

IN THE SUPREME COURT OF MISSISSIPPI

**COPY**

EDWARD JAMES HOPSON

2007-CP-643  
PETITIONER

VS.

CAUSE NO. ~~2007-0017-M~~

MISS. STATE PAROLE BOARD

**FILED**

RESPONDENTS

APR 17 2007

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

APPEAL FROM THE CIRCUIT COURT OF  
SUNFLOWER COUNTY, MISSISSIPPI

BRIEF OF PETITIONER

Edward James Hopson  
Petitioner

## TABLE OF AUTHORITIES

MONROE V. THIGPEN, 932 F.2d 1437,1442 (11<sup>th</sup> Cir.)

GREEN V. WELLER, 32 Miss. (3 George) 650,668 (1856)

Edward J. Hopson  
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Rt. 2 Box 300  
Indus. Park Rd.  
Dekalb, Miss. 39328

4-17-07

MS. Betty W. Septon  
SUPREME COURT CLERK  
P.O. Box 249  
Jackson, Miss. 39205-0249

Re: Appeal # 2007-0017-M

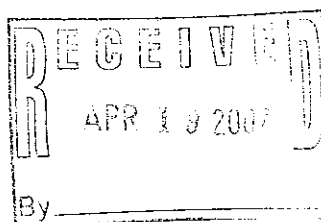
Dear Ms. Septon:

Madame, please find enclosed the original and two copies of this, my appeal to be heard by the Justice at a time and period set by this Honorable Court. It my belief that I was granted forma pauperis to this appeal by the Court on April 4, 2007, and such order was also mailed to you. (See attached)

If there anything else I need to do in this cause please let me know. Thank you for your time and consideration in this matter.

Sincerely,

Edward J. Hopson  
Edward J. Hopson



I. THE STATE COURT ERRED IN NOT RULING IN A SHOW CAUSE MOTION BY FAILING TO MAKE A FACTUAL ANALYSIS OF THE BASIS IN THE MOTION.

The raising of Prisoner rights in this appeal are momentous. But the State Legal questions Presented, with one exception, are insubstantial.

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Governor officials brought allegations against Petitioner that is simply unfounded and without proof of records. Furthermore, state attorney James "Jim" Morris has block the state court from resolving the dispute, solely on the basis of Petitioner race and alleged crime.

FIRST, Petitioner had required the Miss. Parole board to Justify it's reasons "if not racially" of why they was suborning Perjury themselves by using false and unsupported claims to deny him Parole? See exhibit "1" ("[T]here is no doubt that PerJury do violate a Petitioner equal Protection and Due Process of Law if such can be Proven by records") Mr. Morris actually believe Petitioner do not know the different ~~between~~ between a "lie" and the "truth".

2

To review the show cause Motion de novo, involving "Perjury" allegations been made against Petitioner, the Lower Court does have jurisdiction over matter such as these, under the equal Protection Clause.

Petitioner should have been granted a evidentiary hearing as set out in Petitioner MOTION TO DISREGARD MR. NORRIS MOTION TO DISMISS, exhibit "2", thereby that refusal resulted in a fundamental miscarriage of Justice. Id. at 493-95, 111 S.Ct. at 1470.

Exhibit "1" should have been granted a evidentiary hearing. A hearing is necessary to challenge the factual dispute of wilful "PerJury" committed by state agency, that in Petitioner views; three (3) denials are been used against him without proof, that can be easily proven through a Pre-hearing.

<sup>1</sup> Petitioner is been denied a Protective Privilege to due Process. The state Parole Board is using methods of denials without regard for Petitioner's Const. rights.

To view Petitioner Show Cause Motion he was not asking the Court to grant him Parole, but have the respondents to show Proof in it denials that was never Proof of records. Petitioner know of any new Policy under Miss. Code Ann. § 47-7-3, that give the Parole board the right to Commit PerJury. Additionally, the Parole board members is to be fair and open minded in their determination in granting Parole. Petitioner Sought relief Pursuant to a Show Cause Motion in Contesting that the board have "Coerce" these denials because he was never Present at the January 9, 2007, hearing and there was never any Particular Legal information Presented at the hearing for the board to use three (3) denials. Monroe v. Thigpen, 932 F.2d 1437, 1442 (11<sup>th</sup> Cir. 1991) (due Process violated because Board relied on admittedly false information when denying Parole.) Petitioner Show Cause Motion clearly established a Prima facie Cause of discrimination and PerJury. "While some prisoners are victims themselves, prisoners that is of dyslexia disabilities should enjoy some liberty interest in freedom of speech if allowed a Parole hearing."

Petitioner Show Cause Motion required the Parole board to show Proof that: 1) Prior to July 14, 1989, Petitioner had a Police/Juvenile record; 2) that he have misdemeanor conviction(s) and; 3) if the board is not relying on "Coerce" information to continue a vindictive act and that Personal monitoring show Proof of Petitioner Lacking for Rehabilitation, show Proof in records. In Green v. Weller, 32 Miss. (3 George) 650, 668 (1856), this Court explained that Legislature clearly intended to confer upon "any offender" the right to seek Judicial review of the decision Pending against them.

Inadequate records and using "PerJury" can be recognized as a constitutional violation and abuse of discretion committed against Petitioner by the State Parole board and give the Lower Court Jurisdiction to hear Petitioner claim. (In re Monroe, 932 F.2d 1437, 1442)

Likewise, Petitioner was not<sup>asked</sup> the Lower Court to grant him Parole, but to inform the board members not to use false allegations against him as a form of intimidation. Dyslexia prisoners are not expected to possess a Lawyer's understanding, yet, the board cannot say Petitioner is incompetent enough to understand what "PerJury or false allegations are." (Emphasis added) Thus, the Parole board maybe understaff to interview all prisoners, and simply check off denials at their discretion, is no reason to view a show cause motion as no significance.

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As Long as "PerJury" and "inadequate" records are been used against Petitioner, formulating a stacked deck: Petitioner due Process was violated when the Parole board used false and unsupported claims to deny him Parole. Now with the Constitution involved, the question before the Court is "can government officials intentionally lie for Personal reasons against the Poor and illiterate?"

For reasons stated herein and to resolve the federal and constitutional issues the Judicial system has now been forced to confront through Legal Proceeding arising from a show cause motion, Petitioner should have been granted an evidentiary hearing because the allegations from the state Parole board members are inconsistent with the facts.

### CONCLUSION

An appropriate remedy would be, instead, is to remand this entire Show Cause motion back to Sunflower County Court with instruction that Mr. Morris must address the facts to the alleged three (3) denials, in the

Show Cause Motion; for a show cause motion requires the [adverse] Party to meet the Prima Facie case made by the applicant's verified complaint or affidavit.

Edward James Hopson  
Edward James Hopson

CERTIFICATE OF SERVICE

I, Edward James Hopson, do hereby certify that I forwarded a true and correct copy of the above and foregoing appeal, via U.S. mail, Postage Pre-Paid, to the following persons:

Hon. Ashley Hines  
CIRCUIT COURT JUDGE  
P.O. Box 1315  
Greenville, Miss. 38702-1315

Hon. James "Jim" Morris  
ATTORNEY AT LAW  
P.O. Box 36  
Parchman, Miss. 38738

So certified this the 17 day of April , 2007.

Edward J. Hopson  
PETITIONER