

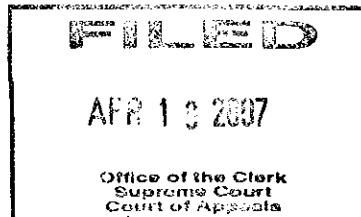
COPY

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**ANDRE L. CRAWFORD**

**APPELLANT**

**V.**



**NO. 2006-KA-01871-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

---

**BRIEF OF THE APPELLANT**

---

**ORAL ARGUMENT NOT REQUESTED**

**MISSISSIPPI OFFICE OF INDIGENT APPEALS**  
**Benjamin A. Suber, MSB No. [REDACTED]**  
**301 N. Lamar St., Suite 210**  
**Jackson, MS 39201**  
**601- 576-4200**

**Counsel for Appellant**

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**ANDRE L. CRAWFORD**

**APPELLANT**

**V.**

**NO. 2006-KA-01871-COA**

**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. Andre L. Crawford
3. Forrest Allgood, District Attorney
4. James T. Kitchens, Circuit Court Judge

This the 10 day of April, 2007.

Respectfully submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
For Andre L. Crawford, Appellant

By:

  
Benjamin A. Suber, Counsel for Appellant

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
301 North Lamar Street, Suite 210  
Jackson, Mississippi 39205  
Telephone: 601-576-4200

## TABLE OF CONTENTS

TABLE OF AUTHORITIES .....	ii
STATEMENT OF THE ISSUES .....	3
STATEMENT OF THE CASE .....	3
FACTS .....	4
SUMMARY OF THE ARGUMENT .....	5
ARGUMENT .....	7
CONCLUSION .....	16
CERTIFICATE OF SERVICE .....	17

## TABLE OF AUTHORITIES

### CASES

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

### STATUTES

Mississippi Code Annotated § 97-3-7 (1972) .....	2
--	---

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**ANDRE L. CRAWFORD**

**APPELLANT**

**V.**

**NO. 2006-KA-01871-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

---

**BRIEF OF THE APPELLANT**

---

**STATEMENT OF THE ISSUES**

**NONE**

## STATEMENT OF THE CASE

This appeals proceeds from the Circuit Court of Clay County, Mississippi, and a judgment of conviction for the crime of aggravated assault under MCA § 97-3-7 (1972), resulting in a sixteen (16) year sentence and four (4) years post release supervision following a jury trial on October 5-6, 2006, Honorable James T. Kitchens Jr., Circuit Judge, presiding. Andre L. Crawford is presently incarcerated with the Mississippi Department of Corrections.

## FACTS

On or about the night of January 3, 2006 around 2:30 AM, Michael D. Rice [hereinafter Rice] and Andre L. Crawford [hereinafter Crawford] went to the home of Harold Jordan [hereinafter Jordan] to buy some alcohol. [T. 39, 71] Jordan would sell alcohol after the bars and stores closed to make some extra money. [T. 36, 37].

According to the testimony of Rice, who is currently in prison for uttering forgery, stated that he and Crawford had been together the evening on January 2, 2006 at Rice's sister's house. [T. 63, 69, 70]. Crawford had been coming and going most of the that evening while Rice was watching football. *Id.* They both eventually left Rice's sister's house in her car to go to Jordan's house to buy some alcohol. [T. 71].

Once Crawford and Rice got to Jordan's home, they attempted to buy something to drink. *Id.* Crawford wanted to buy some alcohol on credit and Jordan said no. *Id.* At this point Rice, who was standing at the door, stated that Jordan and Crawford got into a little argument and they were talking back and forth. [T. 72]. Rice saw Crawford push

Jordan. *Id.* Rice never saw a knife and did not see whether Jordan had a weapon. *Id.* Then Crawford ran by Rice out of the house and Rice ran behind him and they left. [T. 73].

Jordan testified that he knew Rice, but he did not know Crawford at the time of the incident [T. 37, 38]. He had only recognized Crawford's face. [T. 38]. Jordan's testimony was very similar to that of Rice. Jordan said that Crawford lunged at him and then he felt the knife in his throat. [T. 40]. Jordan stated that he never saw the knife until he removed it from his throat. [T. 41, 42, 43].

There was testimony from Margaret Robinson, Crystal Crawford, and Cassandra Bennett, that stated that Crawford had been at home on the night of January 3, 2006. [T. 111, 112, 117, 118, 125]. Margaret Robinson is Crawford's mother and stated that Crawford did not leave the house all day long. [T. 110]. Crystal Crawford, who is Crawford's sister, says she was up at 2:30 AM on the night in question and that Crawford was there with her. [T. 117]. Crystal Crawford said she was up on the computer, and talking on the telephone. *Id.* Cassandra Bennett testified that she was working the late shift at Wendy's and when she left and went straight to see Crawford. [T. 125]. She said she arrived around 2:30 AM on the night in question and she and Crawford ate, watched tv and went to sleep. *Id.*

The jury subsequently found Andre L. Crawford guilty of aggravated assault and he was sentenced to sixteen (16) years in the Custody of the Mississippi Department of Corrections.

## **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. Crawford's 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 Andre L. Crawford; (b) any possible violations of Mr. Crawford's right to counsel; (c) the entire trial transcript; (d) all rulings of the trial court; (e) possible prosecutorial misconduct; (f) all jury instructions; (g) all exhibits, whether admitted into evidence or not; and (h) possible misapplication of the law in sentencing.

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. Crawford that counsel finds no arguable issues in the record and that Mr. Crawford has a right to file a pro se brief.



4. Counsel for appellant requests that the Court grant Mr. Crawford 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.

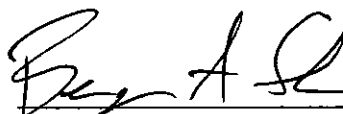
**CONCLUSION**

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

Respectfully submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
For Andre L. Crawford, Appellant

BY:



BENJAMIN A. SUBER, STAFF ATTORNEY  
MISSISSIPPI BAR NO. [REDACTED]

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
Benjamin A. Suber, Mississippi Bar No.102214  
301 N. Lamar Street, Suite 210  
Jackson, Mississippi 39201  
Telephone: 601-576-4200

### CERTIFICATE OF SERVICE

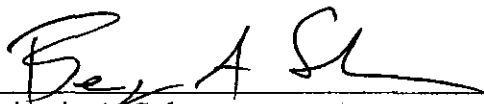
I, Benjamin A. Suber , Counsel for Andre Crawford, do hereby certify that I have this day caused to be mailed via United States Postal Service, First Class postage prepaid, a true and correct copy of the above and foregoing **BRIEF OF THE APPELLANT** to the following:

Honorable James T. Kitchens, Jr.  
Circuit Court Judge  
Post Office Box 1387  
Columbus, MS 39703

Honorable Forrest Allgood  
District Attorney  
Post Office Box 1044  
Columbus, MS  
39703

Honorable Jim Hood  
Attorney General  
Post Office Box 220  
Jackson, MS 39205-0220

This the 10 day of April, 2007.

  
\_\_\_\_\_  
Benjamin A. Suber  
COUNSEL FOR APPELLANT

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
301 North Lamar Street, Suite 210  
Jackson, Mississippi 39201  
Telephone: 601-576-4200