

**COPY**

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

**RUSSELL T. CAMPBELL**

**APPELLANT**

**FILED**

**OCT 02 2007**

**VS.**

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

**NO. 2007-CP-0931-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

**BRIEF FOR THE APPELLEE**

**APPELLEE DOES NOT REQUEST ORAL ARGUMENT**

**JIM HOOD, ATTORNEY GENERAL**

**BY: DESHUN T. MARTIN  
SPECIAL ASSISTANT ATTORNEY GENERAL  
MISSISSIPPI BAR NO. [REDACTED]**

**OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MS 39205-0220  
TELEPHONE: (601) 359-3680**

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

**RUSSELL T. CAMPBELL**

**APPELLANT**

**VS.**

**NO. 2007-CP-0931-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

**BRIEF FOR THE APPELLEE**

**STATEMENT OF THE CASE**

This is an appeal from the denial of Post - Conviction Collateral Relief Act of the First Judicial District of the Circuit Court of Harrison, Mississippi, in which the Appellant, Russell T. Campbell, pled guilty and was sentenced for the felony crime of **SALE OF COCAINE**, Mississippi Code Annotated § 99-19-81 (1972)

**STATEMENT OF FACTS**

On the 2<sup>nd</sup> day of December, 1998, Russell T. Campbell (Campbell) did wilfully, unlawfully, and feloniously sell and transfer to Tammy Reynolds, a quantity of Cocaine, a Schedule II Controlled Substance, in violation of the Uniform Controlled Substance Act of the State of Mississippi. ( R. E. 6).

## **SUMMARY OF THE ARGUMENT**

**I. and II. are combined.**

### **THE TRIAL COURT WAS PROPER IN REVOKING APPELLANT'S POST RELEASE SUPERVISION.**

An order revoking probation and /or suspension of sentence is not appealable. Griffin v. State, 382 So.2d 289 (Miss. 1980); Pipkin v. State, 292 So.2d 181 (Miss. 1974); Ray v. State, 229 So.2d 579 (Miss. 1969); and Bobkoskie v. State, 495 So.2d 497, 499 (Miss. 1986).

## **THE ARGUMENT**

**PROPOSITIONS I. and II. are combined.**

Throughout the entirety of the Appellant's brief he wrongly insists that he was not appraised of the conditions of his release. (Appellant Brief 5). However, the State contends that he is couching this argument in that which is the real point; Campbell wants to challenge his revocation of post release supervision.

The Order of Incarceration with Post - Release Supervision is totally encompassing of the terms of Campbell's post release supervision. ( R. E. 22 - 24).

The transcript regarding the sentencing of Campbell is totally encompassing of the terms of Campbell's post release supervision. ( R. E. 27 - 32).

The Petition to Revoke Post Release Supervision and Impose Suspended Sentence clearly set out the rationale as to why it was granted. Campbell was arrested and charged by the Corinth Police Department on the 12<sup>th</sup> of May, 2006, for the crime of Possession of Controlled Substance.

An order revoking probation and / or suspension of sentence is not appealable. Griffin v. State, 382 So.2d 289 (Miss. 1980); Pipkin v. State, 292 So.2d 181 (Miss. 1974); Ray v. State, 229 So.2d 579 (Miss. 1969); and Bobkoskie v. State, 495 So.2d 497, 499 (Miss. 1986).

CONCLUSION

Based upon the arguments presented herein as supported by the record, on appeal the State would ask this reviewing court to affirm the order denying the Motion for Post-Conviction Relief.

Respectfully submitted,

JIM HOOD, ATTORNEY GENERAL

BY:

  
DESHUN T. MARTIN  
SPECIAL ASSISTANT ATTORNEY GENERAL  
MISSISSIPPI BAR NO. [REDACTED]

OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MS 39205-0220  
TELEPHONE: (601) 359-3680

## CERTIFICATE OF SERVICE

I, Deshun T. Martin, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing **BRIEF FOR THE APPELLEE** to the following:

Honorable Paul S. Funderburk  
Circuit Court Judge  
Post Office Drawer 1100  
Tupelo, MS 38802-1100

Honorable John R. Young  
District Attorney  
Post Office Box 212  
Corinth, MS 38834

Russell Campbell, [REDACTED]  
CMCF-III/3, Unit A-1  
Post Office Box 88550  
Pearl, MS 39288-88550

This the 3rd day of October, 2007.

  
\_\_\_\_\_  
DESHUN T. MARTIN  
SPECIAL ASSISTANT ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MISSISSIPPI 39205-0220  
TELEPHONE: (601) 359-3680

**CERTIFICATE OF SERVICE**

I, Deshun T. Martin, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing **BRIEF FOR THE APPELLEE** to the following:

Honorable Paul S. Funderburk  
Circuit Court Judge  
Post Office Drawer 1100  
Tupelo, MS 38802-1100

Honorable John R. Young  
District Attorney  
Post Office Box 212  
Corinth, MS 38834

Russell Campbell, #59288  
CMCF-III/3, Unit A-1  
Post Office Box 88550  
Pearl, MS 39288-88550

This the 2nd day of October, 2007.

  
\_\_\_\_\_  
DESHUN T. MARTIN  
SPECIAL ASSISTANT ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
POST OFFICE BOX 220  
JACKSON, MISSISSIPPI 39205-0220  
TELEPHONE: (601) 359-3680