

COPY

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

William Logan Jr., Appellant

v

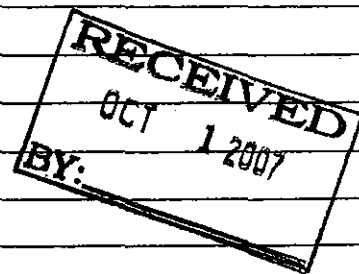
No. ~~FILED~~ - KP-01790-COA

State of Mississippi

OCT 01 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Addition to Reply Brief



William Logan Jr., Appellant prose
CMCF 3B1 #70
P.O. Box 88550
Pearl, MS 39288

I, Lolita S Banks, do hereby swear that the following statements are true and correct according to my personal knowledge. I personally met with Attorney Dan McIntosh in February 2006 and paid him as agreed \$1500.00 to represent William Logan in his case in Covington County with the agreement that I would pay him the other \$1000.00 at a later date. Then in June 2006, I paid him the balance after he said he wouldn't represent William if I didn't pay him then. I was under the impression that he was handling the case as agreed, especially because Mc Intosh stayed in touch with me from time to time. After learning that William's indictment was changed again in July 06 by his former attorney, Roger, I wondered how that could happen when I personally said Mc Intosh to represent William Logan. Also, he stated to William and I after the hearing that "If I messed up anywhere it was because I didn't enter in on the case until late." At this time I didn't understand the true damage of his procrastination, but now I

understand why he had a continuance in the revocation hearing in Vicksburg, MS, his son got arrested by the same person, Investigator Chris Newman that arrested William, for shooting in a ~~the~~ occupied dwelling, he told me this and he was very upset with Chris Newman for that. Also again after the Aug. hearing he told William ~~that~~ and I that he wasn't going to do his appeal unless we gave him \$2500.00 more and I didn't have that kind of money then. I am in nursing school and was only working part time. I feel he misled me by telling me he was taking care of the situation and turns out he wasn't doing anything until coincidentally William's indictment was changed again. I believe McIntosh took my money and didn't provide the services requested and agreed to. Also this is the reason I personally had to pay in advance for William's appeal so he wouldn't lose his right to appeal. I feel Mc Intosh took advantage of me knowing that I didn't have any knowledge of the law and procedure and his actions put me in a financial bind.

This was written in my hand and under
the penalty of perjury I swear that
the above statements is true to the best
of my knowledge

This is the 18th day of September 2007.

Lolita S. Banks

Lolita S. Banks

SWORN TO AND SUBSCRIBED BEFORE ME

This 18th Day Of Sept 20 07

TREY EVANS, CIRCUIT CLERK

BY *Trey Evans* D.C.

My Commission Expires January 1, 2008

Issue VIII: Whether the trial counsel was ineffective in his representation?

The appellant believes that to bring this point into the argument will clarify why counsel failed to properly litigate this case.

Atty. Dan McIntosh's son was arrested in May of 2006, and as a result of his arrest, McIntosh continued the appellant's revocation hearing until June 23, 2006. The appellant and girlfriend Lolita S. Banks, who has supplied an affidavit, [EX'E] in support, was told by McIntosh some of the details of his son's arrest. The same investigator Chris Newman who testified at the appellant's trial arrested McIntosh's son for shooting in an occupied dwelling and was held without bond. At this time the appellant was still in Warren County and after the revocation hearing the appellant was transported back to Carington County. McIntosh told the appellant that he cursed Newman & Sheriff Speed out in the courtroom because they told him they wouldn't charge his son, but did anyway. The appellant was a trustee at the jail and served his son's meals at the Collins Police Dept. because he was an ex police officer and couldn't be

held with the others. Also he was taking a lot of psychotic medications, which may attributed to his arrest. As told to the appellant by McIntosh, little Dan, saw some little green men coming in his house and he began shooting at them and some of the bullets went through the neighbor's house. Now if you would look at the cross examination of Chris Newman on [T. 118-119] about chasing little green men in the woods. This was a personal conflict between the two of them. Also on July 14, 2006 when McIntosh allegedly appeared and asked for a continuance, what really happened was his son got sick and had to be rushed to the hospital, it was a Friday. I was outside (trustee) and I personally witnessed this situation. This will all show why he acted the way he did and show a personal conflict between the two and how he let it affect my representation.