

THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

Ab. 2006-KA-01788-CA

FILED

DEC 28 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

State of Mississippi

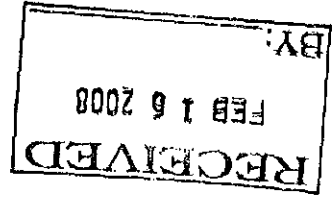
vs.

Fredrick Michael Lewis

Appellee

Appellant

~~Appellant's Supplemental Brief~~



Prose Attorney

Mr. Frederick Lewis

M.D.C. # R9968

P.O. Box 1657

Unit Ab. 92-B. Bid

Parchman MS 38138

Associated By: James Lawson
M Doc # 46242

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

Roderick R. Lewis

vs.

State of Mississippi

Appellee

Appellant

Certificate of Interested Persons

The undersigned perceive counsel 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 refusal.

Roderick R. Lewis, Appellant;

Hon. Eugene A. Perrier, Attorney for Appellant;

Hon. John W. Bullard, Asst. District Attorney for the Ninth Judicial

District of the State of Mississippi, Trial Attorney for the State

Hon. Charles Mario, Asst. Attorney General for the State of Mississippi, Attorney for Appellee

Hon. Frank B. Voller, Presiding Circuit Court Judge

Respectfully Submitted

By: Roderick R. Lewis

M. Doc. # R9968

(1)

Table of contents

1-2	Statement of the Issues
3-5	Statement of The Case
6-7	Summary of The argument
7-14	Argument
14-15	Conclusioal
16	Certificate of Service

Table of Cases and Authorities

Cases:

Briggs v. State, 242 So. 2d 865 (Miss., 1971).	8
Collins v. State, 1408 So. 2d 1376 Miss. Lexis 1885 (1982).	10-11
Cuddeback v. State, 171 So. 16, 17 (Miss., 1936).	10
Flake v. State, 296 So. 2d 692 (Miss., 1994).	11
Gatson v. State, 562 So. 2d 61, 1990 (Miss., 1990).	11
Gilbert v. State, 388 U.S. 263, 87 S.Ct. 1951 18 L. Ed. 2d 1178.	8
Gray v. State, 50. 2d. (Miss., 199-).	12
Hegland v. State, 178 So. 2d 594 (Miss., 1938)	11
Lumphey v. State, 604 App. 472, 478 S.E. 2d 362 (Ga App.	8
Kitchens v. State, 191 So. 2d 116, 117 (Miss., 1939).	8
Myers v. State, 268 So. 2d 353, 357 (Miss., 1972).	13
Wiley v. State, 449 So. 2d 756, 1984 Miss. Lexis 1569.	12

Page

III

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

Roderrick Rashael Lewis

VS.

State of Mississippi

Appellant

Appellee

STATEMENT OF ISSUES

1.

The trial court erred in overruling the defendant's motion for a directed verdict at the close of the state's case in chief where as the state failed to prove the defendant guilty of Murder beyond a reasonable doubt.

2.

The Trial court erred in over-ruling the defendant's motion for a J.N.O.V. at the close of the state's case in chief whereas the state failed to prove every essential element of armed Robbery in Count 2 of the indictment, thereby violating the appellant's constitutional right to due process of the law.

3.

The Trial court erred in allowing the defendant's sentences of life imprisonment on Count (1) and Count (2) of his murder and armed Robbery conviction to run consecutive with each other without affording the appellant with a sentencing hearing on the matter. Thereby violating appellants constitutional right to due process of the law.

1.

4.

The verdict rendered against the appellant was contrary to the overwhelming weight of the evidence.

5.

Whether Lewis received effective assistance of counsel at trial and direct appeal as afforded by the sixth and fourteenth Amendments to the United States Constitution.

7.

Statement of the case

This Appeal follows the conviction of Murder and armed Robbery in a Count 2 indictment against the appellant Roderrick Lewis of which the Court rendered two consecutive life sentences, such from the Circuit Court of Warren County, Mississippi, following a trial held September 11-15, 2006. Thus Honorable Frank B. Voller was the presiding Circuit Judge. The appellant Mr. Roderrick Lewis is presently incarcerated and held at penitentiary's Correctional facility in unit-32, with the Mississippi Department of Corrections.

Facts

That the defendant Roderrick Lewis was employed with the victim Kenneth Williamson in his (Williamson's) roofing and construction business in Vicksburg, Mississippi. [T. 214], Prior to Mr. Williamson death, and that the appellant of whom was accused of the crime, allegedly made threats toward the victim Mr. Williamson just within a week or so prior to his death [T. 216-17, 226, 250-51] of which was something appellant abnormally done [T. 218, 251] And of course nobody took such seriously not even the victim Mr. Williamson [T. 218, 251] who live everybody else knew appellant Roderrick Lewis always made such cracks.

Alone the fact, on July 27, 2005, it was alleged that Appellant Roderrick Lewis along with Joshua Bee, Joshua Warren and Derrick Hall drove from Rollingford, Mississippi to Vicksburg, Mississippi in a borrowed green Ford F-150 extended cab pickup truck. [T. 346-48] of which the appellant sought to take his buddies along in hopes of getting them a job with the deceased.

Mr. Williamson at his roofing business in Wicksburg. [T. 466.56-67]. Thus, following such between July 27, 2005 and July 28, 2005, Mr. Williamson ended up shot several times of which such injuries were fatal of which the victim was found July 28, 2005 by several young men of which he'd been killed and they'd called the Police Department in Wicksburg. [T. 263]. Although the Appellant instantly became a suspect in the murder and ample evidence was collected from the crime scene and Appellant tested, interrogated, fingerprinted, subjected to body search (D.V.A. blood samples), gun shot residue test performed on Appellant, among other things and coincidentally and strangely none of the evidence sufficiently linked Mr. Lewis to the crime. [T. P. 286, T. 292, T. 293, T. 364 (L. 22-23). Finally, the Appellant was subjected to cruel and unusual punishment in receiving the two life sentences of which were to run consecutive. Also Appellant was denied due process of the law where in the final Judge neglected to afford Appellant an sentencing hearing prior to sentencing [T. p. 96].

Summary of The Argument

Roderick Lewis Jr. respectfully argues that the state failed to meet its burden of proof at the close of its case. In chief in regards to Count 1 murder charges pursuant to miss. Code 17-2, Ala. Sec. 9-3-19 and Count 2 Armed Robbery charge pursuant to miss. Code 1922. Ann. Sec. 9-3-79, whereas the states evidence was in sufficient to prove the said Appellant guilty beyond a reasonable doubt, moreover, the state failed to meet its burden of proof in regards to proving even essential elements of the Count 2 Indictments. Armed Robbery charge. The courts Trial Judge also erred in turning the

Appellant's Two sentences of life imprisonment consecutive (count-1 and count-2) with out affording said Appellant an hearing on the matter regarding The sentencing. Lastly, The Appellant argues that the evidence presented during Trial was insufficient and the verdict rendered against him contrary to the overwhelming weight of the evidence and the lower trial court erred when it failed to grant the Defense motion for A new Trial.

Argument

The Trial court erred in overruling the Appellant's motion for a directed verdict at the close of the states case in chief whereas the state failed to prove the defendant guilty of murder beyond a reasonable doubt.

At the close of the states evidence [T.748-749] The defense asked for a directed verdict on behalf of the defendant to dismiss the charges against him because the state failed to link the said defendant to the crime via physical evidence and/or make a prima facie case of which said motion was in error. Whereas the state failed to link the defendant through DNA (blood samples), finger print [T.292-43], [T.286], Gunshot residue kit tests which were not absolutely confirmed [T.313-317] as well as the Alibi DNA results on the T-shirt found at the crime scene of which did not match said defendant. Thus, the law is well settled in the state of Mississippi that where the state has failed to present sufficient evidence to find the defendant guilty beyond a reasonable doubt the state must acquit. See.

Gilbert v. State, 388 U.S. 263, 87 S. Ct. 1951, 18 L. Ed. 2d 1178.

Also see Bracks v. State, 242 So. 2d 865 (Miss. 1971); Humphrey v. State, 64 App. 472, 478 S.E. 2d 362 (Ga. App. 1993), and Kitchens v. State, 191 So. 2d 116, 117 (Miss. 1939).

II.

The trial court erred in overruling the defendant's motion for a judgment at the close of the state's case in chief whereas the state failed to prove every essential element of armed robbery in count 2 of the indictment. Thereby violating the appellant's constitutional right to due process of the law.

Thus, following the defendant's conviction on/or about the 18th day of September 2006, his defense counsel filed a motion for a J.N.O.V. or on the alternative, a new trial of which the trial judge denied on September 25th, 2006. [T. 166]. Moreover, the jury had been fairly instructed on the law [T. 68] of which the jurors were required to return a not guilty verdict if the prosecution failed to prove any one or more of the elements of armed robbery beyond a reasonable doubt [T. 68]. Which of course the state did not meet such burden whereas the state failed to prove that defendant Rodenbeck never did willfully take cash money or other personal property from victim Mr. Kenneth Williamson the deceased. Whereas the state admitted that the wallet allegedly taken out of the victim's pocket did not have any cash and the state admitted that no fingerprints were found on the wallet to link defendant to such nor the contents thereof. [T. 292-293]

The standard applied by the Supreme Court in review of this

proposition has long been established. Conway v. State, 171 So. 16, 17 (Miss. 1936). And also see, Colins v. State, 408 So. 2d 1376 Miss. Lexis 1883 (1982). moreover, this court will reverse a conviction and remand the cause for a new trial, even though the question of guilt was a jury issue, where the verdict was against the weight of the evidence. Hedrick v. State, 178 So. 2d 344 (Miss. 1938). See also Watson v. State, 562 So. 2d 61 (Miss. 1990) and Flake v. State, 296 So. 2d 692 (Miss. 1994).

III

The Trial Court erred in allowing the defendant's sentences of life imprisonment on Count-1 and Count-2 of his murder and Armed Robbery conviction to run consecutive with each other without affording the appellant with a sentencing hearing on the matter.

Thereby violating Appellant's constitutional right to due process of the law as in this instant case where the defendant was

subjected to two penalties arising out of the same crime wherein the said defendant was charged in a Count-2 indictment [T. 93-94] and upon being found guilty and the sentences run consecutive [T. 90-91]. Habitual. See Wiley v. State, 499 So. 2d 756, 1984 Miss. Lexis 1561. Although this arraignment was not raised on defendant's motion for retrial and/or at trial whereid also contemporaneous objection was made the defendant invoke the plain error rule, see Gray v. State, ~~502d (Miss. 1993)~~. The lower court

erred in running the defendant's sentences (consecutive and such must be raised as a matter of law).

IV.

The verdict rendered against the appellant was contrary to the overwhelming weight of the evidence.

The case at bar presents a situation wherein the evidence relied upon by the state and presented to the jury was wholly insufficient to support a finding of guilt. Thus, the lack of evidence linking the defendant/appellant to the alleged crime and the circumstances surrounding such whereas out of all the evidence gathered and tested from the crime scene and victim implicating a suspect yet strangely none directly tied the said defendant to the crime to include D.A. Samples finger prints, gunshot residue test etc in which cast great doubt on the jury's finding of guilt and must warrant a new trial. See. Myers v. State, 268 So. 2d 353, 357 (Miss. 1972). Hence. Thus

II

Whether Lewis received assistance of counsel at trial and direct appeal as afforded by the sixth and fourteenth Amendments to the United States Constitution.

Lewis was represented at trial and on direct appeal by the Honorable Eugene A. Perrier prior to recusing himself contrary to M.R.A.P. 46(c). See EXHIBIT A, 11-26-07, 12-12-07 Motion of action, 11-28-07 letter with Appearance form. Cuyler v. Sullivan, 446 U.S. 335, 100 S. Ct. 1708, 64 L. Ed 333 (1980). The Sixth Amendment does more than require the states to appoint counsel for conducting trials at which persons who face incarceration must defend themselves without legal assistance. Cuyler 446 U.S. at 344, 100 S. Ct. at 1716, 65 L. Ed. 2d at 344. The Mississippi Office of Indigent Appeal sabotaged Lewis direct appeal. See EXHIBIT B, 12-18-07 letter of George T. Holmes. A claim for ineffective assistance of counsel is judged by the standard set forth in Strickland v. Washington, 466 U.S. 688, 104 S. Ct. 2052, 2065, 80 L. Ed. 2d 674 (1984), and adopted by this Court in Strayer v. State, 454 So. 2d 468 (Miss. 1984).

Lewis alleges that he was abandoned by Perrier during trial and on direct appeal. After Lewis was found guilty Perrier filed a motion for a new trial and raised seven (7) violations from the record forth being that the evidence against the Appellant MR Lewis is not of a sufficient weight to support the conviction of murder and/or Armed Robbery to allow the verdict to stand would offend the interest of justice.

on appeal. See EXHIBIT "C", 4-26-07 Advice of action and motion for J.N.O.V. filed 4-25-07. Holmes alleges that he has diligently searched the procedural and factual history of this case and record without finding any arguable issues which could be presented to this court. See Brief at EXHIBIT "B" page #4. It is true that ineffective assistance can constitute sufficient cause for failure to raise an issue. Murray v. Carrier, 477 U.S. 478, 488, 91 L. Ed. 2d 397, 106 S. Ct. 2639 (1986). Lewis argument here is essentially that his appellate counsel was ineffective for failing to raise this issue on direct appeal. Perrier found seven (7) issues prior to record on appeal. Surely Holmes with the record should of found more if not the seven (7) of Perrier. In Gray v. Greer, 800 F.2d 644 (7th Cir. 1985), the court stated that appellate counsel is ineffective if counsel fails to raise issues that are (1) obvious, and (2) clearly stronger than the ones raised.

This court has made it clear that before counsel may withdraw from a litigated matter both reasonable notice to the client and permission of the court are essential. Fairchild v. BMC, 254 Miss. 261, 179 So. 2d 185 (1965). Any time an attorney undertakes to represent client in any court of record in state there attaches legal ethical, professional and moral obligation to continue representation until properly relieved by court of record and deliberate abandonment of criminal defendant at critical stages of trial, particularly where client suffers confinement in state penitentiary for substantial period of time without benefit of appeal warrants two year suspension from practice of law. See Myers v. Miss State Bar, 480 So. 2d 1080 (1986), Allison v. State, 436 So. 2d 792 (Miss. 1983).

Lewis alleges that his counsel Eugene A. Perrier forward him a copy of the document from the office of indigent appeals in a March 1, 2007 letter informing him that the office of indigent appeals will be taking over my appeal. This process was done contrary to M.E.A.P. 46(c) see EXHIBIT "D", 3-1-07 letter of Perrier and 2-8-07 letter of Glenn S. Schwartzky. The

Right to appellate counsel is now firmly established. see Evitts v. Lucey, 469 U.S. 307, 105 S. Ct. 830, 83 L. Ed. 2d 821 (1985). Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984) established the standard for ineffective assistance of counsel, it can be used as a basis for establishing a standard for effective assistance of appellate counsel. Bauer v. Foltz, 763 F.2d 1414 (6th Cir. 1985).

Schwander v. Blackburn, 750 F.2d 1441, 502 (5th Cir. 1985); Mitchell v. Scully, 746 F.2d 951, 954 (2d Cir. 1984). Under Strickland, ineffective assistance of counsel will be found when counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result. Strickland at 2064.

When a claim of ineffective assistance of counsel is based on failure to raise viable issues, the court must examine the trial court record to determine whether appellate counsel failed to present significant and obvious issues on appeal. Significant issues which could have been raised should then be compared to those which were raised. See EXHIBIT "A", Counsel's representation is deficient if the errors are so serious that counsel was not functioning as the counsel guaranteed by the sixth amendment. See Strickland at 2064. When determining if both prongs of the Strickland test have been met, must look to the totality of the circumstances. Mundy v. State, 624 So. 2d 451 (456 (Miss. 1994); Payton II, State, 708 So. 2d 559 (Miss. 1998). For this reason, Lewis conviction should be vacated and set aside granting reversal for new trial or an acquittal.

Conclusion

Appellant Pederrick Lewis conviction sentence was contrived unconstitutional for the enclosed reasons and for such reasons his conviction must be vacated and set aside reverse and remand for new trial or acquittal. By executive order declaring such.

1st Pederrick Lewis # 293

Certificate of Service

I, Roderick Lewis, pro se do hereby certify that I have this date handdelivered a True and correct copy of The above and foregoing Supplemental Brief to The Law Library's legal assistant to be placed in the outgoing mail and mailed to Hon. Frank B. Miller, Circuit Judge. P.O. Box 351 Wicksburg, MS 39181, to Hon. John W. Bullard, Asst. Dist. Attorney, P.O. Box 648, Wicksburg, MS 39181, and to Hon. Charles Marks, Asst. Attorney General, P.O. Box 220 Jackson, MS 39205. A copy have also been mailed to Attorney Mr. George T. Holmes at 301 N. Lamar St. Suite 210 Jackson, MS 39201.

This The 28th day of December, 2007.

Roderick Lewis, pro se
M.D.C. # 89468 U/32-B
Purchman no. 38738



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

November 26, 2007

Mr. Roderick Lewis R9968
Unit 32
State Penitentiary
Parchman, MS 39738

Re: Motion to Withdraw and To Substitute Counsel

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copy of Motion to Withdraw and To Substitute Counsel. Thank you.

Sincerely,

Stephanie S. Lloyd
Stephanie S. Lloyd

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

EXHIBIT "A"

11

STATE OF MISSISSIPPI



OFFICE OF INDIGENT APPEALS

301 NORTH LAMAR STREET, SUITE 210
JACKSON, MISSISSIPPI 39201
601-576-4200 ♦ FACSIMILE 601-576-4205

November 28, 2007

Ms. Betty W. Sephton
Mississippi Supreme Court
Office of the Clerk
P.O. Box 249
Jackson, MS 39205-0249

Re: Entry of Appearance Form: *Roderick Rashaal Lewis v. State*, No. 2007-KA-01788-COA

Dear Ms. Sephton:

Enclosed you will find an appearance form for the above referenced case. A motion was filed by trial counsel in this matter requesting our office be substituted as counsel for Mr. Lewis. There are no known conflicts or reasons why our office should not accept appointment in accordance with M.R.A.P Rule 6(b) and Miss. Code Ann. §99-40-1. Please let me know if you need anything else from our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie Lee".

Leslie Lee
Director, Mississippi Office of Indigent Appeals

Enclosure

cc: Honorable Eugene A. Perrier
Honorable Charlie Maris
Mr. Roderick Rashaal Lewis, MDOC #R9968 ✓



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

December 12, 2007

Mr. Roderick Lewis R9968
Unit 32
State Penitentiary
Parchman, MS 39738

Re: Order on Motion to Withdraw and To Substitute Counsel

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copy of the Order Substituting Counsel. Thank you.

Sincerely,


Stephanie S. Lloyd

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

3

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Betty W. Sephton
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail: sctclerk@mssc.state.ms.us

December 14, 2007

To: Roderick Rashaël Lewis

RE: NO.2006-KA-01788-COA -Roderick Rashaël Lewis v. State of Mississippi

NOTICE

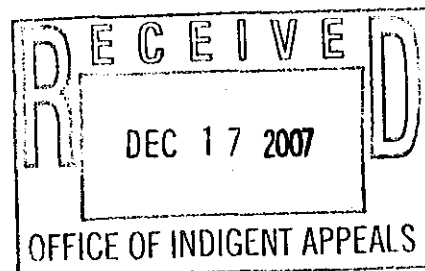
Upon the request made in the brief of the appellant filed by George T. Holmes as counsel for the appellant, the Court of Appeals has directed additional time be granted for the appellant to file a pro se supplemental brief, if he so desires. The appellant shall be given thirty (30) days from the date of this notice to file a supplemental brief raising any issue in support of the appeal of his conviction.

The time for filing of the Brief of the Appellee will be reissued upon filing of the pro se supplemental brief.


CLERK

cc: Hon. George T. Homes
Hon. Charles W. Maris, Jr.

/bws



STATE OF MISSISSIPPI



OFFICE OF INDIGENT APPEALS

301 NORTH LAMAR STREET, SUITE 210
JACKSON, MISSISSIPPI 39201
601-576-4200 ♦ FACSIMILE 601-576-4205

December 20, 2007

Roderick Lewis
MDOC # R9968 Unit 32
P. O. Box 1057\
Parchman MS 38738

RE: No. 2006-KA-01788-COA
Roderick Rashaël Lewis v. State

Dear Roderick:

Enclosed is a copy of the record in your case.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Holmes".

George T. Holmes
Staff Attorney

GTH
enclosures

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

RODERICK RASHAEL LEWIS

APPELLANT

V.

STATE OF MISSISSIPPI

APPELLEE

BRIEF OF APPELLANT

George T. Holmes, MSB No. 2565
Mississippi Office of Indigent Appeals
301 North Lamar St., Suite 210
Jackson MS 39201
601 576-4200

Counsel for Roderick Rashael Lewis

Exhibit - "B"

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

RODERICK RASHAEL LEWIS

APPELLANT

V.

STATE OF MISSISSIPPI

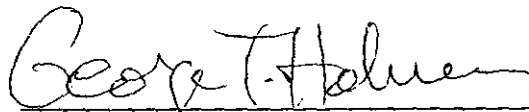
APPELLEE

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 12th day of December 2007.



GEORGE T. HOLMES

Mississippi Office of Indigent Appeals
Counsel for Roderick Rashael Lewis

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUES	1
STATEMENT OF THE CASE	1
FACTS	1
SUMMARY OF THE ARGUMENT	4
ARGUMENT	4
STATEMENT OF COUNSEL	4
CONCLUSION	6
CERTIFICATE OF SERVICE	6

TABLE OF AUTHORITIES

CASES:

<i>Lindsey v. State</i> , 939 So. 2d 743 (Miss. 2005)	4
---	---

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.

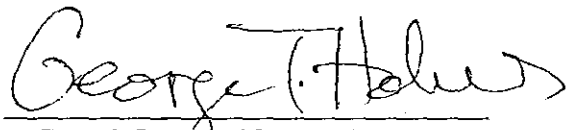
5. Counsel stands ready to prepare supplemental memoranda of law on any issues requested by the court.

CONCLUSION

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

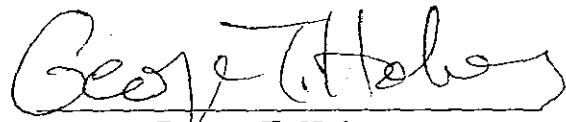
Respectfully submitted,

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 12th 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.


George T. Holmes

George T. Holmes, MSB No. 2565
Mississippi Office of Indigent Appeals
301 North Lamar St., Suite 210
Jackson MS 39201
601 576-4200
Counsel for Roderick Rashael Lewis



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

September 26, 2006

Mr. Roderick Lewis R9968
CMCF
P.O. Box 88550
Pearl, MS 39288

Re: Appeal Criminal Convictions

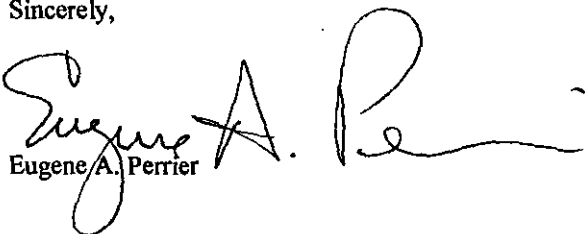
NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☐ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: I have filed a motion for a new trial, but I expect Judge Vollar to deny it. If Judge Vollar denies the motion, I will perfect your appeal. All of this is according to necessary legal procedure, and I will pursue your appeal without fail. Please keep me informed of your location and address. Take care of yourself, and I am diligently working to have your convictions overturned.

Sincerely,


Eugene A. Perrier

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

EXHIBIT "C"

(17)

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

NO. 06,0065CRV

RODERICK RASHAEL LEWIS

**MOTION FOR A J.N.O.V., OR
IN THE ALTERNATIVE, A NEW TRIAL**

Comes now the defendant, Roderick Lewis, by and through his attorney, Eugene A. Perrier, and files this Motion for a Judgment Not Withstanding the Verdict, or in the alternative, a New Trial, and in support thereof would show this Honorable Court the following, to-wit:

1. The defendant is entitled to a J.N.O.V. in this case because the State failed to prove the defendant guilty of murder and/or armed robbery beyond a reasonable doubt.
2. The Court erred in overruling the defendant's motion for a directed verdict at the close of the State's case in chief and in refusing the peremptory instructions of the defendant at the conclusion of the trial.
3. The Court erred in overruling the objections of the defendant during the trial.
4. The verdict and sentence of the Jury was against the overwhelming weight of the evidence in this case.
5. The verdict and sentence of the jury evinced bias and prejudice against the defendant.
6. The Court erred in giving the jury instructions of the State to which the defendant made an objection.
7. The Court erred in refusing the jury instructions of the defendant, which were not read to the jury.

WHEREFORE, PREMISES CONSIDERED, the defendant, Roderick Lewis, is entitled to an acquittal; or in the alternative, the defendant is entitled to a new trial on the merits.

FILED

SEP 25 2006

SHELLY ASHLEY-PALMISTREE, CIRCUIT CLERK

BY _____ D.C.

EXHIBIT "C"
1 98

18



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

March 1, 2007

Mr. Roderick Lewis R9968
Unit 32
Mississippi State Penitentiary
Parchman, MS 39738

Re: Office of Indigent Appeals
New Attorney on Appeal

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: The Office of Indigent Appeals will be taking over your appeal of your conviction after I review the trial transcript and certify to its completeness. I have enclosed a letter provided to me by Judge Patrick, which explains the details. It has been a privilege to represent you, and I wish you luck. I will provide you with a copy of the Motion to Substitute Counsel when I prepare it.

Sincerely,

EXHIBIT "D"

19

STATE OF MISSISSIPPI



OFFICE OF INDIGENT APPEALS

301 NORTH LAMAR STREET, SUITE 201
JACKSON, MISSISSIPPI 39201
601-576-4200 ♦ FACSIMILE 601-576-4205

February 8, 2007

Honorable Isadore W. Patrick
Ninth Circuit Court District
Post Office Box 351
Vicksburg, MS 39181-0351

Re: Mississippi Office of Indigent Appeals

Dear Judge Patrick:

I am pleased to announce that as of January 3, 2007, the Mississippi Office of Indigent Appeals is now fully functional and accepting cases as set forth in Miss. Code Ann. § 99-40-1. Presently, we have six attorneys and a three-person support staff. It is the goal of this office to help promote efficiency in the judicial system, protect the rights of the accused, and save counties the expense of providing an attorney for indigents on appeal of criminal convictions.

The only requirement for this office to accept the appeal of a criminal case is that the defendant be declared indigent. Even if the defendant had retained counsel at trial, so long as the defendant has subsequently been found to indigent and otherwise meets the requirements of Miss. Code Ann. § 99-40-1, this office can accept the case.

Pending amendments to M.R.A.P. 6, we are requesting that trial counsel complete a simple process in order to substitute our office on appeal. First, trial counsel should go ahead and file a notice of appeal, statement of the issues, designation of the record, and a certificate of compliance if they have not already been filed. After the clerk has completed the record, trial counsel should review the record and file the appropriate attorney review certificate. Trial counsel should then file a Motion to Withdraw and Substitute Counsel with the Mississippi Supreme Court, and once an order substituting counsel has been received from the Supreme Court, trial counsel is relieved of all further burdens, and this office assumes responsibility. We can provide all of the necessary forms to trial counsel upon request.

EXHIBIT "D"

70

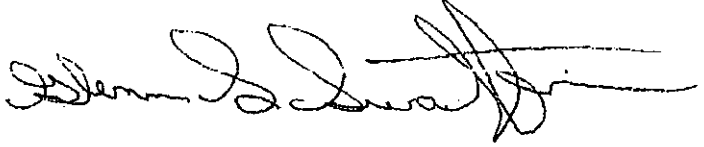
Honorable Isadore W. Patrick
Ninth Circuit Court District

February 8, 2007
Page 2

It is the sincere hope of this office that we will help streamline the judicial process. If you have any questions or suggestions, please do not hesitate to contact me.

Sincerely,

MISSISSIPPI OFFICE OF INDIGENT APPEALS

A handwritten signature in black ink, appearing to read "Glenn S. Swartzfager", with a stylized flourish at the end.

Glenn S. Swartzfager
Deputy Director

GSS/kmj



EUGENE A. PERRIER

ATTORNEY AT LAW

P. O. Box 1585

Vicksburg, MS 39181-1585

March 9, 2007

Mr. Roderick R. Lewis #R9968
Unit 32
Mississippi State Penitentiary
Parchman, MS 39738

Re: More time to file Transcript granted

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☐ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2007, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☒ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copy of notices granting more time to file transcripts. Thank you.

Sincerely,

Stephanie S. Lloyd

Stephanie S. Lloyd

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.931.9000

21



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

February 13, 2007

Mr. Roderick Lewis R9968
Unit 32
Mississippi State Penitentiary
Parchman, MS 39738

Re: Motion for Extension of Time

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copies of notice that the Motion for Extension of time has been granted. Thank you.

Sincerely,

Eugene A. Perrier

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898



EUGENE A. PERRIER

ATTORNEY AT LAW

P. O. Box 1585

Vicksburg, MS 39181-1585

January 10, 2007

Mr. Roderick Lewis R9968

CMCF

P.O. Box 88550

Pearl, MS 39288

Re: Motion for Extension of Time

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copies of notice that the Motion for Extension of time has been granted. Thank you.

Sincerely,

Eugene A. Perrier

Office Address: 1001 Adams Street, Suite B

Office Phone: 601.630.9000

FAX: 601.638.9054

Home Phone: 601.636.6898

24



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

January 5, 2007

Mr. Roderick Lewis R9968
CMCF
P.O. Box 88550
Pearl, MS 39288

Re: Motion for Extension of Time

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: The court reporter is unable to complete the transcript due to other cases. This happens because we have a busy court. This motion is normal, and no response is required by me on your behalf.

Sincerely,

Eugene A. Perrier

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

25



EUGENE A. PERRIER

ATTORNEY AT LAW

P. O. Box 1585

Vicksburg, MS 39181-1585

December 11, 2006

Mr. Roderick Lewis-R9968
CMCF R & C Section 2 C- zone
Pearl, MS 39208

Re: Extension of Time For Court Reporters

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☐ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed an ORDER FOR EXTENSION OF TIME FOR COURT REPORTERS. It is common for court reporters to require additional time to complete the typing of the transcript, so please do not be alarmed. I will keep you informed.

Sincerely,

Eugene A. Perrier

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

(26)



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

October 13, 2006

Mr. Roderick Lewis # R9968
CMCF R & C Section 2 C- zone
P. O. Box 88550
Pearl, MS 39208

Re: Murder/Armed Robbery

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☐ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2006, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Thank you for your letter of October 3, 2006, I especially enjoyed your poem. Your appeal is perfected, but I am now waiting on the transcript to be prepared which will take approximately four to six months. Thereafter, I will have two months to prepare my brief on your behalf, and the state will have an equal amount of time after I complete your brief. I anticipate you having a response to this matter in about a years time. I will keep you posted. Take care of yourself.

Sincerely,

Eugene A. Perrier

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

27



EUGENE A. PERRIER

ATTORNEY AT LAW

1001-B Adams Street
Vicksburg, MS 39183-2535

September 28, 2007

Mr. Roderick Lewis R9968
Unit 32
Mississippi State Penitentiary
Parchman, MS 39738

Re: Order for Extension of Time

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copy of The Order granting the Extention of time to file transcript. Thank you.

Sincerely,


Stephanie S. Lloyd

Office Phone: 601.630.9000
FAX: 1.888.250.6718
Home Phone: 601.636.6898

28



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

August 30, 2007

Mr. Roderick Lewis R9968
Unit 32
Mississippi State Penitentiary
Parchman, MS 39738

Re: Order for Extension of Time

NOTICE OF ACTION

21- Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copy of The Order granting the Extention of time to file transcript. Thank you.

Sincerely,

Stephanie S. Lloyd
Stephanie S. Lloyd

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

(29)



EUGENE A. PERRIER
ATTORNEY AT LAW
1001 ADAMS STREET, SUITE B
Vicksburg, MS 39181-1585

July 20, 2007

Mr. Roderick Lewis - R9968
Mississippi State Penitentiary
Parchman, MS 38738

Re: Order

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☐ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2007, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES:

Sincerely,

Raymond E. Perrier

Office Phone: 601.630.9000
Toll Free FAX: 1.888.205.6718
Toll Free Phone: 1.888.508.2400
Email: eap@askaboutlaw.com



EUGENE A. PERRIER

ATTORNEY AT LAW

1001 ADAMS STREET, SUITE B
Vicksburg, MS 39181-1585

June 20, 2007

Mr. Roderick Lewis - R9968
Mississippi State Penitentiary
Parchman, MS 38738

Re: Order

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☐ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2007, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES:

Sincerely,

Raymond E. Perrier

Office Phone: 601.630.9000
Toll Free FAX: 1.888.205.6718
Toll Free Phone: 1.888.508.2400
Email: eap@askaboutlaw.com



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

April 18, 2007

Mr. Roderick Lewis R9968
Unit 32
State Penitentiary
Parchman, MS 39738

Re: Order for Extension of Time

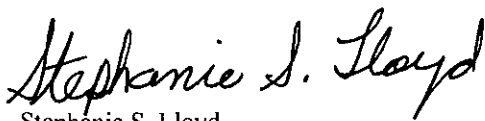
NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Please find enclosed copies of notice that the Motion for Extension of time has been granted. Thank you.

Sincerely,


Stephanie S. Lloyd

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 1.888.250.6718
Home Phone: 601.636.6898



EUGENE A. PERRIER
ATTORNEY AT LAW
P. O. Box 1585
Vicksburg, MS 39181-1585

October 6, 2006

Mr. Roderick Lewus R9968
CMCF
P.O. Box 88550
Pearl, MS 39288

Re: Appeal Criminal Convictions

NOTICE OF ACTION

Please read checked item(s) and follow instructions without delay.

- ☒ Please read **NOTES** below for a brief report on the status of your case.
- ☒ A copy of a document is enclosed for your file. No response is required.
- ☐ Please call and setup an appointment to discuss your case.
- ☐ Please take note, your case has a hearing in the NONE Court of NONE NONE in NONE, Mississippi on January , 2004, at a.m. Please call the office to confirm you have received this notice of court hearing and to setup an appointment, if necessary. Please be at my office on the date of the hearing at a.m. to prepare for the hearing.
- ☐ Please call Eugene A. Perrier to discuss your case.
- ☐ **URGENT!!! PLEASE CALL EUGENE A. PERRIER AT EITHER THE OFFICE OR HIS HOME TO DISCUSS YOUR CASE. YOU MAY SPEAK TO MY SECRETARY IF I AM NOT AVAILABLE.**

NOTES: Your case is appealed. Enclosed please find your copy of the appeal. Thank you.

Sincerely,

Eugene A. Perrier

where is the copy of the Appeal

Office Address: 1001 Adams Street, Suite B
Office Phone: 601.630.9000
FAX: 601.638.9054
Home Phone: 601.636.6898

33

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 06,0065-CRV

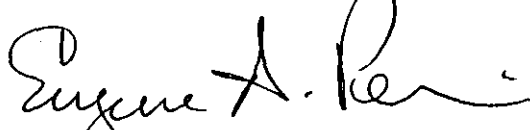
RODERICK RASHAEL LEWIS

NOTICE OF APPEAL

By this notice, RODERICK RASHAEL LEWIS appeals to the Supreme Court of Mississippi from the final judgment entered in this case on September 18, 2006, and the denial of the Motion for JNOV or in the alternative a New trial, by order entered on September 25, 2006.

Respectfully submitted,

RODERICK RASHAEL LEWIS

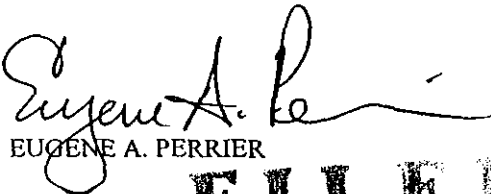


EUGENE A. PERRIER
ATTORNEY FOR APPELLANT

Eugene A. Perrier
Attorney at Law
P. O. Box 1585
Vicksburg, MS. 39181-1585
(601) 630-9000
MSB #4124

CERTIFICATE OF SERVICE

I, Eugene A. Perrier, attorney for RODERICK RASHAEL LEWIS, certify that I have this day filed this Notice of Appeal with the Clerk of this Court and have hand delivered a copy of this Notice of Appeal to Ms. Loretia Smith, Court Reporter, Vicksburg, MS; and to the Honorable John W. Bullard, Assistant District Attorney in Vicksburg, Mississippi, this the 6th day of October 2006.



EUGENE A. PERRIER

FILED

OCT - 8 2006

SHELLY ASHLEY PALMISTREE, CIRCUIT CLERK

BY 

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 06,0065-CRV

RODERICK RASHAEL LEWIS

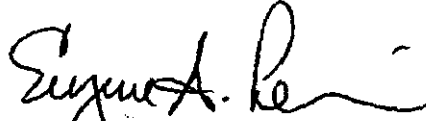
DESIGNATION OF THE RECORD

RODERICK RASHAEL LEWIS, by counsel, pursuant to Mississippi Rules of Appellate Procedure 10(b)(1), designates the entire record as being necessary to be included on appeal.

THIS the 6th day of October 2006.

Respectfully submitted,

RODERICK RASHAEL LEWIS

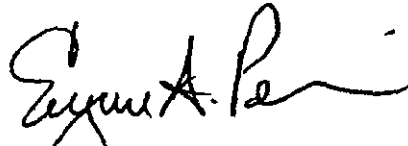


EUGENE A. PERRIER
ATTORNEY FOR APPELLANT

Eugene A. Perrier
Attorney at Law
P. O. Box 1585
Vicksburg, MS. 39181-1585
(601) 630-9000
MSB #4124

CERTIFICATE OF SERVICE

I, Eugene A. Perrier, attorney for RODERICK RASHAEL LEWIS, certify that I have this day filed this Designation of the Record, and have served a copy of same by hand delivery on Ms. Loretta Smith, Court Reporter, Vicksburg, MS; and to the Honorable John W. Bullard, Assistant District Attorney, this the 6th day of October 2006.



EUGENE A. PERRIER

FILED

OCT - 6 2006

SHELLY ASHLEY-PALMERTREE, CIRCUIT CLERK

BY  D.C.

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 06,0065-CRV

RODERICK RASHAEL LEWIS

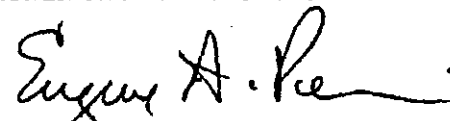
CERTIFICATE OF COMPLIANCE WITH RULE 11 (b)(1)

I, Eugene A. Perrier, attorney for RODERICK RASHAEL LEWIS, pursuant to Rule 6 of the Mississippi Rules of Appellate Procedure certify that the Circuit Court of Warren County, Mississippi, executed an order appointing me to represent RODERICK RASHAEL LEWIS and has previously declared said defendant indigent. That I will continue to represent the defendant during his appeal. That it is impossible for the defendant to pay the cost of preparation of the record on appeal, and the court reporter should proceed with the preparation of the transcript pursuant to Rules 6(2) and 11(c) of the Mississippi Rules of Appellate Procedure.

This the 6th day of October 2006.

Respectfully submitted,

RODERICK RASHAEL LEWIS



EUGENE A. PERRIER
ATTORNEY FOR APPELLANT
P. O. Box 1585
Vicksburg, MS 39181-1585
(601) 630-9000
MSB #4124

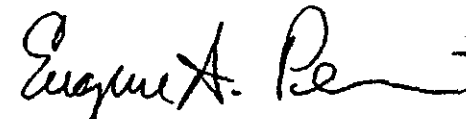
FILED

OCT 09 2006

SHELLY ASHLEY-PALMERTREE, CIRCUIT CLERK
BY  D.C.

CERTIFICATE OF SERVICE

I, Eugene A. Perrier, attorney for RODERICK RASHAEL LEWIS, certify that I have this day served a true and correct copy of the Certificate of Compliance by hand delivery to Ms. Lucretia Smith, Court Reporter, Vicksburg, MS; by hand delivery to the Honorable John W. Bullard, Assistant District Attorney; and by U. S. Mails, postage prepaid, to the Clerk of the Supreme Court of Mississippi, P. O. Box 117 Jackson, MS 39205; this the 6th day of October 2006.


Eugene A. Perrier

38

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Betty W. Sephton
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@mssc.state.ms.us

October 31, 2007

To: Roderick Rashaël Lewis
P O Box 1057
MSP # R9968
Parchman, MS 38738

Re: Roderick Rashaël Lewis v. State of Mississippi
Case No. 2006-TS-01788-COA

In response to your recent correspondence:

The record has not been received in this office.

Filings are not acknowledged unless a self-addressed stamped envelope is enclosed.


CLERK

wdj

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO. 06,0065-CRV


RODERICK LEWIS

CORRECTIONS TO RECORD

The defendant, RODERICK LEWIS, by and through his attorney, Eugene A. Perrier, declares that after careful examination no corrections are required to the transcript of the trial of this cause or the clerk's papers and everything is correct and complete.

Respectfully submitted,

RODERICK LEWIS

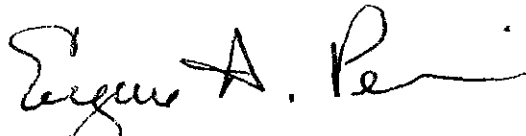


EUGENE A. PERRIER
ATTORNEY FOR APPELLANT

Eugene A. Perrier
Attorney at Law
1001-B Adams St.
Vicksburg, MS 39183-2535
(601) 630-9000
MSB #4124

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Corrections to Record and the transcribed record and clerk's papers were hand delivered to the office of the Honorable Gil Martin, Attorney at Law, in Vicksburg, Mississippi, and a copy of the Corrections to Record was hand delivered to Lucretia R. Smith and LaLisa Lindemann, Court Reporters, this the 22nd day of October, 2007.



Eugene A. Perrier



(38)

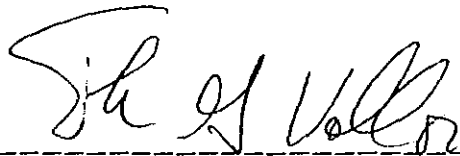
IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI
VS. NO. 06,0065-CR-V
RODERICK LEWIS

ORDER FOR EXTENSION OF TIME FOR COURT REPORTERS

This above cause came on for hearing on the motion
ore tenus of the court reporters for an extension of
thirty days additional time to complete the transcript
of the testimony and proceedings in the above-styled
cause; the appeal bond in said matter having been filed
and the court reporters, because of other duties, have
not had sufficient time to complete the transcript for
appeal, it is therefore,

ORDERED that the court reporters be allowed an
additional thirty (30) days from the date of this order
in which to transcribe and file the transcript of appeal
with the Circuit Court of Warren County, Mississippi.

ORDERED this the 4th day of December, 2006.



CIRCUIT COURT JUDGE

January 3, 2007

Ms. Betty Sephton
Supreme Court Clerk
P. O. Box 249
Jackson, MS 39205-0249

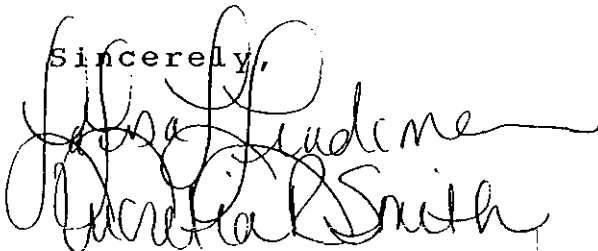
Re: State of Mississippi vs. Roderick Lewis;
No. 06,0065-CR-V in the Circuit Court of
Warren County, Mississippi

Dear Ms. Sephton:

In the above-referenced matter, please find enclosed the Motion for Extension of Time. We expect to complete the transcript of this case on or before February 3, 2007.

Thank you for your assistance with this matter.

Sincerely,



LaLisa L. Lindemann
Lucretia R. Smith
Official Court Reporters

Enclosure

cc: G. Gilmore Martin, District Attorney
Eugene Perrier, Esquire
Shelly Palmertree, Circuit Clerk

IN THE SUPREME COURT OF MISSISSIPPI

STATE OF MISSISSIPPI

VS.

NO. 06,0065-0000-V

RODERICK LEWIS

MOTION FOR EXTENSION OF TIME

Comes now LaLisa L. Lindemann and Lucretia R. Smith, Official Court Reporters for the Ninth Circuit Court District of the State of Mississippi, and respectfully move the Court for 30 days additional time in which to prepare the transcript of the above-styled and numbered cause and would show unto the Court the following:

1. That we filed the appeal transcript of Smith v. Ameristar Casino Vicksburg, Inc., et al., No. 04-0009-CI-V in the Circuit Court of Warren County, Mississippi, on November 10, 2006.

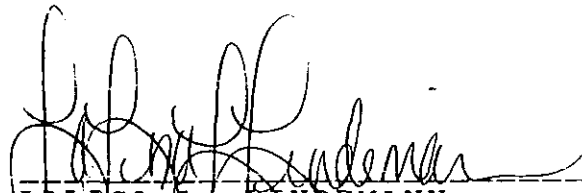
2. That we have been typing requested transcripts, which were put aside until we completed the Smith v. Ameristar appeal, for attorneys who have upcoming trials.

3. That the trial judge has knowledge of the additional time needed to prepare this transcript and has approved such extension.

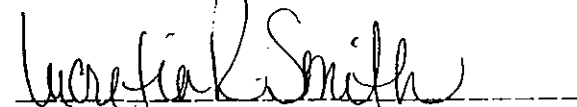
(11)

4. It is anticipated that the present transcript can be filed with the trial court clerk on or before February 3, 2007.

This the 3rd day of January, 2007.



LALISA L. LINDEMANN
Official Court Reporter



LUCRETIA R. SMITH
Official Court Reporter

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Betty W. Sephton
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@mssc.state.ms.us

January 5, 2007

Lucretia R. Smith
P.O. Box 351
Vicksburg, MS 391810351

Re: Roderick Rashael Lewis v. State of Mississippi
Case #2006-TS-01788-COA
Lower Court Case # 06,0065-CRV

NOTICE

In response to your request, please be advised that the Court has **granted** the Motion for Extension of Time to file the transcript in the above referenced matter. The transcript is presently due on February 5, 2007.


CLERK

MBE

(43)

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Betty W. Sephton
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@msc.state.ms.us

February 6, 2007

LaLisa L. Lindemann
350 Marian Lane
Vicksburg, MS 39183

Re: Roderick Rashaal Lewis v. State of Mississippi
Case # 2006-TS-01788-COA
Lower Court Case # 06,0065-CRV

NOTICE

In response to your request, please be advised that the Court has **granted** the Motion for Extension of Time to file the transcript in the above referenced matter. The transcript is presently due on March 7, 2007. No further extensions will be granted, and any further requests may be subject to sanctions.


CLERK

MBE

Serial: 139292

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

No. 2006-TS-01788-COA

RODERICK RASHAEL LEWIS

v.

STATE OF MISSISSIPPI

FILED

APR 11 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Appellant

Appellee

ORDER

This matter came before the Court on Motion for Extension of Time, filed by LaLisa L. Lindemann and Lucretia R. Smith, court reporters for the Ninth Circuit Court District, seeking additional time to file the transcript in this appeal.

The Court finds that the motion is well taken and should be granted.

THEREFORE IT IS ORDERED that the Motion for Extension of Time be, and hereby is, granted. The court reporters shall file the transcript in this case on or before May 7, 2007.

SO ORDERED, this the 9th day of April, 2007.


T. KENNETH GRIFFIS, JR., JUDGE

(45)

Serial: 140747

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

No. 2006-TS-01788-COA

RODERICK RASHAEL LEWIS

FILED

Appellant

v.

JUN 18 2007

STATE OF MISSISSIPPI

SUPREME COURT CLERK

Appellee

ORDER

This matter came before the Court on Motion for Extension of Time, filed by Lucretia R. Smith and LaLisa L. Lindemann, court reporters for the Ninth Circuit Court District, seeking additional time to file the transcript in this case.

The Court finds that the motion is well taken and should be granted.

THEREFORE IT IS ORDERED that the Motion for Extension of Time be, and hereby is, granted. The court reporters shall file their transcript on or before July 9, 2007.

SO ORDERED, this the 15th day of June, 2007.

David Anthony Chandler

DAVID ANTHONY CHANDLER,
JUDGE

Serial: 141345

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

No. 2006-TS-01788-COA

RODERICK RASHAEL LEWIS

FILED

Appellant

v.

JUL 17 2007

STATE OF MISSISSIPPI

Appellee

SUPREME COURT CLERK


ORDER

This matter came before the Court on Motion for Extension of Time, filed by Lucretia R. Smith and LaLisa L. Lindemann, court reporters for the Ninth Circuit Court District, seeking additional time to file the transcript in this case.

The Court finds that the motion is well taken and should be granted.

THEREFORE IT IS ORDERED that the Motion for Extension of Time be, and hereby is, granted. The court reporters shall file their transcript on or before August 10, 2007.

SO ORDERED, this the 17th day of July, 2007.



DONNA M. BARNES, JUDGE

Serial: 142117

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

No. 2006-TS-01788-COA

RODERICK RASHAEL LEWIS

FILED

Appellant

v.

AUG 24 2007

STATE OF MISSISSIPPI

SUPREME COURT CLERK

Appellee

ORDER

This matter came before the Court on Motion for Extension of Time, filed by Lucretia R. Smith and LaLisa L. Lindemann, court reporters for the Ninth Circuit Court District, seeking additional time to file the transcript in this case. The court reporters have received several extensions of time to file the transcript.

The Court finds that the motion is well taken and should be granted.

THEREFORE IT IS ORDERED that the Motion for Extension of Time be, and hereby is, granted. The court reporters shall file their transcript on or before September 10, 2007.

SO ORDERED, this the 23rd day of August, 2007.


VIRGINIA CARTER CARLTON, JUDGE

(LIS)

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Betty W. Sephton
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@mssc.state.ms.us

January 5, 2007

LaLisa L. Lindemann
350 Marian Lane
Vicksburg, MS 39183

Re: Roderick Rashaal Lewis v. State of Mississippi
Case #2006-TS-01788-COA
Lower Court Case # 06,0065-CRV

NOTICE

In response to your request, please be advised that the Court has **granted** the Motion for Extension of Time to file the transcript in the above referenced matter. The transcript is presently due on February 5, 2007.


CLERK

MBE

32

SUPREME COURT OF MISSISSIPPI
APPEARANCE FORM

Case # 2006-KA-01788-COA

Style of Case Roderick Rashael Lewis v. State of Mississippi

The Clerk will enter my/our appearance as Counsel for Roderick Rashael Lewis

(Please list names and addresses of all parties represented.)

who IN THIS COURT are ☐ Petitioner(s) ☐ Respondent(s) ☐ Amicus Curiae
☒ Appellant(s) ☐ Appellee(s) ☐ Intervenor

I certify that I am a member of The Mississippi Bar.

Leslie S. Lee
(Signature)

Leslie S. Lee

(Type or Print Name)

Mississippi Office of Indigent Appeals

(Firm or Organization)

(Signature)

(Type or Print Name)

(Firm or Organization)

Address 301 North Lamar

Suite 210

City & State Jackson, MS

Zip 39201

Phone () 601-576-4200 Fax () 601-576-4205

E-Mail Address LLEE@OIA.MS.GOV

Note: When more than one attorney represents a single party or group of parties, counsel should designate a lead counsel to whom all notification is to be sent, with the understanding that if other counsel should be informed he **will perform** that function. If lead counsel has not signed above, lead counsel **must** complete his own form for appearance of counsel. The person to be notified in this case is:

Name of Lead Counsel (Type or Print) Leslie S. Lee Miss. Bar 7765

Inquiry of Counsel:

To your knowledge and that of your co-counsel from whom you are to make inquiry:

(1) Is there any case now pending in this court, which involves the same, substantially the same, similar or related issue(s)?

Yes ☐ No ☒

(2) Is there any such case now pending (a) in a circuit or chancery court in this state, or (b) in an administrative agency, board, or commission which would likely be appealed to this court?

Yes ☐ No ☒

(3) Is there any case such as (1) or (2) in which judgment or order has been entered and the case is on its way to this court by appeal, petition to enforce, review, deny?

Yes ☐ No ☒

(4) Does this case qualify for calendaring priority under MRAP Rule 23? If so, cite type of case

If answer to (1), or (2), or (3), is yes, please give detailed information. Number and Style of Related case.

Name of Court or Agency _____

Status of Appeal (if any) _____

Other Status (if not appealed) _____

IF A CRIMINAL APPELLANT IS OUT ON BOND, PLEASE PROVIDE THE NAMES AND ADDRESSES OF THE SURETIES.

NOTE: Attach sheet to give further details.