

**IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI**

**JOSEPH DAVIS, JR.**

**APPELLANT**

**VERSUS**

**NATIONWIDE RECOVERY SERVICE, INC.**

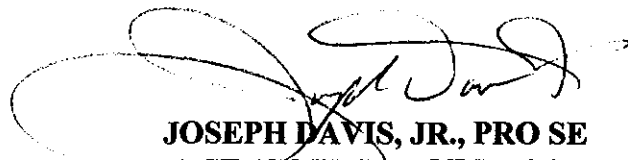
**APPELLEE**

**NO. 2009-CP-00492**

**APPEAL FROM THE CIRCUIT COURT OF HARRISON COUNTY,  
MISSISSIPPI, SECOND JUDICIAL DISTRICT**

**APPELLANT'S BRIEF**

**ORAL ARGUMENT REQUESTED**



**JOSEPH DAVIS, JR., PRO SE  
PRO SE (COUNSEL OF RECORD)  
346 FRANKS DRIVE  
BILOXI, MISSISSIPPI 39531  
TEL: (228) 388-6985**

## **ORAL ARGUMENT REQUESTED**

Giving Glory to Jehovah God, Jesus Christ, and The Holy Ghost, If it pleases the Court, I, Joseph Davis, Jr., Appellant, Pro Se, am requesting Oral Argument to prevent any furthering of the manifest injustice that has been occurring in my case.

I am requesting Oral Argument to respectfully present the Relevant Evidence and Facts that are omitted from the Original Appeal Record by the opposing counsel and the lower trial court some of which is attached to the Record Excerpts of the Appellant, Joseph Davis, Jr., Pro Se, **In the Addendum to the Record Excerpts, In the form of Exhibits "A" through "D".**

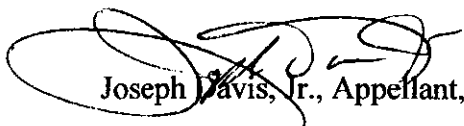
(These are recently located file copies from my personal records but there still are many pleadings, facts, notarized relevant evidence filed/stamped in the Original Appeal Record that was transmitted to the Mississippi Supreme Court on June 7, 2000, by Deputy Circuit Court Clerk, Second Judicial District, Ella Lock, for Circuit Court Clerk, Gayle Parker. The Circuit Court Copy was signed out and not returned by the opposing Lawyer, Ms. Maria M. Cobb).

The Appellant, Joseph Davis, Jr. Pro Se, filed a Motion for Transmission of Original Item From Trial Court, to the Mississippi Supreme Court on December 31, 2009, pursuant to Rule 12, of the Mississippi Rules of Appellate Procedure and also made a request for a comprehensive investigation of the Circuit Court, In the Second Judicial District, Harrison County Mississippi, Gulfport, Mississippi for the Original Appeal Record.

The Appellant, Joseph Davis, Jr., Also, requested in the Rule 12 Motion, for a thorough research and investigation of the Archives In the Supreme Court of the State of Mississippi regarding the "Appeal Records of the Original Appeal of the Case" that was forwarded to the Supreme Court of Mississippi, by the now deceased Ms. Ella Lock, Deputy Clerk, of Circuit Court, Second Judicial District Harrison County, Mississippi, Gulfport, Mississippi 39502, to the then, Clerk of the Supreme Court, State of Mississippi, Betty W. Sephton, Jackson, Mississippi 39205-0249, (a copy of this letter dated June 7, 2000, is on File in the Appellants Record Excerpts, of the Appellant's Brief at, **Exhibit - B** filed December 31, 2009) with the present , Clerk of the Supreme Court, State of Mississippi, Ms. Kathy Gillis, Jackson, Mississippi 39205-0249, on December 31, 2009.

The Rule 12, Motion for Transmission of Original Item from Trial Court filed pro Se by Appellant asks for a comprehensive investigation of the Harrison County Circuit Court and the State Archives concerning the content of the record in this appeal was denied by, Justice, Jess H. Dickinson, In the Supreme Court of Mississippi, on January 21, 2010. The denial of the Appellant, Joseph Davis, Jr., Pro Se, RULE 12 Motion is causing further misrepresenting of the facts by the prior lawyers for the Defense, Maria M. Cobb and Randall Scott Wells and the trial court(s).

The Appellant, Joseph Davis, Jr., Pro Se, prays that the Supreme Court of the State of Mississippi grant Oral Argument so that the Relevant Evidence in this case and the Original Appeal may be presented properly by the Appellant and the court can "do justly" and prevent any further injustice and injury to the Appellant, Joseph Davis, Jr.

  
Joseph Davis, Jr., Appellant, Pro Se

**IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI**

**JOSEPH DAVIS, JR.**

**APPELLANT**

**VERSUS**

**DOCKET NO. 2009-CP-00492**

**NATIONWIDE RECOVERY SERVICE, INC.**

**APPELLEE**

**CERTIFICATE OF INTERESTED PERSONS**

The undersigned, Joseph Davis, Jr., Appellant, Pro Se, Counsel of Record certifies that the following listed persons have an interest in the outcome of the case. These representations are made in order that Justices of the Supreme Court and/or the Judges of the Court of Appeals may evaluate possible disqualifications or recusal.

1. Appellant, Joseph Davis, Jr.
2. Joseph Davis, Jr., Pro Se, Counsel of Record for the Appellant
3. **Lawyer Jason Graeber, of the Sheehan Law Firm, 429 Porter Avenue, Ocean Springs, Mississippi 39564, Presently serving as Lawyer for the Appellee, Nationwide Recovery Service, Inc.**
4. Attorney Brent M. Bickham, original Attorney for the Appellant
5. Attorney La Quetta M. Golden, 12311 Ashley Drive, Gulfport, Ms 39503, (past) Attorney for the Appellant

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## **TABLE OF AUTHORITIES**

**ALSO REFER TO  
RECORD EXCERPTS  
TAB/EXHIBITS**

### **CASES**

Joseph Davis, Jr. v. Nationwide, Inc., 797 So. 2d 929 (Miss. 2001).....TAB 2

Montgomery v. Montgomery, 759 So. 2d 1238, 1240 (Miss. 2000).....TAB 2

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## STATEMENT OF THE ISSUES

### I

The Appellant, Joseph Davis, Jr., Pro Se, has filed a copy of the Original Brief of the Appellant, that was filed in the Supreme Court of the State of Mississippi, on the 18<sup>th</sup> Day of July 2000, Cause No: A2000-CP-00036, Nationwide Recovery Service, Inc. Versus Joseph Davis, Jr., Pro Se, Appellant, In The Supreme Court of Mississippi Court of Appeals of the State of Mississippi.

**Please refer to the Appellant's Record Excerpts filed in the Supreme Court of the State of Mississippi on, December 31, 2009, in support of this Appellant's Brief, Exhibit "D"Page 9.**

### II

The Appellant, Joseph Davis, Jr., Pro Se am filing this same original Brief of the Appellant that was reviewed by the Supreme Court of the State of Mississippi (12 Supreme Court Judges) that was forwarded to the Supreme Court of the State of Mississippi, on June 7, 2000, by Ms. Ella Lock, Deputy Clerk Circuit Court, Second Judicial District, Harrison County Mississippi, to: Honorable Charlotte B. Williams, Supreme Court Clerk, P. O. Box 249, Jackson, Mississippi 39205.

**Please refer to the Appellant's Record Excerpts filed in the Supreme Court of the State of Mississippi on, December 31, 2009, in support of this Appellant's Brief, Exhibit "B".**

## STATEMENT OF THE CASE

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## STATEMENT OF THE FACTS

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## ARGUMENT

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## ARGUMENT SUMMARY

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**Please refer to the Appellant's Record Excerpts filed in the Supreme Court of the State of Mississippi on, December 31, 2009, in support of this Appellant's Brief, Exhibit "B".**

## CONCLUSION

In conclusion I, Joseph Davis, Jr., Pro Se, Appellant, have submitted the necessary relevant evidence in the Records Excerpts to be granted relief these proceedings, Please refer to Tab 7, of the Appellants Record Excerpts Bank of America conducted an investigation on the Bank of America account# 4734-4024-0807-1081, based upon the Appellant's Letters July 5, 1997.

Based upon Bank of America's investigation, and their letter dated August 11, 1997 (TAB - 7) the Judgment was removed from my Credit Files by Equifax Credit Information Services, please refer to Exhibit "D", In the Appellants Records Excerpts July 23 1997 and deleted from the credit File.

The Appellant, Joseph Davis, Jr., Pro Se, is still seeking justice in this case and seeking relief to be granted **consistent with the original ruling of the Mississippi Supreme Court in the Mandate dated Filed/Stamped April 23, 2001, Supreme Court Case # 2000-CP-00036-SCT, Joseph Davis, Jr., v. Nationwide Recovery Service, Inc.**

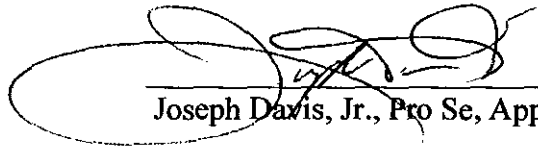
**I am being denied justice.**

# AFFIDAVIT

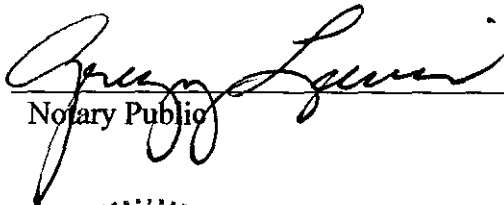
STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the above-mentioned state and county the within named Joseph Davis, Jr., Plaintiff/Appellant, who, being by me first duly sworn, states on oath that he has executed the above and foregoing Appellants Brief, Re: Joseph Davis, Jr. V. Nationwide Recovery Service, Inc. Supreme Court # 2009-CP-00492 and the information is true and correct to the best of his knowledge and belief.

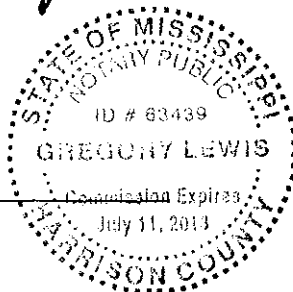
  
\_\_\_\_\_  
Joseph Davis, Jr., Pro Se, Appellant

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 30<sup>th</sup> Day of December 2009.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

July 11, 2013



## CERTIFICATE OF SERVICE

I, Joseph Davis, Jr., Appellant, Pro Se, do hereby certify that I have this day caused to be mailed, United States postage prepaid, a true and correct copy of the above and foregoing,

Appellant, Joseph Davis, Jr., Pro Se, Appellant's Brief to:

Lawyer Jason Graeber  
Sheehan Law Firm  
429 Porter Avenue  
Ocean Springs, MS 39564

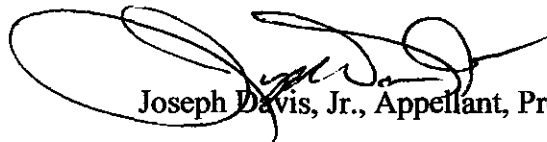
Circuit Court Judge Lisa P. Dodson  
Second Judicial District  
P. O. Box 1461  
Gulfport, Mississippi 39502

Jamie Wetzel Morgan, Circuit Court Reporter  
P. O. Box 1461  
Gulfport, Mississippi 39502

Michelle Casano, Circuit Court Reporter  
P. O. Box 1461  
Gulfport, Mississippi 39502

Supreme Court of Mississippi  
Kathy Gillis, Supreme Court Clerk  
P. O. Box 249  
450 High Street  
Jackson, Mississippi 39201-1082

This the 23<sup>rd</sup> Day January 2010.



Joseph Davis, Jr., Appellant, Pro Se



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