

IN THE SUPREME COURT OF MISSISSIPPI
NO. 2007-CA-02018 SCT

COPY

CHARLES LAMAR JOHNSON

APPELLANT

V.

FILED

MAY 09 2008

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SUPREME COURT
COURT OF APPEALS

STATE OF MISSISSIPPI

APPELLEE

APPELLANT'S REPLY BRIEF

MISSISSIPPI OFFICE OF INDIGENT APPEALS
George T. Holmes, MSB No. [REDACTED]
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Jackson MS 39201
601 576-4200

Counsel for Appellant

TABLE OF AUTHORITIES

CASES:

<i>Townsend v. State</i> , 681 So.2d 497 (Miss. 1996)	1
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STATUTES

none

OTHER AUTHORITIES

none

REPLY ARGUMENT

The state's argument that the court rely on *Townsend v. State*, 681 So.2d 497 (Miss. 1996) to affirm is unpersuasive. In *Townsend* the officer was asked to retrieve personal property from Townsend's car and smelled marijuana, thus providing probable cause for a subsequent search. Contrarily, in this case there was no consent nor request for the officers to enter Johnson's automobile at any time.

"Townsend initiated the request for the officers to return to his car." 681 So. 2nd at 501. That is when the officers's smelled burned cannabis. "And the smell of marijuana gave Officer Turner and fellow officers all the probable cause needed to conduct a more probative search of the area that was within Townsend's immediate control." *Id.* at 504.

There is no analogy between Johnson's case here and *Townsend* or any of the other authorities cited by the state. The more recent cases cited by the appellant in his initial brief, none of which were distinguished by the state, appear to control.

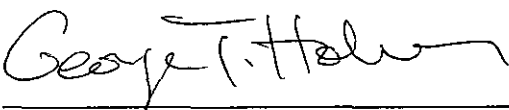
Otherwise, Johnson relies on the arguments previously presented.

CONCLUSION

Johnson respectfully requests to have his conviction reversed and remanded for a new trial.

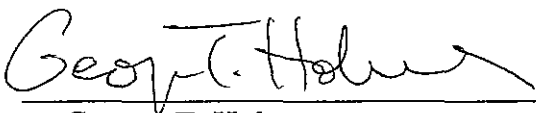
Respectfully submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS
For Charles Lamar Johnson, Appellant

By: 
George T. Holmes, Staff Attorney

CERTIFICATE

I, George T. Holmes, do hereby certify that I have this the 9th day of May, 2008, mailed a true and correct copy of the above and foregoing Reply Brief to Hon. Robert G. Evans, Circuit Judge, P. O. Box 545, Raleigh MS 39153 , and to Hon. Eddie Bowen , Dist. Atty. , 100 Court St., Ste. 4, Mendenhall MS 39114, and to Hon. LaDonna Holland, Assistant Attorney General, P. O. Box 220, Jackson MS 39205 all by U. S. Mail, first class postage prepaid.


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