

**COPY**

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI  
NO. 2006-KA-01788-COA

RODERICK RASHAEL LEWIS

APPELLANT

V.

STATE OF MISSISSIPPI

**FILED**

APPELLEE

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**BRIEF OF APPELLANT**

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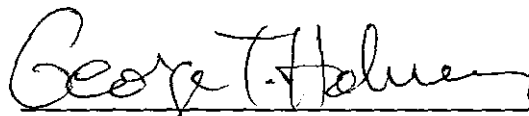
APPELLEE

**CERTIFICATE OF INTERESTED PERSONS**

The undersigned counsel 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. Roderick Rashael Lewis

THIS 12<sup>th</sup> day of December 2007.



GEORGE T. HOLMES

Mississippi Office of Indigent Appeals  
Counsel for Roderick Rashael Lewis

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## **TABLE OF AUTHORITIES**

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### **STATUTES**

None

### **OTHER AUTHORITIES**

None

## **STATEMENT OF THE ISSUES**

None

## **STATEMENT OF THE CASE**

This appeal follows convictions for murder and armed robbery against Roderick Lewis and two resulting consecutive life sentences from the Circuit Court of Warren County, Mississippi, following a trial held September 11-15, 2006, Honorable Frank G. Vollor., Circuit Judge, presiding. Roderick Lewis is presently incarcerated with the Mississippi Department of Corrections.

## **FACTS**

Roderick Lewis, worked for Kenneth Williamson, the victim, in Williamson's roofing business in Vicksburg. [T. 214]. According to the testimony of several state witnesses, several days prior July 28, 2005, Williamson docked Lewis' pay when Lewis was caught sleeping on the job. [T. 216-17, 226, 250-51]. Within a day or two, Lewis reportedly told several people in and around Rolling Fork, that he was going to rob Williams and "put him down." [T. 217-18, 414]. Nobody took the threat seriously, not even Williamson, when he found out. [T. 218, 251 ]. Lewis also allegedly told some people to be sure and watch the television news. [T. 270, 272-72].

In the afternoon or evening of July 27, 2005, Roderick Lewis along with Joshua Bee, Joshua Warren and Dereck Hall drove from Rolling Fork to Vicksburg in a

borrowed green Ford F-150 extended cab pick-up truck. [T.396-98, 455, 551-53, 607].

Bee, Warren, and Hall thought they were going with Lewis to meet Williamson to discuss employment opportunities. [T. 458, 606]. The group had a hard time finding Williamson's trailer but finally arrived well after dark. [T. 463-64, 557].

The group visited with Williamson, discussed work, and watched television. [T. 466, 560-62]. Employment was discussed and Williamson hired Warren, Bee and Hall. [T.464-65, 610]. Roderick asked Williamson for some money. [T. 611-12]. At some point, Williamson and Derek Hall drove the borrowed pick-up truck to a convenience store and bought some gas and cigarettes and returned to Williamson's trailer. [T. 466, 560-61, 611-12].

According to the testimony, after about 10 to 15 minutes, Williamson said he had had too much to drink, was going to bed, and the fellows were welcome to stay overnight and go to work in the morning. [T. 466, 562-63, 612]. Shortly after Williamson retired to his bedroom, Roderick Lewis reportedly told Josh Warren that Roderick was going to rob Williamson right then. [T.467, 564, 613]. Josh tried to dissuade Roderick, but Roderick went back to Williamson's bedroom. [T. 467-71, 565-66, 614-15]. Bee, Warren and Hall started to exit the trailer, and while doing so, they heard gunshots. *Id.* Before he was out all the way, Joshua Bee looked back and said he saw Roderick taking Williamson's wallet out of his pocket. [T.467]. The guys kept walking or running to the truck, several more gunshots were heard. *Id.* As they were pulling away, Roderick ran

and got in the truck, acting “berserk”. [T. 572-73, 617-18]. Some saw blood on his hands, another just saw the gun. [T. 572-73, 617-18].

Everybody went back to Rolling Fork and the borrowed truck was returned. [T. 473, 571]. The next day, when Williamson did not show up for work, Steve Lewis (Roderick’s brother), Roderick, Harvey Lee Davis and another young co-worker drove to Williamson’s trailer to check on him. [T. 419-20, 507-08]. Steven Lewis said he already knew that Williamson was dead because Roderick had told him earlier that he had shot Williamson seven times. [T. 509-10, 523]. Hoping it was a lie, Steven knocked on the door of the trailer, not getting an answer, he proceeded on into the home with the other young man. [T. 512, 515]. They found Williamson facing the wall, dead and called law enforcement. [T. 283].

An autopsy showed that Williamson had been shot, not seven, but eight times, six to the back of the head, and one in the neck and one to the left arm. [T. 330 ]. Forensic evidence consisted of gun shot residue on the back of Roderick’s right hand, two of the so-called accomplices had gun shot residue on the palms of their hands. [T. 380]. Roderick’s blood was found inside the borrowed pick-up truck and on items in the truck. [T. 299-308, T. 357, 360, 362]. The victims blood was on a T-shirt found in the truck. [T. 364].

When questioned by law enforcement, Roderick said he was with his girlfriend, Lashunda Lindsey, at the time the crime was to have occurred. [T. 672]. Lashunda

testified at trial that Roderick was not with her at the time of the homicide. [T. 722-24].

Roderick testified that he and the victim Kenneth Williamson were good buddies and that Williamson was a real father figure to him. [T. 750, 762]. Roderick said he was just kidding and only threatened to “beat Roy’s ass” in jest. [T. 761, 764]. According to Roderick, the blood in the borrowed pick-up truck came from a work injury and that the blood got in the truck when the so-called accomplices bought some marijuana from Roderick. [T. 854]. Roderick said he never told his brother Steve Lewis anything about killing Roy and was never even at Roy’s house the night of the killing. [T. 771, 784-85].

### **SUMMARY OF THE ARGUMENT**

None

### **ARGUMENT**

None

### **STATEMENT OF COUNSEL**

1. Counsel for the Appellant hereby represents to the Court pursuant to *Lindsey v. State*, 939 So. 2d 743 (Miss. 2005), that counsel has diligently searched the procedural and factual history of this criminal action and scoured the record searching for any



arguable issues which could be presented to the court on Mr. Lewis' behalf in good faith for appellate review, and upon conclusion, has found none.

2. The matters considered, reviewed and included in counsel's search were:

(a) the reason for the arrest and the circumstances surrounding arrest of Roderick Lewis; (b) any possible violations of Mr. Lewis' right to counsel; (c) the entire trial transcript and content of the record; (d) all rulings of the trial court; (e) possible prosecutorial misconduct; (f) all jury instructions; (g) all exhibits, whether admitted into evidence or not; (h) possible misapplication of the law in sentencing; and (i) the indictment and all of the pleadings in the record; and (j) any possible ineffective assistance of counsel issues.

3. Counsel further confirms that he has, as of the date of filing this brief, mailed by first class mail, postage prepaid, a copy of this brief and correspondence informing Mr. Lewis that counsel finds no arguable issues in the record and that Mr. Lewis has a right to file a *pro se* brief.

4. Counsel for appellant requests that the Court grant Mr. Lewis 40 days of additional time in which to file a *pro se* brief if he desires to do so.

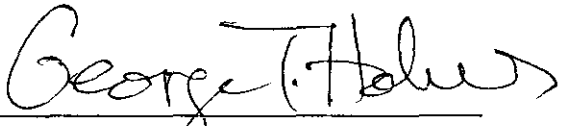
5. Counsel stands ready to prepare supplemental memoranda of law on any issues requested by the court.

## CONCLUSION

There are no issues that counsel can in good faith present to the court in this appeal

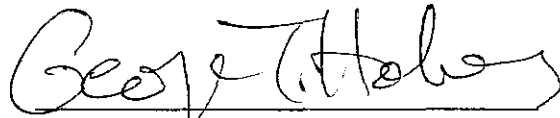
Respectfully submitted,


RODERICK RASHAEL LEWIS

BY:   
GEORGE T. HOLMES,  
Mississippi Office of Indigent Appeals

## CERTIFICATE

I, George T. Holmes, do hereby certify that I have this the 12<sup>th</sup> day of December, 2007, mailed a true and correct copy of the above and foregoing Brief Of Appellant to Roderick Lewis, MDOC # R9968, Unit 32, P. O. Box 1057, Parchman MS 38738, Hon. Frank G. Vollor, Circuit Judge, P. O. Box 351 Vicksburg MS 39181, and to Hon. John W. Bullard, Asst. Dist. Attorney, P. O. Box 648, Vicksburg MS 39181, and to Hon. Charles Maris, Assistant Attorney General, P. O. Box 220, Jackson MS 39205 all by U. S. Mail, first class postage prepaid.

  
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