

IN THE SUPREME COURT OF MISSISSIPPI
NO. 2008-KA-01139-SCT

GABRIEL McDOWELL
a/k/a Gary McDowell

APPELLANT

V.

STATE OF MISSISSIPPI

APPELLEE

APPELLANT'S REPLY BRIEF

MISSISSIPPI OFFICE OF INDIGENT APPEALS

George T. Holmes, [REDACTED]
301 N. Lamar St., Ste 210
Jackson MS 39201
601 576-4200

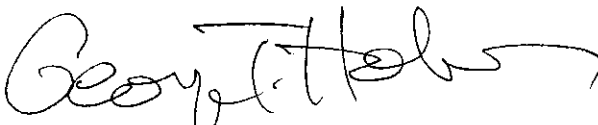
Counsel for Appellant

REPLY

The state cites *Willis v. State*, 821 So. 2d 888 (Miss. Ct. App. 2002). *Willis* does not apply because McDowell's re-sentence was not to correct a mistake of law, as was the case in *Willis*. This point was adequately addressed appellant's initial brief. Otherwise, the state does not distinguish McDowell's case from the controlling authorities previously cited by counsel under issues 1 and 2. The case should be remanded back to the trial court for reinstatement of the original 30 year sentence.

Respectfully submitted,

GABRIEL McDOWELL

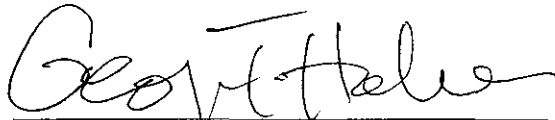
BY: 

GEORGE T. HOLMES,
Mississippi Office of Indigent Appeals

CERTIFICATE

I, George T. Holmes, do hereby certify that I have this the 1st day of April, 2009 mailed a true and correct copy of the above and foregoing Reply Brief to Hon. Jerry O. Terry, Circuit Judge, P. O. Box 1461, Gulfport, MS 39506-1461, and to Hon.

Christopher Schmidt, Asst. Dist. Atty. , P. O. Box 1180, Gulfport MS 39502, Hon. Laura H. Tedder, Spec. Assistant Attorney General, P. O. Box 220, Jackson MS 39205, and to Gabriel McDowell MDOC # 37862, P. O. Box 1419, Leakesville MS 39451 all by U. S. Mail, first class postage prepaid. all by U. S. Mail, first class postage prepaid.


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