

COPY

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

JOSEPH QUINTON BULLOCK

FILED

APPELLANT

VS.

JUN 30 2008

NO. 2008-CP-0422-COA

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

STATE OF MISSISSIPPI

APPELLEE

BRIEF FOR THE APPELLEE

APPELLEE DOES NOT REQUEST ORAL ARGUMENT

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COURSE OF PROCEEDINGS BELOW

The Grand Jury for Prentiss County, Mississippi, indicted Joseph Quinton Bullock for the capital murder of Jonathan Breedlove pursuant to Mississippi Code, Annotated, Section 97-3-19(2)(e) on April 16, 2002. CP 30. The court amended the indictment to charge the defendant with murder instead of capital murder pursuant to Section 97-3-19-(1)(a) on August 22, 2003 as part of a plea bargain. CP 33. The defendant pled guilty to murder. CP 35. The defendant received a life sentence. CP 73. The defendant now appeals the final judgement and denial of the petition to inspect grand jury minutes. CP 58.

STATEMENT OF FACTS

On April 17, 2002, the Prentiss County Sheriff's Department interviewed Joseph Bullock, the defendant. CP 39-54. The defendant admitted he and Eric Miles planned to beat up and rob Jonathan Breedlove. CP 52-54. The defendant admitted Miles shot and killed Mr. Breedlove. CP 42. The defendant admitted to wrapping Mr. Breedlove up and loading him into Mr. Breedlove's truck. CP 43-44. The defendant admitted to driving Mr. Breedlove's truck out to Blackland with Miles following along. CP 43. The defendant admitted to throwing his victim down a well to dispose of the body. CP 44. Then, the defendant admitted to leaving Mr. Breedlove's truck at the spot where authorities found it. CP 44.

The grand jury indicted the defendant for capital murder on April 30, 2002. CP 30. On August 22, 2003, the defendant entered into a plea agreement with the State. CP 35. In exchange for pleading guilty and testifying against Miles, the State amended the indictment charge to simple murder. CP 33-36.

During sentencing, the defendant testified he was satisfied with legal counsel and voluntarily entered into the plea agreement. CP 73. The judge then sentenced the defendant to life for the murder of Mr. Breedlove. CP 73, 55.

After the conclusion of the proceedings, the defendant made a motion to inspect grand jury minutes, a motion for transcript of preliminary hearing, and a

motion for all records, documents, and discovery. CP 9-13,15-19, 21-26. The Court denied the motion for records, documents, and discovery. CP 56.

On February 20, 2008, the defendant sent notice of appeal. He is appealing the final judgement and the denial of the petition for grand jury minutes. CP 58.

STATEMENT OF THE ISSUES

Issue I.

Whether the defendant had a right to inspect the grand jury minutes?

SUMMARY OF THE ARGUMENT

For a person to receive grand jury minutes, he must show a particularized need. The defendant did not assert a particularized need. Therefore, the defendant had no right to inspect the grand jury minutes.

ARGUMENT

Issue I.

THE DEFENDANT HAD NO RIGHT TO INSPECT GRAND JURY MINUTES BECAUSE HE DID NOT SHOW A PARTICULARIZED NEED.

As a general rule, the defendant has no right to grand jury minutes. *Reining v. State*, 606 So.2d 1098, 1101 (Miss. 1992); *Kelly v. State*, 783 So.2d 744, 751 (Miss. Ct. App. 2000); *State v. Burrill*, 312 So.2d 1, 4 (Miss. 1975). To receive the grand jury minutes, the defendant must show a “particularized need” that outweighs the grand jury’s secrecy. *Reining*, 606 So.2d at 1101.

In *Reining*, the defendant requested the grand jury minutes to see the exculpatory material presented. *Id.* at 1102. The Court held only the State presents evidence to the grand jury. *Id.* No exculpatory evidence would be presented to the grand jury. *Id.* The Court held no particularized need. *Id.*

In *Kelly*, the defendant claimed he was denied a fair trial when the State did not provide him with grand jury minutes. *Kelly*, 783 So.2d at 751. The defendant tried to argue the State was able to admit evidence on another crime because the grand jury indicted him under two counts. *Id.* The Court held the defendant did not show particularized need. *Id.*

In *Burril*, the defendant needed the grand jury minutes to show “total absence of relevant testimony” to use to dismiss indictment. *Burril*, 312 So.2d at 4. The

Court held the claim had no merit. *Id.*

According to precedent, the defendant has no right to grand jury minutes. To receive the grand jury minutes, the defendant must show a particularized need. In the defendant's motion, he asserted no need for the grand jury minutes. CP 10-11. He merely stated all the documents he wanted. CP 10-11. Therefore, the defendant asserted no particularized need and has no right to grand jury minutes.

To receive grand jury minutes, the defendant must show a particularized need. The defendant asserted no need for the minutes. Therefore, he has no right to the grand jury minutes.


CONCLUSION

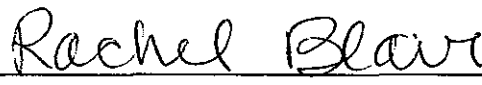
The defendant did not show a particularized need to inspect the grand jury minutes. Therefore, he has not the right to inspect them.

Respectfully submitted,

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CERTIFICATE OF SERVICE

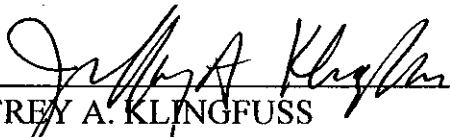
I, Jeffrey A. Klingfuss, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the above and foregoing **BRIEF FOR THE APPELLEE** to the following:

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This the 30th day of June, 2008.



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