

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

DATE

Oct 21 2007
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SUPREME COURT
COURT OF APPEALS

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OCT 26 2007

RE: John Roland Myles Jr v. State of Mississippi
Supreme Court # 2007-CP-01115-COA

TO: BY: The Hon. Judges

PLEASE BE ADVISED THAT I WANT THIS COURT TO KNOW THAT I JOHN ROLAND MYLES JR. NEVER WAS ADVISED FROM MY ATTORNEY MR. ROSS BARNETT JR. THAT I WAS RECEIVING 10 YEARS ON DECEMBER 4, 2006. THE LAST THING MR. ROSS BARNETT JR. HAD SAID TO ME WAS BACK IN NOV. 2006 IN THE BANKIN COUNTY JAIL WAS HE HAD TALK WITH THE ASST. DA BY THE NAME OF (JOHN H. EMFINGER) AND MR. EMFINGER WAS OFFERING (5 YEAR) IN THE CHARGE OF GRAND LARCENY. MR. ROSS BARNETT JR. HAD ALSO CALL MY MOTHER AND FATHER WHO ARE (LUE D. MYLES) AND (MR. JOHN MYLES SR.) AT 601-992-3372 120 WOODY DR. BRANDON, MS 39047 BACK IN NOV. 2006 AND ADVISED BOTH OF MY FAMILY MEMBERS THAT I WOULD BE RECEIVING (5 YEAR) OR LESS WHEN I GO TO COURT. BUT ALL OF A SUDDEN A NEW ASST. DA CAME IN ON THE CASE AND GAVE ME 10 YEARS THAT I DID NOT KNOW ANY THING ABOUT WHICH WAS WRONG BECAUSE MY ATTORNEY NEVER TOLD ME ANY THING ABOUT 10 YEAR THE OFFER WAS ALWAYS 5 YEARS BY MY ATTORNEY. THE ASSISTANT DISTRICT ATTORNEY AND MR. ROSS BARNETT JR. HAS RAIL ROADED ME IN PRISON ON 10 YEARS WHICH IS NOT RIGHT AT ALL. I WAS GAVE THE MAX ON THE CHARGE WHEN I COULD HAVE WENT TO TRIAL COURT AND WOULDN'T HAVE NOT GOTTEN 10 YEARS. I WANT TO MAKE SURE THE COURT KNOW THAT THIS IS A NONE VIOLENT CHARGE AND I'M NOT A HABITUAL OFFENDER AND HAS NOT BEEN TO PRISON BUT ONCE. THE COURT CAN REVIEW THE TRANSCRIPTS ON PAGE 7 AND YOU WILL SEE FOR YOURSELF WHEN THE ASSISTANT DISTRICT ATTORNEY MR. WALKER BLEC SAID THE STATE WAS OFFERING 10 YEARS I STOPPED AND ASK MY ATTORNEY MR. ROSS BARNETT JR. WHAT DO HE MEAN 10 YEARS. IT IS PLAIN IS DAY ON (PAGE 7) ON THE TRANSCRIPT YOU WILL SEE THAT I DID NOT GIVE THE JUDGE (NO RESPONSE) BACK TWO TIMES BECAUSE I WAS QUESTIONING MR. ROSS BARNETT JR. WHY, IS THEY GIVING ME 10 YEARS. NOW THE STATEMR. ROSS BARNETT JR. GAVE ME BACK WAS JOHN JUST SAY YES SIR, SO I JUST WENT ALONG WITH ROSS BARNETT JR. THINKING HE WAS GOING TO FIX THE TIME. PLEASE BE ADVISED THAT I NEVER WAS TAKEN OVER THE PLEA SHEET STEP BY STEP AND I NEVER DID READ OVER NO PLEA SHEET NONE WHAT SO EVER. MR. ROSS BARNETT JR. JUST POINTED TO DIFFERENT PLACE ON THE PLEA SHEET AND TOLD ME TO JUST SIGN IT AND RUSH ME IN FRONT OF THE JUDGE. ALL THE TIME I WAS SIGNING THE PAPERS I WAS THINKING I WAS SIGNING FOR 5 YEAR LIKE MY ATTORNEY HAD ADVISED ME OF. JUST MONTHS BEFORE I WENT TO COURT MR. ROSS BARNETT JR. HAD JUST HAD A (STROKE) AFTER HE HAD WENT ON A VACATION AND THAT COULD HAVE BEEN THE HOLE PROBLEM. THE BOTTOM LINE NUMBER ONE I JOHN R. MYLES JR. NEVER KNEW THAT I HAD SIGN A PIECE OF PAPER FOR 10 YEARS BECAUSE MY ATTORNEY NEVER STATED OUT OF HIS MOUTH ANY THING ABOUT NO 10 YEARS. NUMBER 2 THE JUDGE NEVER QUESTIONED OR ASK ME WHETHER OR NOT IF I WAS ON ANY TYPE OF MEDICATION OR DRUGS.

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At the time of the plea on Dec. 4, 2006, which is a violation because I was on
psychiatrist medication for on going problems I've had since the year 1996. I know I
should have been asked that question and to my understanding every Judge ask that
question because people do have problems and I believe the Judge should have knew my
problems. I know and fill that my U.S. Constitution's Rights have been violated against
in this major issue dealing with this 10 year that I never knew any thing about.
I would say I was tricked into signing that plea by my Attorney and I have
been Rail Roaded and I'm being hold on a unlawful prison sentence in the State of
Mississippi which is wrong. My Family hired this Attorney to help me not throw
me away so they are willing to come to any hearing to testify on the behalf
that Ross Barnett Jr 501 South State Street Jackson Mississippi 39201 telephone #
601-948-6640 has lied to them.

Mother- Luke D. Myles Father- John Myles Sr. 120 Woody Drive
Brandon Ms 39047
601-992-3372

To The Hon. Judges please be advised that I John Roland Myles, Jr. have
serve total 1 year 156 Days plus time from Dec. 6, 2006 until now on
this Grand Larceny charge. I ask the Court to please grant me
some kind of relief on this none violent charge that I have
been Rail Roaded on.

With kindest regards, I am

Sincerely Yours,
John Roland Myles Jr.

John Roland Myles Jr.
Unit 32 / ALPHA
HARCHMAN, Mississippi 38738

God Bless You

1 IN THE CIRCUIT COURT OF RANKIN COUNTY, MISSISSIPPI

2
3
4 STATE OF MISSISSIPPI

PLAINTIFF

5 v.

CAUSE NO. 16384

6 JOHN R. MYLES

DEFENDANT

7
8 CHARGE(S): BURGLARY OF A DWELLING HOUSE

9
10 **BE IT REMEMBERED** on December 4, 2006, the
11 above-styled case come on for the Defendant's Plea
12 of Guilty before the Honorable Judge Samac
13 Richardson, in Brandon, Mississippi, and the
14 following proceedings were held and done, to-wit:

15 APPEARANCES:

16 **WALKER BLECK, ESQUIRE**

17 Assistant District Attorney
18 Post Office Box 121
19 Brandon, Mississippi 39046

COUNSEL FOR THE PLAINTIFF

20 **ROSS BARNETT, JR., ESQUIRE**

21 Barnett Law Firm
22 501 South State Street
23 Jackson, Mississippi 39201

COUNSEL FOR THE DEFENDANT

24
25 REPORTED BY:

26 **Harvey J. Rayborn, CSR #1274**
27 Rayborn Court Reporting Services
28 Post Office Box 720248
29 Jackson, Mississippi 39272
TEL: (601) 376-0336
FAX: (601) 376-0323
e-mail: Raybornhj@aol.com

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P-R-O-C-E-E-D-I-N-G-S

JOHN R. MYLES,

having first been duly sworn by the Honorable Judge Samac Richardson, testified as follows, to-wit:

THE COURT: Okay. I have before me a Petition in Criminal Cause Number 16384, State of Mississippi versus John Roland Myles.

Mr. Myles, you have filed a petition to plead guilty to grand larceny as a lesser included offense of house burglary. You say that your Social Security number is 427-45-7731, date of birth, 11-24-74. You've completed 11 years of school. You're represented by Mr. Ross Barnett, Jr.

All right. Did you read and sign or initial each page of this guilty plea petition?

A. Yes, sir.

ROSS BARNETT Told me to say YES, SIR. HERE ALSO AND HE KNOW I did NOT READ guilty plea.

THE COURT: Did you read, sign and initial the acknowledgment that you viewed the guilty plea video?

A. Yes, sir.

THE COURT: Did you understand the guilty plea video?

A. Yes, sir. Yes, sir.

THE COURT: Okay. Do you have any questions about that guilty plea video?

A. No, sir.

THE COURT: Do you understand the nature of the charges brought against you?

A. Yes, sir.

1 **THE COURT:** Do you understand the nature
2 and consequences of entering a plea of guilty to
3 these charges?

4 A. Yes, sir.

5 **THE COURT:** Or charge I should say. Are
6 you satisfied with the service, advice, counsel and
7 assistance of your attorney?

8 A. Yes, sir.

9 **THE COURT:** Do you have any complaints you
10 want to make about your attorney?

11 A. No, sir.

12 **THE COURT:** Have you ever pled guilty to a
13 felony offense in any court our jurisdiction?

14 A. Yes, sir.

15 **THE COURT:** Did you go through a question
16 and answer session similar to this one?

17 A. Yes, sir.

18 **THE COURT:** Did you understand what you
19 were doing when you pled guilty the last time?

20 A. Yes, sir.

21 **THE COURT:** Do you understand what you're
22 doing today by pleading guilty?

23 A. Yes, sir.

24 **THE COURT:** Do you understand your
25 constitutional rights as they were explained to you
26 in the guilty plea video and as are set out
27 specifically in your guilty plea petition?

28 A. Yes, sir.

29 **THE COURT:** Do you wish to waive and give

1 up your constitutional rights and continue with this
2 hearing on your petition to enter a plea of guilty?

3 A. Yes, sir.

4 **THE COURT:** The State of Mississippi will
5 be required by this Court to prove the elements of
6 the crime with which you are charged, beyond a
7 reasonable doubt, in front of a jury before a jury
8 could return a verdict of guilty. The elements of
9 this Court would require the State to prove that you
10 did, in Rankin County, Mississippi, on or about
11 February the 19th, 2004, take steal -- excuse me --
12 willfully, unlawfully and feloniously take, steal
13 and carry away the personal property of another
14 person with the intent to permanently deprive that
15 person of possession of that property. What kind of
16 property was it?

17 **MR. ROSS:** Money.

18 **THE COURT:** Money. It would have to be
19 valued in excess of \$500 U. S. currency, or coins as
20 the case may be.

21 Do you understand the elements of the
22 crime the State would be required to prove?

23 A. Yes, sir.

24 **THE COURT:** No minimum penitentiary
25 sentence. The maximum penitentiary sentence is 10
26 years. No minimum fine. The maximum fine is
27 \$10,000.

28 Do you understand the minimum and maximum
29 sentences that could be imposed?

1 A. Yes, sir.

2 **THE COURT:** Do you understand that the
3 current law requires a certain percentage or portion
4 of any sentence imposed and not suspended must be
5 served by you before you would be considered for
6 release from incarceration?

7 A. Yes, sir.

8 **THE COURT:** What facts does the State
9 prove if this matter went to trial, Mr. Bleck?

10 **MR. BLECK:** Your Honor, the State, if this
11 case went on trial on the lesser included offense of
12 grand larceny, they would prove that on or about the
13 19th day of February of 2004, in Rankin County,
14 within the jurisdiction of this Court, John R. Myles
15 did willfully, unlawfully and feloniously take,
16 steal and carry away the personal property of
17 Larry Bain, that being a lot of coins, and those
18 coins were taken from 527 Madeleine Court in
19 Brandon, Mississippi, in Rankin County, with the
20 intent to permanently deprive the owner, Larry Bain,
21 thereof.

22 **THE COURT:** Do you wish to challenge or
23 correct any of the facts stated by the prosecutor
24 handling your case, Mr. Myles?

25 A. No, sir.

26 **THE COURT:** Do you agree with the facts
27 that the prosecutor has stated to the Court?

28 A. Yes, sir.

29 **THE COURT:** What's the State's

*This is when I found out I was getting TEN YEARS
When MR. BLECK said the state is recommending the MAX SENTENCE
And I started questioning ROSS BARNETT And he was saying 7
just say yes, sir on all these question below.*

1 recommendation as to sentence, Mr. Bleck?

2 **MR. BLECK:** Ten years in the custody of
3 the Mississippi Department of Corrections, \$1,800 in
4 restitution.

5 **THE COURT:** All right. Mr. Myles, do you
6 understand that the State of Mississippi is
7 recommending that this Court impose the maximum
8 sentence on you?

9 (A.) Yes, sir. *Ross BARNETT told me to say YES SIR here*

10 **THE COURT:** Do you understand that?

11 A. Yes, sir.

12 **THE COURT:** They're recommending the
13 maximum for grand larceny. Is your plea of guilty
14 freely and voluntarily made and entered?

15 (A.) (No response.) *I John Roland Myles was asking
16 Ross BARNETT why did they give me 10 years*

17 **THE COURT:** Is your plea of guilty freely
18 made?

19 A. Yes, sir.

20 **THE COURT:** Is it made voluntarily?

21 (A.) (No response.) *I John Roland Myles was questioning MR.
22 BARNETT again why did MR. BLECK give me 10 yrs.*

23 **MR. ROSS:** Nobody's making you enter it?

24 (A.) Oh, no, sir. No, sir. *This is when MR. ROSS BARNETT said
25 just say NO SIR John*

26 **MR. ROSS:** No, sir, nobody is making me
27 plead or, yes, sir, it is voluntarily made?

28 A. Nobody's making me.

29 **THE COURT:** Okay. You're doing this of
your own free will; is that right?

(A.) Yes, sir. *Ross BARNETT told me to say YES SIR here
Also*

THE COURT: Who made the decision to enter

1 this plea of guilty?

2 A. Me.

3 **THE COURT:** Okay. Nobody has forced you
4 to plead guilty, have they?

5 A. No, sir.

6 **THE COURT:** Do you think anybody has
7 tricked you into pleading guilty?

8 A. No, sir.

9 **THE COURT:** Anybody promised you anything
10 to get you to plead guilty?

11 A. No, sir.

12 **THE COURT:** Okay. I'm going to offer you
13 an -- excuse me. Do you have any questions about
14 your guilty plea hearing today?

15 A. No, sir.

16 **THE COURT:** I'm going to offer you an
17 opportunity to withdraw your petition to plead
18 guilty and allow your case to go to trial if you
19 want to do that.

20 Do you wish to withdraw your petition to
21 plead guilty?

22 A. No, sir.

23 **THE COURT:** How do you plead to the crime
24 of grand larceny as a lesser included offense of
25 house burglary, Cause 16384? How do you plead?

26 A. Guilty.

27 **THE COURT:** The Court finds the
28 Defendant's plea of guilty is freely, voluntarily
29 and knowingly and intelligently made and entered and

1 further has a factual basis. The Court, therefore,
2 accepts the Defendant's plea of guilty and
3 adjudicates the Defendant to be guilty of the crime
4 of grand larceny, Criminal Cause Number 16384.
5 A judgment of conviction will be entered against
6 you.

7 Do you have anything you want to say prior
8 to imposition of sentence by the Court?

9 A. No, sir.

10 **THE COURT:** Mr. Barnett?

11 **MR. ROSS:** No, your Honor.

12 **THE COURT:** Mr. Bleck?

13 **MR. BLECK:** No, your Honor.

14 **THE COURT:** Anyone else in the courtroom?

15 (No responses.)

16 (Sentencing of the Court.)

17 **THE COURT:** Mr. Myles, Cause 16384,
18 it will be the sentence of this Court that you serve
19 a term of 10 years in the custody of the Mississippi
20 Department of Corrections. You will pay restitution
21 in the amount \$1,800. You will pay court costs,
22 statutory fees and assessments of \$279.50. That
23 will be paid at the rate of \$100 per month beginning
24 on the last working day of the first full calendar
25 month after your release from custody.

26 I'm going to require also that you, while
27 you're an inmate with the Mississippi Department of
28 Corrections, that you become enrolled in a GED
29 course of study.

1 Do you have any question about the
2 sentence?

3 A. No, sir.

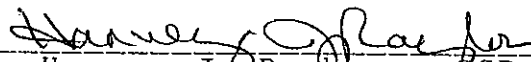
4 (End of proceedings.)
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1 CERTIFICATE OF COURT REPORTER

2 I, Harvey J. Rayborn, Court Reporter and Notary
3 Public in and for the County of Hinds, State of
4 Mississippi, hereby certify that the foregoing 10
5 pages, and including this page, contain a true and
6 correct transcript of the above-said Open Guilty
7 Plea of John R. Myles, as taken by me in the
8 aforementioned matter at the time and place
9 heretofore stated, as taken by stenotype and later
10 reduced to typewritten form under my supervision by
11 means of computer-aided transcription.

12 I further certify that I am not in the employ
13 of or related to any counsel or party in this matter
14 and have no interest monetary or otherwise, in the
15 final outcome of this proceeding.

16 Witness, my signature and seal this 24th day of
17 July, 2007.

18
19 
20 Harvey J. Rayborn, CSR #1274

21 My commission expires: 10/25/2008
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