

COPY

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

DOUGLAS JONES

FILED

APPELLANT

V.

JUN 28 2007

CASE # 2007-^{CP}TS-00598

STATE OF MISSISSIPPI

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

APPELLEE

**BRIEF OF THE APPELLANT
AN APPEAL FROM THE DENIAL OF POST-CONVICTION RELIEF**

Cc. Hon. Betty Sephton
Supreme Court Clerk

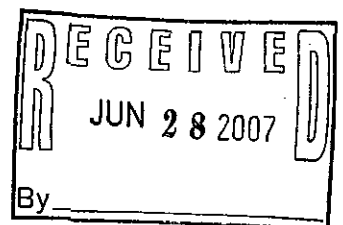
Hon. Andrew K. Howorth
Circuit Court Judge

Hon. Lucy Carpenter
Circuit Court Clerk

Office of the Attorney General

Hon. Leilani Pepper Hill
Asst. District Attorney

Respectfully Submitted
Douglas Jones
Douglass Jones/Pro Se
MDOC #104177
Marshall County Correctional
Facility
833 West St.
Holly Springs, MS 38635



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

DOUGLAS JONES

APPELLANT

V.

CASE # 2007-TS-OO598

STATE OF MISSISSIPPI

APPELLEE

CERTIFICATE OF INTERESTED PERSONS

Hon. Andrew K. Howorth

Circuit Court Judge
Third Judicial District

Hon. Leilani Pepper Hill

Asst. District Attorney
Third Judicial District

Hon. Kent Smith

Former Appointed Counsel/
Witness for State during hearing

Hon. Thomas Bittock

Court Appointed Counsel

Douglas Jones

Appellant/Pro Se
Post-Conviction hearing

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or judges of the Court of Appeals may evaluate possible disqualification or recusal.

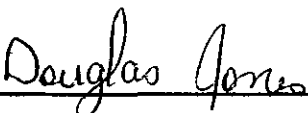


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Henderson v. Morgan, 425 U.S. 637 (1976)

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Corley v. State, 585 So.2d 765, 767 (Miss 1991)

Gaskin v. State, 618 So.2d 103, 106 (Miss 1993)

Strickland v. Washington, 466 U.S. 668, 809 Led.2d 674, 104 S.Ct. 2502 (1984)

Lisenba v. California, 314 U.S. 219, 236, 62 S.Ct.280, 290, 86 L.Ed 166

Shelly v. Kramer, 334 U.S. 1, 68 S.Ct. 836, 9led. 1161, 3 A.L.R. 2d 441

Brown v. Mississippi, 297 U.S. 278, 56 S.Ct. 461, 80 L.Ed. 682

Palka v. Connecticut, 302 U.S. 319, 58 S.Ct. 149, 82 L.Ed. 288

Mooney v. Holahan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791, 98 A.L.R. 406

McCarthy v. United States, 394 U.S. 459, 466 (1969)

Gillard v. State, 426 So.2d 710, 712 (Miss 1985)

STATEMENT OF THE ISSUES

- I. Whether the Appellant (Douglass Jones) was denied effective assistance of counsel?
- II. Whether trial court violated due process rights of the Appellant by denying him time enough to prepare for trial with court appointed counsel?
- III. Whether the Appellant's due process rights was violated by trial court; when the trial court (with no objection by the state prosecutor) set aside plea and conviction, and set the case for trial eleven days later, but six days later after the prosecutor had learned of undiscovered evidence (decided to contest the setting aside of the plea and conviction) the decision made by the trail court in the first Post-Conviction hearing was changed?
- IV. Whether the Appellant's plea of guilty is valid/invalid by the standards of due process?

STATEMENT OF THE CASE

This is an appeal from the Circuit Court of Marshall County, Mississippi regarding a hearing dated on the 23rd day of February 2007, which affirmed the guilty plea and conviction of the Appellant in Post-Conviction relief hearing pursuant to Miss. Code Ann. 99-39-1 et. seq.

The hearing was ordered by the Court of Appeals in Case No. 2005-CP-01702, on grounds of:

1. Whether the Appellant had knowledge of the elements of the crime.
2. Whether there was a factual basis for the charge.
3. Since it was ordered on remand, the issue of effective assistance of counsel may be addressed at that time.

STATEMENT OF THE FACTS

1. On the 15th day of April 2002, the Appellant was arrested on the charges of sexual battery pursuant to Miss Code Ann. 97-3-95(d).
2. At the April 2003, term of the Marshall County Mississippi Grand Jury, the Appellant was indicted for the offence of sexual battery, Cause No. MK2003-05
3. On the 6th day of May 2004, the Appellant was arraigned and entered a plea of not guilty.

4. On the 19th day of May 2004, the Appellant entered a plea of guilty to the charges of sexual battery and was sentenced to twenty (20) years imprisonment, with fifteen (15) years suspended and five (5) years to serve. In addition, there was 3 years of post-release supervision.
5. On the 4th day of May 2005, the Appellant filed his motion for Post-Conviction Relief pursuant to Miss. Code Ann. 99-39-1 et. seq. In which the trial court summarily denied the relief on the 15th day of June 2005, in the Marshall County Circuit Court. M2005-184
6. On the 13th day of July 2005, the Appellant appealed to the Court of Appeals of the State of Mississippi.
7. On the 22nd day of August 2006, The Court of Appeals reversed and remanded for a new hearing. A mandate was issued on the 12th day of September 2006, Cause No. 2005-CP-01702.
8. On the 24th day of January 2007, a bond was issued to the Appellant and he made bond.
9. On the 15th day of February 2007, a Post-Conviction hearing took place in the judge's chambers. The trial judge (Hon. Andrew Howorth) admitted to errors that were made by him at the plea hearing, and without any objection by the state prosecutor, set aside the plea and conviction and set the case for trial on the 26th day of February 2007.
10. The Appellant requested for enough time to obtain a private attorney and to prepare for trial, but Judge Howorth denied the request and appointed a counsel for Appellant (Mr. Thomas Bittock).

11. Mr. Bittock also asked/requested for a continuance, that was denied. So Mr. Bittock informed the Appellant to meet with him at his office on the 19th day of February 2007, to prepare for trial.
12. The Appellant met with counsel and provided all the facts and key witnesses that would discredit the alleged victim testimony. Counsel even spoke with the key witnesses to verify their statements.
13. Counsel stated that he would talk with the prosecutor, however on the 20th day of February, the Appellant's bond was taken from him for the reason "He wasn't supposed to have a bond".
14. On the 21st day of February, counsel informed the Appellant that the prosecutor decided to contest the trial court decision on the setting aside of the plea and conviction.
15. On the 23rd day of February, a second Post-Conviction hearing took place in Oxford, MS in a board conference room. Judge Howorth stated that he made an error not asking the prosecutor did they want to contest his setting aside of the plea and conviction.
16. A witness and former appointed counsel, Kent Smith, testified and deliberately perjured himself under oath, to cover up errors before the Appellant's plea of guilty.
17. Appointed counsel, Mr. Bittock, refused to ask questions that the Appellant told him to ask Mr. Smith, Jennifer Jones, and Yolanda Jones, and clearly stated that the Appellant should have waived the hearing.

The ending results of the hearing was that appointed counsel and trial judge clearly violated the Appellant's due process rights, 4th, 5th, 6th, and 14th Amendment rights guaranteed by constitutional laws. In doing so the Appellant's conviction was affirmed.

SUMMARY OF THE ARGUMENT

Upon the facts of this prejudicial case, the Appellant points out the vindictiveness of the state prosecutor, trial judge, and the court appointed counsel, to hold an affirmation of the Appellant's conviction.

It is clearly seen in the record that the Appellant's plea of guilty was set aside by the trial judge Andrew Howorth, because he failed to ask certain questions regarding "sufficient awareness of the relevant circumstances and likely consequences." **Bradshaw v. Stumpf**, 545 U.S. 175, 125 S.Ct. 2398, 2405 (2005) (quoting **Brady v. United States**, 397 U.S. 742, 748 (1970))

In **Henderson v. Morgan**, 426 U.S. 637 (1976) courts stated, a court accepting a guilty plea does not have to explain the crimes elements to the defendant on the record, as it is also sufficient it "The record accurately reflects the nature of the charge and the elements of the crime were explained to the defendant by his own, competent counsel." **Stumpf** 125 S.Ct. at 2405

At the plea hearing, the trial court failed to ask the Appellant or Appellant's court appointed counsel if he explained the elements of the crime to the Appellant. **Stumpf v. Anderson**, No. C-1-96-668, 2001 WL 242585 at *15 (S.D. Ohio Feb. 7, 2001)

There was never any specific assurance that the elements were explained to the Appellant, as pointed out by the Court of Appeals, Cause No. 2005-CP-01702-COA. Even the petition does not summarize the elements. Certain knowledge must be clearly explained at the hearing.

The due process requirements related to the preceding principals is that , a factual basis for the crime must be presented in some manner at a guilty plea hearing.

As it is clearly stated by this Honorable Court, the Appellant's plea hearing did not include any explanation by anyone as to the facts underlying the crime. In order for a plea to be accepted, the record must contain "enough that the court may say with confidence the prosecution could prove the accused guilty of the crime charged." **Corley v. State**, 585 So.2d 765, 767 (Miss 1991) .

At the first Post-Conviction hearing, the trial judge knew rights by due process were violated, so he set aside the plea and conviction and proceeded to set the case for trial, Only 11 days later; trial judge also gave permission to the sheriff to set bond at \$10,000, twenty days before the Post-Conviction hearing.

The Appellant asked for an enlargement of time to obtain a private attorney to insure that his rights were not violated. The trial judge denied the Appellant's request and appointed counsel to him. Even the appointed counsel requested for a continuance to be able to investigate and prepare for trial and that request was denied.

In all matters of the case the trial judge showed prejudice towards the Appellant because he had his original disposition reversed, and off the record threatened the Appellant with life imprisonment because of it.

Only six (6) days later, the trial judge changed his mind on his decision to set aside the plea and conviction after he and the state prosecutor was relayed the credible evidence that would have beyond a reasonable doubt cleared the Appellant's name, with acquittal of the charges. There were also credible witnesses to testify on the Appellant's behalf.

At the second Post-Conviction hearing, the appointed counsel showed he was in collusion with the state prosecutor and trial judge to affirm the Appellant's conviction, by refusing to ask certain questions and presenting certain due process rights that were being violated according to the fourth, fifth, sixth, and fourteenth Amendments of the Constitutional laws. It is very apparent the Appellant would not have received a fair trial because of prejudice.

Due Process requires that vindictiveness against defendant for having successfully attacked his first conviction play no part in hearing. However, under the evidence in this case, the conclusion is inescapable that the state prosecutor, trial judge, and appointed counsel denied due process of the law. Due process also requires that a defendant be freed of apprehension of such a retaliatory motivation on the part of the trial judge.

If, by fraud, collusion trickery and submission perjury on the part of those representing the state, the Appellant's hearing results in his conviction/affirmation, he has been denied due process of law.

The action of the trial court in re-imposing the conviction deprived the Appellant of other substantive rights without providing adequate notice and opportunity to defend and is a denial of due process of law by the fourteenth Amendment. U.S.C.A. Amend. 14.

The Appellant asks for true administration of justice.

ARGUMENT

The argument of the Appellant is not of the commission of mere harmless error, but of a wrong so fundamental, that it made the whole proceeding a mere pretense of a hearing and rendered the affirmation of the conviction and sentence, which is wholly void. The whole proceeding was/is a mask without supplying corrective process.

In the Appellant's first appeal, the Court of Appeals had recognized the duty of the lower court to supply corrective process where due process of law had been denied, which made the Appellant's plea of guilty involuntary.

1. INEFFECTIVE ASSISTANCE OF COUNSEL

The burden is on the Appellant to demonstrate both prongs of the **Strickland** standards. In this case sub judice, at the second Post-Conviction hearing the appointed counsel refused to answer/ask important questions to the former appointed counsel and the Appellant's sisters that would have showed the lack of investigation of the facts by the former appointed counsel, not to mention his standing mute and allowing Judge Howorth to clearly violate the Appellant's due process rights by not proceeding to trial as ordered on the 15th day of February 2007, which is clearly erroneous and manifestly wrong by **URCCC Rule 9.02**; which states, cases set by the judge for trial "must" be ready at that appointed time. In this case, the trial was set for the 26th day of February 2007, with only 11 days to investigate and prepare a defense for trial.

In **Lisenba v. California**, 314 U.S. 219, 236, 62 S.Ct. 280, 290, 86 L.Ed. 166, the court defined denial of due process as the failure to observe that fundamental fairness essential to the very concept of justice.

It is clear that the former appointed counsel, Mr. Smith, failed to function as counsel guaranteed by constitutional laws.

Because if he had truly investigated the case as he claims in the Post-Conviction hearing transcript, he would have known the mother and stepfather was not tested for "Trich". They were tested for gonorrhea and Chlamydia only. (As pointed out in the hearing on **pg. 26 lines 6-13, 22-29; pg. 27 line 12-15; pg. 28 line 19-24, 28-29; pg. 29 line 1-6** of the transcript.) It is evident that the state didn't know or wasn't aware of this very thing, which shows the form of prejudice

in the highest degree by both the former appointed counsel and the state prosecutor. To add insult to injury the trial judge prejudicially stated, "there is now" when there wasn't.

In the transcript at **pg. 18 line 29; pg. 19 line 1,2,11; pg. 21 line 6-9**, the former appointed counsel states that the Appellant maintained a not guilty plea up until the plea hearing. Some conduct clearly amounts to gross incompetence, compelling a finding of ineffective assistance of counsel. For example, forcing a client to plead guilty, despite his repeated protestations of innocence. Likewise, a defendant has been denied effective assistance where his appointed counsel advised a guilty plea while in collusion with the judge or the prosecution.

The former appointed counsel says that he talked with the only three witnesses that the Appellant gave him, which is perjury/false pretense (**pg. 23 line 24-28; pg. 31 line 3, 16**).

The Appellant provides (Exhibit A) which shows the former appointed counsel was provided with an alibi list that he signed. Mr. Smith stated that those witness could not testify to the exact times the alleged victim said it took place. However, if this Honorable Court would look at (Exhibit B) which clearly shows the dates of January 1, 2002 on the medical report, police report and social services report, the outcome of a thorough investigation would have uncovered this catch 22.

To move forward with the argument, there was an alibi witness named Jerrica Jones, that could testify that the alleged victim spent the entire time at the Appellant's sister's house. The Appellant's sister could testify the same. However, Mr. Bittcock refused to ask Yolanda any questions about this very subject. He stated, that is irrelevant, and off the record he stated to the Appellant, that he needed to tuck his tail and accept the remainder of his sentence by waiving the hearing.

Mr. Smith stated he did some research on Trichomonosis but clearly could not know if it could be spread by vulva-to-vulva contact. His remarks were I'm not a medical expert (pg. 28 line 3; see also Exhibit C).

Mr. Smith stated he spoke with the Appellant's mother, Annie Jones, about the case, but he never asked her if the statement by the alleged victim "that she was home alone until she came home from work", he would have found out that the statement was a statement of false pretense.

The all in all facts show the lack of preparation and investigation in this case of sub judice.

As stated in the Appellant's brief of Case No. 2005-CP-01702, the alleged incident was to have been only one time, but was placed in two different locations as pointed out in the transcript (pg. 30 line 4-11).

2. WHETHER THE TRIAL COURT VIOLATED DUE PROCESS RIGHTS OF THE APPELLANT

As the Appellant begins this issue at hand, he asks this Honorable Court to be patient and very attentive.

On the 15th day of February 2007, the Appellant was at the first Post-Conviction hearing and the trial judge set aside the plea of guilty and the set the case for trial only 11 days later.

At that time, the Appellant requested for additional time to be able to obtain his own private attorney. Judge Howorth denied the request, and appointed counsel, Mr. Bittock.

Mr. Bittock motioned for a continuance, in order to prepare for trial that was set only 11 days away. That motion was denied. The Appellant points out there is no attorney that can investigate and prepare in a matter such as this.

The trial judge abused his discretion according to law. That any/all defense attorney have applicable enough time to prepare and investigate case before trial, and 11 days is not sufficient time in a matter such as this.

Five days before the trial, they judge says there is not going to be a trial and revokes bond of the Appellant because the state prosecutor wishes to contest the relief “only after they hear of the credible evidence that would have discredited their only two arguments.

However, it is evident that the trial judge and prosecutor refused to acknowledge the Uniform Criminal Rule of Circuit Court Rule 9.02, which states, a docket of cases ready for trial shall be maintained by the clerk or court administrator. Cases set by the judge for trial “must” be ready at that appointed time.

In which such vindictiveness tactics constituted a sufficiently specific violation of the Appellant’s due process within the meaning of securing his conviction by the use of false pretense/fraud, which is a denial of due process and a direct violation of the fourteenth Amendment. **Shelly v. Kramer**, 334 U.S 1, 68 S.Ct. 836, 9 L.Ed. 1161, 3 A.L.R. 2d 441; **Brown v. Mississippi**, 297 U.S. 278, 56 S.Ct. 461, 80 L.Ed. 682; **Palka v. Connecticut**, 302 U.S. 319, 58 S.Ct. 149, 82 L.Ed. 288; **Mooney v. Holahan**, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791, 98 A.L.R. 406

The trial judge knew about certain violations of due process at the plea hearing because this Honorable Court pointed them out in Cause No. 2005-CP-01702.

The due process clause of the 14th Amendment embraces the requirement that no trial/hearing should deprive a defendant of the constitutional safeguards which are of fundamental importance, and a necessary part of a “fair trial”.

Although errors are sometimes committed through the eagerness to end a case, yet there is nothing in the duty of a prosecutor or trial judge which requires them to prejudice the right of the defendant/Appellant to a fair trial in an effort to retain a conviction.

It is clearly pointed out in the transcript on **pg. 4 lines 9-25** of how the trial court did set aside the plea. Especially, with no objections/contestations by the state prosecutor at the first PCR hearing.

It was briefly stated by the trial judge that he was still awaiting the mandate of the Court of Appeals at this time, February 17 2007; the mandate was issued on the 12th day of September 2006. Does this seem strange at all by the circumstances that are presented? It took five months to have a hearing that was ordered by a higher court. It was neglected by the lower courts.

3. WHETHER THE APPELLANT'S PLEA OF GUILTY WAS VALID OR INVALID BY THE STANDARDS OF DUE PROCESS

In **Henderson v. Morgan**, courts stated a guilty plea is an admission of all the elements of a formal criminal charge, it cannot be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts. **McCarthy v. United States**, 394 U.S. 459, 466 (1969)

As stated by this Honorable Court, the record did not accurately reflect the nature of the charge and the element of the crime were not explained to the Appellant by his own competent counsel. There was no representation by the former appointed counsel that the elements were explained to the Appellant. Neither, was a factual basis presented at the plea hearing. Summarily it is absent from the record.

According to **Corley v. State**, 585 So.2d 765, courts stated our rules provide that, before a guilty plea may be accepted, the circuit court must find a factual basis for it. As a simple matter

of the due process requirements related to the preceding principals is that, a factual basis for the crime must be presented in some manner at a guilty plea hearing.

The Appellant's hearing did not include any explanation by anyone as to the facts underlying the crime.

The plea shouldn't have been accepted because the record didn't contain any facts that the court could say with confidence the prosecution could prove the accused guilty of the crime charged. Citing **Corley** 585 So.2d 765, 767 (Miss 1991)

In **Gillard v. State**, 426 So.2d 710, 712 (Miss 1985), the defendant entered a guilty plea and the trial court orally reiterated all of the elements of the crime to ensure the defendant understood the crime which he was admitting guilt.

As pointed out by this Honorable Court, that sort of compliance with the requirements did not occur here in this case. Since the record is completely silent of those requirements, the plea of guilty is wholly void.

CONCLUSION

The Appellant requests this Honorable Court to look at the facts very carefully. It is obvious that Mr. Smith perjured himself on more than one occasion to cover up his prejudicial actions/inactions, in which gave the state a clear and convincing tactical advantage. Not to mention the refusal of Mr. Bittock to ask certain questions to Mr. Smith and the Appellant's sisters.

The trial court and state prosecutor failed to acknowledge certain requirements by due process laws, and continued to violate the Appellant's rights.

Let's recap briefly:

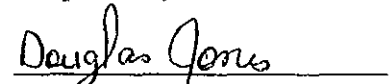
1. After the mandate was issued it took five (5) months to have a hearing.

2. The trial court acknowledged at first the due process violations and set aside the plea and conviction
3. The trial court set the case for trial to proceed in eleven (11) days. Insufficient time to prepare.
4. The trial court denied the Appellant enough time to prepare with his newly appointed counsel.
5. The trial court denied motion for continuance.
6. Because of a less confident state prosecutor, the trial court reversed the decision of setting the plea aside.
7. After this vindictiveness in the second Post-Conviction hearing a total miscarriage of justice took place.
8. This led to the affirmation of the original conviction.

The Appellant respectfully submits that it is clear "He wouldn't receive a fair hearing/trial because of the prejudice that is surrounded by the charge itself.

The Appellant requests for the immediate dismissal of the charges due to certain due process rights violations committed by both the state prosecutor and the trial judge, in which a total miscarriage of the administration of justice ("clear violation").

Respectfully Submitted



Douglass Jones
MDOC # 104177
M.C.C.F.
833 West Street
Holly Springs, MS 38635

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES FEB. 3, 2011
BONDED THRU STEAL! NOTARY SERVICE

Subscribed and Sworn before me this 26th day of June 2007.

Bernice Brown
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I Douglass Jones, do hereby certify that I have this day mailed first class postage prepaid
a true and correct copy of the above and foregoing Brief of the Appellant to the following:

Hon. Betty Sephton
Supreme Court Clerk
P.O. Box 249
Jackson, MS 39205

Office of the Attorney General
P.O. Box 220
Jackson, MS 39250-0220

This the _____ day of June 2006.

Douglass Jones
MDOC # 104177
M.C.C.F.
833 West Street
Holly Springs, MS 38635

IN THE CIRCUIT COURT OF MARSAHLL COUNTY
STATE OF MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

V.

CAUSE NO. MK 2003-050

DOUGLAS JONES

DEFENDANT

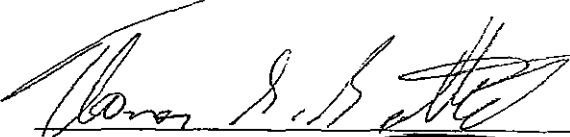
MOTION TO CONTINUE

Defendant, Douglas Jones, by and through counsel, respectfully moves this Court for an Order continuing the trial set for February 26, 2007, and would respectfully show that counsel has recently been retained and will need additional time in order to prepare for trial. Defendant requests general relief.

RESPECTFULLY SUBMITTED,

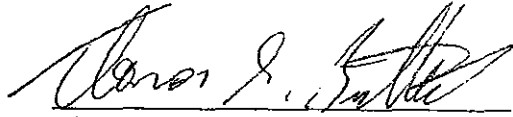
DOUGLAS JONES

BY:


Thomas G. Bittick, MSB# [REDACTED]
115 E. Van Dorn
Post Office Box 682
Holly Springs, MS 38635
(662) 551-1141 – office
(662) 551-1142 – fax

CERTIFICATE OF SERVICE

I Thomas Bittick, Esq., as attorney for Douglas Jones, do certify that I have this date delivered a true copy of the preceding motion to Lani Hill, Esq., this, February 15, 2007.


Thomas G. Bittick, Esq.

FILED

FEB 15 2007

LUCY CARPENTER
Circuit Clerk, Marshall Co., MS

BY

DH

D.C.

Records

The following exhibits shows proof to-wit:

Ex. A. shows that Kent Smith perjured himself as a witness for the State, and his testimony can not be trustworthy.

Ex. B. shows the date that was given by the alleged victim to the doctor, social worker, and detective, but is clearly changed on the arrest warrant and indictment. (vindictiveness)

Ex. C. shows the conclusive ways to come into contact with Trichomoniasis.

Ex. D. shows the allege victim denied any kind of physical contact, and shows clearly signs of coaching.

Ex. E. shows the trial court, and state prosecutor excluded the first Post-Conviction hearing from the record because the circuit clerk never filed it on record. (clearly vindictiveness)

If this honorable court looks at the discovery it will clearly show the mother and stepfather never being tested for "Trich." (negligence.)

SMITH WHALEY DOXEY, P.L.L.C.

ATTORNEYS AT LAW

P.O. DRAWER 849
120 EAST COLLEGE AVENUE
HOLLY SPRINGS, MISSISSIPPI 38635
TELEPHONE: (662) 252-3003
FACSIMILE: (662) 252-3006

RALPH H. DOXEY

KENT E. SMITH*

AMANDA WHALEY SMITH

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P.O. DRAWER 725
8017 HIGHWAY 178

BYHALIA, MISSISSIPPI 38611
TELEPHONE: (662) 838-5788
FACSIMILE: (662) 838-5790

TO: ALL CRIMINAL DEFENDANTS
FROM: ATTORNEY KENT E. SMITH
RE: TRIAL PROCEEDINGS

Ex. A

Dear Client:

Doug Jones

Please complete the enclosed Client Questionnaire as soon as possible in order to assist our firm with your defense. It is mandatory that you include all information related to this offense as well as all witnesses. Without your assistance in providing this information, our firm may be limited concerning your defense. Further, we may not be able to subpoena all of your witnesses if you don't tell us who they are. **IT IS YOUR DUTY AND RESPONSIBILITY TO ASSIST US IN DEFENDING YOUR CASE.**

Please complete this form and return it to our office within thirty (30) days from the date of receipt of this correspondence so that we can complete the discovery process. Please feel free to use additional sheets, if necessary, when providing your answers to the questionnaire.

Thank you for your assistance.

Sincerely,

SMITH WHALEY DOXEY, PLLC

[Signature]
KENT E. SMITH

KES/shl

Enclosure

Rec'd By:

Douglas Jones
Douglas Jones

CLIENT QUESTIONNAIRE
CONFIDENTIAL COMMUNICATION
ATTORNEY/CLIENT PRIVILEGE

Ex. A

DATE: 4/26/04

NAME: Douglas Jones

ADDRESS: 420 Haven Acres
Holly Springs, MS.
38635

Please list all contact numbers: 252-4727 (Home) 252-5606 (Work) 278-5057 (Cell)

Criminal Charge(s): Sexually Battery

Please give a brief description of all information known about these charges providing any documents, photographs, etc. that you may have regarding these charges:

First I was out of town with my brother in Atlanta. When I came back I acknowledge my daughter was over my sister house. So I left her over there. The next day about 4p.m. My daughter's mother call me and told me that my daughter was ready to come to the house. So her Aunt Tamara came and got her and I didn't see her again.

Please list all witnesses you intend to call in your defense of these charges and give the following information for each:

New Albany Hospital etc.

Name

Complete Address

Contact Number(s)

Yolanda Jones

310 Shadow Lane Holly Springs

252-3183

Jennifer Jones

420 Haven Acres Holly Springs

252-3014

Henry Jones Jr.

420 Haven Acres Holly Springs

252-4727

BENITA Hardwick

801 Mountain View APL, GA.

770-465-0693

KATRINA Brown

250 Chesterman Dr. Apt 2A Holly Springs

662-544-1782

Please list all prior convictions and/or other pending charges:

Criminal trespass

DOJ

124 William Rd
Holly Springs, MS.
38635
662-252-6051

2778 Cumberland Blvd
Smyrna, GA. 30080
678-222-8246

662-274-0636

Identifying Information:	Assault Date & Time:	Medicolegal Evaluation:
Name: <u>Laporsher Roberts</u>	Date of <u>1-1-2002</u>	Date of <u>Exam: 4-8-2002</u>
DOB: <u>5-15-1991</u> Guardian: <u>Angela Roberts</u>	Assault: <u>UNKNOWN</u>	Exam: <u>1430</u>
Age: <u>10</u> Gender: <u>F</u> Race: <u>Black</u>	Time of <u>Assault:</u>	Time of <u>Exam:</u>
Culture: <u>Not identified by patient</u>		

General Forensic Exam - Recent Trauma (Document location, color and size)

None seen

EX.B1. Location of Recent Extragenital Injuries:

Not Examined

2. Location Recent Oral Injuries:

Not Examined

General Forensic Examination - Chronic Trauma (Document location, color and size)

None seen

3. Location of Chronic Extragenital Injury:

Not Examined

4. Location of Chronic Oral Injury:

Not Examined

Forensic Genital and Anal Exam - Recent Trauma (Document location, color and size)

No redness

5. Location Recent Genital Injuries:

Vulva/Hymen

6. Location Recent Anal Injuries:

No Recent Injury Observed

Forensic Genital & Anal Examination - Chronic Trauma (Document location, color and size)

None seen

7. Location of Chronic Genital Injury:

No Chronic Injury Observed

8. Location of Chronic Anal Injury:

No Chronic Injury Observed

Genital Level of Acute Injury? 0. No Exam

Genital Level of Acute Injury? 2. Mild; bruises, superficial lesions

Category of Evidence:	Saline Wet N/A Mt Results:	Forensic Evaluation Completed Using:
Collected: No		Direct Visualization: Yes
Panties: No		Forensic Light Source: <u>Not used</u>
Clothing: No	Pictures: Yes	Colposcope: Yes
Other Items: No	Picture type: Developmental	Speculum: No

Investigating Agency: DCS

Pinson

JP, M

Incidence Number:

Date: 4-8-2002

Forensic Page 2

OFFENSE REPORT: SEXUAL BATTERY

DATE: 5 APRIL 2002

CASE#: 200204080047

Ex. B

COMPLAINANT: OLIVE COX

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES (FAMILY AND CHILDREN SERVICES)

P.O. BOX 37

ASHLAND, MS. 38603

662-224-6271

On this date I was contacted by cox and advised that she had conducted an interview with a Angela Roberts, mother of Laporsher K. Roberts a 10 yoa B/F that according to the mother has been sexually abused by her natural father Douglas Jones. Angela Roberts address is Route 1, 248A, p.o. box 405, Lamar, MS. 38647 phone 662-252-3908. According to Cox, Roberts stated that on 4 April 2002, Laporsher said that her father, Douglas Jones, had messed with her.

Roberts stated that Laporshers grandmother found Laporsher's underwear which had a discharge in them and a heavy odor. Robert's stated that Laporsher had seen the doctor on April 4, 2002 and Laporsher had been diagnosed with Trichomonas, a venereal disease which she could have only gotten if someone had been messing with her. Laporsher stated that she did not say anything because Douglas had threatened her. Roberts stated that the incident happened a couple of months ago. The doctor that treated Laporsher is Dr. Javel Granados of the Benton county Medical clinic in Ashland, Ms. Douglas Jones lives on Chesterman St. In Holly Springs, Ms where the incident occurred.

Cox stated that when she interviewed Laporsher about the incident, Laporsher had stated to Cox that she was alone with her father (Douglas Jones) because her grandmother had gone to work. Cox stated that Laporsher said that her father told her to get him something to drink from the refrigerator and when she was bring it back to him he had gone into the bedroom and called her in there. Cox stated that Laporsher said that Jones took her clothes off and laid her on the bed and then got on top of her and put his private in her private. Cox stated that Laporsher said that she was kicking and screaming trying to get Jones to stop. Cox stated that According to Laporsher when Jones got up he left the house and she laid on the bed scared to get up and she did not get up until her grandmother came home. Cox stated that the grandmother did not return home from work until around 5:30 A.M. The Grandmother had advised Cox that she thought something was wrong when she got home.

Cox stated that according to Roberts the incident took place on 1 Jan 2002, and according to the grandmother Jones left that night and went to Atlanta, Ga. To see a family member.

John Deal, Sgt.,
Investigations

Alleged Perpetrator

Ex. B

No Participants

Douglas Jones called worker. He stated he was aware of report and wanted to talk with worker. He stated that he did not do this Laporsher. He related he had taken a test for STD's on Friday at the health department in Holly Springs. He stated that his mother had told his brother what was being said. Mr. Jones stated that he had gone to Atlanta when Laporsher came for last visit. He stated that he did not spend one day with her on the last visit and that she was with his sister Yolanda Jones.

Mr. Jones gave his phone number as 662-252-4718 or 278-5057. He related that he lives at 316 N. Haven Acres; Holly Springs, 38635. He related that he could talk to worker today in Marshall County. He related that he had to run an errand and would be home at 1:00 PM. Worker related I would call him back to set up appointment.

Worker discussed matter with Sergeant Deal. He related that he would like to be present for interview.

Worker called Mr. Jones back and arranged to interview him at Marshall Co. DHS office this afternoon.

Worker later met with and interviewed Douglas Jones at Marshall Co. DHS. Sergeant John Deal was present. Douglas Jones related that he did not have sex with or touch his daughter in any sexual manner. He stated that he is tested regularly, every 6 months at 1 for Venereal diseases. He gave worker copies of his health screens. He signed medical release form. Mr. Jones related that he is his daughter but not regularly. He stated that she mostly stays with his sister Yolanda Jones when she visits. He stated that he went to Atlanta when she came over after Christmas 2001. He stated that he went to see his brother Henry James in Atlanta and his fiancée's phone number to contact--Bernita Heartwick at (770) 465-0693. Mr. Jones related that he used to live in Atlanta before September 2001. Mr. Jones reported that he left on December 26 or 27, 2001 and came back January 3, 2002 from Atlanta visiting his brother, Henry. He stated he drove back and brought his 7 year old nephew Deandra Jones. He stated he left because it was going to snow. He stated that when he got back he went over to Yolanda's house and saw his daughter only for a few minutes there. He stated that she had gotten her hair braided. He stated that she had been at Yolanda's for a week. Mr. Jones denied being alone with her at Annie Jones home or having any sexual contact with Laporsher Roberts. He stated that he would hurt anyone who touched his daughter. He stated that he does have a temper. Mr. Jones denied taking Laporsher home at the end of her visit. Jones reported that a cousin of Angela's brought her to that visit and Angela came and got Laporsher on Friday Jan. 4. He stated the last time he saw Laporsher was at school after January about her slipping grades. He stated he gave her money for the A's she had and his phone number. He stated that he talked to her substitute teacher. He stated that he called her on the phone 2 or 3 weeks ago asking him for money for school pictures. When asked who could have harmed his daughter, he related that he did not know and inferred maybe some of Angela's people. Mr. Jones stated his daughter has never told him that anyone has tried to touch her in a sexual manner. Mr. Jones related that he would take another STD test and related that he would take a lie detector test. When asked if he drinks, Mrs. Jones related that he does drink Hiney and Crown royal, usually at family gatherings.

Victim

Roberts, Laporsher K.

Worker talked to 10 year old Laporsher Roberts in worker's office alone on 4-3-02. Laporsher related that she is in 5th grade at Ashland Elementary. She stated that she makes good grades. Laporsher seemed to understand questions easily. Worker asked if Laporsher knew why she had come to my office to talk with me. She replied she yes, my daddy had sex with me. Laporsher related that she had been to the doctor yesterday. She stated that her grandma saw her underclothes when she was washing. Laporsher stated that she had white stuff in her underwear and stated that her privacy was itching. She stated that they asked her if anything was wrong and she said nothing. She stated that she stated that her grandma told her mother to take her to the doctor. She stated that the doctor asked her if she had had sex and she said no sir. She stated her mother and grandma kept asking her if anyone had been fooling around and she said no. Laporsher stated that she was scared. She stated that she finally told her mother, aunt and grandmother what happened and then she told her grandma Annie. She stated that she went back to the Dr. yesterday and told the doctor too. Worker asked Laporsher what she had told them. She stated that she told them her father had sex with her. She stated that it happened around January 1, 2002 when she was still out for Christmas break. She stated that her grandmother, Annie Jones, left to go to work at Christopher's (9 PM to 5 AM.) She stated that her father (Douglas Jones) came in before she left. She stated her father later left there alone and went to the store. Laporsher stated that it was around 1:00 AM when he got back. She stated that he asked her to get him an icy out of the refrigerator. She stated that she did go and get the icy and took it to him in his bedroom. She stated that she then told her to take off her clothes. She stated that she was wearing a shirt, pants and underwear. She stated that she took off

PUBIC LICE

Signs and Symptoms

- Grayish insects the size of a pinhead in pubic hair;
- Tiny white particles clinging to the hair (the eggs of the lice);
- Severe itching.

You can catch pubic lice by having intercourse with someone who has them or, rarely, from clothing or bedding. Sometimes the lice—which also may be found in hair on other parts of the body—produce no symptoms. Then again, you may have itching and a slight, bluish rash. Pubic lice often are called crabs because they hang on with crab-like claws. The problem is also known as pediculosis pubis (the Greek word for louse is *pediculus*).

Treatment. Medication. Your physician may suggest an over-the-counter medication such as RID (pyrethrins with piperonyl butoxide) or may prescribe lindane (Kwell; gamma benzene hexachloride). Lindane is more potent and sometimes causes allergic reactions. It should not be used by pregnant women or infants. These medications may have to be applied again a week later, and your sexual partner also will need to be treated. If you have crabs in your hair or eyebrows, do not use RID or lindane because they can damage your eyes; use an ophthalmic ointment (physostigmine) instead.

To keep from becoming reinfested, dry your clothing, sheets, blankets, and towels or wash them in very hot water. Wash your hair enough for day-to-day living and set it aside for 2 weeks where it cannot come into contact with human beings. This interval is time for the louse eggs to hatch and the lice to die of starvation. Infested mattresses the same way.

VAGINITIS

Signs and Symptoms

- Abnormal discharge from the vagina;
- Irritation;
- Itching during intercourse;

If you have some of the symptoms listed above, you may have a vaginal infection (vaginitis), which is common and treatable, or a sexually transmitted disease, which is more serious but is also treatable. It is possible to have either disorder and have no symptoms. Sexually transmitted diseases are discussed on pages 162 and 875.

Vaginitis is an inflammation of the vagina, usually caused by an infection. A vaginal infection can be sexually transmitted, but you may catch it in other ways. However, as with a sexually transmitted disease, you should tell your sexual partner that you have an infection and that he may need treatment. Do not have intercourse until your symptoms have disappeared.

There are three common kinds of vaginitis: trichomoniasis, yeast infections, and nonspecific vaginitis.

Trichomoniasis. This is caused by a parasite. You may have no symptom at all, or you may develop a smelly, greenish yellow, sometimes frothy, discharge. Trichomoniasis is most often acquired through intercourse, but you can also pick it up from toilet seats or from a damp towel or bathing suit used by someone who has the infection.

Yeast Infections. A fungus causes yeast infections. The main symptom is itchiness, but you also may have a white discharge that resembles cottage cheese. You are more likely to develop a yeast infection if you are pregnant or diabetic, if you are taking antibiotics, corticosteroid medications, or the pill, or if you have an iron deficiency.

Nonspecific Vaginitis. This type is now more often called bacterial vaginosis. It is thought to be caused by several different organisms, including *Gardnerella vaginalis*. Many women have no symptoms at all, but others develop a white or grayish, fishy-smelling discharge that coats the vaginal walls.

The Diagnosis. Your physician makes a diagnosis by taking a history, doing a pelvic examination (see page 1055), and identifying the organisms responsible through laboratory analysis of samples of discharge.

EX.C

INFECTIONS OF THE REPRODUCTIVE TRACT

Ex.C

Vaginal and other reproductive tract infections are among the most common gynecological problems, and among the most stubborn to treat successfully.

Leukorrhea

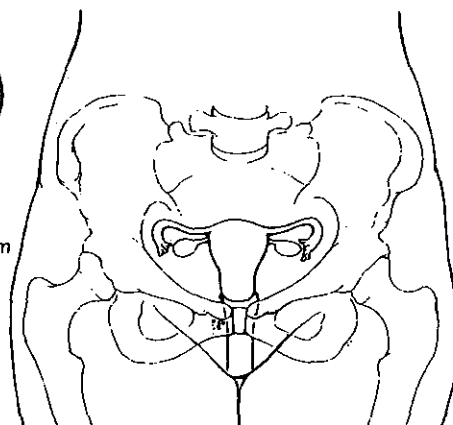
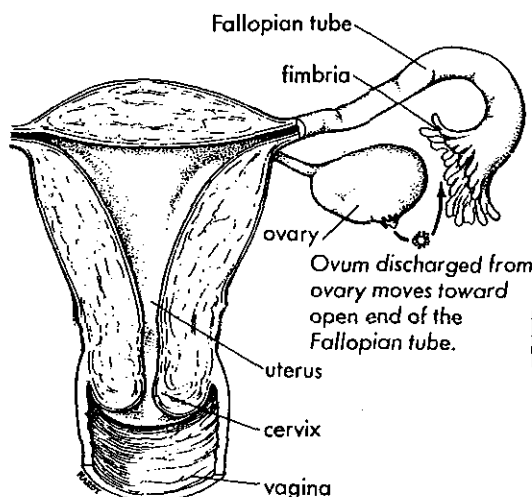
A whitish, somewhat viscid discharge from the vagina, which is known medically as *leukorrhea*, may be quite normal, especially if it is not continual but occurs only intermittently—prior to menstruation, for example, or associated with sexual excitation. It may also be increased when oral contraceptives are used.

Constant leukorrhea, on the other hand, often is a sign and symptom of an abnormality. Leukorrhea due to disease can occur at any age. It is generally associated with an infection of the lower reproductive tract. The discharge may occur without any discomfort, but in some cases there is itching, irritation, and dyspareunia—the medical term for painful intercourse (see p. 499).

Laboratory tests of vaginal secretions may be needed to help identify the precise cause of the discharge. Leukorrhea can result from vaginal ulcers; a tumor of the vagina, uterus, or Fallopian tubes; gonorrhea; or infection by any of various disease organisms of the vulva, vagina, cervix, uterus, or tubes. It may also be due to an abnormality of menstrual function, or even emotional stress.

Treatment, of course, depends on the cause. If the discharge is due to an infection, care must be taken to avoid being reinfected or transmitting the disease organism through sexual contact or possibly contaminated underclothing, etc. The condition may be particularly difficult to control if the

THE FEMALE REPRODUCTIVE SYSTEM



Location of the Reproductive Organs

Moniliasis

Moniliasis, also known as *candidiasis*, is an infection by a yeastlike fungus that is capable of invading mucous membrane and sometimes skin in various parts of the body. Inside the mouth, the organism causes thrush, most commonly in babies. When the organism invades the vaginal area it causes a scant white discharge of a thick consistency resembling that of cottage cheese. There is itching, burning, and swelling of the labial and vulvar areas. The symptoms tend to worsen just before the menstrual period. The occurrence of the disease is thought by some to be enhanced by oral contraceptives. Antibiotic therapy, too, generally favors the moniliasis organism, which is unaffected by the antibiotics that destroy many of the benign organisms that regularly share the same environment.

Moniliasis is treated with suppositories, creams, and other medications. The woman's partner should be treated at the same time to prevent a cycle of infection and reinfection.

Trichomoniasis

A type of leukorrhea that consists of a copious yellow to green frothy and fetid discharge is caused by infection by the *trichomonas* organism. The organism causes an irritating itching condition that tends to set in or worsen just after a menstrual period. The condition is diagnosed by a test similar to a Pap smear, made with a specimen taken from the vagina. *Trichomonas* organisms, if present, are easy to identify under a microscope; they are pear-shaped protozoa with three to five whiplike tails.

The organism favors warm moist areas, such as genital tissues, but it can also survive in damp towels and wash cloths, around toilet seats, and on beaches and the perimeters of swimming pools. Thus it can spread from one member of a family to other members and from one woman to other women. *Trichomoniasis* is not technically a venereal disease, but it can be transmitted by sexual contact. When one partner is infected with trichomoniasis, both must be treated

Ex.C

Trichomoniasis

A type of leukorrhea, *trichomoniasis* is caused by the *Trichomonas vaginalis*, an organism that causes an irritating itching condition in women. Men usually have no symptoms. The organism, a parasite, favors warm, moist areas, such as genital tissues; but some experts believe it can sometimes survive in damp cloths, douching syringes, towels, around toilet seats, on beaches, and around swim-

Diagnosis

The trichomoniasis leukorrhea consists of a yellow to green frothy discharge. The itching that accompanies the infection tends to begin or worsen immediately after a menstrual period. Some women report a burning sensation when they urinate. In diagnosis the physician uses a test similar to a

Treatment

Several drugs are available for treating trichomoniasis. They include tablets taken orally and suppositories inserted in the vagina. Most commonly prescribed is metronidazole. Cures may be effected quickly. One dose of two grams (eight 250 mg tablets) may be adequate for both the victim and his or her partner. The oral medication may, however, be continued for weeks or months if the infection re-

Venereal Warts

Venereal warts, also called *genital warts*, may be painless but they can be serious and thus require medical

ming pools. Thus the disease can, it is believed, be spread without sexual contact.

Complications can follow trichomoniasis. Women victims experience discomfort and pain. Chronic infection, according to some researchers, may make a woman more susceptible to cervical cancer. Constant irritation of the cervix is said to produce such susceptibility.

Pap smear (see "Pap Smear" in Ch. 25, *Women's Health*), made with a specimen taken from the vagina. Under a microscope the trichomonas organisms are easy to identify because they are pear-shaped and have three to five whiplike tails.

sists the drug.

Trichomoniasis victims have reported such side effects as nausea, depression, and hives. Because many persons are allergic to metronidazole, physicians may suggest the use of vaginal douches made up of vinegar and water, or of vaginal suppositories. The latter relieve trichomoniasis symptoms, but do not cure the disease.

the risk of penile cancer in men and cervical cancer in women. A pregnant woman with these growths may trans-

newborn's windpipe, causing later breathing problems.

The *human papilloma viruses* cause venereal warts, which may appear in a variety of places in the pubic

Diagnosis

A physician can usually diagnose venereal warts from their external appearance. To make certain that the warts are not syphilis growths, however, the physician may take a biopsy. A tiny part of the wart is removed for

Treatment

The drug podophyllin can be used in solution to remove venereal warts. The solution is painted on the growths, left for six hours, then washed off. The warts usually disappear within a few days. The treatment may have to be repeated several times. If any wart cells remain, the problem will most likely recur.

Podophyllin is not effective in all cases. Where it cannot achieve a

Syphilis

Historically, syphilis has ranked among mankind's chief health scourges. Modern medicine has brought it largely under control, but it can still be life-threatening.

Syphilis strikes men about three times as often as women. Approximately half of the male victims are homosexuals. A spiral-shaped bacterium called *Treponema pallidum* causes the disease. Transmittal takes

Stages

area. The growths are usually pink bumps, but they can grow together to resemble tiny cauliflower. In most cases, the growths itch and produce a foul-smelling discharge

study under a microscope. The *illoma virus* can then be identified.

Women with external venereal warts may also have the growth of the cervix. A Pap test is required for detection of these internal warts.

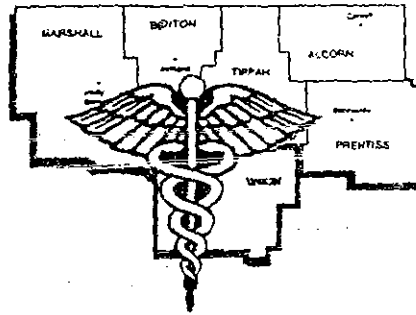
cure, other methods, including surgery, may have to be attempted. Among these other methods, which are not always successful, are freezing and burning of the growths. Studies have indicated that the use of interferon can prevent recurrences of the disease. Interferon therapy may, however, produce flu-like side effects as fatigue and fever.

place during sex with a person in the infectious stage in which open sores or rashes are typical symptoms. *Treponema* bacteria fill the sores. In infecting another person invading mucous membranes of the genital mouth, or rectum. The *spirochete* spiral bacterium, succumbs to dryness, ordinary antiseptics, or soap and water. But it can tolerate cold and survive freezing.

BENTON MEDICAL CENTER
P.O. BOX 92, 15921 BOUNDARY DR.
ASHLAND, MISSISSIPPI 38603
TELEPHONE: 662-224-8951
FAX: 662-224-6459

WALNUT MEDICAL CENTER
P.O. BOX 89, 71 MITCHELL AVENUE
WALNUT, MISSISSIPPI 38683
TELEPHONE: 662-223-4011
FAX: 662-223-4018

North Benton County Health Care, Inc.



JAMES D. NUNNALLY, EXECUTIVE DIRECTOR

FAMILY MEDICAL CENTER
P.O. BOX 515 • HIGHWAY 15 SOUTH
RIPLEY, MISSISSIPPI 38663
TELEPHONE: 662-837-0000
FAX: 662-837-7003

BOONEVILLE COMMUNITY
HEALTH CENTER
208 NORTH FIRST STREET
BOONEVILLE, MISSISSIPPI 38629
TELEPHONE: 662-728-3313
FAX: 662-728-5623

CONFIDENTIAL

April 2, 2002

Ms. Olive Cox
Family and Children's Services
Benton County Department of Human Services
Ashland, MS 38603

RE: Laporsha Roberts, B/F, Age 10
Mother: Angela Roberts
Grandmother: Gertha Roberts
Telephone No. 662-252-3908

EX.D.

RECEIVED
APR - 4 2002

Benton County DHS
Social Services

Dear Ms. Cox:

On this date I examined the above named 10 year old female, whose mother had brought her in with the complaint that she was having a heavy vaginal discharge.

Upon examination this little girl was found to have Trichomonas, which is a very common sexually transmitted disease. The only way a person can acquire this disease is through sexual contact. She was given a prescription, which will completely clear up this problem.

I referred the situation to our social worker, Miss Shelby Jean Roten, who talked with the child and mother. From this session it was learned the mother and biological father are not together. From time to time the child goes to visit her father for a weekend or so. There are other older boys in and about the father's home. The child was asked if someone had touched her in any way. The child denied actual physical sexual contact, but did admit there was somebody who had tried to touch her. The mother was very supportive of the child and told her repeatedly she could tell, because she had not done anything wrong. Laporsha denied physical contact, but the evidence refutes that denial.

The mother Angela Robert gave her mother's phone number (662-252-3908) where she can be reached. Angela and Laporsha are living with her mother. She was informed that we would have to report this matter to DHS. She understood and seems very concerned and wants to protect her daughter.

EX. E.

Courtesy Bonding Company

Phone: 662-252-5182 • 662-252-1353 • HOLLY SPRINGS, MISSISSIPPI 38635

Justice of the Peace or City
Appearance Bond

10790

KNOW ALL MEN BY THESE PRESENTS WHEREAS THAT THE UNDERSIGNED PRINCIPAL

Douglas Jones

HAS BEEN CHARGED WITH THE OFFENSE OF

Sexual Battery

IN THE COURT

Circuit

CITY OF

Holly Springs

COUNTY OF

Marshall

STATE OF MISSISSIPPI

NOW THEREFORE WE UNDERTAKE JOINTLY AND SEVERALLY THAT SAID PRINCIPAL SHALL APPEAR AS REQUIRED FROM DAY TO DAY AND TERM TO TERM UNTIL DISCHARGED BY LAW, IN ANY COURT HAVING JURISDICTION IN THE MATTER, OR IF HE SHALL FAIL TO APPEAR, WE WILL PAY TO THE COURT (in which the offense is alleged to have been committed). This is an appearance bond only, not a guarantee of fine or court cost.

THE SUM OF

\$10,000.00

DOLLARS

APPEAR IN COURT

7:00 A M

14th

DAY OF

Feb

20

07

This

24

Day of

Jan

20

07

Official Approval

Adelle Anderson

PRINCIPAL

X Douglas Jones

Marcus Hicks • Anthony McKinnon • Clay Byers • John Taylor



IN THE CIRCUIT COURT OF MARSAHLL COUNTY
STATE OF MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

V.

CAUSE NO. MK 2003-050

DOUGLAS JONES

DEFENDANT

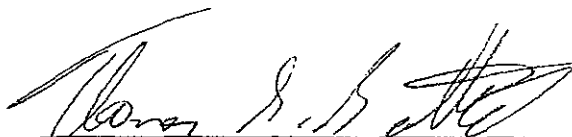
MOTION TO CONTINUE

Defendant, Douglas Jones, by and through counsel, respectfully moves this Court for an Order continuing the trial set for February 26, 2007, and would respectfully show that counsel has recently been retained and will need additional time in order to prepare for trial. Defendant requests general relief.

RESPECTFULLY SUBMITTED,

DOUGLAS JONES

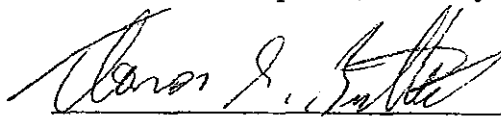
BY:



Thomas G. Bittick, MSB# 102288
115 E. Van Dorn
Post Office Box 682
Holly Springs, MS 38635
(662) 551-1141 – office
(662) 551-1142 – fax

CERTIFICATE OF SERVICE

I Thomas Bittick, Esq., as attorney for Douglas Jones, do certify that I have this date delivered a true copy of the preceding motion to Lani Hill, Esq., this, February 15, 2007.



Thomas G. Bittick, Esq.

FILED

FEB 15 2007

LUCY CARPENTER
Circuit Clerk, Marshall Co., MS

BY OH D.C.