evidence is very clear, before the Car accident he was gathering evidence to take this case to trial (**SEE EXHIBITS A&B**) He would have prevailed at trial because, he is in fact indicted for **business burglary** when as **Exhibits A&B**

clearly shows to this Honorable Court this is in fact a abandon house.

The **Sixth Amendment** can also apply in cases where counsel's advice to plea guilty to a crime that Sago is in fact innocent of.

Sago's Counsel delivered the threat that induced the plea bargain on **July 24,2005** at the home of the Sago's (See exhibit G)

The **ABA STANDARDS** Relating to the Administration of Criminal Justice provides that it is **unprofessional** conduct for the lawyer to understate or overstate the risks, hazards, or prospects of the case to exert undue influence on the accused decision as his or her plea. **Standard 4 5.1 (C) (1979)**

Sago states Counsel failed to investigate and to prepare for a possible trial even rejected the evidence that Sago retrieved before his **June 16,2005** car accident.

An attorney representing a defendant charged with a serious crime has a duty to investigate and prepare. **Davis v.State,743 So.2d 326 (Miss.1999)** A failure to investigate a defense may amount to ineffective assistance of counsel requiring reversal of the conviction, See **Leatherwood v.State,473 So.2d 964 (Miss.1985)**

Counsel has a duty to investigate a client's case. That duty extends to all investigation which is reasonable **Turner v.Williams,35 F.3d 872,896 (4th Cir.1994)**

Under the American Bar Association Standards Relating to the Administration of Criminal Justice (1992), Standard 4-4.1 reads in part:

"Defense counsel should conduct a prompt investigation of the circumstances of the case and to explore all avenues leading to facts relevant to the merits of the

case and the penalty in the event of conviction... The duty to investigate exists regardless of the accused's admissions or statements to defense counsel of facts constituting guilt or the accused's stated desire to plea guilty."

The pivotal question, therefore, is whether a supportable defense could have been developed in this case Id.; see also, **McMann v. Richardson**, 397 U.S. 759 (1970) Ordinarily, an inquiry into whether counsel was ineffective must concern the degree to which the lawyer had an obligation to investigate a defense and whether that defense would have produced a different result at trial had it been offered. **Moore v. State**, 676 So.2d 244 (Miss.1996)

In this Case had Sago had **effective** counsel that would have put up any defense and had not been working with the prosecution to threaten the Sago's into the plea he would have **insisted** on going to trial unlike Counsel Sago had done a investigation into this case and he could clearly see that it was a **house** that was abandoned and **not** a **business** as he is clearly **indicted** for.

See **Smith v. Robbins**, 528 U.S. 259, 120 S.Ct. 746, 764, 145 L.Ed.2d 756 (2000) Holding that a habeas applicant must demonstrate that counsel was objectively unreasonable. **Jones v. Barnes**, 463 U.S. 745, 752, 77 L.Ed.2d 987, 103 S.Ct. 3308 (1983) Indeed winnowing out weaker arguments on appeal and focusing on those more likely to prevail,

RELIEF

The Mississippi Supreme Court has held a post-conviction collateral relief petition which meets basic requirements sufficient to mandate an evidentiary hearing unless it appears beyond a doubt that the petitioner can prove no set of facts in support of his claim which would entitle him to relief. **Marshall v. State**, 680 So.2d 794, 794,

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(Miss.1996) In this present case Sago has proven by the enclosed exhibits that he plead guilty to a crime that he is in fact innocent of on the interducement of his Counsel.

Sago further states that Counsel was not their to serve him but to serve the system. Their are clearly no objections of Counsel on record, No evidence presented on Sago's behalf.

No Even the evidence gathered by Sago before his Car accidente, and lest not forget after the Car accident Sago were on medications per Doctor's orders and was not able to put up much of a fight.

(SEE EXHIBITS A-G) All Sago wanted was a fair opportunity to present the evidence to the Court and This Honorable Court knows by the enclosed evidence that had the Attorney put up just a small fight Sago would have been found not guilty of the **business burglary** he is clearly indicted for and this indictment is what brought Sago before the Court when it is clearly false.

Sago is entitled to a hearing he has shown denial of State and Federal rights **Horton v.State, 525 So.2d 764 767 (Miss.1991)** AT the date of this writing Sago is incarcerated and he does request for this Honorable Court to review this Brief under the pro-se standard see **Singleton v.Stegall 580 So.2d 1242** "Today's complaint is by one incarcerated and acting pro-se and here we have said; Where as here a prisoner is proceeding pro-se we take that fact into account and in our discretion credit not so well pleaded allegations [citations omitted] to the end that a prisoner's meritorious complaint may not be lost because of inartfully drafted. and When a complaint is tested on its face we must take its well-pleaded allegations as true. **Terrell V.State, 573 So.2d 732, 733 (Miss.1990)** And the United States Supreme Court has mandated for the courts to hold pro-se complaints to a less stringent standards than formal pleadings drafted by lawyers in **Haines v.Kerner, 404 U.S. 519, 520, 92 S.Ct. 594, 596, 30 L.Ed.2d 652, 654 (1972)**

IN CONCLUSION

Sago prays that this Honorable Court will vacate his sentence and the Conviction at the minimum to grant Sago an evidentiary hearing to resolve these issues.

Respectfully Submitted,

X Vernell Sago
Sign before Notary Only

STATE OF MISSISSIPPI
COUNTY OF HINDS

~~Personally~~ Personally Appeared before me, the undersigned Authority in and for said jurisdiction Vernell Sago who after first by me duty sworn, stated that all the above in his principal brief is the truth and the exhibits are true and correct to the best of his knowledge and belief.

SWORN AND SUBSCRIBED TO ME ON THE DATE OF _____, 2007.

11, DAY July,



Christie E. Scott
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the brief and exhibits A-G was sent on this 11 DAY OF July, 2007 by regular U.S.MAIL POSTAGE PRE-PAID

OFFICE OF ATTORNEY GENERAL

P.O. BOX 220
Jackson, Ms. 39205

Principal Brief

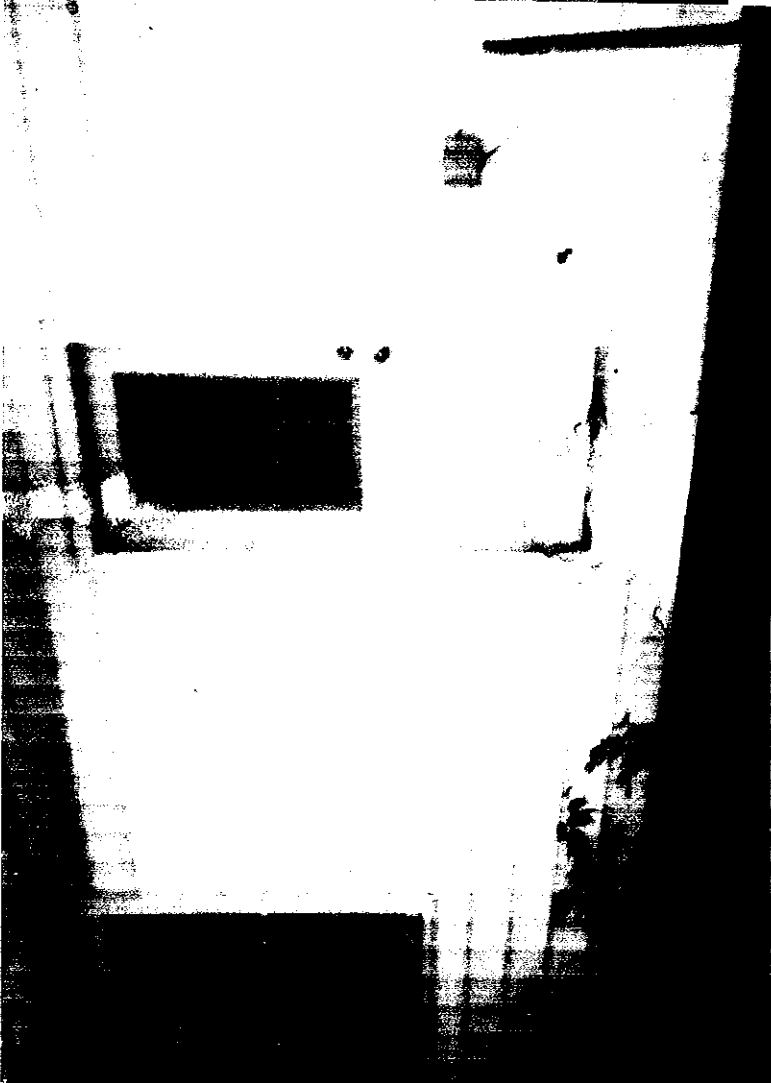
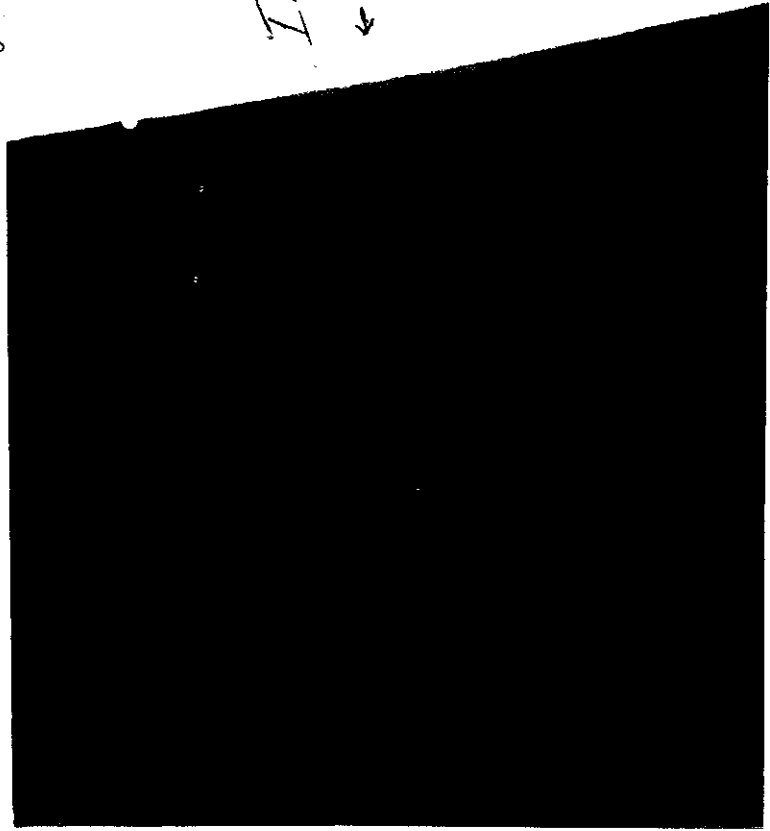
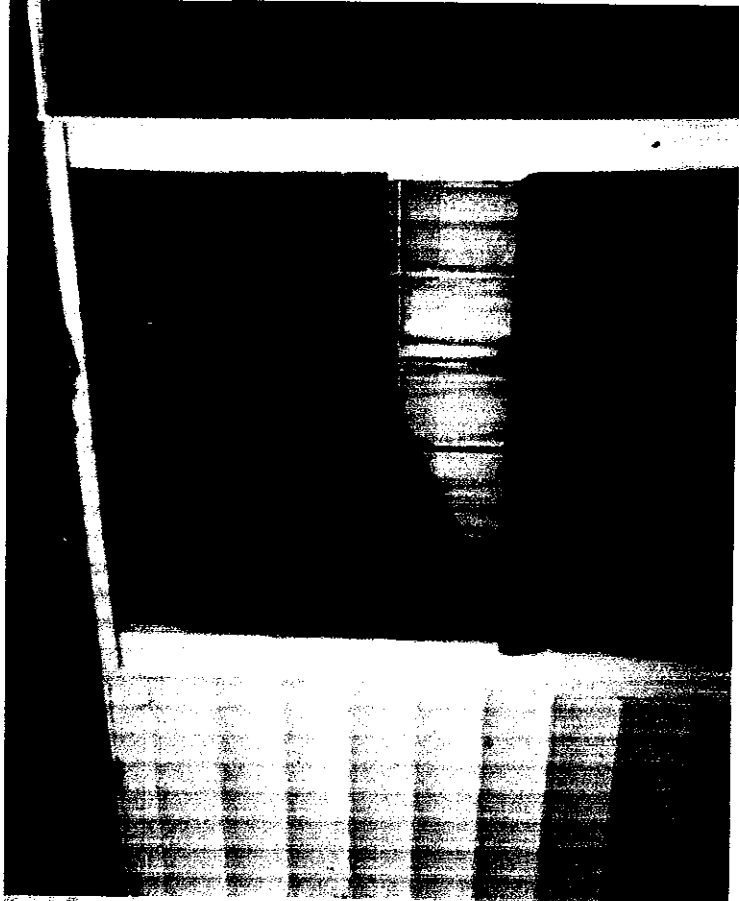
Exhibit A

picture of house

Inside



Right side up 2



Principal Brief

Exhibit B

Map of the
location of House
OAK Hurst Drive And
ALTA Woods Boulevard

5/6/05

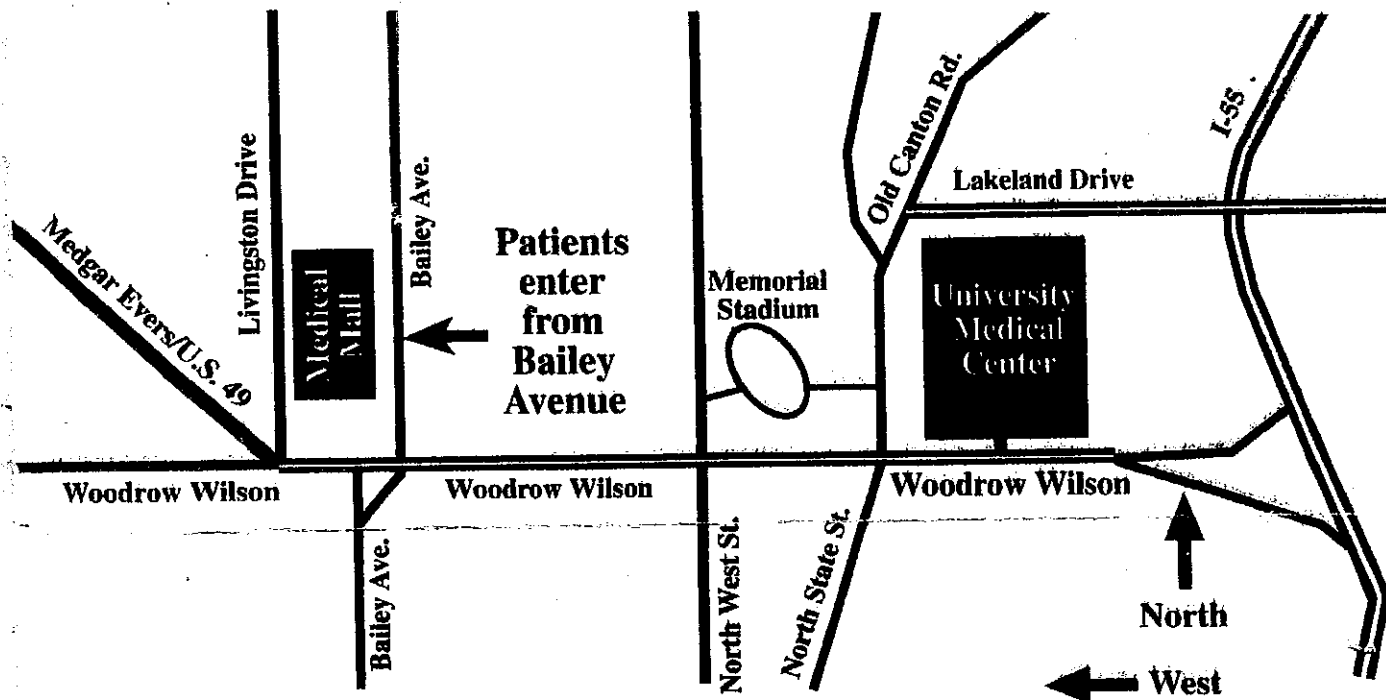


WARREN HOOD BUILDING VISITOR



Principal Brief
Exhibit C

Medical Records
from June 16, 2005
Car Wreck



**The Medical Mall is one mile west
of the University Medical Center**

YOUR APPOINTMENT TO PAIN CLINIC IS AT 01:15 PM ON MONDAY
07/18/05. PLEASE CALL 601-984-5950 IF YOU ARE UNABLE TO KEEP YOUR APPOINTMENT.

0651473

next appt. C+ A 8/5/05 A4 1:00

Sep 12, 05 3:15 PM.

MS 39212

JUN 28 2005

UMMC# 1533
EC Approval - 9-4-96

THE UNIVERSITY HOSPITALS AND CLINICS
EMERGENCY DEPARTMENT

SAGO, VERNELL

06/23/05 14:39 EMR

13499993

0651473

04/30/1958 47 M

INSTRUCTIONS TO PATIENT

(Please Read Carefully)

Emergency Department examination and treatment are not meant to be a substitute for complete medical care. In addition, x-rays do not always show disease or injury; it is possible, for example, for a fracture not to be evident on the first x-ray. We strongly advise that you contact your regular physician or dentist (or the clinic listed below) for a follow-up visit. It is especially important that you seek additional care, here or elsewhere, if symptoms persist or worsen.

DATE 6/23/05 TIME 1945 AM/PM

You have received a copy of these instruction sheets.

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Abdominal Problems | <input type="checkbox"/> Culture | <input type="checkbox"/> Male Genital Infection | <input type="checkbox"/> Tetanus/Diphtheria |
| <input type="checkbox"/> Asthma | <input type="checkbox"/> Ear Infection | <input type="checkbox"/> Neck Strain | <input type="checkbox"/> Throat Culture/Strep Throat |
| <input type="checkbox"/> Back Strain | <input type="checkbox"/> Eye Problem | <input type="checkbox"/> Nosebleeds | <input type="checkbox"/> Threatened Miscarriage |
| <input type="checkbox"/> Burn | <input type="checkbox"/> Fever | <input type="checkbox"/> Pelvic Pain | <input type="checkbox"/> Urinary Tract Infection |
| <input type="checkbox"/> Cold | <input type="checkbox"/> Head Injury | <input type="checkbox"/> Sprain, Fracture, Bruise | <input type="checkbox"/> Vomiting and Diarrhea |
| <input type="checkbox"/> Crutches | <input type="checkbox"/> High Blood Pressure | <input type="checkbox"/> Suspected Gonorrhea | <input type="checkbox"/> Wound Care |
| | | (Female) | <input type="checkbox"/> Other _____ |

ADDITIONAL INSTRUCTIONS:

See attached sheet

MEDICATIONS

- ☐ Take them **only** as directed. Pain pills and sedatives may make you drowsy; do no use dangerous machines, drive a car or drink alcohol while using them.

Return to the Emergency

Department in _____ days.

Contact your local doctor or

call _____ Clinic today

for an appointment in _____ days.

Telephone number _____

[Signature]
Physician's Signature

CUT ALONG LINE TO REMOVE RETURN TO WORK AUTHORIZATION

In signing below, I show that I have received and understood these instructions. I understand that I have received emergency care for my problem only and that I may still need follow-up care.

[Signature]
Signature of patient or responsible party

☒ Self ☐ Parent ☐ Other

[Signature]
Signature of nurse or doctor discharging patient

CERTIFICATE OF RETURN TO WORK OR SCHOOL

SAGO, VERNELL

was seen at

University Hospital on

and should be able to return to work or school on

Limitations/Remarks:

M.D.

Telephone

06/23/05 14:39 Date

UMC #1826

APPROVED EC - 5-5-93

Principal Brief
Exhibit D

Indictment Before
Amended By State

House burglary
Under 97-17-23

INDICTMENT

house burglary
97-17-23

CIRCUIT COURT NO.

0494CRY
SY

THE STATE OF MISSISSIPPI
FIRST DISTRICT, HINDS COUNTY

Circuit Court
January Term, A.D., 2004
First Judicial District of
Hinds County.

EXHIBIT

The Grand Jurors for the State of Mississippi, taken from the body of good and lawful persons of the First Judicial District of Hinds County, in the State of Mississippi, elected, impaneled, sworn, and charged to inquire in and for said District, County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

VERNELL SAGO A/K/A VARNELL SAGO

FILED

In said District, County and State

on or about March 19, 2003

FEB 11 2004
BARBARA PLINN, CIRCUIT CLERK
BY [Signature] D.C.

did wilfully, unlawfully, feloniously and burglariously break and enter the dwelling house of George Hester, with the intent to commit a crime therein, to-wit: to take, steal and carry away personal property of George Hester then and there situated in said dwelling house,

he, the said Vernell Sago a/k/a Varnell Sago, having been twice previously convicted of felonies, to-wit:

the crime of grand larceny in the Circuit Court of the First Judicial District of Hinds County, Mississippi, on December 14, 1994, in Cause number 93-3-281 in said Court, and

the crime of grand larceny in the Circuit Court of the First Judicial District of Hinds County, Mississippi, on December 15, 1998, in Cause number 97-3-348 in said Court,

each of said felony convictions being upon charges separately brought and arising out of separate incidents at different times, and upon each of said convictions, the said Vernell Sago a/k/a Varnell Sago, was sentenced to separate terms of one year or more in a penal institution of the above-named state, this indictment being returned pursuant to the provisions of Section 99-19-81, Mississippi Code, 1972, as amended,

contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Mississippi.

[Signature]
Grand Jury Foreman

[Signature]
Asst. District Attorney

EXHIBIT A

Principal Brief

Exhibit E Amended

Indictment to business
Burglary Under 99-19-81

INDICTMENT

bus. burglary
97-17-33
Habitual 99-19-81

CIRCUIT COURT NO.

03-87CR4

SY

THE STATE OF MISSISSIPPI
FIRST DISTRICT, HINDS COUNTY

Circuit Court
January Term, A.D., 2005
First Judicial District of
Hinds County.

EXHIBIT
The Grand Jurors for the State of Mississippi, taken from the body of good and lawful persons of the First Judicial District of Hinds County, in the State of Mississippi, elected, impaneled, sworn, and charged to inquire in and for said District, County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

Vernell Sago a/k/a Varnell Sago

in said District, County and State

on or about the 19th day of March, 2003

FILED

FEB 18 2005

BARBARA DUNN, CIRCUIT CLERK

BY [Signature] D.C.

1
did then and there wilfully and feloniously break and enter that certain building, the property of George Hester

in which said building was kept for sale or use certain goods, wares, merchandise and valuable things, the property of George Hester

with his intent then and there unlawfully, feloniously and burglariously to take, steal and carry away the aforesaid personal property, in violation of Section 97-17-33, Mississippi Code Annotated, 1972, as amended, and

2
he, the said Vernell Sago a/k/a Varnell Sago, having been previously convicted of felonies, to-wit:

the crime of grand larceny in the Circuit Court of the First Judicial District of Hinds County, Mississippi, on December 14, 1994, in Cause number 93-3-281 in said Court, and

the crime of grand larceny in the Circuit Court of the First Judicial District of Hinds County, Mississippi, on December 15, 1998, in Cause number 97-3-348 in said Court,

each of said felony convictions being upon charges separately brought and arising out of separate incidents at different times, and upon each of said convictions, the said Vernell Sago a/k/a Varnell Sago, was sentenced to separate terms of one year or more in a penal institution of the above-named state, this indictment being returned pursuant to the provisions of Section 99-19-81, Mississippi Code Annotated, 1972, as amended,

contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Mississippi.

[Signature]
Grand Jury Foreman

[Signature]
Asst. District Attorney

EXHIBIT B

Principal Brief

Exhibit F

Sentencing Order

Sentenced Sago As None
Habitual Offender

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

Exhibit 7
STATE OF MISSISSIPPI

VS.

VERNELL SAGO

A/K/A: VERNALL SAGO

HABITUAL 99-19-81

CAUSE NUMBER 05-0-087-00 MTP

SSNO: 425-15-5800

B/M DOB: 4/30/58

ORDER

THIS DAY into open court came the District Attorney for the Seventh Circuit Court District of Mississippi, and came also the Defendant in his own proper person and represented by counsel, having been duly arraigned upon the charge in the indictment at a former day or term of this Court and duly entered a plea of Not Guilty thereto.

Now comes the Defendant in his own proper person, represented by counsel, and withdraws the plea of Not Guilty to the charge heretofore entered, and enters a plea of Guilty to the charge of BURGLARY BUSINESS 97-17-33 the Court having first duly advised the Defendant of all of the Defendant's legal and constitutional rights on the premises, and the Defendant having freely, voluntarily and intelligently waived said rights in the premises; the Court having further advised the Defendant of the consequences of such a plea of guilty, and thereafter the Defendant upon direct questioning having admitted that he is guilty of the crime to which he has pleaded guilty;

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant, VERNELL SAGO for such his crime of BURGLARY BUSINESS 97-17-33, to which he has freely and voluntarily entered a plea of guilty, be and he is hereby sentenced to serve a term of 5 YEARS in the custody of the Mississippi Department of Corrections,

2 YEARS

SUPERVISED PROBATION

and further;

5 YEARS

TO SERVE,

DEFENDANT SHALL MAKE RESTITUTION TO THE VICTIM IN THIS CASE GEORGE HESTER IN THE AMOUNT OF \$600 TO BE PAID WITHIN 30 DAYS OF TODAY. DEFENDANT SHALL PAY ALL COURT COST, INCLUDING ALL JURY COSTS, BEG. WITHIN 60 DAYS OF REL. @ \$100 PER MO. PRS.

Defendant shall be sentenced as a non-habitual offender. - A.C.

Any probation time is pursuant to Mississippi Code Section 47-7-35 (1972), as amended, upon release from confinement.

Any suspended time not under probation contained in this order is suspended for a period of at least 5 years, conditioned upon defendant's good behavior and the provisions of Mississippi Code Section 47-7-35 (1972) except reporting requirements, and is subject to revocation for that period.

Unless otherwise specified herein, this sentence is to run consecutive to any other sentences imposed upon this defendant by any Court; and to pay all costs of Court, assessments, and taxes, except as relieved by law for indigents.

The Court further finds that the defendant in this cause shall compensate Hinds County in the amount of \$ for expenses of appointed counsel.

The defendant is indigent.

STATE OF MISSISSIPPI, COUNTY OF HINDS

I, Barbara Dunn, Clerk of the Circuit Court in and for the County of Hinds, do hereby certify that the above and foregoing is a true and correct copy of the original and the same is of record in this office in Book No. at page

Given under my hand and the seal of the Circuit Court at Jackson, this the 1 day of August, 2005

BARBARA DUNN, Circuit Clerk

MIKE T. PARKER, COUNTY JUDGE

BY

DC

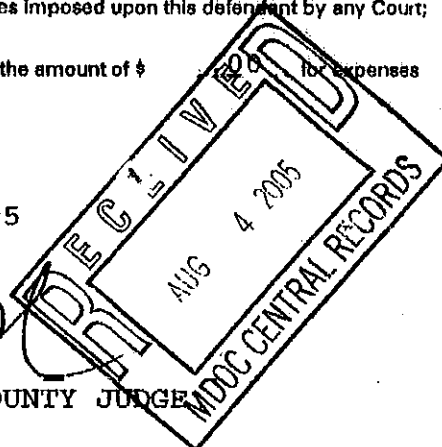
FRANK MCWILLIAMS

, Attorney for Defendant

MARVIN SANDERS

, Assistant District Attorney

County Judge and Acting
Circuit Court Judge by
Assignment Section 9-9-35
Mississippi Code 1972



MP

Principal Brief
Exhibit G

Sworn Affidavits
Of Darrlyn Sago

EXHIBIT

State of Ms. *

Affidavit

County of Hinds*

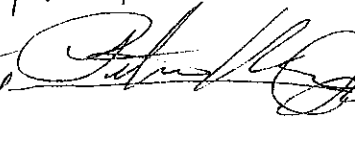
I Darrellyn Sago, here by certify
under the penalty of perjury that
the information provided on this
affidavit is true and correct, to the
best of my knowledge.

On or about 24th of July, Frank
McWilliams came to our home at
2807 Glenderry St. Jackson, MS. 39212
and told me and my husband Vernell
Sago about the plea bargain that the
D.A. offer. Mr. McWilliams said the
DA would give him (5) years, with
(3) to serve and (2) on probation, and
told my husband if he didn't take
it they would try him as a Habitual
Offender. My husband and I Agreed
to the 5 years, with 3 to serve, and
2 on Probation. On the 25th of July, 05
my husband got sentenced to 5 years
to serve, and 2 years on Probation.
The D.A. my husband lawyer Mr. McWilliams
didn't comply with the Plea Bargain.

I set my hand and official seal
hereunto in the testimony herein on
this day:

Darrellyn Sago

Seen before me this 1st day of November,
2006

Notary 



PETER MONTNEY, JR.
Mississippi Statewide Notary Public
My Commission Expires January 6, 2009

Exhibit H

Minister License's

