IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

NO. 2010-CA-00991-SCT

FREDERICK JAMAL DAVIS, NATHAN ROGERS,
JOE RUFFIN, FELICIA HUNDLEY, RALPH HUNDLEY,
JOEY MAYES, AND JOHNNY PICKENS, APPELLANTS

V.

STATE OF MISSISSIPPI APPELLEE

REPLY BRIEF FOR APPELLANTS

Frederick Davis
11 Old St. Paul Church Rd
Wayensboro, MS 39367

Appellant

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

NO. 2010-CA-00991-SCT

FREDERICK JAMAL DAVIS, NATHAN ROGERS, JOE RUFFIN, FELICIA HUNDLEY, RALPH HUNDLEY, JOEY MAYES, AND JOHNNY PICKENS, **APPELLANTS**

V.

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REPLY BRIEF FOR APPELLANTS

COMES NOW Frederick Jamal Davis, Nathan Rogers, Joe Ruffin, Felicia Hundley, Joey Mayes, and Johnny Pickens, Pro se in the above styled and numbered cause, and files his Reply to the Brief of Appellee entered in this cause on or about January 31, 2011, and in support would show the following, to-wit:

The Appellants presents the following Propositions as its reply argument to the Brief for Appellant:

PROPOSITION ONE:

Appellants would renew their point of law made in the Brief for Appellant that a default judgment is one entered without regard to the merits of the plaintiff's claim. Unknown Heirs At Law v. Blair, 601 So.2d 848, 851 (Miss. 1992). "As a general rule, the failure of a party to answer a complaint opens the party to default judgment." Rawson v. Buta, 609 So.2d 426, 430 (Miss. 1992), citing Miss.R.Civ.P. 55(a). While default judgments are not favored, and trial judges have traditionally been lenient when it comes to relieving a party of the burden of a default judgment. Bell v. City of Bay St. Louis, 467 So.2d 657, 661 (Miss. 1985), [t]his has never meant that the trial judge could do anything he or she wished. Sound discretion imports a

decision by reference to legally valid standards [and] [w]here a trial judge in determining a matter committed to his sound discretion makes his decision by reference to an erroneous view of the law, the Supreme Court has authority to take appropriate corrective action on appeal. Bell v. City of Bay St. Louis, 467 So.2d at 661.

In the instant case the plaintiffs were injured by the actions of the trial court where the defendant, upon the default judgment being set aside, were able to continue with prosecution of the plaintiffs by securing an indictment at a subsequent term of the grand jury when no indictment had been returned at the first term next after the charges were filed and in accord with law. Moreover, the defendant was served with the complaint on November 2, 2009, by a duly authorized deputy sheriff of the Lauderdale County Sheriff's Department. Plaintiff delayed applying for entry of default until December 11, 2009. (C.P. 14). Motion for Default was not filed until January 8, 2010. The defendant had over two months to answer the complaint. No answer have been filed to this date. Moreover, the Appellee never explained in it's brief as to why it failed to file a proper motion for improper service of process or to dismiss upon being served the motion and in a timely fashion. The state choose to set back and depend on the trial court to dismiss the complaint on it's own accord. When this failed and the, in fact, granted the motion and entered a summary judgment, the state made a belated motion to set that duly entered judgment aside. The trial court was hoodwinked into granting the duly entered motion to set aside the judgment months after the time had actually expired for the state to enter such motion. It should be noted by the Court that the Attorney General have elected not to participate in this appeal. If the Appellee's actions were legitimate and dependable in this case then it would be the Attorney General's duly required statutory duty to defend against this appeal. The fact that the

Attorney General have elected to not participate demonstrates the Attorney General's position and speaks for itself.

PROPOSITION TWO:

The Brief filed by Appellees have failed to refute Appellants claims that in granting the defendant's motion to vacate default judgment and reinstating the belated, stale and untimely charges against plaintiffs, the trial court failed to consider the following facts which were established by the record.

1. That the plaintiff's complaint, filed under the heading of a Motion to Dismiss Charges, for failure to indict and for lack of evidence; and was filed by plaintiffs on October 26, 2009. (C.P. 4)
2. Filing fees were duly paid and the case was duly assigned a civil action number on that date. (C.P. 4)[1]
3. Process was duly served upon the defendants, by a duly appointed Deputy Sheriff; of the Lauderdale County, Mississippi Sheriff's Department on November 2, 2009. The record demonstrates this and the service was official and in accord with the procedure which governs this action. (C. P. 12-13)
4. The defendant considered themselves above this action and voluntarily elected to file no answer or to participate in form or fashion. (C. P. 12-13)
5. The plaintiffs, in accord with the rules of procedure then sought to have the clerk enter default, which was duly entered by the clerk. Plaintiffs saved a copy of the

[1] While the state would argue that such a motion was not the proper method of challenging the state's actions, the state has failed to set out any authority to that effect. Additionally, Appellants would assert that this was the only available action to take where the state failed and refused to adhere to the law and where defense counsel refused, because of the tradition of the Circuit Court District, to bring a challenge to the state's practice of arresting a defendant on charges and requiring the defendant to show up at every subsequent grand jury proceeding until a grand jury is finally convened who will ignore the law return an indictment.

request to enter default upon the state and the clerk served a copy of the entry upon the state as well. (C. P. 14)

6. The State continued to choose not to participate.

7. Plaintiffs next made application to the trial court to render a judgment by default. (C. P. 17)

8. The trial court duly signed the Order granting default judgment and same was duly filed by the Circuit Court Clerk on January 11, 2010. (C.P. 19)

8. Approximately five months after the court granted the default judgment and haulted the state's intent to seek an untimely indictment by taking another bite of the apple with the grand jury, the defendant moved the court to set aside and void the default judgment. This motion took over 4 months after the date of entry of the default judgment to be filed.

9. The state's grounds to set aside and void the default judgment is frivolous and without merit. The state moved from such action on the basis of one single unsupported paragraph which states:

> The Plaintiffs Frederick Jamal Davis, ET AL, filed a Motion in this civil action without properly commencing the action with a Complaint as required under Rule 3 of the Mississippi Rule of Civil Procedure. The Motion, improperly filed by the Plaintiffs, failed to request relief, which could be granted by the court. The Plaintiffs failed to properly serve the State of Mississippi in accordance with Rule 4 of the Civil Procedure with a copy of their improperly filed Motion. The Court has the authority under Rule 60 of the Mississippi Rules of Civil Procedure to relieve a party from a final judgment or order due to fraud, misrepresentation or other conduct of an adverse party (Rule 60(B) (1)) and if the judgment is void (Rule 60(B) (4)). The Default Judgment entered by the Court requested relief set out in the Complaint and there is no Complaint filed in the civil action. The Notice was not properly followed.

10. The action filed by plaintiffs in the trial court was properly commenced by the Plaintiffs; by the filing of the complaint on October 26, 2009. While the complaint

was filed as a "Motion to dismiss charges for failure to file indictment and for lack of evidence," nevertheless, it was a complaint as contemplated by rule 3 of the Mississippi of Civil Procedure.[2]

The Appellee also asserted in the motion to vacate default that the plaintiff **was not properly served**. Such statement ignored the content of the portion of the record which

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[2]**RULE 3. COMMENCEMENT OF ACTION**

(a) Filing of Complaint. A civil action is commenced by filing a complaint with the court. A costs deposit shall be made with the filing of the complaint, such deposit to be in the amount required by the applicable Uniform Rule governing the court in which the complaint is filed.

The amount of the required costs deposit shall become effective immediately upon promulgation of the applicable Uniform Court Rule and its approval by the Mississippi Supreme Court.

(b) Motion for Security for Costs. The plaintiff may be required on motion of the clerk or any party to the action to give security within sixty days after an order of the court for all costs accrued or to accrue in the action. The person making such motion shall state by affidavit that the plaintiff is a nonresident of the state and has not, as affiant believes, sufficient property in this state out of which costs can be made if adjudged against him; or if the plaintiff be a resident of the state, that he has good reason to believe and does believe, that such plaintiff cannot be made to pay the costs of the action if adjudged against him. When the affidavit is made by a defendant it shall state that affiant has, as he believes, a meritorious defense and that the affidavit is not made for delay; when the affidavit is made by one not a party defendant it shall state that it is not made at the instance of a party defendant. If the security be not given, the suit shall be dismissed and execution issued for the costs that have accrued; however, the court may, for good cause shown, extend the time for giving such security.

(c) Proceeding In Forma Pauperis. If a pauper's affidavit is filed in the action the costs deposit and security for costs may be waived. The court may, however, on the motion of any party, on the motion of the clerk of the court, or on its own initiative, examine the affiant as to the facts and circumstances of his pauperism.

(d) Accounting for Costs. Within sixty days of the conclusion of an action, whether by dismissal or by final judgment, the clerk shall prepare an itemized statement of costs incurred in the action and shall submit the statement to the parties or, if represented, to their attorneys. If a refund of costs deposit is due, the clerk shall include payment with the statement; if additional costs are due, a bill for same shall accompany the statement.

demonstrates that a duly employed deputy sheriff, process server, served the defendant a copy of the complaint in accord with rule 4 of the Mississippi Rules of Civil Procedure.[3]

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[3]**RULE 4. SUMMONS**

(a) Summons: Issuance. Upon filing of the complaint, the clerk shall forthwith issue a summons.
(1) At the written election of the plaintiff or the plaintiff's attorney, the clerk shall:
(A) Deliver the summons to the plaintiff or plaintiff's attorney for service under subparagraphs (c)(1) or (c)(3) or (c)(4) or (c)(5) of this rule.
(B) Deliver the summons to the sheriff of the county in which the defendant resides or is found for service under subparagraph (c)(2) of this rule.
(C) Make service by publication under subparagraph (c)(4) of this rule.
(2) The person to whom the summons is delivered shall be responsible for prompt service of the summons and a copy of the complaint. Upon request of the plaintiff, separate or additional summons shall issue against any defendants.

(b) Same: Form. The summons shall be dated and signed by the clerk, be under the seal of the court, contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to appear and defend, and shall notify him that in case of his failure to do so judgment by default will be rendered against him for the relief demanded in the complaint. Where there are multiple plaintiffs or multiple defendants, or both, the summons, except where service is made by publication, may contain, in lieu of the names of all parties, the name of the first party on each side and the name and address of the party to be served. Summons served by process server shall substantially conform to Form 1A. Summons served by sheriff shall substantially conform to Form 1AA.

(c) Service:
(1) *By Process Server.* A summons and complaint shall, except as provided in subparagraphs (2) and (4) of this subdivision, be served by any person who is not a party and is not less than 18 years of age. When a summons and complaint are served by process server, an amount not exceeding that statutorily allowed to the sheriff for service of process may be taxed as recoverable costs in the action.
(2) *By Sheriff.* A summons and complaint shall, at the written request of a party seeking service or such party's attorney, be served by the sheriff of the county in which the defendant resides or is found, in any manner prescribed by subdivision (d) of this rule. The sheriff shall mark on all summons the date of the receipt by him, and within thirty days of the date of such receipt of the summons the sheriff shall return the same to the clerk of the court from which it was issued.
(3) *By Mail.*
(A) A summons and complaint may be served upon a defendant of any class referred to in paragraph (1) or (4) of subdivision (d) of this rule by mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served, together with two copies of a notice and acknowledgment conforming substantially to Form 1-B and a return envelope, postage prepaid, addressed to the sender.
(B) If no acknowledgment of service under this subdivision of this rule is received by the sender within 20 days after the date of mailing, service of such summons and complaint may be made in any other manner permitted by this rule.
(C) Unless good cause is shown for not doing so, the court shall order the payment of the costs of personal service by the person served if such person does

not complete and return within 20 days after mailing the notice and acknowledgment of receipt of summons.
(D) The notice and acknowledgment of receipt of summons and complaint shall be executed under oath or affirmation.
(4) *By Publication.*
(A) If the defendant in any proceeding in a chancery court, or in any proceeding in any other court where process by publication is authorized by statute, be shown by sworn complaint or sworn petition, or by a filed affidavit, to be a nonresident of this state or not to be found therein on diligent inquiry and the post office address of such defendant be stated in the complaint, petition, or affidavit, or if it be stated in such sworn complaint or petition that the post office address of the defendant is not known to the plaintiff or petitioner after diligent inquiry, or if the affidavit be made by another for the plaintiff or petitioner, that such post office address is unknown to the affiant after diligent inquiry and he believes it is unknown to the plaintiff or petitioner after diligent inquiry by the plaintiff or petitioner, the clerk, upon filing the complaint or petition, account or other commencement of a proceeding, shall promptly prepare and publish a summons to the defendant to appear and defend the suit. The summons shall be substantially in the form set forth in Form 1-C.
(B) The publication of said summons shall be made once in each week during three successive weeks in a public newspaper of the county in which the complaint or petition, account, cause or other proceeding is pending if there be such a newspaper, and where there is no newspaper in the county the notice shall be posted at the courthouse door of the county and published as above provided in a public newspaper in an adjoining county or at the seat of government of the state. Upon completion of publication, proof of the prescribed publication shall be filed in the papers in the cause. The defendant shall have thirty (30) days from the date of first publication in which to appear and defend. Where the post office address of a defendant is given, the street address, if any, shall also be stated unless the complaint, petition, or affidavit above mentioned, avers that after diligent search and inquiry said street address cannot be ascertained.
(C) It shall be the duty of the clerk to hand the summons to the plaintiff or petitioner to be published, or, at his request, and at his expense, to hand it to the publisher of the proper newspaper for publication. Where the post office address of the absent defendant is stated, it shall be the duty of the clerk to send by mail (first class mail, postage prepaid) to the address of the defendant, at his post office, a copy of the summons and complaint and to note the fact of issuing the same and mailing the copy, on the general docket, and this shall be the evidence of the summons having been mailed to the defendant.
(D) When unknown heirs are made parties defendant in any proceeding in the chancery court, upon affidavit that the names of such heirs are unknown, the plaintiff may have publication of summons for them and such proceedings shall be thereupon in all respects as are authorized in the case of a nonresident defendant. When the parties in interest are unknown, and affidavit of that fact be filed, they may be made parties by publication to them as unknown parties in interest.
(E) Where summons by publication is upon any unmarried infant, mentally incompetent person, or other person who by reason of advanced age, physical incapacity or mental weakness is incapable of managing his own estate, summons shall also be had upon such other person as shall be required to receive a copy of the summons under paragraph (2) of subdivision (d) of this rule.
(5) *Service by Certified Mail on Person Outside State.* In addition to service by any other method provided by this rule, a summons may be served on a person outside this state by sending a copy of the summons and of the complaint to the person to be served by

certified mail, return receipt requested. Where the defendant is a natural person, the envelope containing the summons and complaint shall be marked "restricted delivery." Service by this method shall be deemed complete as of the date of delivery as evidenced by the return receipt or by the returned envelope marked "Refused."

(d) *Summons and Complaint: Person to Be Served.* The summons and complaint shall be served together. Service by sheriff or process server shall be made as follows:
(1) Upon an individual other than an unmarried infant or a mentally incompetent person,
(A) by delivering a copy of the summons and of the complaint to him personally or to an agent authorized by appointment or by law to receive service of process; or
(B) if service under subparagraph (1)(A) of this subdivision cannot be made with reasonable diligence, by leaving a copy of the summons and complaint at the defendant's usual place of abode with the defendant's spouse or some other person of the defendant's family above the age of sixteen years who is willing to receive service, and by thereafter mailing a copy of the summons and complaint (by first class mail, postage prepaid) to the person to be served at the place where a copy of the summons and of the complaint were left. Service of a summons in this manner is deemed complete on the 10th day after such mailing.
(2) (A) upon an unmarried infant by delivering a copy of the summons and complaint to any one of the following: the infant's mother, father, legal guardian (of either the person or the estate), or the person having care of such infant or with whom he lives, and if the infant be 12 years of age or older, by delivering a copy of the summons and complaint to both the infant and the appropriate person as designated above.
(B) upon a mentally incompetent person who is not judicially confined to an institution for the mentally ill or mentally deficient or upon any other person who by reason of advanced age, physical incapacity or mental weakness is incapable of managing his own estate by delivering a copy of the summons and complaint to such person and by delivering copies to his guardian (of either the person or the estate) or conservator (of either the person or the estate) but if such person has no guardian or conservator, then by delivering copies to him and copies to a person with whom he lives or to a person who cares for him.
(C) upon a mentally incompetent person who is judicially confined in an institution for the mentally ill or mentally retarded by delivering a copy of the summons and complaint to the incompetent person and by delivering copies to said incompetent's guardian (of either the person or the estate) if any he has. If the superintendent of said institution or similar official or person shall certify by certificate endorsed on or attached to the summons that said incompetent is mentally incapable of responding to process, service of summons and complaint on such incompetent shall not be required. Where said confined incompetent has neither guardian nor conservator, the court shall appoint a guardian ad litem for said incompetent to whom copies shall be delivered.
(D) where service of a summons is required under (A), (B) and (C) of this subparagraph to be made upon a person other than the infant, incompetent, or incapable defendant and such person is a plaintiff in the action or has an interest therein adverse to that of said defendant, then such person shall be deemed not to exist for the purpose of service and the requirement of service in (A), (B) and (C) of this subparagraph shall not be met by service upon such person.
(E) if none of the persons required to be served in (A) and (B) above exist other than the infant, incompetent or incapable defendant, then the court shall appoint a guardian ad litem for an infant defendant under the age of 12 years and may appoint a guardian ad litem for such other defendant to whom a copy of the

summons and complaint shall be delivered. Delivery of a copy of the summons and complaint to such guardian ad litem shall not dispense with delivery of copies to the infant, incompetent or incapable defendant where specifically required in (A), and (B) of this subparagraph.
(3) Upon an individual confined to a penal institution of this state or of a subdivision of this state by delivering a copy of the summons and complaint to the individual, except that when the individual to be served is an unmarried infant or mentally incompetent person the provisions of subparagraph (d)(2) of this rule shall be followed.
(4) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.
(5) Upon the State of Mississippi or any one of its departments, officers or institutions, by delivering a copy of the summons and complaint to the Attorney General of the State of Mississippi.
(6) Upon a county by delivering a copy of the summons and complaint to the president or clerk of the board of supervisors.
(7) Upon a municipal corporation by delivering a copy of the summons and complaint to the mayor or municipal clerk of said municipal corporation.
(8) Upon any governmental entity not mentioned above, by delivering a copy of the summons and complaint to the person, officer, group or body responsible for the administration of that entity or by serving the appropriate legal officer, if any, representing the entity. Service upon any person who is a member of the "group" or "body" responsible for the administration of the entity shall be sufficient.

(e) Waiver. Any party defendant who is not an unmarried minor or mentally incompetent may, without filing any pleading therein, waive the service of process or enter his or her appearance, either or both, in any action, with the same effect as if he or she had been duly served with process, in the manner required by law on the day of the date thereof. Such waiver of service or entry of appearance shall be in writing dated and signed by the defendant and duly sworn to or acknowledged by him or her, or his or her signature thereto be proven by two (2) subscribing witnesses before some officer authorized to administer oaths. Any guardian or conservator may likewise waive process on himself and/or his ward, and any executor, administrator, or trustee may likewise waive process on himself in his fiduciary capacity. However, such written waiver of service or entry of appearance must be executed after the day on which the action was commenced and be filed among the papers in the cause and noted on the general docket.

(f) Return. The person serving the process shall make proof of service thereof to the court promptly. If service is made by a person other than a sheriff, such person shall make affidavit thereof. If service is made under paragraph (c)(3) of this rule, return shall be made by the sender's filing with the court the acknowledgment received pursuant to such subdivision. If service is made under paragraph (c)(5) of this rule, the return shall be made by the sender's filing with the court the return receipt or the returned envelope marked "Refused." Failure to make proof of service does not affect the validity of the service.

(g) Amendment. At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process is issued.

(h) Summons: Time Limit for Service. If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint and the party on whose behalf such service was required cannot show good cause why such service was

Finally the state asserted that the court do not have the authority to grant the relief. Again, this assertion is made without the slightest proof or authority. As pointed out by Appellant in the initial brief, the complaint sought the following relief:

> **That the charges be dismissed and all previous verbal instructions regarding waiting for January term of the grand jury should be voided.**

The complaint asked the court to effectively direct that a judgment be entered requiring the state to follow the law. If no grand jury return an indictment at the first term in which the grand jury meets following the defendant being arrested and changed then the state cannot continue to seek an indictment for every term thereafter until it acquires a foreman who will rubber stamp that which the state seeks. An indictment should return as a true bill or a no true bill at the next term of the grand jury after the charges is made.

Appellee pointed out to the trial court, as pointed out here, that the Appellee's motion should have been dismissed since the Appellee had no standing to represent it's self in a civil action. Any civil complaint filed against the state; should be defended by the office of the Attorney General of Mississippi. The Attorney General did not make any appearance in this case. Instead, the defendant engaged in forum shopping to seek the assistance of a court in Lauderdale County to void a judgment made in Wayne County. The rules require that the proceedings should be conducted in the county where the action commended unless waived.

The trial court should have dismissed the Appellee's Motion and directed that the defendant pay all the plaintiff's cost and expenses for travel from Wayne County, Mississippi, to defend the action where the Appellee noticed the motion for a County outside the County in which the action was pending. Likewise, for that reason it should have not been held against any

> not made within that period, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion. [Amended effective May 1, 1982; March 1, 1985; February 1, 1990; July 1, 1998; January 3, 2002.]

plaintiff who may have failed to appear at a court outside the Court and place of jurisdiction of the action unless the plaintiffs had waived.

Mississippi Rule of Civil Procedure 60(b) is nearly identical to Federal Rule of Civil Procedure (b), with only a slight difference in the time limitation within which a Rule 60(b) motion must be filed. When state and federal rules are similar, the Supreme Court has said "that it will consider authoritative federal constructions when determining what our construction of our rule ought to be." Stringfellow v. Stringfellow, 451 So.2d 219, 221 (Miss. 1984) (citing Brown v. Credit Center, Inc., 444 So.2d 358, 364n. 1 (Miss. 1983)). The Fifth Circuit has stated in Bailey v. Doring Company, Inc., 894 F.2d 157, 160 (5th Cir. 1990), that "while 60(b)(1) authorizes relief when a judgment upon which it is based has been reversed or otherwise vacated, it does not authorize relief from a judgment on the ground that the Court have mistakenly entered the final judgment and the opposing party have not filed an appeal within the time allowed by law. It should be held here that, under the current facts, Rule 60(b)(1) or Rule 60(b)(4) are not a mechanisms by which Appellee could be granted relief. The state have been permitted by the trial court to substitute a timely filed Notice of Appeal or a Timely filed Motion to Set Aside Default Judgment with a Rule 60(b)(1) or Rule 60(b)(4) motion. The Appellee should have been first required to seek an out of time appeal of the duly filed order of the trial court. The trial court had lost jurisdiction over the action to grant a Rule 60(b) motion for the state.

The Rule 60(b) motion filed here by the state should have been procedurally barred from filing as a Rule 60(b) motion when no timely appeal or Rule 59(e) motion for was filed in the trial court within 30 days after the judgment was entered. The Appellee should not be allowed to lay back over 4 months and bring a claim under Rule 60(b) which should and could have been presented by a direct appeal. If this Court was to allow this procedure to suffice then any other

person who desired to proceed in this fashion would be allowed to wait eleven months and twenty-nine days and file such a motion effectively by passing an appeal and ignoring the rules of the Court. As previously pointed out, the Appellee would argue the same thing against another party if that party follow this course and not bring a challenge to what it conceives as an illegal order for over 4 months. The same remedy should be available against the Appellee as would be available to the Appellee. This Court should so hold.

WHEREFORE, PREMISES CONSIDERED, Appellants prays that the court accept the issues and argument raised in his initial Brief of Appellants and grant relief in the favor of Appellants.

Respectfully submitted on this 20 day of March, 2011.

Respectfully submitted:

Joey Mayes, Appellant

Frederick Jamal Davis, Appellant

Johnny Pickens, Appellant

Ralph Hundley, Appellant

Felicia Hundley, Appellant

Nathan Rogers, Appellant

CERTIFICATE OF SERVICE

This is to certify that I, Frederick Davis have this date served a true and correct copy of the above and foregoing Reply Brief for Appellant, by United States Postal service, first class postage prepaid, to: Honorable Jim Hood, Attorney General, P. O. Box 220, Jackson, MS 39205; Honorable Lester F. Williamson, Jr., Circuit Court Judge, P. O. Box 86, Meridian, MS 39302; Honorable Bilbo Mitchell, District Attorney, P. O. Box 5172, Meridian, MS 39302.

This, the 20, day of March, 2011.

Frederick Davis

Frederick Davis
11 Old St Paul Church Road
Waynesboro, MS 39367

Appellant