

**COPY**

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

**JEREMY CATCHINGS**

**FILED**

**APPELLANT**

**V.**

**JUL 26 2010  
OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS**

**NO. 2010-KA-0457-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

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**BRIEF OF THE APPELLANT**

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**MISSISSIPPI OFFICE OF INDIGENT APPEALS**

Benjamin A. Suber, MS Bar N [REDACTED]

301 North Lamar Street, Suite 210

Jackson, Mississippi 39201

Telephone: 601-576-4200

Counsel for Jeremy Catchings

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

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**NO. 2010-KA-0457-COA**

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**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. Jeremy Catchings, Appellant
3. Honorable Alexander C. Martin, District Attorney
4. Honorable Lamar Pickard, Circuit Court Judge

This the 26 day of July, 2010.

Respectfully Submitted,

MISSISSIPPI OFFICE OF INDIGENT APPEALS

BY:



Benjamin A. Suber

COUNSEL FOR APPELLANT

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
301 North Lamar Street, Suite 210  
Jackson, Mississippi 39205  
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**IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**JEREMY CATCHINGS**

**APPELLANT**

**V.**

**NO. 2010-KA-00457-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

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**BRIEF OF THE APPELLANT**

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**STATEMENT OF THE ISSUES**

**NONE**

## STATEMENT OF THE CASE

This appeals proceeds from the Circuit Court of Copiah County, Mississippi, and a judgment of conviction for the crime of taking possession of and taking away of an automobile, resulting in a five (5) year sentence and completion of the Regimented Inmate Discipline Program following a jury trial on March 2, 2010, Honorable Lamar Pickard, Circuit Judge, presiding. Catchings is presently incarcerated with the Mississippi Department of Corrections.

## FACTS

On or about September 17, 2009, Jeremy Catchings, Alebsion Williams, and Jerry Powell decided to ride their bicycles from Crystal Springs down to Hazlehurst. Tr. 29. As it started to get dark, the three boys decided to ride back to Crystal Springs. *Id.* On the way back to Crystal Springs, Powell stopped at or near Sun-Belt Heavy Haulers. Tr. 30.

According to the testimony of Powell, Catchings went onto the property of Sun-Belt Heavy Haulers and was driving trucks around the back. *Id.* Powell stated that Catchings drove out of the gate with the truck. *Id.*

Williams testified that on the way back to Crystal Springs, all three boys decided to stop for a restroom break. Tr. 23. Williams then noticed that a truck was coming out of the gate at Sun-Belt Heavy Haulers. *Id.* Williams claimed that Catchings was driving the truck. Tr. 25. Williams further stated that Catching drove past them, and blew the horn and waved. *Id.*

According to the testimony of Catchings, he admitted that he took the truck from Sun-Belt Heavy Haulers. Tr. 46. However, he also testified that he never had any intention of keeping the truck. Tr. 44. The only reason Catchings did not take the truck back was that it was too far and was late. *Id.*

Catchings also told the court that Detective Spell told him that this was just a joy ride. Tr. *Id.* He told Catchings that everything was going to be all right and that he would take care of everything. *Id.*

Catchings was subsequently charged and convicted of taking possession of and taking away of an automobile. Catchings is presently incarcerated with the Mississippi Department of Corrections.

#### **SUMMARY OF THE ARGUMENT**

NONE

#### **ARGUMENT**

NONE

#### **STATEMENT OF COUNSEL**

1. Counsel for the Appellant hereby represents to the Court pursuant to *Lindsey v. State*, 939 So.2d 743 (Miss. 2005), that counsel has diligently searched the procedural and factual history of this criminal action and scoured the record searching for any arguable issues which could be presented to the court on Mr. Catchings behalf in good faith for appellate review, 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 arrest of Catchings; (b) any possible violations of Catchings right to counsel; (c) the entire trial transcript; (d) all rulings of the trial court; (e) possible prosecutorial misconduct; (f) all jury instructions; (g) all exhibits, whether admitted into evidence or not; and (h) possible misapplication of the law in sentencing.

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

4. Counsel for appellant requests that the Court grant Catchings 40 days of additional time in which to file a pro se brief if he desires to do so.

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


**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  
For Jeremy Catchings, Appellant

BY:

A handwritten signature in black ink, appearing to read 'B. A. Suber', is written over a horizontal line.

BENJAMIN A. SUBER,  
MISSISSIPPI BAR NO. 102214

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
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Telephone: 601-576-4200

## CERTIFICATE OF SERVICE

I, Benjamin A. Suber, Counsel for Jeremy Catchings, 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 Lamar Pickard  
Circuit Court Judge  
Post Office Box 712  
Hazlehurst, MS 39083

Honorable Alexander C. Martin  
District Attorney, District 22  
Post Office Drawer 767  
Hazlehurst, MS 39083

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

This the 26 day of July, 2010.

  
\_\_\_\_\_  
Benjamin A. Suber  
COUNSEL FOR APPELLANT

MISSISSIPPI OFFICE OF INDIGENT APPEALS  
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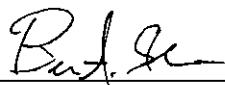
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Honorable Jim Hood  
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Post Office Box 220  
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Jeremy Catchings, MDOC #156918  
Walnut Grove Youth Correctional Facility  
Post Office Box 389  
Walnut Grove MS 39189

1.

This the 26 day of July, 2010.

  
\_\_\_\_\_  
Benjamin A. Suber  
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