IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI
NO. 2007-KA-01825-COA

BUDDY JOHN RAVENCRAFT — APPELLANT

V.

STATE OF MISSISSIPPI — APPELLEE

BRIEF OF APPELLANT

MISSISSIPPI OFFICE OF INDIGENT APPEALS
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CERTIFICATE OF INTERESTED PERSONS

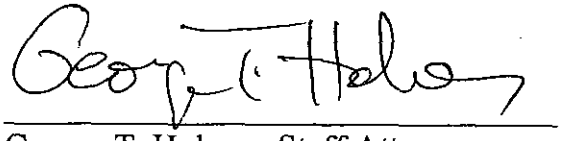
The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of this court may evaluate possible disqualifications or recusal.

1. State of Mississippi
2. Buddy John Ravencraft

THIS 24th day of January, 2008.

Respectfully submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS
For Buddy John Ravencraft

By: 

George T. Holmes, Staff Attorney

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STATEMENT OF THE CASE

This appeal proceeds from the Circuit Court of Amite County, Mississippi where Buddy John Ravencraft was convicted of murder, grand larceny, and unlawful possession of a motor vehicle. The jury trial resulting in these convictions was conducted September 18-19, 2007 with Honorable Forrest A. Johnson, Circuit Judge, presiding. Ravencraft was sentenced to life for the murder, ten years for the grand larceny consecutive to the life sentence, with an additional five years for the unlawful possession of a motor vehicle, also consecutive to the other sentences. Mr. Ravencraft is presently incarcerated with the Mississippi Department of Corrections.

FACTS

When sixty-one (61) year old Jerry Wayne Simmons' charred skeletal remains were found in his incinerated pick-up truck in rural Pike County, Bobbie Miller was the first person law enforcement questioned. [T. 82, 84, 88, 92, 99; Ex. 3]. Bobbie Miller

and Simmons had an interesting relationship. Miller had been married, for brief time, to Simmons' son, Ed "Stoner" Jones, with whom she had a child. [T.125-28, 130-31, 140-43]. Following her divorce from "Stoner", Miller and her two children, one sired by another father, went to live with Simmons. *Id.* Simmons supported Miller and both children. *Id.* Simmons and Miller were also sexually involved. [T. 143, 149, 155]. He paid the fines for her DUI and possession of marijuana charges. [T. 130-31]. She called him "grandpa". [T. 140].

An autopsy revealed that Simmons had died, not from the fire, but, as a result of one gun shot wound which perforating both lungs. [T. 113-15]. There could have been other injuries, but the body was too burned to tell. [T. 118]. Mr. Simmons had a significant amount of alcohol in his blood as well as Nordiazepam, a Valium derivative, and a small amount of Hydrocodone. [T. 116-17].

A murder investigation was commenced in Amite County where Simmons resided.[T. 105]. At Simmons' home, investigators found blood drops, spent cartridges, and one spent projectile. [T. 98-99, 121-23, 200-01]. Some of Simmons' personal property was missing, particularly several guns and the telephone with a caller identification device; his eyeglasses, and other items, were on the living room floor. [T. 122-23].

In the investigator's interview with Bobbie Miller, who is the appellant Buddy John Ravencraft's sister, she implicated Ravencraft in the death of Simmons. [T. 149-62].

Miller told officers and testified at trial that when Ravencraft learned that Miller and Simmons were sexually involved, he became enraged, picked a fight with Simmons while visiting and killed him with two gun-shots to the chest. *Id.*

Miller testified that on Wednesday October 18, 2006, she ran into her brother Buddy John Ravencraft at "the probation office". [T. 144]. She was on probation for a misdemeanor and Ravencraft had just gotten out of prison. *Id.* Ravencraft asked to come spend the night, Simmons consented. [T. 145]. The following day, Miller and Ravencraft went into town, visited Miller's "boyfriend" Russell Lovett and started drinking. [T. 148-50]. Miller told Ravencraft that she was having sex with Simmons. *Id.* Ravencraft became very very upset at learning this and made it known to Miller that he considered it "a disgrace to the Ravencraft name." *Id.*

Ravencraft asked to spend another night, so they went back to Simmons' house. [T. 150-51]. When Simmons got home later with groceries and beer, he told Miller that it was okay for Ravencract to stay one more night only. *Id.*

After Simmons settled in, he asked Miller if they could have their usual Thursday sexual rendevous. [T. 155-61]. She consented and Simmons took a dose of Viagra. *Id.* Ravencraft might have heard this. *Id.* Miller testified that Simmons then sat on the sofa and watched the news. *Id.* There was a conversation between Simmons and Ravencraft which consisted of small talk and Ravencraft taunting Simmons. *Id.*

Miller said, at one point, Simmons responded to Ravencraft's taunting with a

comment about Ravencraft not being able to read and a negative comment about Ravencraft's ill father. *Id.* Then Simmons got up to get his supper. *Id.* Ravencraft reportedly grabbed Simmons from behind and forced him to the ground. *Id.* Miller heard something pop and Simmons was just shaking on the ground. *Id.* Miller said Ravencraft grabbed a gun, put a pillow over Simmons and shot him. *Id.* Miller telephoned her "boyfriend" Russell Lovett. *Id.*

Ravencraft and Miller then left with Miller in her car and Ravencraft in Simmons pickup truck. [T.162-73; Ex. 24] They went to Russell Lovett's who suggested they destroy the evidence so they all three went back to Simmons' house. *Id.*

Miller said she and Lovett waited outside, while Ravencraft loaded the Simmons body and guns in the pickup. [T. 162-73]. Next she said they all three went in two vehicles to Pike county where the truck and body were set ablaze after the guns where put in the trunk of her car. *Id.* Ravencraft was dropped off back in Magnolia, he took the guns with him and got a friend to stash them away. [T. 168, 190-92].

Ravencraft was found underneath another friend's house where he was staying. [T. 100-01]. A .38 revolver was found in Ravencraft's belongings, but it did not match the projectile found at Simmons house lodged in the floor. [T. 101, 220]. Ravencraft's roommate said Ravencraft made the assertion that he killed somebody. [T. 100]. An interview with another acquaintance led to a cache of stolen guns belonging to Simmons, including a Bryco .380 which turned out to match the spent projectile found in Simmons'

house . [T. 102-03; 220]. All the guns had belonged to Simmons. [T.104-05, 124-25].

When questioned Ravencraft admitted in a videotaped confession to killing Simmons when he walked in on Simmons "roughhousing" his sister Bobbie. [Ex. 24]. Ravencraft said Simmons had her "pinned down" on the sofa. *Id.* Ravencraft, who said he had been drinking, admitted that the sight made him loose his cool. *Id.* He said he lunged at Simmons, grabbed him by his throat. *Id.* Simmons allegedly went for a small pistol in his pocket. *Id.* Ravencraft said he took the gun away from Simmons and "put two rounds in his chest". *Id.* He and his sister stole the guns. *Id.*

Later Ravencraft recanted claiming to have confessed to protect his sister. [T.230-33, 235-38; Ex. 25]. In this second statement, he said Miller and Simmons were arguing and Simmons was making her do "sexual things", Ravencraft picked a fight, choked Simmons down to the ground. [Ex. 25]. Ravencraft then said Miller went and got a pistol and shot Simmons twice. [Ex. 25]. Ravencraft's version of the events after the actual killing of Simmons did not differ that much from Miller, except that Miller and Lovett assisted in the stealing of the personal property and in the video statement, Ravencraft said Lovett did not help with the body where in the second statement he did. [Ex. 24 and 25].

SUMMARY OF THE ARGUMENT

Trial counsel for Ravencraft was ineffective for failing to object to improper prejudicial evidence and by failing to seek a manslaughter instruction. Taking the state's

case in the best light against Ravencraft, the weight of the evidence supported a manslaughter conviction rather than murder.

ARGUMENT

ISSUE NO. 1: WHETHER TRIAL COUNSEL WAS INEFFECTIVE BY FAILING TO OBJECT TO IMPROPER PREJUDICIAL EVIDENCE AND BY FAILING TO REQUEST A LESSER INCLUDED MANSLAUGHTER INSTRUCTION?

The Appellant's position is that trial counsel should have objected to inculpating hearsay and references to Ravencraft's prior conviction, but most importantly, should have requested a lesser included offense instruction for manslaughter.

In *Madison v. State* , 932 So.2d 252, 255 (Miss. App. 2006) the court reiterated:

> [the Supreme] Court applies the two-part test *from Strickland v. Washington*, 466 U.S. 668 (1984), to claims of ineffective assistance of counsel. *McQuarter v. State*, 574 So.2d 685, 687 (Miss. 1990). Under *Strickland*, the defendant bears the burden of proof to show that (1) counsel's performance was deficient, and (2) that the deficient performance prejudiced the defense. *Id.* There is a strong but rebuttable presumption that counsel's performance fell within the wide range of reasonable professional assistance. Id. This presumption may be rebutted with a showing that, but for counsel's deficient performance, a different result would have occurred. *Leatherwood v. State*, 473 So.2d 964, 968 (Miss. 1985). This Court examines the totality of the circumstances in determining whether counsel was effective. *Id.*

If the issue of ineffective assistance of counsel is raised, as is here, on direct appeal the court will look to whether:

> (a) . . . the record affirmatively shows ineffectiveness of constitutional dimensions, or (b) the parties stipulate that the record is adequate and the Court determines that findings of fact by a trial judge able to consider the demeanor of witnesses, etc. are not needed. *Id.*

The appellant hereby stipulates through present counsel that the record is adequate for this court to determine this issue and that a finding of fact by the trial judge is not needed.

The hearsay confession with no objection.

During the testimony of Pike County Sheriff's Department Detective Davis Haygood, Haygood testified that when officers arrived to arrest Ravencraft in Magnolia at a house where he was staying, "[w]e were speaking to some individuals that was [sic] at the house at the time, a Mr. Brian Knight, that stated that Mr. Ravencraft had went inside and had a gun in his hand and had also made a statement to him that he [Ravencraft] had killed someone". [T. 100]. There was no objection from trial counsel. During closing argument, the state brought up the topic again with the comment, "You cannot ignore Davis Haygood's testimony when he told you, "when I went to arrest Mr. Ravencraft, Brian Knight was there, and B. J. had told him, 'I done killed a man [sic].'" [T. 261]. Once again there was no objection from trial counsel. Brian Knight never testified and he was not determined to be unavailable under Miss. R. Evid. 804.

The failure to object resulted in an irreparably prejudicial lack of Ravencraft's fundamental right to confront his accusers secured by the Sixth and Fourteenth Amendments to the U. S. Constitution and Article 3 §26 of the Mississippi Constitution. From *Crawford v. Washington*, 124 S. Ct 1354, 541 U.S. 36, 158 L. Ed. 2d 177 (2004) , we know that:

The Sixth Amendment's Confrontation Clause provides that '[i]n all

> criminal prosecutions the accused shall enjoy the right . . . to be confronted with the witnesses against him.'
>
> * * *
>
> The text of the Confrontation Clause . . . applies to 'witnesses' against the accused – in other words those who 'bear testimony'. Testimony in turn is typically a solemn declaration or affirmation made for the purpose of establishing or proving some fact.
>
> * * *
>
> An accuser who makes a formal statement to government officers bears testimony in a sense that a person who makes casual remark to an acquaintance does not." *Id.* at1364

The *Crawford* Court explained that statements given to police officers sworn to or not are clearly testimonial, "the Sixth Amendment is not solely concerned with testimonial hearsay. . ." it would also be concerned with "testimonial statements of a witness who did not appear at trial unless he was unavailable to testify and the defendant had a prior opportunity for cross-examination." *Id.* at1364-65

In *Quimby v. State*, 604 So.2d 741, 746-47 (Miss. 1992), a police detective was allowed to repeat what a forgetful child victim recounted about her alleged abuse. The *Quimby* court said "[o]ur hearsay rule, M.R.E. 802, states in no uncertain terms that '[h]earsay is not admissible except as provided by law. The prohibition is loud and clear. 'Hearsay is incompetent evidence.'"

In *Ratcliff v. State*, 308 So. 2d 225, 226-27 (Miss. 1975), a police officer was allowed to testify about what a witness had told him during the officer's investigation. The court said, "[i]nvestigators cannot be permitted to relate to a jury hearsay which is

incriminating in its effect as to a defendant on trial for a crime . . . [w]hat an informant told [the investigating officers] was hearsay and inadmissible to the jury." *Id.* The *Ratcliff* court reversed and remanded the armed robbery conviction based, in part, on the circumvention of the defendant's cross-examination rights which resulted from the admission of the hearsay. *Id.* See also the case of *Clark v. State*, 891 So.2d 136, 140 (Miss.2004), where the Court applied *Crawford*, and found error in the fact that a police officer was allowed to restate to the jury what witnesses had told him. The *Clark* court did not overrule because the erroneous evidence was cumulative of other "overwhelming" evidence. *Id.*

Reference to prior conviction, no objection.

Then during the testimony of Bobbie Miller, she stated that she ran into her brother Buddy John Ravencraft at the probation office and that she had not seen him "since he had been locked up. " [T. 144]. There was no objection.

Usually, evidence of another crime or prior bad act is not admissible. *Ballenger v. State*, 667 So.2d 1242, 1256 (Miss.1995). However, where another crime or act is so interrelated to the charged crime so as to constitute a single transaction or occurrence or a closely related series of transactions or occurrences, proof of the other crime or act is admissible. *Townsend v. State,* 681 So. 2d 497, 506 (Miss. 1996) . Nevertheless, in the case at bar, there was no connection at all. Improperly admitted character evidence constitutes reversible error. *Rose v. State*, 556 So.2d 728, 732 (Miss. 1990).

The prejudice to Ravencraft under the *Strickland* test was that the jury considered this as competent evidence of guilt when they should not have. "Prejudicial evidence that has no probative value is always inadmissible." *Roberson v. State*, 595 So. 2d 1310, 1315 (Miss. 1992). See also *Smith v. State*, 530 So. 2d 155, 160-61 (Miss. 1988).

In *Reynolds v. State*, 585 So. 2d 753, 754-55 (Miss. 1991), a prosecution witness stated that she was "familiar...with [defendant's] criminal record." There was an objection and motion for mistrial. The trial court admonished the jury to disregard the improper testimony, and the Supreme Court affirmed, stating:

> Rule 404(b) of the Mississippi Rules of Evidence makes such statements improper and inadmissable. Rule 5.15 of the Mississippi Uniform Criminal Rules of Circuit Court Practice provides that the trial court shall declare a mistrial on the motion of the defendant if there occurs an 'error or legal defect in the proceeding, or conduct inside or outside the courtroom, resulting in substantial and irreparable prejudice to the defendant's case.' In accordance with the rule, this Court has held that an occurrence of any prejudicially inadmissable matter or misconduct before the jury, the damaging effect of which cannot be removed by admonition or instructions, necessitates a mistrial. Citing, *Davis v. State*, 530 So. 2d 694, 697 (Miss. 1988).
>
> * * *
>
> Where the remark creates no irreparable prejudice, then the trial court should admonish the jury to disregard the improper remark. Citing *Roundtree v. State*, 568 So. 2d 1173, 1177 (Miss. 1990) Such remedial acts of the trial court are usually deemed sufficient to remove any prejudicial effect from the minds of the jurors. The jury is presumed to have followed the instruction of the trial court. [emphasis added] 585 So. 2d 754-55

In *Reynolds* the trial court's admonition was deemed sufficient. *Id.* Here, at

Ravencraft's trial, there was no objection and of course there was no admonition. So, the taint that accompanied this information, though incompetent, became a basis for the jury's verdict because of counsel's failure to object and seek admonition or instruction. This would be an infringement on Ravencraft's fundamental constitutional fair trial and due process rights. Therefore Ravencraft is entitled to a reversal if all three convictions in this case.

Failure to request a lesser included offense the jury instruction.

This is really the strongest argument for reversal of the murder conviction. Appellant suggests that trial counsel was ineffective for not requesting a lesser included offense instruction for manslaughter. A properly instructed jury is a fundamental right and counsel's failure to seek the same, unless strategy clearly indicated otherwise, would infringe on a defendant's constitutional right to a fair trial. *Green v. State*, 884 So.2d 733, 735-38 (Miss. 2004), 6th and 14th Amend. U. S. Constitution, Article 3 §26 Miss. Const.

The factual basis for a manslaughter instruction comes mainly from Ravencraft's video recorded statement in Exhibit 24; but, a factual basis is also available even from Bobbie Miller's version of events. [T. 166-61]. It should not be ignored that the victim Simmons was apparently intoxicated at the time of his death. [T. 116-17].

The law of what is manslaughter in Mississippi has been consistently characterized as "liberal" and the courts have made "considerable allowance for the frailties of human passion." *Windham v. State*, 520 So. 2d 123, 127 (MS 1988).

Ravencraft was entitled to manslaughter instruction. Manslaughter is defined in MCA § 97-3-35 (1972):

> The killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, or by the use of a dangerous weapon, without authority of law, and not in necessary self-defense, shall be manslaughter.

Murder requires premeditation or deliberate design. MCA § 97-3-19(1) (1972):

> Although our law has never prescribed any particular *ex ante* time requirement, the essence of the required intent is that the accused must have had some appreciable time for reflection and consideration before pulling the trigger. *Blanks v. State*, 542 So. 2d 222, 226-227 (Miss 1989).

This Court has defined "heat of passion" as:

> ... a state of violent and uncontrollable rage engendered by a blow or certain other provocation given, which will reduce a homicide from the grade of murder to that of manslaughter. Passion or anger suddenly aroused at the time by some immediate and reasonable provocation, by words or acts of one at the time. The term includes an emotional state of mind characterized by anger, rage, hatred, furious resentment or terror. *Mullins v. State*, 493 So. 2d 971, 974 (Miss. 1986).

See also *Graham v. State*, 582 So.2d 1014, 1017-18 (Miss.1991).

In addition to "passion and anger" there must also be "such circumstances as would indicate that a normal mind would be roused to the extent that reason is

overthrown and that passion usurps the mind destroying judgment." *Parker v. State*, 736 So.2d 521, 525(¶ 17) (Miss. Ct. App.1999) (quoting *Calvin v. State*, 175 Miss. 699, 168 So. 75, 76 (1936)).

In this case, under either version of the homicide, all of the evidence shows that Ravencraft acted on impulse without premeditation. There is no proof of premeditation to commit a murder. Ravencraft was upset because Simmons was having sex with Miller, Ravencraft's sister or was upset about Simmons abusing Miller. Ravencraft and Simmons exchanged words and Ravencraft became provoked when Simmons said something about Ravencraft not being able to read and a derogatory comment about Simmons sick father at which time Ravencraft impulsively grabbed Simmons and was so strong unintentionally broke his neck. In the best possible light for the state, under either version, Ravencraft was upset and afraid and impulsively grabbed Simmons' pistol which was always kept nearby, and shot him, without premeditation which would be manslaughter. [T.] The jury did not know that.

In this case there was a factual basis for a manslaughter instruction, either under MCA §97-3-35 (1972). "If there is any evidence which would support a conviction of manslaughter, an instruction on manslaughter should be given." *Graham v. State*, 582 So. 2d 1014, 1018 (Miss. 1991).

In *Manuel v. State*, 667 So. 2d 590, 593 (Miss.1995), it was stated:

> In homicide cases, the trial court should instruct the jury about a defendant's theories of defense, justification, or excuse that are supported

> by the evidence, no matter how meager or unlikely, and the trial court's failure to do so is error requiring reversal of a judgment of conviction. [cite omitted]. (See also, *Butler v. State*, 608 So. 2d 314, 320 (MS 1992)).

In *Williams v. State*, 729 So. 2d 1181,1186 (Miss. 1998),where the defendant had joined with several other defendants in the beating death of the victim for no apparent reason, the court pointed out that a heat of passion manslaughter instruction was required there because the record, as here, contained sufficient evidence from which "the jury could infer that Williams acted on impulse or in the heat of the moment." See also *Wells v. State*, 305 So. 2d 333 (Miss. 1975), and *Clemens v. State,* 473 So. 2d 943 (Miss. 1985).

It is well established that:

> [A] lesser included offense instruction should be granted unless the trial judge -- and ultimately this Court -- can say, taking the evidence in the light most favorable to the accused, and considering all reasonable favorable inferences which may be drawn in favor of the accused from the evidence, that no reasonable jury could find the defendant guilty of the lesser included offense (and conversely not guilty of at least one essential element of the principal charge). *Graham v. State*, 582 So. 2d 1014, 1017 (Miss. 1991), citing *Gates v. State,* 484 So. 2d 1002, 1004 (Miss. 1986).

Therefore, Ravencraft would have been entitled to a manslaughter instruction. A defendant is entitled to have the jury fully and properly instructed on theories of defense for which there is a factual basis in evidence. *Green v. State*, 884 So. 2d 733, 735-38 (Miss. 2004). The prejudice to Ravencraft under the *Strickland* test was that the jury was not given the option of manslaughter, for which he could have only received a sentence of

twenty years instead of life. The fair result would be a new trial. *Havard v. State*, 928 So.2d 771, 789-90 (Miss. 2006).

There is no conceivable reasonable strategy to conduct a criminal trial and allow the jury to hear a hearsay confession, with evidence of a prior conviction, and not request a manslaughter instruction when the defendant says he was defending his sister against the unwanted sexual advances of the victim.

ISSUE NO. 2: WHETHER THE WEIGHT OF THE EVIDENCE SUPPORTS A MANSLAUGHTER CONVICTION RATHER THAN MURDER?

The definitions of murder and manslaughter are in the previous issue and are not repeated here. Looking at the state's case in the best possible light, the verdict in this case should have been for manslaughter, not murder. "Ordinarily, whether such a slaying is indeed murder or manslaughter is a question for the jury." *Windham v. State*, 520 So. 2d 123, 127 (Miss. 1988). Yet Ravencraft's jury was never provided the option. The Supreme Court has reversed jury verdicts of murder on more than one occasion remanding for sentencing only for manslaughter. As shown in the prior issue, Ravencraft was definitely entitled to manslaughter instruction had one been requested. Ravencraft is asking that the Court reverse and grant him a new trial or simply render a manslaughter conviction.

In *Dedeaux v. State*, 630 So. 2d 30, 31-33, (Miss. 1993) the Court reviewed the facts of a barroom shooting where the Defendant was charged and convicted of murder

for shooting his girlfriend's husband. Similar to this case, there was evidence of animosity. *Id.* The defendant Dedeaux shot the victim three times, twice while the victim was moving toward him, and a third time as the victim lay on the ground. *Id.* In the present case, Ravencraft said the victim had a pulled a weapon. [Ex. 24].

Even though the defense did not request a manslaughter instruction in the *Dedeaux* case, the supreme court found that the facts only supported a conviction for manslaughter because "this clearly was a killing in the heat of passion" even though a "greater amount of force than necessary under the circumstances" was used. *Id.* The *Dedeaux* court reversed the murder conviction and remanded the case for re-sentencing for the crime of manslaughter. 630 So. 2d 31-33.

In *Clemons v. State*, 473 So. 2d 943 (Miss. 1985), the Court pointed out that there was "such contradictory testimony that it is virtually impossible to reconstruct what actually happened". 473 So. 2d at 944. The *Clemons* case involved a barroom stabbing. The *Clemons* court pointed out "there is more than enough conflicting evidence to cast at least a reasonable doubt as to murder", then, reversed the murder conviction and remanded for sentencing for manslaughter. *Id.* at 945.

In the case at bar, we see a similar factual scenario as in *Dedeaux* and *Clemons.* Namely, there is some sort of argument with provocation by the victim and reaction by the accused involving more than reasonable force, resulting in the unfortunate and unnecessary death of the victim. Ravencraft respectfully asks this court to review the

facts of this case with the guidance of the *Dedeaux, Clemons*, and *Williams* decisions, and to reverse the murder conviction and remand the case for a new trial or sentencing for manslaughter.

In an evaluation of sufficiency of evidence the reviewing court must decide whether any of the evidence "point[s] in favor of the defendant on any element of the offense with sufficient force that reasonable men could not have found beyond a reasonable doubt that the defendant was guilty." *Edwards v. State*, 469 So.2d 68, 70 (Miss.1985) (citing *May v. State*, 460 So.2d 778, 781 (Miss.1984)) (emphasis added). If different conclusions could have been reached by reasonable jurors with respect to every element of the offense, the evidence is sufficient. *Bush v. State*, 895 So.2d 836, 843(¶ 16) (Miss.2005) (citing Edwards, 469 So.2d at 70). See also *Smith v. State*, 839 So.2d 489, 495(¶ 12) (Miss.2003).

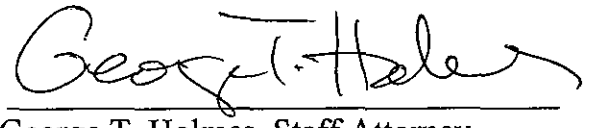
Here, different conclusions could not have been reached. No reasonable juror could have found murder if properly instructed; because, under either version of what happened Simmons died as a result of an impulse brought on by sufficient provocation.

CONCLUSION

Buddy John Ravencraft is entitled to have his convictions reversed with remand for a new trial or at least a rendering of a manslaughter conviction with remand for resentencing.

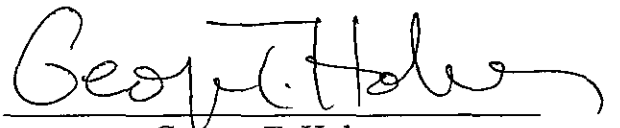
Respectfully submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS
For Buddy John Ravencraft, Appellant

By: 
George T. Holmes, Staff Attorney

CERTIFICATE

I, George T. Holmes, do hereby certify that I have this the 24th day of January, 2008, mailed a true and correct copy of the above and foregoing Brief Of Appellant to Hon. Forest a. Johnson, Circuit Judge, P. O. Box 1372 , Natchez MS 39121, and to Hon. Ronnie Harper . D. A. , P. O. Box 1148 , Natchez MS 39121, and to Hon. Charles Maris, Assistant Attorney General, P. O. Box 220, Jackson MS 39205 all by U. S. Mail, first class postage prepaid.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