

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

COB

JAMIE CHRISTIE

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APPELLANT

AUG 14 2007  
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SUPREME COURT  
COURT OF APPEALS

VS.

NO. 2007-CA-0373

STATE OF MISSISSIPPI

APPELLEE

BRIEF FOR THE APPELLEE

APPELLEE DOES NOT REQUEST ORAL ARGUMENT

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**IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI**

**JAMIE CHRISTIE**

**APPELLANT**

**VS.**

**NO. 2007-CA-0373**

**STATE OF MISSISSIPPI**

**APPELLEE**

**BRIEF FOR THE APPELLEE**

**STATEMENT OF THE ISSUE**

- I. THE TRIAL COURT PROPERLY DISMISSED THE PETITIONER'S MOTION AS SUCCESSIVE WRIT-BARRED.

**STATEMENT OF FACTS**

Part of the relevant facts of this case have been extracted from this Court's opinion affirming Christie's first denial of post-conviction relief.

Jamie Christie plead guilty to two counts of burglary on May 25, 2004. At the time he had seven cases pending against him. The district attorney agreed to nol pros five of the charges in exchange for Christie's guilty plea. The circuit court accepted Christie's plea and sentenced him to serve ten years on the first count with a consecutive twenty-years sentence to serve with ten years suspended.

**Christie v. State**, 915 So.2d 1073, 1074 (¶2) (Miss. Ct. App. 2005). On November 16, 2004, Christie filed a motion for post-conviction relief challenging his guilty plea which the circuit court denied. **Id.** at (¶1). Christie then appealed the denial of relief, arguing (1) that the trial court erred

in failing to honor an oral plea agreement, (2) ineffective assistance of counsel during the plea bargain, and (3) that the trial judge should have recused himself. *Id.* at (¶1). Finding no error, this honorable Court affirmed the trial court's denial of relief on November 15, 2005.

On December 29, 2006, Christie filed a second motion for post-conviction relief in the trial court, claiming that his first motion attacked the validity of the conviction for burglary in Cause No. K03-0055EP, while his new motion collaterally attacked the validity of the conviction for burglary in Cause No. K03-0056EP. C.P. 19. The trial court dismissed Christie's second petition for post-conviction relief as successive writ-barred. C.P. 67.

### **SUMMARY OF THE ARGUMENT**

Although Mississippi Code Annotated § 99-39-9(2) requires the filing of separate motions to attack multiple orders of conviction, Christie ignored the statute in filing his first motion for post-conviction relief which attacked two judgments of conviction for burglary. The trial court acknowledged the statute, yet addressed Christie's claims in the first motion which attacked two judgments. When Christie appealed the denial of relief, again attacking both judgments of conviction, the State did not object to Christie's violation of Mississippi Code Annotated § 99-39-9(2), and this Court affirmed the trial court's denial of relief as it pertained to two judgments. Accordingly, the trial court properly dismissed Christie's second motion for post-conviction relief, which sought to attack the same two judgments which Christie attacked in his first motion for post-conviction relief, as successive writ-barred.

## ARGUMENT

### **I. THE TRIAL COURT PROPERLY DISMISSED THE PETITIONER'S MOTION AS SUCCESSIVE WRIT-BARRED.**

Christie argues on appeal that the trial court erroneously dismissed his second motion for post-conviction relief as successive writ-barred because Mississippi Code Annotated § 99-39-9(2) requires the filing of separate motions to attack multiple orders of conviction. To substantiate his claim, Christie maintains that his 2004 motion for post-conviction relief attacked the judgment from case number K03-0055EP only, and that his 2006 motion attacked the judgment from case number K03-0056EP.

The State acknowledges that Mississippi Code Annotated § 99-39-9(2) requires a post-conviction petitioner to attack only one judgment per post-conviction relief motion. However, Christie's contention that his 2004 motion attacked only the validity of the judgment in case number K03-0055EP is contrary to the record. The trial court's 2004 order denying relief stated in the first paragraph,

Before the Court is the Petitioner, Jamie Christie's, Motion for Post-Conviction Collateral Relief in Cause Nos. K03-0055P, and K03-0056P. (Generally there should be one petition per cause number. However, in this case, one plea hearing disposed of seven causes, five of which were nol prossed, the other two are the ones the Petitioner complains of today).

Exhibit A, p. 1 (attached to Appellee's Brief). In closing, the order states, "It is, therefore, ordered and adjudged that the Petitioner's Motion for Relief under the Mississippi Post-Conviction Collateral Relief Act attacking Cause Nos. K03-0055P, and K03-0056P be, and the same hereby is dismissed." Exhibit A, p. 5. Additionally, in his appellate brief challenging the trial court's first denial of post-conviction relief, Christie made clear that he was attacking both judgments of conviction, stating,

“Both orders of the Court must be vacated by this Court . . . .” Exhibit B.

The State never objected to, nor did this Court address, the fact that Christie violated Mississippi Code Annotated § 99-39-9(2) by filing one petition for post-conviction relief which attacked two judgments. His arguments in his motion and on appeal pertained to both judgments, and this Court, finding that his issues lacked merit, affirmed the trial court’s denial of relief regarding both judgments in question. In accordance with Mississippi Code Annotated §99-39-23(6), Christie should not be allowed a second chance to attack the validity of the judgment in case number K03-0056EP. The case of **Moore v. State**, 897 So. 2d 997 (Miss. Ct. App. 2004), is instructive on this point.

In 1998, Moore pled guilty to the charges of simple possession and sale of cocaine. **Id.** at 999 (¶2). In 2000, Moore filed his first petition for post-conviction relief, claiming that the Intensive Supervision Program portion of his sentence was unlawfully revoked. **Id.** at (¶5). The trial court denied relief, and this Court affirmed the trial court’s order. In 2003, Moore filed a second petition for post-conviction relief, arguing that his plea was involuntary and that he was denied effective assistance of counsel. **Id.** at (¶6). The trial court dismissed the second motion as successive-writ barred. **Id.** On appeal, Moore argued that his second motion for post-conviction relief should not have been dismissed as successive writ-barred because he pled guilty to two crimes, and was simply following the mandate of Mississippi Code Annotated § 99-39-9(2). **Id.** at 1001 (¶13). However, this Court found that because Moore’s first motion for post-conviction relief attacked the validity of both the possession and sale judgments of conviction, his second motion was successive writ-barred because, although he raised different issues, they pertained to the same two judgments he attacked in his first motion. **Id.**

Like Moore, Christie’s first motion for relief attacked two judgments from one plea hearing.

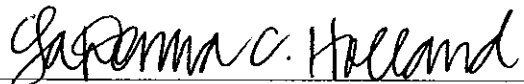

Although Christie raised new issues in his second motion for post-conviction relief, the motion attacked the validity of the same two judgments from which the trial court had already denied post-conviction relief, the denial of which was affirmed by this honorable Court. Because Christie meets none of the exceptions to the successive writ bar, the trial court properly dismissed his second motion for post-conviction relief.

### CONCLUSION

For the foregoing reasons, the State asks this honorable Court to affirm the trial court's denial of post-conviction relief.

Respectfully submitted,

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IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

JAMIE CHRISTIE, JR.

PETITIONER

VERSUS

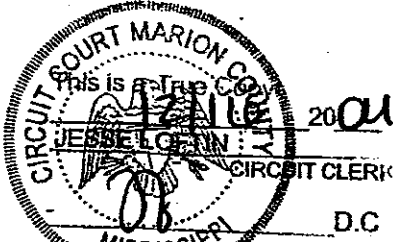
CAUSE NO. 2004-0331P

STATE OF MISSISSIPPI

RESPONDENT

ORDER DENYING PETITIONER'S MOTION FOR  
POST-CONVICTION COLLATERAL RELIEF

BEFORE THE COURT is the Petitioner, Jamie Christie's, Motion for Post-Conviction Collateral Relief in Cause Nos. K03-0055P, and K03-0056P. (Generally there should be one petition per cause number. However, in this case, one plea hearing disposed of seven causes, five of which were nol prossed, the other two are the ones the Petitioner complains of today). The Court has treated Petitioner's motion as a submission under the Mississippi Uniform Post-Conviction Collateral Relief Act, Miss. Code Ann. §§ 99-39-1 et seq. (1972). Accordingly, the Court has examined the Petitioner's motion, together with all the files, records, transcripts and correspondence relating to the judgment under attack. Finding that it plainly appears from the face of Petitioner's motion, the annexed exhibits, and the prior proceedings that he is not entitled to any relief, the Court summarily dismisses Petitioner's motion pursuant to Miss. Code Ann. § 99-39-11(2) for the reasons that follow.



BACKGROUND

EXHIBIT

A

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On May 25, 2004, the Petitioner entered a plea of guilty to two counts (contained in two separate cause numbers) of Burglary of a Dwelling House in violation of Miss Code Ann. § 97-17-23. The Court accepted the petitioner's plea and he was subsequently sentenced to serve ten (10) years in the custody of the Mississippi Department of Corrections in Cause No. K03-0055P, and then immediately thereafter, and on the same day in Cause No. K03-0056P, the Court sentenced Christie to serve a term of twenty (20) years in the custody of the Mississippi Department of Corrections, said sentence to run consecutive to the sentence imposed in Cause No. K03-0055P, and then suspended ten (10) years of the sentence in Cause No. K03-0056P to be served under the provisions of Miss. Code Ann. § 47-5-138, and §47-7-34. The Petitioner was also ordered to make restitution to the victims, and to attend alcohol and drug classes, but a detailed discussion of these requirements is unnecessary as he does not complain of them in his petition.

Petitioner now files this Motion for Post Conviction Collateral Relief attacking the validity of the guilty plea he entered on May 25, 2004, asserting as his only ground for relief, that this Court did not honor the "deal" that he claims his attorney told him had been struck with the Court and the D.A.'s office on his behalf, and that his counsel was ineffective because she failed to seek specific performance of an alleged "oral agreement" that if he plead guilty he would not receive more than a ten (10) year sentence.

This Court has long been in the habit of conducting an extremely thorough, and exhaustive examination of a defendant desiring to enter a plea of guilty. The Petitioner was well aware of the fact that this Court was not, and for that matter never is, "bound" by any

agreement between any petitioner, and the State of Mississippi. This was explained to the Petitioner at the time of his plea when the Court stated (Beginning on Page 7, Line 23 of the Transcript of the Plea Hearing):

Q: Are you familiar with what plea bargaining is?

A: Yes, Sir.

Q: All right. Now, we don't use plea bargaining in this district. But in this district the District Attorney's Office has the full right to do what they've done in your case. There were seven cases, more or less, pending against you. Five of them are on my docket, and one that's on Judge Eubanks' docket, and one that's been passed to the file. So what Ms. Baldwin and Mr. Kittrell informed me of in your presence before we went on the record that if you plead guilty in these two cases, the State would then nol pros the other five cases. And that would be done if you decide to plead guilty.

But where they use plea bargaining not only would the State have done that, but they'd also say, Jamie, if you will plead guilty, here's the sentence we'll recommend. And they would recommend the sentence in each of these cases. That doesn't happen in our district. In other words, their authority ends once they nol pros or reduce the charge or whatever they are going to do. But if you enter a plea of guilty then I have to make a determination about what the sentence is. And I do that from a presentence investigation report, a victim impact statement, your petition, and the hearing we're going through.

Now, has anybody told you if you will plead guilty you are going to get a particular kind of sentence, length of sentence or anything like that?

A: No, Sir.

Q: Now, Jamie, you understand that if you plead guilty to two counts, then I can't consider probation or RID. Do you understand that?

A: Yes, Sir.

Q: Okay. Now, Jamie, let me ask you this: Has anybody since all this came up, law enforcement, prosecutors, victims, codefendants or anybody mistreated you, abused you, coerced you, intimidated you, threatened you, made promises to you or done anything to try to get you to come over here and plead guilty?

A: No, Sir.

and also in a statement given by the Petitioner on May 25, 2004. In that statement, Assistant District Attorney Hal Kittrell stated to the Petitioner, "All right. Jamie, the agreement that we had with you and you understand, of course, we have no control over what Judge Prichard will do regarding your sentence. . ." (Trans. P. 13, L. 20).

The Petitioner was specifically advised that any sentence would be arrived at solely by the Court. The signed and sworn "Petition to Enter Plea of Guilty," which the Petitioner personally executed, sets out his knowledge that the sentence is up to the Court and that the 15th Judicial District does not engage in plea bargaining, and that no promises had been made to him to induce him to plead guilty. His claims related to the plea process are without

merit.

As to the Petitioner's assertion that his counsel was somehow ineffective for failing to attempt to seek specific performance, the Court finds that assertion also to be totally devoid of merit. Christie's trial counsel is also well aware of the fact that this Court does not engage in plea bargaining, and even if by some stretch of the imagination his counsel was ineffective, that issue would be moot as this Court position on plea bargaining was fixed, and not contingent upon any argument that could have been made by the petitioner's lawyer.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Petitioner's Motion for Relief under the Mississippi Post-Conviction Collateral Relief Act attacking Cause Nos. K03-0055P, and K03-0056P be, and the same hereby is DISMISSED.

IT IS FURTHER ORDERED AND ADJUDGED that the Circuit Clerk of Marion County, Mississippi be, and he is hereby directed to notify the Petitioner by certified mail, return receipt requested, by sending to the Petitioner a certified copy of this Order, pursuant to Miss. Code Ann. § 99-39-11(2) (1972 & Supp. 1995).

SO ORDERED AND ADJUDGED this 16 day of December, 2004.



CIRCUIT JUDGE

COPY

IN THE SUPREME COURT OF MISSISSIPPI

JAMIE CHRISTIE, JR.

(C.D.S. = 2/6/05)

APPELLANT

VS.

SCT. NO. 2005-CD-105  
Circuit Ct. No. 2004-0331P

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STATE OF MISSISSIPPI

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APPELLEES

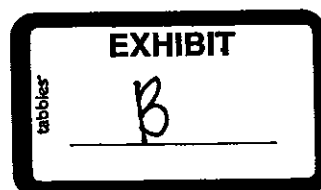
APPEAL FROM THE ORDERS OF THE CIRCUIT COURT  
OF MARION COUNTY MISSISSIPPI DENYING  
MOTION FOR POST CONVICTION COLLATERAL RELIEF  
SEEKING SPECIFIC PERFORMANCE, AND FROM ORDER  
OVER-RULING MOTION FOR RECUSAL

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DATE: Feb. 6, 2005

[i]

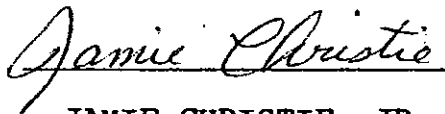


CERTIFICATE OF INTERESTED PERSONS

The following representations are made so that the Justices of this Court can evaluate possible recusal:

- 1] Hon. R.I. Prichard, III, Circuit Ct. Judge, Marion Co. Ms.
- 2] Hon. Hal Kittrell, Assist. District Attorney, Marion Co. Ms.
- 3] Hon. Shirlee, Baldwin, (Appellants past Counsel of record)

This the 6 day of Feb. 2005.



JAMIE CHRISTIE, JR.

pro'se Litigant

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IN THE SUPREME COURT OF THE STATE OF  
MISSISSIPPI

JAMIE CHRISTIE, JR.

APPELLANT

VS.

SCT NO. \_\_\_\_\_

Cir. Ct. No. 2004-0331P

STATE OF MISSISSIPPI

APPELLEES

BRIEF OF APPELLANT

COME'S NOW THE appellant, Jamie Christie, [here-in-after Christie], ~~pro'see~~ and without the benefit of Counsel, pursuant to MCA §99-39-5, the 14th Amendment to the United states Constitution and the corresponding articles and sections of the Constitution of the stateof Mississippi, and appeals the orders of the Circuit Court of Marion County denying the appellant's motion for Post-conviction relief seeking specific performance of a breached plea agreement, and the order of the Court ~~overruling~~ the appellant's motion for recusal of the Circuit Judge who's sentence breached the agreement. Both orders of the Court must be vacated by this Court, and the case remanded and assigned to a neutral disinterested Judge. [See attached Orders/Appendixes, 1 and 2 respectively].

[1]

SUMMARY OF THE FACTS

On may 25, 2004 the appellant entered a plea of guilty to two counts of burglary of a dwelling house in violation of MCA §97-17-23. The Court accepted the appellant's plea and he was sentenced to

serve ten (10) years in custody of the MDOC in cause No. K03-0055P, and then in cause No. K03-0056P the Court sentenced appellant to serve a term of twenty (20 ) years in custody of the MDOC, said sentence to run consecutive to the sentence imposed in the previously said cause. Although the Court suspended ten (10) years of the sentence in cause No. K03-0056P to be served under provisions of MCA §47-5-138 and 47-7-34, and ordered the appellant to make restitution to the victims, and attend alcohol & drug classes, the sentence violate's Due Process because Christie's plea was induced by a promise of a total ten (10) year sentence in terms of time to be actually served. U.S. Vs. Kirk, 70 F3d 191 (5th Cir. 1995).

Prior to the Court accepting his plea he had detrimentally relied upon the advice of his counsel and the agreement of the state that it would recommend a ten year sentence in terms of time to be actually served by Christie. [See attached Appendix [3], verifiable copy of the post-conviction motion filed in the Court below, at page 2, IV entitled Statement of the facts within the petitioner's personal knowledge to which is attached relevant exhibits "A thru I". The facts supported by these exhibits demonstrate that:

- 1] Appellant relied upon the advice of his counsel to his detriment Exhibit-E;
- 2] Appellant was led to believe that if he fully cooperated with the state that he would only receive a total sentence of time to serve of ten (10 ) years. exhibits, F-H;

3] Additionally, Appendix-4, a verifiable copy of the Motion for recusal, to which is attached the appellant's affidavit and relevant portions of the proceedings below, demonstrating the facts that provided the basis for the Judge to fulfill his obligation to disqualify him-self from sitting on the appellant's post-conviction case.

[2]

QUESTIONS PRESENTED ON THIS APPEAL

- a) WHETHER THE CIRCUIT COURT ABUSED IT'S DISCRETION summarily dismissing the appellant's Motion without an evidentiary hearing?
- b) WHETHER THE CIRCUIT COURT ABUSED IT'S DISCRETION when it over-ruled Appellant's motion for recusal?

[3]

LEGAL ARGUMENT

The appellant first argue's the Circuit Court judge abused his discretion when he over-ruled appellant's motion for recusal.

It is a legal fact that 94% of the people charged with crimes in the United States get sifted out of the system before a jury verdict is rendered.... always to their detriment, as when they short circuit the system by pleading guilty. They effectively isolate themselves from that multitude of rights, privileges and constitutional protections the law provide's. [Source: Cite Book 19th Addition, ISBN 0-9705630-3-5, Library of Congress Catalog Card Number: 90-71186; Copyright by Starlight Inc. (2003). Furthermore, as pointed out in

McCormick §251, p. 543.

" Effective criminal law administration in many localities would hardly be possible if a large portion of the charges were not disposed of by such compromises"...end quote.

---

In the case subjudice, the Judge was adamantly opposed to as much as a sentence recommendation in this case. The prosecution fulfilled part of its agreement and promise. Although the record is silent concerning the sentencing recommendation, it can be inferred from the comments of the Judge that was one was made and that the Court rejected it. (See attached appendix-4, to which is attached "Exhibit-A, 1 of three pages). At page three there-of beginning at p. 1, lines 25-28, is found:

BY THE COURT:

Q. All right. Now, we don't use Plea bargaining in this District.  
.... end quote.

And again at p. 2 lines 8-13.

But where they use plea bargaining not only would the state have done that, but they'd say, Jamie, if you will plead guilty, here's the sentence we'll recommend. And they would recommend the sentence in each of these cases. That doesn't happen in our district... end quote.

---

In assuming that it can not be inferred from these comments of the judge that a recommendation had indeed been made & he rejected it, the Judge was faced with a conflict of interest. On the one hand, Jamie had provided 'info' to the State prior to the plea acceptance hearing or rather he had cooperated with the government to his detriment in a manner that was effective criminal law administration, help the government solve several other cases and thus disposing of them. McCormick §251, p. 543.

The Prosecutor in the case subjudice, had an **inescapable duty** to honor the promise made to the appellant prior to the acceptance of the plea, i.e. to recommend a sentence of actual time to serve of no more than ten (10) years. [Allowing the government to breach a promise, violate's Due Process. U.S. V. Johnson, 241 F. 3d 1049 (8th Cir. 2001)].

More-over, while it can be inferred that the Judge was well aware of the fact that some recommendation had been discussed, even if he was not, when it was brought to the Court's attention on the post-conviction motion for specific performance, he could not be impartial in handling Christie's motion for specific performance. At bottom is the Judge's stated position on sentence recommendations and the fact that Jamie was "promised a sentence of no more than ten (10) years to actually serve". The Judge's stated position against sentence recommendations was in conflict with what had actually transpired during plea discussions.

Black's Law Dictionary define's Recusal as: "Removal of oneself as Judge or policy maker in a particular matter, especially because of a conflict of interest. To be sure, as a part of a branch of state government involved in the lawful administration of criminal Justice, the precise role of the Court was to determine on Christie's motion whether or not he had been promised such a sentence. The government has a special duty and responsibility to insure integrity of the criminal process by living up to the Code of professional ethics and fair play at all times. See White v U.S., 222 F 3d 363, (7th Cir.2000).

In his post-conviction motion seeking specific performance of the promise, accompanying the motion and his personal allegation were the affidavits of credible persons who sat in on periods of his clint/ attorney consultations and or who were present to over hear and see the exchanges in the presence of Christie and his lawyer when the sentence was made mention of. See Exhibits, F, G, H, & I, attached to the motion Appendix-3. And See Laushaw v. state, 791 So. 2d 854 (2001) and in McCleary v. state, 582 So. 2d 245 (Miss. 1991), this Court held:

"Because defendant presented in sworn form certain factual allegations sufficient to pass pleading test he was entitled to an evidentiary hearing". end route.

The Court below, in its order dismissing the post-conviction relief Motion, quoted the District attorney at page 13, L. 20 of the transcript:

" All right. Jamie, the agreement that we had with you and you understand, of course, we have no control over what Judge Pritchard will do regarding your sentence,...' end quote.

This explains nothing except that the Court was about to reject part of the agreement that was in effect at the time Jamie cooperated with the state to his detriment. To be sure, the fact that it is left up to the Bench's discretion whether to accept or reject a guilty plea and recommendations does not allow a court to reject a guilty plea or recommendations on an arbitrary basis. A trial Judge must exercise reasoned discretion in order to justify rejecting a guilty plea or recommendations that have been agreed to by the prosecution and defense attorney. U.S. V. Maddox, 48 F3d 555 (D.C. 1995). It would be a strain of logic to conclude, in the face of the well known benefits of plea bargaining to effective criminal law administration, that the Court below exercised reasoned discretion in rejecting the part of the agreement involving the sentencing recommendation. The government must strictly comply with plea agreements it make's with defendants. See U.S. v. Kirk, 70 F3d 791 (5th Cir. 1995). Allowing the government to breach promise that induced the guilty plea violate's Due Process. U.S. V Van Thournout, 100 F 3d 590 \_8th Cir. 1996).

The United States Supreme Court has long ago recognized that plea bargain agreements must be attended to by safeguards to insure

the defendant what is reasonably due in the circumstances". Santobello v. New York, 404 U.S. 257, 30 L. Ed 2d 427, 92 S. Ct. 495 (1975).

What is reasonably due the appellant is what he was promised, which is the fulfillment of the agreement, to include a sentence of time to be served not in excess of ten (10) years. In its order the Court below made passing reference to Jamie's allegations fully supported by accompanying affidavits, and inferences that can be drawn from the recorded statements of the Judge and the prosecutor. The Judge's passing reference is quoted here verbatim:

[ " Petitioner now files this Motion for Post-conviction collateral relief attacking the validity of the guilty plea he entered on May 25, 2004, asserting as his only ground for relief, that this Court did not honor the deal that he claims his attorney told him had been struck with the Court and the D.A.'s office on his behalf, and that his counsel was ineffective because she failed to seek specific Performance of an alleged oral agreement that if he plead guilty he would not receive more than a ten (10) year sentence." .end quote.

It was an erroneous finding that Jamie alleged that a "deal" had been struck with the Court. Jamie never alleged that the agreement had been struck with the Court. However, "a plea agreement need not be in writing, although a written agreement is the preferred practice." U.S. V. Herrera, 265 F 3d 349 (6th Cir. 2001). And as far as the Court's involvement and role, " a plea agreement is, in essence a contract between the Government and a criminal defendant". U.S. V.

Howle, 166 F. 3d 1166 (11th Cir. 1999). A neutral ~~and~~ detached Judge in the face of the appellant's accompanying evidentiary supports would have conducted an evidentiary hearing, allowing the appellant to prove his claims, as this instant Court's case law dictates. See Laushaw v. State, 791 So. 2d 854 (Miss. 2001).

The appellant has shown a substantial violation of his State and Federal rights, triggering relief under the state's post-conviction relief Act, MCA §99-39-1, et. seq. The sentence that the appellant is presently labouring under, in so far as it exceeds the promised ten (10) years which was part of the inducement, "violates Due Process". See U.S. v. Kirk, 70 F 3d 191 (5th Cir. 1995).

Wherefore Premises Considered, the appellant prays that this Court will grant the following relief:

- 1] that this Court will reverse and remand the appellant's case back to the Circuit Court of Marion County, for Specific performance and correction of the sentence;
- 2] In the alternative, that the Court with remand the case with specific instructions that an evidentiary hearing, be soon conducted on the appellant's claims;
- 3] that on remand this case be assigned to a neutral and detached Circuit Court Judge, and that counsel be appointed to assist the appellant, with all such other relief the Court deems just and proper.

This the 6 day of Feb. 2005.

Respectfully Submitted  
By: Jamie Christie  
JAMIE CHRISTIE, JR.  
Pro'se Appellant



CERTIFICATE OF SERVICE

I, Jamie Christie, Jr, pro'se appellant, do hereby certify that I have this day mailed the original and true and correct copies of the foregoing Appellant's Brief to the below listed persons:

Hon. Betty W. Sephton  
Clerk, Miss. Supreme Ct.  
PO Box 249  
Jackson, Ms. 39205  
[Original & 3 copies]

Hon. Jim Hood  
Atty. Gen. Miss.  
PO Box 220  
Jackson, Ms. 39205  
[1-copy]

This the 16 day of Feb. 2005.

By: Jamie Christie

Jamie Christie, Jr.  
#1044597/ Unit A-1  
PO Box 1419  
SMCI, 2  
Leakesville, Ms. 39451

Pro'se Appellant

[Attachments/Appendixes  
1 thru 4]

## CERTIFICATE OF SERVICE


I, LaDonna C. Holland, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing **BRIEF FOR THE APPELLEE** to the following:

Honorable R. I. Prichard, III  
Circuit Court Judge  
Post Office Box 1075  
Picayune, MS 39466

Honorable Haldron J. Kittrell  
District Attorney  
500 Courthouse Square, Ste.3  
Columbia, MS 39429

Raymond O. Boutwell, Jr., Esquire  
Attorney At Law  
Post Office Box 852  
Brookhaven, MS 39602

This the 14th day of August, 2007.



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