

COPY

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

BRENDA LIDDELL

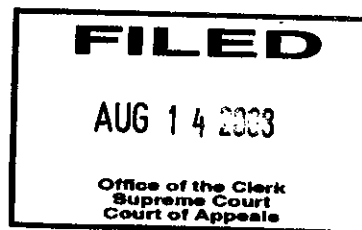
APPELLANT

V.

NO. 2008-KA-0021-SCT

STATE OF MISSISSIPPI

APPELLEE



REPLY BRIEF OF THE APPELLANT

**MISSISSIPPI OFFICE OF INDIGENT APPEALS
W. Daniel Hinchcliff, MS Bar No. [REDACTED]
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REPLY ARGUMENT

ISSUE NO. 1 : INEFFECTIVE ASSISTANCE ISSUE

The State has essentially failed to address the substance of the Appellant's argument. The focus of Appellant's argument was three "sin of commission" by defense counsel in this trial. First, counsel provided the underlying predicate to the voice identification made by Agent Hawkins, an affirmative act that buttressed the State's case. His knowledge of Liddel's voice came from previous drug transactions. Second, evidence of other drugs sales by this defendant to the confidential informant was elicited by defense counsel. No rebuttal nor recitation of authority by the State appears in the State's brief specifically concerning these two assertions. The third "sin of commission" was the defense stipulation to the co-defendant's conviction. While the State's brief attempts to downplay such an action with some law, the case cited is so distinguishable from the case at bar as to be functionally irrelevant. The State cites *Waldon v. State*, 7749 So. 2d 262 (Miss. App. 1999). In that case the defense stipulated to admissible evidence, not inadmissible evidence. This trial strategy was discussed with the client. Nothing in this record indicates that Liddell was so advised. Finally, in *Waldon*, the admission by stipulation of certain expert testimony clearly served a defense trial strategy, as pointed out in that case, to minimize the impact of negative admissible evidence, not to admit highly prejudicial and inadmissible evidence.

A physician, upon entering the practice of medicine takes an oath to not only treat the patient to the best of their ability but also, to do no harm. The standard for attorney's should require no less.

Respectfully submitted,
MISSISSIPPI OFFICE OF INDIGENT APPEALS

BY:


W. DANIEL HINCHCLIFF
MISSISSIPPI BAR NO. [REDACTED]

CERTIFICATE OF SERVICE

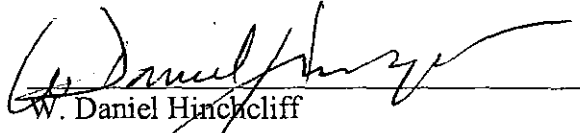
I, W. Daniel Hinchcliff, Counsel for Brenda Liddell, do hereby certify that I have this day caused to be mailed via United States Postal Service, First Class postage prepaid, a true and correct copy of the above and foregoing **REPLY BRIEF OF THE APPELLANT** to the following:

Honorable Albert B. Smith, III
Circuit Court Judge
Post Office Box 787
Cleveland, MS 38732

Honorable Laurence Y. Mellen
District Attorney, District 11
Post Office Box 848
Cleveland, MS 38732

Honorable Jim Hood
Attorney General
Post Office Box 220
Jackson, MS 39205-0220

This the 14th day of August, 2008.


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