

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

GLEN TYRONE ALEXANDER

V.

STATE OF MISSISSIPPI

FILED

DEC 12 2007

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SUPREME COURT
COURT OF APPEALS

COPY

APPELLANT

NO. 2007-0062P HC

2007-CP-903-COA
APPELLEE

APPELLANT'S BRIEF

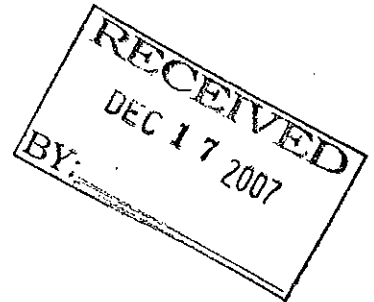


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TABLE OF CASES AND AUTHORITIES

Brown v. State, 864 So. 2d 1058 (Miss. Ct. App. 2004) - ()
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STATEMENT OF THE ISSUES

I. ~~Petitioner~~ was denied due process during Probation
Revocation Hearing

II. Petitioners Probation Revocation was Erroneous

III. Petitioners Probation Officer Indictively Prosecuted
Him

IV. whether false documents and misleading Testimony
led to Petitioners

V. Petitioner is unlawfully detained (Illegal Incarceration).

STATEMENT OF CASE

Mr GLEN TYRONE ALEXANDER was convicted of
Sale of Cocaine (Controlled Substance). Sept. 8th 2000
Sentenced to 20 yrs 12 suspended 8 to serve leaving
12 Post Release Supervision in the Marion County
Circuit Court

Petitioner was Released to April 2005 on E.R.S.
discharge January 3 2006 to P.R.S.

P.R.S. Revoked on Sept. 5 2006 For alleged
Domestic Assault order of conviction/ tested Positive

For Marijuana use while on P.R.S.
Mr Alexander is presently incarcerated with
M.D.O.C. Unit 29/I building Parchman

FACTS

Mr GLEN TYRONE ALEXander entered Plea of guilty on 8 Sept. 2000 and Received a sentence of twenty (20) yrs 8 to serve with 12 yrs suspended Leaving that twelve on Post Release supervision

Mr Alexander was subsequently Released on or about April 6, 2005 on early Release supervision (E.R.S.) while on E.R.S. on the 16th day of Sept. Mr Alexander was given a ~~urine~~ urine test this test Returned A Positive Result For Marijuana on the 20th day of October 34 days after the Original sample was given Exhibit ("2").

This was during Mr Alexander serving E.R.S. He was not Violated For this incident nor was His E.R.S. Revoked.

December 29, 2005 Mr Alexander discharge certificate was signed and on January 3 2006 Mr Alexander was discharged From E.R.S. To Post Release supervision Exhibit ("1").

January 24, 2006 Mr Alexander was arrested by Officer Lanny Arinder and captain chaster Field of the City of Columbia, Marion County, Miss. Police Dept. For an alleged Domestic assault against Jessica Brown of 1408 Hendrick St. Columbia Ms Exhibit ("3").

Lanny Arinder F.O III issued A warrant For Mr Alexander ~~Arrest~~ arrest For Violation of Post Release supervision For:

- A) committing an offense against the laws of this state
- B) Failing to avoid Intoxouse and viciousse habits
- C) Possessed and consumed mood altering drug to wit Marijuana (Exhibits

February 22nd 2006 Mr Alexander was Taken before the Municipal court of Columbia, Marion county Mississippi To Answer the charge of Domestic assault First offense at the hearing the municipal court Judge Dantin dismissed the domestic assault charge and ordered Mr Alexander To pay \$93.00 For an old Fine on Traffic tickets. He had Previously As Jessica Brown was Present Mr Alexander was ~~not allowed~~ brought before the marion county circuit court on september 5, 2006 For a Hearing on Mr Alexanders Post Release supervision.

Mr Alexander was not allowed to Present witnesses Jessica Brown or Exhibits. Mr Alexanders Probation was Revoked For alleged Testing Positive For Marijuana use while on P.R.S. (see Exhibit) and Domestic assault (see Exhibit " P.S.R. Transcript PGS 19.20)

at this Probation Revocation Hearing the state entered Perjured Testimony of Mr Lanny Arinder Testimony that the Petitioner tested Positive For Marijuana

use while on P.R.S. Exhibit court ~~the~~ P.S.R. Transcript PGS. 5-7, 11) Exhibit) And Mr Arinder Presenting A Fraudulent copy of an order of conviction of Mr Alexander For Domestic assault, alleged From marion county municipal court (Exhibit court P.S.R. Transcript PGS 7.8, Exhibit, "6").

Mr Alexander was never convicted of such, as mentioned above said charge was dismissed.

Mr Alexanders witnesses Ms Jessica Brown, Capt. Michael Stevens of the Columbia Police dept. and Municipal court Judge F. Dantin were never questioned or allowed to Give Testimony.

SUMMARY OF ARGUMENT

Mr. Alexander was denied due process of law by the Court Retrying Introduction of Evidence and witnesses that could have Proven the documents submitted by Mr. Alexander F.O III were False and that Mr. Alexander was not convicted of domestic assault on Feb. 22 2006 that Mr. Alexander tested Positive for Marijuana use during His E.R.S. Term not His P.R.S. and Mr. Alexander E.R.S. was not Revoled For this incident That Mr. Alexander never tested Positive For Marijuana use during P.R.S. 1/3/06 - 9-5-06. These Errors and violations Prejudiced the outcome of His P.R.S. Hearing.

ARGUMENT

I whether Mr. Alexander was denied due Process during His Probation Revocation Hearing

Mr. Alexander's defense at His P.R.S. Hearing was Factual documental Evidence the dismissed domestic assault charge and urinalysis Results along with His certificate (discharge certificate) that shows Him being on Early Release Supervision when He tested Positive For Marijuana use 10/30/05 exhibit

That And Ms. Jessica Brown, Capt. Michael Stevens Judge F. Dantin who could and would have Proven documents submitted by F.O. III Arinder False That Mr. Alexander ~~dismissed~~ domestic assault charge was dismissed

Exclusion of These witnesses and documents Passed by Ms. Jessica Brown which were Exhibits Mr. Alexander Planes to use as defense ~~that~~ Prejudiced Mr. Alexander's P.R.S. Revocation Hearing? Results causing Mr. Alexander's P.R.S. To be Revoled

II whether errors admitted in P.R.S. Hearing Prejudice
its outcome

due to the alleged errors during Mr. Alexander's P.R.S. Hearing
Mr. Alexander's Post Release was unlawfully revoked Mr.
Alexander's Hearing was not fair impartial but was
erroneously decided on fraudulent evidence (Exhibits)
and Perjured Testimony (Transcript) but for these misrepresentation
~~misrepresentation~~ Mr. Alexander's Post Release
would not have been revoked.

III whether Mr. Arinder F.O. III Vindictively Prosecuted Mr Alexander

Mr Lanny Arinders Acts of Perjuring Testimony

Transcript and submitted Forged and Fraudulent documents (Exhibit "2" and Exhibit "6" was A malicious and Vindictive Attempt to cause Mr Alexanders Probation to be Revoked At which he succeeded Against all Factual and true Evidence.

IV whether False documents and Perjured Testimony cause P.R.S. to be Revoked the Revocation of Mr Alexanders Probation was due to Misrepresentations by Lanny Arinder F.O. III as shown by the Judges Findings and Ruling Revoking Mr Alexanders Probation the Judge Relied on documentation and Testimony by Mr Arinder F.O. III but Records show that Mr Arinder was wrong.

And his testimony False concerning Mr. Alexander testing Positive For Marijuana use during His Post Release supervision

Mr Alexander tested Positive For Marijuana From a 9/16/05 urine sample. Result confirm 10/20/05 at those dates

Mr Alexander was still on E.R.S. see Exhibit "2"

Mr Alexander was discharge to P.R.S. 1/3/06

3 months after His testing Positive In which His E.R.S was not Revoked.

Mr Arinder also ~~False~~ Falsely Represented that Mr Alexander was Found guilty or Plead guilty to domestic assault. Mr Arinder Even submitted an order Proclaiming the same

A document signed by some one other then Mr Alexander who even misspelled Mr Alexander's Name. A Forgery

when Mr Alexander's domestic assault charge was dismissed Feb. 22 2006.

But For these misrepresentations Mr Alexanders P.R.S. could not have been Revoked.

IV whether Petitioner Is unlawfully detained/Illegally Incarcerated.

Mr Alexander Is being unlawfully held by M.D.C. confined In Parchman Als. where as Mr Alexanders P.R.S. was unlawfully, Feloniously, Revoked as alleged by the above arguments.

Mr Alexanders Probation was Revoked against the weight of all true, legitimate factual evidences.

Mr Lanny Arinder and Marion County Circuit Court used measures against Federal and state law

due Process, Right to call witnesses, Present Evidence, To Revoke Mr Alexanders Probation (Mr Alexanders Probation), Mr Alexander was not given the benefit of a Fair Hearing or adversarial Process.

Mr Alexander Is Illegally Incarcerated, against His will and In violation of the laws of Mississippi and this country, also In violation of Mississippi Department of corrections stand and ~~operations~~ operating Procedures governing Probation Post Release-Supervision.

Plaintiff is Proceeding Pro Se And ask this Court to construe His allegations liberally due to Elemental nature of Proceedings

Plaintiff Is not a court-writer or in anyway skilled at arguing law, policy, procedures or the like.

Plaintiff makes the ~~the~~ above averrings with help of others, inmates and assistance of M.D.C. I.L.A.P. and states that the above and foregoing statements are true and correct and all documents submitted as Exhibits are Reasonable Facsimiles of the originals Plaintiff Envoles Moore v Ruth because of His Pro Se Submission.

Conclusion

Mr. Alexander is entitled to have his P.R.S. Recreation Revised and be placed back on P.R.S. with time accrued towards completion or For Evidentiary Hearing on the same.

Respectfully Submitted

Allen Wayne Alexander
Alexander-k-3975

I Glen Tyrone Alexander, do hereby certify that I have this the 12 day of December 2007 mailed a true and correct copy of the above and foregoing Brief of Appellant to the Office of the Clerk, Supreme Court of Appeals. All by U.S. Mail, First class Postage Prepaid.

Allen Wayne Alexander
Alexander-k-3975