

COPY

IN THE SUPREME COURT OF MISSISSIPPI

FILED

APR 30 2008

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

FRANCES JONES PREWITT

APPELLANT

VS.

NO. 2007-CA-00680

JIMMY W. VANCE

APPELLEE

BRIEF in REPLY

Stephen Nick
Attorney at Law
Post Office Box 1195
Greenville, Mississippi 38702-1195
MSB # [REDACTED]
662-332-7111

Unfortunately, counsel for the defendants incorrectly argues that Sgt. Weaver absolves Jimmy Vance of any responsibility in causing the death of R. C. "Bud" Prewitt and the injuries to Frances J. Prewitt.

Counsel does not address the shed fire and how same contributed to the accident. In the short story, "Silver Blaze", (p.146) Holmes states:

"Before deciding that question I had grasped the significance of the silence of the dog, for one true inference invariably suggests others."

It is a true statement that Jimmy Vance adamantly disputes Sgt. Weaver's account of the accident. (Vol. II, page 178)

"He says when Mr. Pettit hit their car in the rear Mr. Prewitt's car that it turned counter clockwise. It did not. It turned clockwise 90 degrees."

Jimmy Vance did not see the initial collision because his attention was focused on the shed fire to his left in the field.

"On the day of the accident I'm told the shed was burning. Do you recall that?

I do.

Describe that for me.

It was just a shed where they had started trying to burn some trash around it and they caught the shed on fire and the fire truck was there and they were just standing back watching it burn because of the shed was of no value so they decided to let it burn down."

Thus, the Court's Order granting summary judgment should be reversed.

Respectfully submitted, this the 30th day of April, 2008.



Stephen Nick

CERTIFICATE

I, Stephen Nick, do hereby certify that I have this day mailed
a true and correct copy of the foregoing, postage prepaid to:

Judge Richard Smith
Post Office Box 1953
Greenwood, MS. 38935

Mr. Arnold Luciano
Attorney at Law
Post Office Box 1209
Cleveland, MS. 38732

This the 30th day of April, 2008.



Stephen Nick