

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI
NO. 2009-KA-01560-COA

RILEY LAFATE ADAMS
a/k/a Riley Lafayette Adams

APPELLANT

V.

STATE OF MISSISSIPPI

APPELLEE

APPELLANT'S REPLY BRIEF

George T. Holmes, MSB No. [REDACTED]
MISSISSIPPI OFFICE OF INDIGENT APPEALS
301 N. Lamar St., Ste 210
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REPLY ARGUMENT

ISSUE NO. 1: *Re-Miranda*

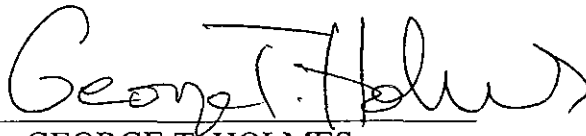
The state sites *McDougle v. State*, 355 So. 2d 1386, 1388-89 (Miss. 1978), which actually supports Riley Adams' argument. In *McDougle*, the supreme court reversed a murder conviction based on admission of incriminating statements obtained by persistent questioning without *Miranda* warnings within ten (10) minutes of the defendant first telling officers he had nothing to say. The *McDougle* court, based of federal rulings cited in that opinion, recognized that "following a cessation of interrogation when requested and if subsequently there is a reasonable basis for inferring that a suspect has voluntarily changed his mind, new and adequate warnings must be given." [Citing *U. S. v. Collins*, 462 F. 2d 792 (2d Cir. 1972) (en banc); cert. den., 409 U. S. 988, 93 S. Ct. 343, 34 L. Ed.2d 254 (1972); *U. S. v. Jakakas*, 423 F. Supp. 564 (E. D. N. Y. 1976)]. *McDougle*, 355 So. 2d 1388-89.

The state also references *Baldwin v. State*, 757 So. 2d 227, 235 (Miss. 2000), (¶¶ 30-31), on the proposition that re-*Mirandizing* was not required in the present case; however, *Baldwin* is not factually comparable. In *Baldwin*, the questioning by officers coming in and out of the room lasted only "several hours", whereas here in Riley Adams' case, the questioning continued several days.

ISSUES NO. 2 through 4: Appellant relies on his initial brief.

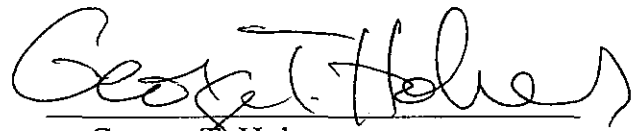
Respectfully submitted,

RILEY L. ADAMS

BY: 
GEORGE T. HOLMES,
Mississippi Office of Indigent Appeals

CERTIFICATE

I, George T. Holmes, do hereby certify that I have this the 20th day of May, 2010, mailed a true and correct copy of the above and foregoing Reply Brief Of Appellant to Hon. Lester F. Williamson, Jr., Circuit Judge, P. O. Box 86, Meridian, MS 39302-0086, and to Hon. Dan Angero , Asst. Dist. Atty. , P. O. Box 5172, Meridian MS 39302, and to Hon. Billy L. Gore, Asst. Attorney General, P. O. Box 220, Jackson MS 39205 all by U. S. Mail, first class postage prepaid. all by U. S. Mail, first class postage prepaid.


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