

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**DERRICK CHATMAN**

**APPELLANT**

**V.**

**NO. 2009-KA-0050-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

---

**BRIEF OF THE APPELLANT**

---

**MISSISSIPPI OFFICE OF INDIGENT APPEALS  
W. Daniel Hinchcliff, MS Bar No. [REDACTED]  
301 North Lamar Street, Suite 210  
Jackson, Mississippi 39201  
Telephone: 601-576-4200**

**Counsel for Derrick Chatman**

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**DERRICK CHATMAN**

**APPELLANT**

**V.**

**NO. 2009-KA-0050-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

**CERTIFICATE OF INTERESTED PERSONS**

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of this court may evaluate possible disqualifications or recusal.

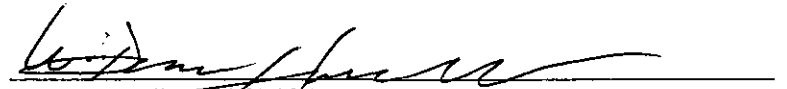
1. State of Mississippi
2. Derrick Chatman, Appellant
3. Honorable Dewayne Richardson, District Attorney
4. Honorable Ashley Hines, Circuit Court Judge

This the 28th day of July, 2009.

Respectfully Submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS

BY:



W. DANIEL HINCHCLIFF  
COUNSEL FOR APPELLANT

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
301 North Lamar Street, Suite 210  
Jackson, Mississippi 39205  
Telephone: 601-576-4200

## **TABLE OF CONTENTS**

<b>CERTIFICATE OF INTERESTED PERSONS .....</b>	<b>i</b>
<b>TABLE OF CONTENTS .....</b>	<b>ii</b>
<b>TABLE OF AUTHORITIES .....</b>	<b>iii</b>
<b>STATEMENT OF THE ISSUES .....</b>	<b>1</b>
<b>STATEMENT OF THE CASE .....</b>	<b>1</b>
<b>FACTS .....</b>	<b>2</b>
<b>SUMMARY OF THE ARGUMENT .....</b>	<b>3</b>
<b>ARGUMENT .....</b>	<b>3</b>
<b>STATEMENT OF COUNSEL .....</b>	<b>3</b>
<b>CONCLUSION .....</b>	<b>5</b>
<b>CERTIFICATE OF SERVICE .....</b>	<b>6</b>

## **TABLE OF AUTHORITIES**

### **STATE CASES**

<b><u>Lindsey v. State</u>, 939 So. 2d 743 (Miss. 2005) .....</b>	<b>3</b>
---	----------

### **STATE STATUTES**

### **FEDERAL RULES**

**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**DERRICK CHATMAN**

**APPELLANT**

**V.**

**NO. 2009-KA-0050-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

---

**BRIEF OF THE APPELLANT**

---

**STATEMENT OF THE ISSUES**

None

**STATEMENT OF THE CASE**

This appeal proceeds from the Circuit Court of Washington County, Mississippi, and the judgment of conviction after a bench trial held December 12, 2008, Honorable W. Ashley Hines, Circuit Judge, presiding. The Appellant, Derrick Chatman, was convicted of the crimes of aggravated assault and burglary of a dwelling. An amended sentencing order sentenced Chatman to a sentence of twenty (20) years, with five (5) years suspended in Count I, a charge of aggravated assault and twenty-five (25) years, with ten (10) suspended in Count II, a charge of Burglary of a dwelling. Chatman was to be placed on supervised probation for a period of five (5) years. Derrick Chatman is currently incarcerated in an institution under the supervision of the Mississippi Department of Corrections.

## FACTS

Derrick Chatman, ["Chatman"], upon an inquiry into his understanding, exercised his right to a bench trial. (T. 11-19) Opening statements then followed that proceeding, with the defense advising the court of its defense, that Chatman loved Deena Parker and that "uncontrollable rage ...overwhelmed his reason, overwhelmed his judgment." Chatman was thence rendered incapable of "form[ing] the requisite intent" of the charged crimes. (T. 20-21)

Deena Parker, ["Parker"], lived with her mother and three children; Irish, Aaliyah and Justice. Prior to November 9, 2007, she had been involved in a relationship with Chatman. (T. 22-25)

On that night, at 2:30 a.m., Parker received a call from Chatman expressing his amorous intentions for those morning hours. Parker declined his invitation to engage in licentiousness in the laundry room. Chatman made an additional impassioned plea without success. At approximately 4:00 a.m., she heard a dog barking and saw Chatman's truck. She called the police then observed Chatman "coming around with a pipe in his hand." (T. 28)

She saw Chatman come in, kicking through the door. Chatman struck Parker in the head. (T. 29) As she fell, she was struck several more times. She told the court she received 10 stitches and 36 staples in her head. Photographs of the injuries and treatment were admitted, over objection, into evidence. (T. 30-31)

Kenneth Redfield with the Greenville police was pulling up to the scene as he heard glass shatter and a female crying. He observed blood on Parker and saw a male run from the scene. (T. 44-48) Another officer, Gregory Graves, a deputy sheriff pursued the fleeing suspect without success. At the scene he observed overturned furniture, blood spatter and found a pipe. (T. 54-56) Two more officers took pictures and conducted investigation.

Aaliyah, seven years old, remembered her mother got hurt. (T. 72-74) Justice, apparently older, observed Chatman beat his mother with a “metal thing.” (T. 74-77) Irish, eight years old, saw Chatman hitting her mother in the head with a pipe.

Thereupon, the State rested. A motion for a directed verdict for failure to prove intent was denied.

The defense then attempted to impeach Parker as having known her current Paramour before the event. Impeachment based on a hearsay statement was denied, but testimony that Parker knew this individual was admitted. (T. 92-98)

Chatman took the stand in his own defense. He claimed to have gone to Parker’s house to retrieve a pipe he used with his trailer. When he saw Parker with another man, laughing, he “lost [his] cool.” (T. 107-108) On cross he denied he kicked the door in, but instead pulled it open. Chatman could not recall much of any subsequent occurrences.

No instructions were tendered by either side, the parties apparently agreeing that the court knew the law. The defense argued in closing statements that Chatman “snapped” and lacked intent.

The trial judge returned a verdict of guilty after deliberating a few minutes. (T. 39) Sentencing was scheduled for December 15, 2008. The court heard of prior beatings and observed no remorse. (T. 144-149)

### **SUMMARY OF THE ARGUMENT**

None

---

### **ARGUMENT**

---

None

### **STATEMENT OF COUNSEL**

1. Counsel for the Appellant does hereby represent to the Court pursuant to *Lindsey v. State*,

939 So. 2d 743 (Miss. 2005), that counsel diligently searched the procedural and factual history of this criminal action and scoured the record searching for any arguable issues which could be presented, in good faith, to the Court on Mr. Chatman's behalf, and upon conclusion, has found none.

2. The matters considered, reviewed and included in counsel's search were: (a) the reason for the arrest and the circumstances surrounding the arrest of Derrick Chatman; (b) any possible violations of Mr. Chatman's right to counsel; (c) the entire trial transcript and content of the record; (d) all rulings of the trial court; (e) possible prosecutorial misconduct; (f) all jury instructions (n.a.); (g) all exhibits, whether admitted into evidence or not; (h) possible misapplication of the law in sentencing; (i) the indictment and all the pleadings in the record; and any possible ineffective assistance of counsel issues.<sup>1</sup>

3. Counsel further confirms that he has, as of the date of the filing of this brief, mailed by first class mail, postage prepaid, a copy of this brief and correspondence informing Mr. Chatman that counsel finds no arguable issues in the record and that Mr. Chatman has a right to file a *pro se* brief.

4. Counsel for appellant request, both herein and by separate filing, moves this Court to grant Mr. Chatman an additional 40 days of additional time in which to prepare and file a *pro se* brief, should he desire to do so.

5. Counsel stands ready to prepare supplemental memoranda of law on any issues requested by the Court.

---

1

The record contains no indication of trial counsel's advice to Chatman on his chosen defense, nor the advisability of presenting such a defense in a bench trial as opposed to a jury trial. The record before appellate counsel contains no arguable basis for a claim of ineffective assistance of counsel

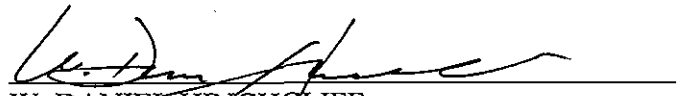
**CONCLUSION**

There are no issues that counsel can in good faith present to the Court in this appeal.

Respectfully submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS

BY:

A handwritten signature in black ink, appearing to read "W. Daniel Hinchcliff", is written over a horizontal line.

W. DANIEL HINCHCLIFF  
COUNSEL FOR THE APPELLANT

**CERTIFICATE OF SERVICE**

I, W. Daniel Hinchcliff, Counsel for Derrick Chatman, 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 **BRIEF OF THE APPELLANT** to the following:

Honorable Ashley Hines  
Circuit Court Judge  
P.O. Box 273  
Greenville, MS 38702

Honorable Dewayne Richardson  
District Attorney, District 4  
P.O. Box 426  
Greenville, MS 38702

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

This the 28<sup>th</sup> day of July, 2009.

  
W. DANIEL HINCHCLIFF  
COUNSEL FOR APPELLANT

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
W. Daniel Hinchcliff, MS Bar [REDACTED]  
301 North Lamar Street, Suite 210  
Jackson, Mississippi 39201  
Telephone: 601-576-4200

---