

COPY

IN THE SUPREME COURT OF MISSISSIPPI

James Odell McLamb

Petitioner

v.

State of Mississippi

Respondent

FILED

MAY 10 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Cause No. 2007-CP-00496

FILED

MAY 02 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

EMERGENCY MOTION FOR STATE HABEAS CORPUS

APPEAL

COMES NOW, James Odell McLamb, [McLamb] Pro Se Appellant, and pursuant to Miss. Code Ann. Sec. 11-43-1, 11-43-7, 11-43-9 and see Wheeler v. State, 217 Miss; 70 So. 82; 1954 Miss. Lexis 344, also see MCA Sec. 2815 and 2819, and so submit his Emergency Motion for State Habeas Corpus to vacate an expired and illegal sentence which was imposed upon him by the Circuit Court of Coahoma County, Mississippi on February, 1981, and McLamb being held illegally by the Central Mississippi Correctional Facility in Rankin County Mississippi.

McLamb first filed his motion in the Circuit Court of Rankin County where he is being held pursuant to Uniform Rules of Circuit and County Court practice Rule 2.07, MCA Sec. 11-43-9, but the motion was dismissed for lack of venue Jurisdiction in error.

Accordingly, this Honorable Court now has jurisdiction to render an decision in this case at bar on the "ex post facto" law to a penal statutes.

Respectfully,

James O. McLamb

JURISDICTION

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This Honorable Court has jurisdiction under the Uniform Rule of Circuit and County Court Practice adopted effective May 1, 1995, Rule 2.07(1)(5) and pursuant to Miss. Code Ann. Sec. 11-43-53, 11-43-9, MCA Sec. 2815, 2819 and Wheller v. State, 219 Miss. 129; 70 So. 2d 82; 1954 Miss. Lexis 344, and because McLamb did file a State habeas corpus, not a motion for post-conviction relief. See MCA Sec. 11-43-9:

Application for motion for writ of habeas corpus shall be filed with the clerk of any court of competent jurisdiction of the county where the movant is detained. The writ of habeas corpus "SHALL" extend to all cases of illegal confinement or detention by which any person is deprived of his/her liberty, or by which rightful custody of the person is withheld from the person entitled thereto.

and the application "Shall" be made to the judge or chancellor of the district in which the relator is imprisoned. MCA Sec. 2819(1942).

Under Judicial Decisions(1) In General:

Trial court did not err by treating an inmate's writ of habeas corpus as a petition for post-conviction relief as the writ was not filed in the county where the inmate was detained as required by Miss. Code Ann. Sec. 11-43-9. Moore v. Miss. Dept. of Corrections, __ So. 2d __ (Miss. Ct. App. 2005).

The function of Supreme Court is to review the lower court's action in disposing of an application for writ of habeas and the issuance of writ should not be first requested for the Supreme Court. See Wheeler, Supra.

The Mississippi Legislature enacted the habitual criminal statute, section 99-19-81 of the Miss. Code of 1972 in the 1976 session of legislature, but effective from January 1st and after January 1, 1977. In Bell v. State, 726 So. 2d 93; (Miss. 1998)

concisely stated, Bell was indicted with enhanced penalties in 1984, under a 1977 statute, for a crime which occurred in 1977. Thus, the punishment he received as an habitual offender made more burdensome the punishment for his crimes, after commission, thereby violating the ex post facto provision of our State and Federal Constitutions, which warrant this Honorable Court authority as in Bell supra.

McLamb do swear to this Honorable Court the fact that he first filed his emergency motion for state habeas to Rankin County Circuit Court, the county where he is detained, see order as exhibit-1, but his petition was misconstrued as being a motion for a post-conviction relief and erroneously dismissed, but pursuant to Miss. Code Ann. Sec. 99-39-5, where an inmate filed a petition for a writ of habeas corpus and was requesting that his illegal sentence be corrected the court (Rankin County) should have exercised jurisdiction over the matter, also see Moore v. Ruth, 556 So. 2d 1059(Miss. 1991):

Where a prisoner is proceeding pro se, the court takes that fact into account and, in its discretion, credits not so well pleaded allegations, to the end that a prisoner's meritorious complaint may not be lost because it was inartfully drafted.

McLamb submit the fact that a petition for a writ of habeas corpus would be treated as a motion under MCA Sec. 99-39-5(1)(g), which authorizes a post-conviction motion in the nature of "collateral review" by the petitioner, since he was in custody under a Mississippi conviction and claimed that he was "unlawfully held in custody" because of an "ex post facto clause" violation, which is a jurisdictional defect.

PROCEDURAL HISTORY

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On February 19, 1981, McLamb was convicted of armed robbery as an habitual offender in the Circuit Court of Coahoma County, Mississippi, and was subsequently sentenced to a term of life imprisonment without parole in the Mississippi Department of Corrections.

On March 10, 1982, the Mississippi Supreme Court affirmed the conviction and sentence. McLamb v. State, 410 So. 2d 1318(Miss.1982), on May 7, 1985 the circuit court resentenced McLamb to 33 years without parole in the Mississippi Department of Corrections. On June 4, 1986, the Mississippi Supreme Court affirmed the trial court decision.

On June 13, 1988, McLamb filed numerous post-conviction motions, in which this Honorable Court denied relief on December 27, 1990.

McLamb now bring this his appeal from the circuit court of Rankin County, his emergency motion for state habeas corpus to vacate his illegal and expired sentence which is in violation of the ex post facto clause, which prohibits a state from enacting statutes which make more burdensome the punishment, which became operative January 1, 1977, The lower court has jurisdiction in this matter under rule 2,07:

The Writ of Habeas "shall" extend to all cases of illegal confinement by which any person is deprived of his/her liberty.

McLamb filed a timely notice of appeal to the Rankin County Circuit Court and now submit his appeal to this Honorable Court for it's decision.

FACTS

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Be it remembered that on Monday, the 29th day of June, 1981, at 11:00 am, the petitioner, McLamb being present in open court before the Honorable Elzy J. Smith, Judge of the circuit court in Coahoma County for an bifurcate hearing.

On January 7, 1981, the Coahoma County grand jury issued the indictment against McLamb for the crime of armed robbery. See exhibit A. McLamb was also indicted under MCA Sec. 99-19-83, and later the indictment was amended under MCA Sec. 99-19-81.

The fact that all of the above are state, ex post facto provision of federal and state constitution were violated by petitioner's sentence as an habitual offender for crimes that occurred prior to enactment of habitual criminal statute which deprive the trial court of jurisdiction, McLamb's conviction and sentence is illegal.

The fact that McLamb's sentence has expired and illegal after 16½ years for armed robbery indictment under penal statute 97-3-79, a law that defines an offense and prescribes it penalty or punishment punitive statute. McLamb file his pro se emergency motion for state habeas corpus, a writ employed to bring a person before a court, most frequently to ensure that the party imprison or detained is not illegal.

ISSUES FOR REVIEW AND DISCUSSION

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As a matter of introduction, McLamb do bring to this Honorable Court attention the fact that he was arrested on November 1, 1980, and further states that the State of Mississippi statutes, and the Mississippi Supreme Court binding precedents, also the United States Supreme Court precedents which was implemented prior to Article 1, Sec. 16 of the Mississippi Constitution bar the sentencing of McLamb as an habitual offender.

McLamb submit the fact that the issue is well-established in the Court in Collin v. Youngblood, 497 U.S. 37, 110 S.Ct. 2715, 111 L.Ed. 2d 30(1990). In Collins, the U.S. Supreme Court criticized jurisprudence which attempted to distinguish between procedural changes as opposed to changes affecting matters of substance. The Collins majority dictates that the following questions be answered in determining whether a new law violates ex post facto protections:

- 1.) Does the act punish as a crime an act previously committed which was innocent when done;
- 2.) Does the act make more burdensome the punishment for a crime, after it's commission; or
- 3.) Does the act deprive one charged with crime of any defense available at the time when the act was committed.

Also see United States v. Brechtel, 997 F. 2d 1108, 1113(5th Cir.1993).

Without any doubt, McLamb was indicted with enhanced penalties in 1981, under a 1977 statute, for a crime which occurred in 1965 and 1970. Thus, the punishment he recieved as an habitual offender made more burdensome the punishment for his crime statute punishment call for, after commission, thereby violating the ex post facto provision of our state and federal constitutions.

The crime for which McLamb was indicted in the present case at bar occurred on November 1, 1980. The Mississippi Legislature enacted the habitual criminal statute, section 99-19-81 of the Miss. Code of 1972 in the 1976 sessions of the legislature, but effective from and after January 1, 1977. McLamb was indicted and pled not guilty to armed robbery as an habitual offender potentially vindictive in 1981. The statute was not in existence at the time McLamb committed his offense of breaking and entering in 1962, crime of larceny in 1970 in the circuit court of Wake County, North Carolina, exhibit-D.

Concisely stated, section 99-19-81 of the Miss. Code of 1972 providing for the sentencing of habitual criminals to maximum of imprisonment was enacted by the 1972 legislature effective from and after January 1, 1977. McLamb was indicted with enhanced penalties in 1981, see exhibits-A, B, C and E. The lower court erred in overruling McLamb's motion to quash the indictment on the ground the indictment was vague, uncertain and incomplete, and selective in application therefore, unconstitutional. Thus, by the action of the lower court and the Supreme Court affirmed the punishment McLamb received as an habitual offender made more burdensome the punishment for McLamb's crime after commission, thereby violating the ex post facto provisions of our state and federal constitutions. Also see Johnson v. State, 618 So. 2d 90, 95 Miss.(1993). The indictment against McLamb as an habitual offender was null and void.

McLamb submit the fact that the issue is well-established in the Mississippi Supreme Court and the United States Supreme Court. In Collins Supra,

The Supreme Court stated, legislatures may not retroactively alter the definition of crime or increase the punishment for

criminal acts. Collins at 497 U.S. at 43, The constitutional prohibition on ex post facto laws only applies to penal statutes. Collins, 497 U.S. at 41.

McLamb submit the fact the issue at bar is well-established in the Mississippi Supreme Court in Dunn v. Grisham, 250 Miss. 74, 157 So. 2d 766(1963), and the state is without power to enforce against any person an ex post facto law. Tiller v. State, 440 So. 2d 1001, 1004(Miss. 1983). McLamb states this court also discussed the issue at bar pertaining to enhanced sentencing for a crime which was committed prior to the effective date of the new statute. See Puckett v. Abels, 684 So. 2d 671(Miss. 1996), the court held:

Article 1, § 9, clause 3 of the United States [**9] constitution states No bill of attainder or ex post facto law shall be passed. [HN5] Article 1, § 10, clause of the United States Constitution prohibits a state from passing ex post facto laws, stating "No STATE SHALL"...pass any ...ex post facto law... [HN6] The state of Mississippi adopted this prohibition in its constitution in Article 3, § 16 stating, ex post facto laws shall not be passed.

The United States Supreme Court has interpreted [HN7] Article 1, § 10 of the United States Constitution to forbid the enactment of any statute which punishes as a crime an act previously committed, which was innocent when done; which make more burdensome the punishment for a crime (as case at bar) after it's commission, or which deprives one charged with crime of any defense available according to law at the time the act was committed.

Beazell v. Ohio, 269 U.S. 167, 169, 46 S. Ct. 68, 70 L.Ed. 216 (1925). Boutwell v. Keating, 399 F. 3d 1203, 1215(10th Cir. 2005). This prohibition extends to agency regulations, Smith v. Scott, 223 F. 3d 1191, 1193-94(10th Cir. 2000). A law or regulation violates the ex post facto clause if the law (1) applies to events occurring before it was enacted, (as McLamb's case at bar) and (2) disadvantage the petitioner by changing the definition of criminal conduct or increasing the sentencing thereof. Id. at 1194(citing Lynce v. Mathis, 519 U.S. 433, 441, 117 S.Ct. 891, 137 L. Ed. 2d 63(1997)).

McLamb submit the fact that Rankin County Circuit Court erred denying McLamb the writ of habeas corpus which is found in Article 1,

section 9, of the United States Constitution. Latin for bring forth the body of (McLamb) this provision ensures that if McLamb being held in C.M.C.F. after sentence expired after 16½ years on a 33 years sentence and haven't been charged with a crime, McLamb have the right to go before an impartial judge and ask why McLamb being held? What is the evidence against McLamb? The lower court abused its power by changing McLamb's great writ of habeas corpus to a post-conviction proceeding in violation of McLamb's Miss. Const. Ann. Article 3, § 21, Miss. const. Art. 3 section 516 without the authority of the legislature.

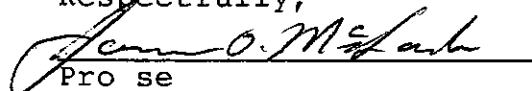
However, this Senator Bennie Turner of the Mississippi State Senate are in agreement with McLamb of statutory constitution. See exhibit-attachment letter.

McLamb submit the fact that the statute, or the particular amendment to that statute with enhanced penalties in 1981, under a 1977 statute, for a crime which occurred in 1965 and 1970 was unlawfully applied in the case at bar in violation of the ex post facto clause of both the United States and Mississippi Constitution, for this reason, McLamb's conviction and sentence should be reversed and McLamb should be freed after the serving of 16½ years on a 33 years for armed robbery.

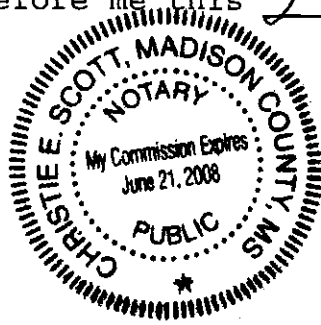
The Court do holds pro se complaints to less-stringent standards than pleading drafted by an lawyer.

And after due consideration, do reverse McLamb's illegal conviction and sentence.

Respectfully,


Pro se

Subscribed and sworn before me this 2 day of May 2007



Christie E. Scott
Notary Public

CERTIFICATE OF SERVICE

=====

This is to certify that I had mailed a copy of the Emergency Motion For State Habeas Corpus Appeal, by U.S. Mail, prepaid postage to all parties to follow:

Jim Hood, State Attorney General
State of Mississippi
P.O. Box 220
Jackson, Ms. 39205

Betty Sephton, Clerk
Mississippi Supreme Court
P.O. Box 249
Jackson, Ms. 39205

Respectfully,

James O. McLaughlin
Pro Se Petitioner

IN THE CIRCUIT COURT OF RANKIN COUNTY, MISSISSIPPI

JAMES ODELL MCLAMB

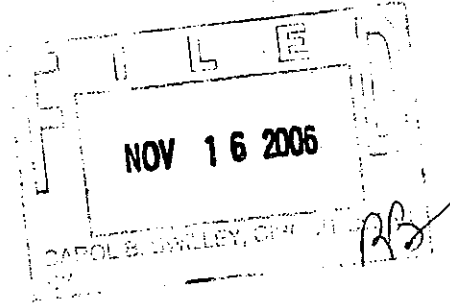
PETITIONER

VS.

CAUSE NO.: 2006-305-R

STATE OF MISSISSIPPI

RESPONDENT

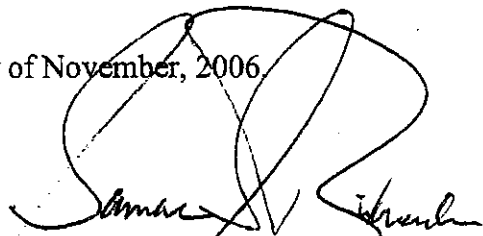


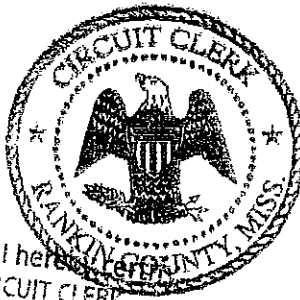
ORDER

THIS CAUSE having come on for consideration by the Court on the Movant's pro se Emergency Motion for State Habeas Corpus and the Court having reviewed the pleadings and the applicable law finds that this Court does not have venue jurisdiction in this matter for the reason that the Respondent is the State of Mississippi Department of Corrections which is a State agency whose primary office is located in Hinds County, Mississippi.

IT IS THEREFORE ORDERED AND ADJUDGED that the Movant's pro se Emergency Motion for State Habeas Corpus be and the same is dismissed for lack of venue jurisdiction.

SO ORDERED AND ADJUDGED this the 15th day of November, 2006.


CIRCUIT JUDGE



STATE OF MISSISSIPPI
COUNTY OF RANKIN
A true and correct copy. I hereby certify.
CAROL B. SWILLEY, CIRCUIT CLERK

BY 

D.C.

Exhibit-1

Rec'd 11-20-06

ARMED ROBBERY

#6205

THE STATE OF MISSISSIPPI
COAHOMA COUNTY

CIRCUIT COURT

Judicial District Recalled prior to Jan. Term, A.D., 19 81 No. _____

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful citizens of said County, Judicial District, and State aforesaid, duly elected, empaneled, sworn and charged to inquire in and for said County, Judicial District and State aforesaid, at the July, 1980 Term of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

JAMES ODELL McLAMB
AKA JAMES EARL, JR.
and
EARL THORNTON

late of the County and Judicial District aforesaid, on or about the 1st day of Nov., in the year of our Lord, 19 80, in the County, Judicial District and State aforesaid, and within the jurisdiction of this Court, did unlawfully, wilfully and feloniously, commit an assault upon the person of Judy Howard, Garland Loveless, and Mike Adams

with a certain deadly weapon, to-wit: each had a pistol
and did then and there feloniously put them, the said Howard, Loveless, and Adams in fear of immediate injury to their person by the exhibition of the said deadly weapon as aforesaid, and with the unlawful and felonious intent to steal, they the said McLamb and Thornton

did then and there unlawfully, wilfully and feloniously take, steal and carry away from the person and in the presence of and against the will of the said Howard, Loveless, and Adams certain personal property, to-wit: approximately three thousand dollars (\$3000.00) in U.S. currency

of the personal property of the Kroger Company, Vine Street, Cincinnati, Ohio, which was D/B/A Kroger Super Market, Highway 61 South, Clarksdale, MS, which money the said Howard, Loveless, and Adams then had in their custody and control as agents and employees of said Kroger Company,

contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Mississippi. INDICTMENT AGAINST McLAMB CONTINUED ON BACK

AFFIDAVIT: This indictment was concurred in by twelve (12) or more members of the Grand Jury, and at least fifteen (15) were present during all deliberations. A TRUE BILL Amos W. Ponder
Foreman of the Grand Jury

Before me personally appeared the above-named Grand Jury Foreman who made the above affidavit.

SWORN TO AND SUBSCRIBED before me this the 7th day of January, 19 81

CIRCUIT CLERK, COAHOMA COUNTY, MS

BY L. H. Jones, Jr.
Circuit Clerk

WITNESSES:

James Canale

Sam Knowlton
District Attorney

Exhibit A

Filed 7th day of January, 19 81, Clerk L. H. Jones, Jr., D.C.

CONTINUATION OF INDICTMENT AGAINST JAMES ODELL McLAMB, aka
JAMES EARL, JR.

Furthermore, the said James Odell McLamb is hereby charged to be sentenced as an habitual criminal under §99-19-83 MCA in that he has been previously convicted of the ^{felony} crime of Breaking and Entering in 1962 in the Circuit Court of Wake County, North Carolina, and was sentenced on said conviction to a term of three to five years in a North Carolina state penal institution and served a term of 1 year or more on said sentence; and in that he has been previously convicted of a second felony upon charges separately brought and arising out of a separate incident at a different time, namely, the crime of larceny, said conviction being in 1970 in the Circuit Court of Wake County, North Carolina, for which felony he was sentenced on said conviction to a separate term of ten (10) years in a North Carolina state penal institution, and served a term of 1 year or more on said sentence; and in that the felony with which he is now charged is a crime of violence.

EXhibit A

JAMES ODELL MCLAMB
401 HOLLY STREET
LUMBERTON, NORTH CAROLINA
DATE OF BIRTH-12-26-46

RECORD OF CRIMES COMMITTED IN NORTH CAROLINA

<u>1963</u>	Disorderly Conduct-30 days suspended-1 year ✓
<u>1964</u>	1. Assault with Deadly weapon 2. Breaking and Entering 3. Escape-90 Days 4. Assault with Deadly weapon-6 months ✓
<u>1965</u>	1. Assault and Battery-30 Days ✓ 2. Damage to Property-12 months ✓ 3. Damage to Property-12 months ✓ 4. Breaking and Entering and Larceny-3 to 5 years ✓
<u>1967</u>	Escape-7 months
<u>1969</u>	1. Assault with Deadly weapon 2. Assault with Deadly weapon 3. Carrying a concealed weapon 4. Larceny and Damage to Personal Property
<u>1970</u>	1. Common Law Robbery 2. Breaking & Entering & Larceny
<u>1971</u>	1. Forgery 2. Breaking & Entering & Larceny 3. Felonious Larceny-6-14-71 - 10 years ✓

Exhibit D

IN THE CIRCUIT COURT OF COAHOMA COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

NO: 6205

JAMES ODELL MCLAMB

MOTION TO QUASH INDICTMENT

Comes now the defendant, James Odell McLamb, and files this Motion to Quash Indictment and as grounds would show unto the Court the following, to-wit:

1.

The defendant is indicted for the crime of armed robbery and is further charged to be sentenced as an habitual criminal, if convicted, under Mississippi Code of 1972, Annotated, Section 99-19-83; that said statute, as presently applied in the State of Mississippi deprives the defendant of the right guaranteed him by the amendments to the Constitution of the United States of America, specifically the Fifth and Fourteenth Amendments.

2.

The aforesaid statute is not mandatorily applied and permits selective defendants to be charged thereunder by the District Attorneys and is unfairly applied and discriminates against black males of which this defendant is within such category.

3.

The said statute as presently applied in the State of Mississippi permits District Attorneys to selectively indict defendants thereunder for the purpose of coercing or intimidating defendants to "plea bargain" in order to have said indictment reduced from the habitual criminal sentencing and to permit District Attorneys to obtain greater penalties in the "plea bargaining" process than they could expect without the benefits of said statute; as presently

applied, and as applied to this defendant in this cause, the statute discourages defendants from obtaining their day in Court and forces involuntary pleas of guilty.

4.

That the statute, as presently applied in the State of Mississippi, and as written, is vague, ambiguous and indefinite, and sets no guidelines as to when it shall be applied mandatorily or for "plea bargaining" only or what types of prior criminal acts shall be charged or what time limitations shall be placed on such prior acts to be charged in the indictment; the statute permits an eighty five year old man who has lead an exemplary life since seventeen years of age to be indicted as an habitual criminal and charged with two prior felonies occurring at ages fourteen and sixteen, as an example. The statute is unevenly and unfairly administered in the State and constitutes cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States of America.

WHEREFORE, movant respectfully moves the Court for an Order Quashing the Indictment herein.

JAMES ODELL MCLAMB, MOVANT

By: 

of Counsel

ATTORNEYS FOR MOVANT:

Percy Stanfield, Jr. and
David E. Holderfield
Stanfield, Holderfield & Hall
1439 West Capitol Street
Jackson, Mississippi 39203
(601) 948-5443

record, and certainly I take them into consideration. The Motion to Amend will be granted after the Court having heard the evidence, the testimony from Judge Garmon, who held the first appearance hearing, and having received the authenticated and certified documents from the State of North Carolina. However, the District Attorney is directed to prepare an appropriate order to be entered making the amendments and that that order shall be made a part of the minutes as required by law.

BY MR. KNOWLTON: Yes, sir. We have done that, Your Honor. I apologize for not mentioning that to the Court.

BY THE COURT: Have you submitted it to Counsel?

BY MR. KNOWLTON: Yes, sir. I apologize for not mentioning that to the Court, but I have done that.

(Hands document to the Court who reads)

BY THE COURT: The order amending the indictment is entered and will be made a part of the minutes of the Court. Do you have anything, Mr. Holderfield?

BY MR. HOLDERFIELD: Let me confer with him for about two or three minutes.

BY THE COURT: Certainly. We will take a five or ten minute recess.

(BRIEF RECESS)

DEFENDANT PRESENT

BY MR. HOLDERFIELD: Your Honor, we would like to make a motion at this time.

BY THE COURT: All right.

BY MR. HOLDERFIELD: Comes now the Defendant, James Odell McLamb, and moves the Court to exclude the

evidence presented here on behalf of the State of Mississippi for the following reasons: to show that--

BY THE COURT: --Speak up, please. I don't believe the Court Reporter is able to get you. Speak up a little bit, sir.

BY MR. HOLDERFIELD: Can you hear me?

BY THE COURT REPORTER: Yes, sir.

BY MR. HOLDERFIELD: For the reason that the State has wholly failed to prove prima facie case against the Defendant, James Odell McLamb.

BY THE COURT: The Motion is denied.

BY MR. HOLDERFIELD: The Defendant rests, Your Honor.

BY THE COURT: The Court finds that the Defendant, James Odell McLamb, having been convicted by a jury for the crime of Armed Robbery with a jury verdict and further finds that the allegations of the indictment as amended are supported fully by the evidence offered by the State; that is, that the Defendant has been convicted of Breaking and Entering in the State of North Carolina in 1965 and was sentenced to and served a term of more than one year and that he was convicted for the crime of Larceny in 1971 in the State of North Carolina and was sentenced to and served one or more years on each crime. The Court, therefore, finds that as alleged in the indictment, Section 99-19-83 dealing with the sentencing of habitual criminals to life imprisonment is applicable and fully supported by the evidence.

Mr. Holderfield, do you have anything further to say before the sentence of the Court is imposed on this

Defendant?

BY MR. HOLDERFIELD: No, Your Honor.

BY THE COURT: Mr. McLamb, would you please stand. Do you have anything, Mr. McLamb, to say before the sentence of the Court is imposed on you?

BY THE DEFENDANT MCLAMB: No, sir.

BY THE COURT: It is the judgment of the Court and pursuant to your having been convicted for the crime of Armed Robbery, a crime of violence, and having been, as stated, previously convicted and sentenced to serve a term of one year or more on two other felonies and the Court having already recited those felonies, it is therefore the sentence of the Court and pursuant to Section 99-19-83 of the Mississippi Code of 1972 the Court does hereby sentence you to serve a term of life imprisonment in an institution under the supervision and control of the Mississippi Department of Corrections and such sentence shall not be reduced or suspended nor shall you be eligible for parole or probation during the term of that sentence. It will be so ordered. The Court will enter a written order to that effect.

COURT ADJOURNED

* * * *



Mississippi State Senate

COMMITTEE ASSIGNMENTS:

Insurance, Vice-Chairman
Appropriations
Congressional Redistricting
Economic Development & Tourism
Education
Elections
Judiciary B
Legislative Reapportionment
Public Health & Welfare

SENATOR BENNIE TURNER

16th District
Clay-Lowndes-Noxubee-Oktibbeha Counties
P.O. Drawer 1500, West Point, MS 39773
601-494-6611

Ex Officio
Judiciary Advisory
Study Committee

February 15, 2007

Mr. Abudul Jamil Muhammed
James Odell McLamb
CMCF 3B1, Bed#5
P.O. Box 88550
Pearl, MS 39288

Dear Mr. McLamb:

I am in receipt of your question concerning the meaning of an effective date clause for a bill that was enacted in the year 1976 but not effective until January 1, 1977.

Your understanding of statutory construction is exactly what it says, that the statute, or the particular amendments to that statute, did not become law until January 1, 1977.

I hope that this information is of assistance to you.

Sincerely,

Bennie L. Turner

/bt

Attachment

James O. McLamb 37493
CMCF 3B-1
P.O. Box 88550
Pearl, Ms. 39288

May 2, 2007

Ms. Betty Sephton, Clerk
Mississippi Supreme Court
P.O. Box 249
Jackson, Ms. 39205

RE: 2007-CP-00496

Ms. Sephton,

Please find for filing my Writ of Habeas Corpus Appeal I had mailed, by U.S. Mail, prepaid postage a copy of said petition to all parties, also find a self-addressed stamp envelope for you to return a stamp filed copy.

Thanking you in advance...

Respectfully,


Pro Se Petitioner