

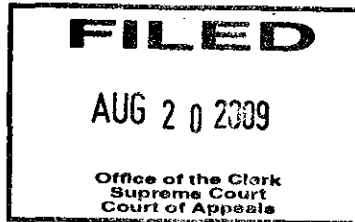
SUPREME COURT OF MISSISSIPPI
COURT OF APPEALS OF THE STATE OF MISSISSIPPI

COP

STATE OF MISSISSIPPI

VS.

LONNIE WARDEN



Case No. 2009-CP-00639-COA

PETITIONER/DEFENDANT

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CERTIFICATE OF INTERESTED PERSONS.

I, LONNIE WARDEN, do hereby certify that there is no other person, attorneys, or other interested parties that have an interest in the outcome of this case other than myself, and my family, and Judge Robert Helfrich, Circuit Court Judge and sentencing judge.

Subscribed to this the 20 day of August, 2009.

LONNIE WARDEN

SUPREME COURT OF MISSISSIPPI
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SUPREME COURT OF MISSISSIPPI
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VS.

LONNIE WARDEN

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BRIEF OF THE APPELLANT

Statement of the Issues and of the Case.

I, LONNIE WARDEN, M.D.O.C. #109409, comes before the Court on Brief of the Appellant to Review and Reduce Sentencing, and ask the Court to review the sentencing in my case, as well as the sentencing in the cases of the other men that I have sent to you. I am asking this Court to overturn my sentence or to give me time served on my sentence. Article 3, Section 14 of the State Constitution guarantees due process of law including fair and impartial trial. I feel that the sentence that was imposed upon me was an unjust sentence as compared to the sentencing orders of the other defendants. (Sentencing orders attached herewith).

Petitioner would present and show unto the court that Defendant Thomas J. Knight had the same charges as Petitioner and Petitioner is a first-time offender as Thomas J. Knight, but Knight received a sentence not to exceed five (5) years contrary to Petitioner's sentence who was sentenced to 20 years.

Petitioner would present and show unto the court that Defendant Stacy Bynum had the same charges as Petitioner as a first-time offender as Petitioner, and Bynum received a one year sentence with three years to serve on Post Release Supervision as contrary to Petitioner's sentence who was sentenced to twenty years.

Petitioner would present and show unto the court that Defendant Michael Bonner was sentenced to five years in the custody of the MDOC for Transferring of a Controlled Substance, as contrary to Petitioner's 20-year sentence.

Petitioner would present and show unto the court that Defendant John Shows was sentenced to serve only five years in the MDOC with one year suspended and do the remaining four years on probation, as contrary to Petitioner's 20-year sentence.

I feel that my sentence as set by Circuit Court, as a first-time offender on the same or similar drug charges as other first-time offenders that received a lesser sentence than Petitioner is arbitrary and capricious and unreasonable as to the laws and facts and would respectfully ask the court to review my brief and facts for reconsideration of my 20-year sentence.

Being that I am a first-time offender, I feel that the time that I have served is more than enough time. With this, I want the Court to know that I, Lonnie Warden, made a big mistake in my life getting involved in drugs. I have hurt my family and my children, and grandchildren by being where I am. This has been a long six years for me and my family. I have changed my life; I now have God in my life, and he has forgiven me. I have also received forgiveness from my family and children. I am asking this court to reconsider the sentence that was imposed on me, and give me a chance.

When considering the sentencing imposed on the other men, and the hundreds of other first-time offenders that have only have five years or less to serve, or probation to serve, I don't feel like it was fair to me to be singled out, to have my life taken away. I just don't see where this is fair to me. Please consider the other cases, sentencing orders of which is attached. In one case you will find one of the men is a habitual offender, who received a twenty-year sentence as I did. But even he had fifteen suspended, with two years to serve, and three years on pre-release.

In the cases that I am attaching of sentencing orders, the men have five years or less to serve. I don't see where I should have to be singled out like this. Why could I have not received the same as the other offenders? As I've said, this has been a hard six years for me and my family. I know that I have learned a lesson, and I do not want anything to do with drugs or alcohol anymore. I have been clean for the last six years, and it feels good. I plan on spending the rest of my life drug and alcohol free.

SUMMARY OF THE ARGUMENT AND ARGUMENT.

As you will see in my file, I have taken Drug and Alcohol classes, and other classes, to do all I can to better myself. I work everyday, and have not missed a day of work in four years. I would like to be able to go home and restart my life. I will be 45 years old in October. As it stands right now, the earliest I will be going home would be 2015, with that putting me doing six more years.

Please consider placing me on probation and let me become a productive citizen in our state. I have served minimum time of six years, Miss. Code Ann. 1972, 41-29-139 (c)(1) (D). I will be a benefit to society upon my release in these ways:

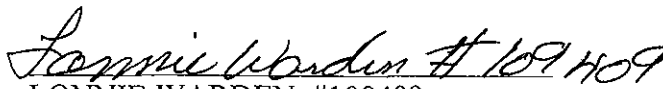
1. I will work hard (I have a letter for a job pending my release).
2. I will pay restitution.
3. I will have a place to live and be no harm to society.
4. I will pay taxes and social security, and contribute to the well being of mankind.

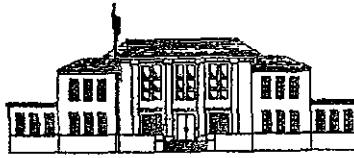
CONCLUSION.

I would like to be able to restart my life over before I am not able to work any longer. I feel that I have paid my debt for my crime, and would like the State to ease the suffering and distress that is on me and my family and children. I pray to God that this Court of Appeals will find the sentence imposed on me unjust and an unfair sentence, and that the Court will have compassion enough to overturn this sentence and give me a chance to prove that I can abide by the laws of our State.

RESPECTFULLY SUBMITTED, and thank you for your consideration.

This the 20 day of August, 2009.


LONNIE WARDEN, #109409



STONE COUNTY ROAD DEPARTMENT
BILL RESTER - ROAD MANAGER

PHONE (601) 928-9265
FAX (601) 928-6468

320 E. CAVERS AVENUE
WIGGINS, MISSISSIPPI 39577

August 20, 2009

TO: TO WHOM IT MAY CONCERN

RE: LONNIE WARDEN/ MDOC # 109409

Lonnie Warden has worked daily for Stone County Road Department. He has shown very good work skills, and is dependable.

Upon his release, the Stone County Road Department is offering him a job.

I would recommend him for release and feel that he has paid for his crime.

Respectfully,

A handwritten signature in black ink that reads "Bill Rester".

Bill Rester
Stone County Road Manager

Stone – Wiggins Recreation Association

P.O. Box 1412

Wiggins, Mississippi 39577

Thomas "Tom" Jellison, Director

Office: 601-928-6461 Cell: 601-528-4005 Fax: 601-928-6468

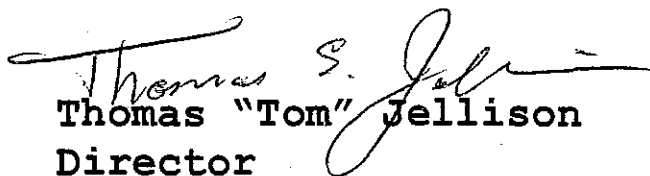
August 20, 2009

To Whom It May Concern

Lonnie Warden (MDOC# 109409) worked for my department April, May, and June 09. Mr. Warden worked during the day for the County Road Dept, then came work for the Recreation Dept from 3:30 PM until 10:30 PM on Mon, Tue, Thru and Fri. Warden worked in the concession for Softball and Baseball.

Warden is a hard worker, who can be relied on to do his job in an outstanding manner, without direct supervision.

I would recommend him for release and feel that he has paid for his crime.


Thomas "Tom" Jellison
Director

Stone-Wiggins Recreation Assoc.

MARION/WALTHALL CORRECTIONAL FACILITY
CHAPLAIN DEPARTMENT
503 SOUTH MAIN STREET
COLUMBIA, MISSISSIPPI

DATE: 01-09-07

FROM: CHAPLAIN DOUG BREWTON

RE: RECOMMENDATION

TO: FORREST COUNTY CIRCUIT COURT

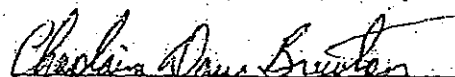
I AM PLEASED TO BE WRITING ON BEHALF OF LONNIE LEE WARDEN M.D.O.C. # 109409 AND HIS REQUEST FOR A LETTER OF RECOMMENDATION. I HAVE KNOWN MR. WARDEN FOR A NUMBER OF MONTHS NOW AND HAVE HAD HIM IN MY CHRISTIAN TWELVE STEPS ALCOHOL AND DRUG CLASSES; WHICH HE HAS CLAIMED AS BEING THE FOUNDATION TO HELP HIM GET HIS LIFE TOGETHER.

MR. WARDEN HAS A GOOD PERSONALITY AND GETS ALONG WITH HIS FELLOW INMATES VERY WELL; HE IS A GOOD WORKER AND DOES HIS JOB WELL. HIS CHARACTER IS WITHOUT QUESTION. MR. WARDEN TAKES ORDERS WELL AND DOES AN EXCELLENT JOB WITH WHATEVER HE IS ASKED TO DO.

I BELIEVE MR. WARDEN IS READY TO BE A HARD WORKING, LAW ABIDING AND PRODUCTIVE CITIZEN IN HIS SOCIETY, NOT ONLY FOR HIMSELF BUT ALSO FOR HIS COMMUNITY.

I AM REQUESTING THAT LONNIE WARDEN BE GIVEN THE OPPORTUNITY TO PROVE TO ANY PERSON, HIS COMMUNITY AND HIS FAMILY THAT HE HAS PREPARED HIMSELF TO RE-ENTER SOCIETY AS A WELL ADJUSTED AND PRODUCTIVE CITIZEN.

THANK YOU IN ADVANCE,


CHAPLAIN DOUG BREWTON

Certificate Of Achievement

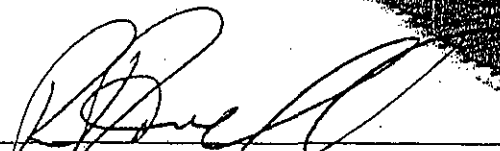
In recognition of satisfactory performance
and completion of this training program, for


Automotive Mechanics

This certificate of completion recognition is presented to:

Lonnie Warden

This Certificate of graduation recognizes the completion
for of the 10 week course
presented by Marion/Waltham Correctional Facility
November 17, 2006


Rusty Rowell Instructor


Chuck Abrams Acting Warden

MARION/WALTHALL CORRECTIONAL FACILITY

PRESENTS

NAME Lonnie Warden

MDOC # 109409

This Certificate

For Completion of Alcohol & Drug Program

AWARDED THIS 29 DAY OF November, 2006

Colin D. Johnson

Warden

Stephen Ray Smith
A & D Supervisor



MISSISSIPPI DEPARTMENT OF CORRECTIONS

***South Mississippi Correctional Institution
Alcohol and Drug Program***

HEREBY CERTIFIES THAT

Lonnie Warden #109409


HAS SATISFACTORILY COMPLETED THE

**CWC Returnee Short Term/4 Week
Alcohol & Drug Treatment Program**

AND IN TESTIMONY THEREUNTO IS ISSUED THIS CERTIFICATE

October 23, 2008


DIRECTOR


COUNSELOR



Mississippi Department of Corrections
South Mississippi Correctional Institution
Alcohol and Drug Program

Hereby Certifies That

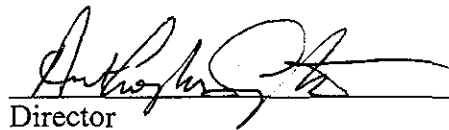
LONNIE WARDEN 109409

HAS PARTICIPATED IN THE

CWC SHORT TERM Alcohol & Drug Program

AND IN TESTIMONY THEREUNTO IS ISSUED THIS CERTIFICATE

SEPTEMBER 25 - DECEMBER 11, 2008


Director


Counselor