

**IN THE COURT OF APPEALS OF MISSISSIPPI  
AT JACKSON**

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**JUSTIN VANQUES THOMAS**

**APPELLANT**

**VS.**

**CASE NO.: 2009-TS-00708-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

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**APPELLANT'S REPLY TO APPELLEE'S BRIEF**

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COMES now Appellant, Justin Vanques Thomas, by and through counsel, and replies to Appellee's Brief as follows:

After reviewing the brief of the State, it is obvious that there has been a heavy focus on witnesses presented by the State only. Defendant produced witnesses that dispute both the ability to "drive off" as surmised by Appellee's brief. Likewise, Defendant's witnesses testified that it appeared that Justin Thomas's life was in danger. This is clear from the fact that Appellee's brief citing stops at page 199 of the trial transcript. Appellant's brief presents a clear picture of events as expressed by both sides, therefore citing the transcript all the way to page 407.

Appellee's brief assumes the role of the trier of fact, where the Appellant simply desires that the trier's of fact to be fully instructed on the law with respect to both sides of the case.

Appellant realizes that there is not a full body of law encompassing the relatively new statue, but is convinced that with the testimony developed at trial requires the "Castle Doctrine" instruction. Respectfully, it is believed that oral argument should be allowed in this case.

Dated this the 3rd day of March, 2011

Respectfully submitted,

  
SPARKMAN, ZUMMACH & PERRY, P.C.

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