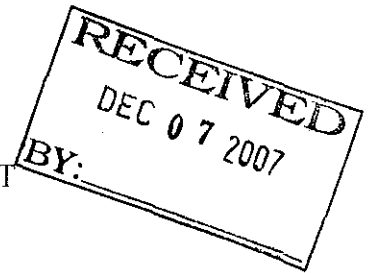


IN THE SUPREME COURT OF THE STATE OF  
MISSISSIPPI

**COPY**

JEFFREY EARL EVANS

APPELLANT



VS.

**FILED**

NO. 2007-CP-0295

**DEC 06 2007**

STATE OF MISSISSIPPI

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

APPELLEE

FINAL ARGUMENT

BY: JEFFREY EARL EVANS  
PRO SE

JEFFREY EARL EVANS [REDACTED]  
UNIT 26A E278  
PARCHMAN, MS 38738

IN THE SUPREME COURT OF THE STATE OF  
MISSISSIPPI

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THAT THE CIRCUIT COURT DID ERR IN  
DENYING RELIEF ON THE APPELLANT'S  
MOTION IN POST-CONVICTION RELIEF

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## FINAL ARGUMENT

I WILL NOT CITE ANY CASES OR STATUTES IN MY ARGUMENT. I ONLY WILL TALK ABOUT THE FACTS OF MY CASE.

ON MAY 16, 2004 I DID TAKE A FORD TRUCK BELONGING TO THE FULTON GRAIN COMPANY. I DO NOT ARGUE THE PRIMARY CHARGE. I ARGUE THE PRIOR CONVICTIONS AND THE ALLEGED SENTENCING DATES.

AS I STATED IN MY POST-CONVICTION I WAS NOT SENTENCED TO SERVE A THREE YEAR TERM ON JULY 22, 2002 AND I WAS NEVER IN THE ITAWAMBA COUNTY CIRCUIT COURT AT ANYTIME DURING THE MONTH OF JULY 2002.

AS FOR THE MARCH 21, 2003 ALLEGED SENTENCE OF 10 YEARS. THIS SENTENCING NEVER OCCURRED. I WAS NEVER IN THE ITAWAMBA COUNTY CIRCUIT COURT OR ANY OTHER COURT ANYWHERE FOR SENTENCING IN MARCH 2003.

SPECIAL ASSISTANT ATTORNEY GENERAL, MR. JOHN HENRY RAISED DOUBT CONCERNING THE HANDWRITTEN NOTE FROM MS. GATES [ITAWAMBA COUNTY CIRCUIT CLERK]. IN THE SEARCH FOR THE TRUTH AND JUSTICE I HUMBLY ASK THIS HONORABLE COURT TO CONTACT MS. GATES AT HER OFFICE TO INQUIRE ABOUT THE DATES AND MONTHS IN QUESTION AS ALLEGED IN THE INDICTMENT. ITAWAMBA COUNTY CIRCUIT CLERK'S OFFICE 662-862-3511 OR FAX 862-4006. A TELEPHONE CALL IS A VERY SMALL PRICE TO PAY FOR THE FREEDOM OF ANY MAN.

LET'S SAY FOR THE SAKE OF AN ARGUMENT THAT THE INDICTMENT WAS IN FACT CORRECT. THE STATE OF MISSISSIPPI HAVE A TRUTH IN SENTENCING LAW THAT REQUIRES THAT 85% OF AN OFFENDERS SENTENCE BE SERVED BEFORE HE IS RELEASED.

10 YEARS AT 85% EQUAL TO 102 MONTHS WHICH IS 8 ½ YEARS. IN ORDER TO BE REALESED AN OFFENDER MUST SERVE 4 YEARS AND 3 MONTHS OF THE 8 ½ YEARS. NOW, IF I WERE SENTENCED ON MARCH 21, 2003 TO A TERM OF 10 YEARS I WOULD HAVE BEEN RELEASED SOMETIME IN JUNE 2007. I WOULD ALSO HAVE THE REMAINING 18 MONTHS TO SERVE UNDER THE SUPERVISION OF A FIELD OFFICER FROM THE MISSISSIPPI DEPARTMENT OF CORRECTIONS.

THERE'S NO POSSIBLE WAY THAT THE INDICTMENT COULD BE CORRECT. THE INDICTMENT WAS NEVER AMMENDED TO CHANGE OR CORRECT ANYTHING.

I READ SOMEWHERE IN THE "VINCE" CASE WHERE THIS HONORABLE COURT STATED THAT " WE HAVE REGULARLY UPHELD SENTENCES UNDER THE HABITUAL CRIMINAL STATUES WHERE THE PROOF OF PRIOR CONVICTIONS WAS MADE BY CERTIFIED COPIES OF THE JUDGEMENTS OF CONVICTIONS. IN MY CASE, THERE IS NO CERTIFIED COPIES OF ANY JUDGEMENTS BECAUSE THE SENTENCING NEVER OCCURRED AS ALLEGED IN THE INDICTMENT CR04-034[G]I.

IT IS CRYSTAL CLEAR THAT THIS ILLEGAL SENTENCE SHOULD BE OVERTURNED AND REMANDED TO THE ITAWAMBA COUNTY CIRCUIT COURT FOR RE-SENTENCING OTHER THAT 99-19-81.

I HOPE THAT I HAVE RAISED ENOUGH DOUBT CONCERNING THIS ILLEGL SENTENCE. I BELIEVE THE LAWS OF THIS STATE TO BE TRUE AND CORRECT AND THIS SENTENCE MUST BE STRIPPED OF IT'S ENHANCED PUNISHMENT.


CERTIFICATE OF SERVICE

I, JEFFREY EARL EVANS, PRO-SE APPELLANT DO HEREBY CERTIFY THAT I HAVE THIS DAY MAILED, POSTAGE PREPPAID, A TRUE AND CORRECT COPY OF THE ABOVE FOREGOING FINAL ARGUMENT TO THE FOLLOWING:

HONORABLE JOHN R. HENRY  
SPECIAL ASSISTANT ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MS 39205-0220

HONORABLE JOHN R. YOUNG  
DISTRICT ATTORNEY  
P.O. BOX 212  
CORINTH, MS 38834

THIS THE 6<sup>th</sup> DAY OF DECEMBER, 2007.

  
\_\_\_\_\_  
JEFFREY EARL EVANS  
PRO-SE

JEFFREY EARL EVANS  
UNIT 26A E278  
PARCHMAN, MS 38738