IN THE SUPREME COURT OF MISSISSIPPI

Case No. 2014-CP-01443-COA

ROBERT W,. STRATTON, SR. APPELLANT

VERSUS

JERRY MC KEY APPELLEE

APPEAL FROM THE CIRCUIT COURT OF
AMITE COUNTY, MISSISSIPPI

APPELLANT'S PETITION FOR WRIT OF CERTIORARI

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PRO SE

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI
Case No. 2014-CP-01443 COA

ROBERT W. STRATTON, SR. APPELLANT

VERSUS

JERRY MC KEY APPELLEE

APPELLANT'S PETITION FOR WRIT OF CERTIORARI

COMES NOW, the Appellant, Robert W. Stratton, Sr., pro se, and pursuant to MRAP Rule 17 files this Petition for Writ of Certiorari, after Appellant's Motion for Rehearing was denied.

May a defendant (appellee), "McKey" in a civil action who files no answer or compulsory counterclaim be awarded a monetary judgment? This is the prime issue presented to this honorable Supreme Court of Mississippi. The claim, which arises out of a civil action for replevin also presents a secondary issue for this court which is whether appellant is entitled to damages for deprivation of his property since April 27th, 2009 as originally alleged in the complaint.

The Court of Appeals opinion summarizes the case in the first paragraph page one (1) of the opinion as follows:

> "Robert W. Stratton, Sr. filed a motion for replevin without bond against Jerry McKey in the Circuit Court of Amite County. After a hearing, the trial court conditionally granted the motion, finding that Stratton could take possession of his property if he paid McKey $ 880 in storage fees. On appeal, Stratton argues that (1)

McKey was not entitled to storage fees since he failed to file pleadings demanding relief; (2) the trial court erred in requiring him to pay $ 880 to McKey; and (3) he is entitled to damages for the wrongful possession of his property. Finding no error, we affirm."

On page 2, of the 4 page opinion, under the section entitled "Discussion" the Court of Appeals stated the following: " As all of Stratton's issues are related, we discuss them together."

Inexplicably the Court did NOT discuss all the issues. There was NO discussion of the prime issue - McKey's failure to file any pleadings. This oversight may be explained by the confusion of the Court of Appeals by designating appellant's case as a MOTION for replevin [1,2]. It was NOT a MOTION for replevin, it was a civil action initiated by filing a COMPLAINT. The plain language of MCRP Art. 3 (a) states that a civil action is commenced by filing a complaint.

The Appellate Court appears to have perpetuated the same error made by the Circuit Court shown in a colloquy with appellant as follows:

" By Mr. Stratton: May I enquire of the Court, Your Honor?

By the Court: Yes, sir.

By Mr. Stratton: There's been no response to pleadings by Mr. McKey.

Is there any basis for award of any --

By the Court: Under the law, once --

By Mr. Stratton: Would he have to take separate action to do that?

By the Court: Let me say this. Under the law on a replevin, a replevin is a

priority item, and it's my understanding that a defendant can come and appear at the hearing that's been noticed because that is essentially what it is. IT'S NOT -- IT'S A LITTLE BIT DIFFERENT FROM JUST A COMPLAINT FOR THAT, (emphasis added) ..."

"TR. 17, lines 19-29 and TR. 18, lines 1-8.

Court of Appeals decision in conflict with prior Supreme Court decisions and Mississippi Rules of Civil Procedure

MRCP Art. 3 (a), effective January 17th, 1982, define and establish commencement of an action as filing a complaint. Pursuant to the Rules appellant filed a complaint on October 28th, 2010, upon which appellee was served with process on November 9th, 2010 [R. 1]. The complaint alleged, inter alia, that appellee had refused demand for a 1949 vintage truck since April 27th, 2009. To the complaint McKey filed no responsive pleadings, especially a compulsory counterclaim, if he had one, as is required by MRCP Art. 13.

Over at least the last four decades there are cases which were rendered by the this Supreme Court regarding procedural difficulties surrounding replevin. See Standard Finance v. Breland, 163 So. 2d 232 (Miss. 1964); Finance America Private Brands, Inc. v. Durbin, 370 So 2d 1356 (Miss. 1979). However, this Honorable Supreme Court seemingly clarified any prior confusion when it held that replevin was clearly a civil action under the then relatively new Miss. Rules of Civil Procedure which became effective January 17th, 1982. Dungan v. Dick Moore, Inc., 463 So. 2d 1094 (Miss. 1985). Even in Dungan, infra, at pg. 1094, this Supreme Court described that case as bizarre as follows:

" The proceedings move from the unusual to the bizarre as at practically every step - service of replevin process, ... , the proceeding under what was formally known as a writ of inquiry - errors were committed (although in fairness to the trial judge it readily appears that in these somewhat intricate areas of the law he received little or no help from counsel)."

The opinion of the Court of Appeals is in direct conflict with this Supreme Court decision. There was no discussion by the Court of Appeals of how this defendant in a replevin action may be awarded damages without having filed a compulsory counterclaim. Dungan, infra.

Having not discussed the lack of pleadings by McKey the Court of Appeals nevertheless found that the trial court's final order was supported by substantial credible evidence with respect to a storage agreement. What the Court of Appeals failed to note was the testimony of John Shivers, the previous owner of the business then called Liberty Restoration, where the truck had been brought for possible restoration and would be left on the premises indefinitely by permission without a storage agreement. (Tr. 12).

Even the testimony of McKey does not support the conclusion by the Court of Appeals in support of a storage agreement. His testimony is as follows:

Q "By Mr. Stratton: ... Did you ever indicate to me during that time that I did business with you that I should remove the antique vehicle at a certain date ?

A Your truck wasn't discussed at any of the time that you brought the other vehicles. We did NOT discuss the antique truck. (Tr. 6, lines 4-9) (emphasis added)

Q Did you and I ever have any agreement to store the vehicle ?

A I don't need an agreement to store a vehicle. (Tr. 6, lines 27-29)."

With due respect to the Court of Appeals the factual conclusions made in the opinion, as can be seen by the evidence of record, are manifestly erroneous.

Is Stratton entitled to damages for the wrongful detention of the 1949 vintage truck since April 27th, 2009 as originally alleged in the complaint? Cain v. Robinson, 523 So 2d 29 (Miss. 1988); Dungan, infra.

Finally, it is submitted that the order against Stratton is of no force and effect in that it falls under the holding in Overbey v. Murray, 569 So. 2d 303, 306 (Miss. 1990)(citing Bryant, Inc. v. Walters, 493 So, 2d 933-938 (Miss. 1986), which holds:

"A judgment is void only if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law."

The Court of Appeals correctly noted that "The trial court ordered Stratton to pay $ 1,000 less $ 120 filing fee." [2, footnote 1] However, it did not reference the complete language of the final order, denominated by the trial court as Final Order Denying Replevin and that complete language is "... and claiming said truck within thirty (30) days, or it would be considered abandoned. The plaintiff failed to meet the conditions of the court's order, but filed a motion for relief from judgment, claiming the court's ruling and judgment were void... it is therefore ordered that the plaintiff's complaint for replevin without bond be denied..." (R 10)

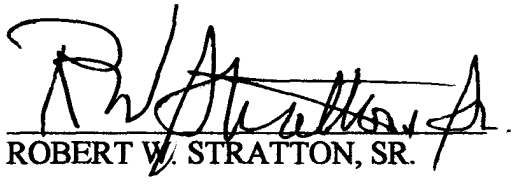
The Final Order Denying Replevin by the trial court reverses the original bench ruling

granting possession to Stratton contingent upon payment of $ 880. The effect of this final order would effectively deny not only possession but also ownership of a valuable possession without due process. There were no pleadings and therefore no due process by which Stratton received notice that ownership of the vehicle would be forfeited.

Compare the effect of the Final Order Denying Replevin to a proceeding to declare an automobile abandoned pursuant to Mississippi statutes. Those statutes have a "due process" requirement of notification to the registered owner prior to forfeiture of the vehicle. Miss. Code Ann. Sec. 63-23-1. The order rendered in the instant case was rendered without due process.

Stratton requests this Court grant a Writ of Certiorari and review the conflict of the Court of Appeal's decision with prior jurisprudence of this Court.

RESPECTFULLY SUBMITTED,



ROBERT W. STRATTON, SR.
pro se

CERTIFICATE OF SERVICE AND FILING

I hereby certify that I have this date filed the foregoing Appellant's Petition for Writ of Certiorari and gave notification of such filing to the following persons at their usual mailing addresses:

Honorable Forest A. Johnson
Judge
P. O. Box 1384
Natchez, MS 39121

Jerry McKey
1773 E. Maun St.
Liberty, MS 39645

SO CERTIFIED this 14th day of June 2016.

ROBERT W. STRATTON, SR.
pro se

APPENDIX I

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2014-CP-01443-COA

ROBERT W. STRATTON SR. **APPELLANT**

v.

JERRY MCKEY **APPELLEE**

DATE OF JUDGMENT:	09/23/2011
TRIAL JUDGE:	HON. FORREST A. JOHNSON JR.
COURT FROM WHICH APPEALED:	AMITE COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	ROBERT W. STRATTON SR. (PRO SE)
ATTORNEY FOR APPELLEE:	JERRY MCKEY (PRO SE)
NATURE OF THE CASE:	CIVIL - OTHER
TRIAL COURT DISPOSITION:	GRANTED APPELLANT'S MOTION FOR REPLEVIN CONDITIONED ON PAYMENT OF $880 IN STORAGE FEES TO APPELLEE
DISPOSITION:	AFFIRMED – 11/24/2015
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

BEFORE IRVING, P.J., BARNES AND JAMES, JJ.

IRVING, C.J., FOR THE COURT:

¶1. Robert W. Stratton Sr. filed a motion for replevin without bond against Jerry McKey in the Circuit Court of Amite County. After a hearing, the trial court conditionally granted the motion, finding that Stratton could take possession of his property if he paid McKey $880 in storage fees. On appeal, Stratton argues that (1) McKey was not entitled to an award of storage fees since he failed to file pleadings demanding relief; (2) the trial court erred in requiring him to pay $880 to McKey; and (3) he is entitled to damages for the wrongful possession of his property.

¶2. Finding no error, we affirm.

FACTS

¶3. In his motion for replevin, Stratton sought possession of a vintage truck that he had left at McKey's repair shop for approximately three years. When the motion came on for hearing, the trial court ruled from the bench that Stratton's possession of the truck was conditioned upon him paying McKey $880[1] for storage fees. Stratton filed a motion for relief from the judgment, which the trial court denied. After that, he filed a motion for a judgment notwithstanding the verdict or, in the alternative, for reconsideration or a new trial, which the trial court denied as successive and untimely, resulting in this appeal.

DISCUSSION

¶4. When reviewing the decision of a trial court sitting without a jury, an appellate court "may only reverse when the findings of the trial [court] are manifestly wrong or clearly erroneous." *Singley v. Smith*, 844 So. 2d 448, 451 (¶9) (Miss. 2003) (citation omitted). Further, "a [trial court's] findings are 'safe on appeal where they are supported by substantial, credible, and reasonable evidence.'" *James Wrecker Serv. v. Humphreys Cnty.*, 906 So. 2d 771, 772 (¶4) (Miss. Ct. App. 2004) (quoting *Maldonado v. Kelly*, 768 So. 2d 906, 908 (¶4) (Miss. 2000)). As all of Stratton's issues are related, we discuss them together.

¶5. We first note that McKey did not file an appellate brief in this case. The failure to file an appellate brief generally acts as a confession of error "unless the reviewing court can say with confidence, after considering the record and the brief of the appealing party, that there

[1] The trial court ordered Stratton to pay $1,000 less the $120 filing fee.

was no error. Automatic reversal is not required where the appellee fails to file a brief." *Taylor v. Kennedy*, 914 So. 2d 1260, 1262 (¶2) (Miss. Ct. App. 2005) (internal citations omitted). Based upon our review of the record and Stratton's brief, we can safely affirm this case.

¶6. The trial court made its bench ruling on November 3, 2010. In that ruling, the court instructed Stratton that his failure to pay the $880 to McKey and take possession of the truck within thirty days would result in his abandoment of the truck. However, the court failed to file a written and signed order that reflects that ruling.

¶7. On December 30, 2010, Stratton filed his motion for relief from the judgment, which the trial court denied on September 23, 2011. In the judgment denying the motion for relief, the trial court reaffirmed its bench ruling. On October 3, 2011, Stratton filed his motion for reconsideration. In denying that motion, the trial court found:

> [T]he motion of October 3, 2011, following the court's [f]inal [o]rder on September 23, 2011, is a successive motion for relief from a judgment, citing the exact same grounds as [Stratton] did in his December 30, 2010 motion for relief, which the court fully heard [and which] resulted in the [f]inal [o]rder of September 23, 2011.
>
> The court further finds, notwithstanding that it was a successive request for the same relief, that [Stratton] failed to timely pursue the October 3, 2011 motion for relief. The court declines to reconsider the matter, as it was fully decided, a motion for relief from judgment [was] filed, and a [f]inal [o]rder [was] entered on Sepember 23, 2011, which was not appealed.

¶8. The trial court's bench ruling cannot be considered a final judgment for purposes of appeal because "Mississippi law has long held that judgments are not final until they are reduced to writing and signed by the [lower court] before delivery to the clerk." *Soriano v.*

Gillespie, 857 So. 2d 64, 67 (¶14) (Miss. Ct. App. 2003) (citation omitted). Here, as noted, that was not accomplished. So the September 23, 2011 judgment is the final judgment in this case, and Stratton had until ten days after that date to file his motion for reconsideration. M.R.C.P. 59(b). Because he timely filed that motion on October 3, 2011, the trial court erred in dismissing it as untimely. Notwithstanding this error, if the judgment of the trial court can be sustained for any reason, it must be affirmed even though the trial court based its decision on the wrong legal reason. *Patel v. Telerent*, 574 So. 2d 3, 6 (Miss. 1990).

¶9. In this case, the trial court's decision was supported by substantial credible evidence. During the hearing, both Stratton and McKey testified that Stratton owned the vehicle. McKey testified that Stratton had left the vehicle at his repair shop for approximately three years and that Stratton had incurred storage fees during that time. McKey also testified that he had a conversation with Stratton about paying the storage fees and that he followed up with the conversation by mailing Stratton a registered letter that contained an invoice for those fees. McKey further testified that Stratton had refused to pay the storage fees and that he ultimately filed his motion for replevin. In light of this testimony, we find no merit to Stratton's issues and affirm.

¶10. THE JUDGMENT OF THE AMITE COUNTY CIRCUIT COURT IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED TO THE APPELLANT.

LEE, C.J., GRIFFIS, P.J., BARNES, ISHEE, CARLTON, MAXWELL, FAIR, JAMES AND WILSON, JJ., CONCUR.

APPENDIX II

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI
COURT OF APPEALS

ROBERT W. STRATTON, SR.
Appellant

vs. CAUSE NO. 2014-CP-01443-COA

Jerry Mc Key
Appellee

APPEAL FROM THE CIRCUIT COURT OF AMITE COUNTY, MISSISSIPPI
HONORABLE FOREST A. JOHNSON, PRESIDING

MOTION FOR REHEARING

ROBERT W. STRATTON, SR
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PH 601 227-2094

PRO SE

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI
COURT OF APPEALS

ROBERT W. STRATTON, SR.
Appellant

vs. **CAUSE NO. 2014-CP-01443-COA**

JERRY MC KEY
Appellee

CERTIFICATE OF INTERESTED PERSONS

The undersigned appellant, Pro Se, in accordance with Rule 28(a)(1) of the Mississippi Rules of Appellate Procedure, 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. Honorable Forest A. Johnson
   Judge, Amite County Circuit Court
2. Robert W. Stratton, SR.
3. Jerry Mc Key
4. John Shivers

SO CERTIFIED, this the 7TH day of December 2015.

ROBERT W. STRATTON, SR.
PRO SE
APPELLANT

TABLE OF AUTHORITIES

CASES:

CIVIL PROCEDURE:

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STATEMENT OF ISSUES

I. The lynchpin of the appeal and Motion for Rehearing is whether appellee McKey is entitled to any judgment since he filed no pleadings demanding relief. This Court of Appeal overlooked any discussion of this key issue.

II. The Appellate Court erred by misapprehending clear evidence showing there was no agreement for storage of the vintage truck that would entitle appellee McKey (assuming he had made demand for relief in a pleading).

STATEMENT OF THE CASE

This appellate court noted three (3) issues asserted by appellant Stratton. However, the lynchpin issue, failure to file pleadings by appellee McKey, was not discussed by the Court. Inextricably this vital issue was not even alluded to.

The transcript of the colloquy between Stratton and the court shows the Circuit Court did not realize that pleadings were required. These oral reasons given by the Circuit Court quoted in the Motion for Rehearing, infra, show that replevin was thought not to be a civil complaint but was just a notice. The circuit was manifestly erroneous in its understanding which resulted in an award to appellee without notice or due process to appellant Stratton in a pleading.

Appellant moves for a rehearing to correct this egregious result.

SUMMARY OF ARGUMENT

Appellee McKey failed to file any pleading and therefore had made no demand for relief. This lynchpin issue was overlooked - not even alluded to - by this Appellate Court. This issue would be dispositive of whether appellee McKey can be awarded any relief without having filed a responsive pleading demanding it.

Furthermore, the evidence of record from McKey himself shows that the Circuit Court findings were not supported by reasonable evidence. This appellate court failed to note and thus misapprehended the evidence that shows that McKey testified that there was no storage agreement.

No cases were found where a judgment is affirmed for a party who filed no written pleading. Appellant urges the Court to rehear it and correct this unconscionable consequence.

ARGUMENT

I. The lynchpin of the appeal and Motion for Rehearing is whether appellee McKey is entitled to any judgment since he filed no pleadings demanding relief. This Court of Appeal overlooked any discussion of this key issue.

This Appellate Court noted 3 issues asserted by appellant and stated that because they were related they would be discussed together. Yet, the Court overlooked any discussion on the lynchpin issue. That issue is whether McKey is entitled to any award since he filed no pleadings demanding relief.

What then should have the Appellate Court discussed? The Circuit Court in oral reasons for judgment shows that it was not aware that a responsive pleading was required in a replevin complaint. These reasons are as follows:

"BY MR. STRATTON: May I enquire of the Court Your Honor?

BY THE COURT: Yes, sir.

BY MR. STRATTON: There's been no response to pleadings by Mr. McKey. Is there any basis for award of any --

BY THE COURT: Under the law, once --

BY MR. STRATTON: would he have to take separate action to do that?

BY THE COURT: Let me say this. Under the law on a replevin, a replevin is a priority item, and it's my understanding that a defendant can come and appear at the hearing that's been noticed because that's essentially what it is. It's a notice. It's not -- it's a little bit different from just a complaint for that, (emphasis added) and what I am trying to do is just deal with this situation, the best I can, So that's the best I can sort this out because I see it could have been handled a little bit better by both sides of this --" (Tr., lines 19-29 and Tr. 18 lines 1-8)

Since adoption of the Mississippi Rules of Court Procedure, in 1982, replevin is a civil complaint. Dungan v. Dick Moore, Inc. 463 So. 2d 1094 (Miss. 1985), holds replevin to be a civil action. What do civil actions require? Commencement by filing a pleading, MRCP 3. McKey appears to have been required to file a compulsory counterclaim since his claim arose out of Stratton's claim, MRCP 13.

Had this Court of Appeal not overlooked discussion of this issue and reviewed the jurisprudence it would have noted the apparent long standing confusion reflected in cases before and after replevin became a civil action. Dungan, infra, pg. 1098. See also, Finance America Private Brands, Inc. v Durbin 370 So

2d 1356 (Miss. 1979). [Before 1982, the prior replevin statute did not permit filing a counterclaim or recoupment with the answer]. In 1964, the Supreme Court noted the confusion of replevin by using a literary reference. After noting the labyrinthine record the Mississippi Supreme Court stated "If Sir Walter Raleigh was an attorney he would have said 'Oh what a tangled web we weave when by replevin we retrieve'". Standard Finance v Breland, 163 So. 2d 232, 237 (Miss. 1964).

Lastly, this appellate court would have concluded that irrespective of the "facts", without a compulsory counterclaim by McKey the Court had no jurisdiction to make an award to him. Thus, that portion of the judgment was rendered in a manner inconsistent with notice and due process to Stratton and is thus void. Overbey v. Murray 569 So. 2d 303 (Miss. 1990); Bryant, Inc. v. Walters 493 So 2d 933 (Miss. 1986).

II. The Appellate Court erred by misapprehending clear evidence showing there was no agreement for storage of the vintage truck that would entitle appellee McKey (assuming he had made demand for relief in a pleading).

Assuming hypothetically, that McKey had not been required to file a compulsory counterclaim, is there evidence of record

that would support any agreement to store the vintage truck? No! This Appellate Court overlooked the testimony of John Shivers, owner of the business called Liberty Restoration, where the truck was brought for possible restoration. He testified that the truck would be left there indefinitely without a storage agreement. (Tr. 12). At some time, unknown by Stratton, McKey contracted an ownership interest in the building. He performed general mechanical work for Stratton on several other vehicles but never discussed removal or storage fees on the truck. (Tr. 5,6,11). The testimony of McKey is as follows:

Q "BY MR. STRATTON: ... did you ever indicate to me during that time that I did business with you that I should remove the antique vehicle at a certain date?

A Your truck wasn't discussed at any of the time that you brought the other vehicles. We did not discuss the antique truck. (Tr. 6, lines 4-9)....

Q Did you and I ever have any agreement to store the vehicle?

A I don't need an agreement to store a vehicle. (Tr. 6 lines 27-29)".

In summary, the testimony clearly and distinctly shows that there was initial permission to leave the truck on the premises. This Appellate Court failed to note or misapprehended evidence

of record which shows that Stratton was first refused possession of the truck on April 27, 2009, when McKey first demanded a storage fee. (Tr. 6, lines 14-29). Thus the parties were at an impasse until Stratton filed the possessory action of replevin on October 28, 2010. (Docket Sheet, 1).

It is instructive to note the observation by the Circuit Court that this whole matter could have been handled better. (Tr. 16, lines 18-23). However, was Stratton reasonable to believe that there was continuing permission for the vintage truck to remain? McKey's testimony is that he did not say remove it! Was it reasonable for McKey to give no notice to remove it and then deny possession to Stratton, and demand payment for storage? It is submitted, that it would not be reasonable to conclude that Stratton would have left a valuable vintage truck without permission. McKey's actions in interacting with Stratton demonstrate that McKey did not believe the vintage truck was abandoned.

Therefore, and, now assuming hypothetically that McKey had indeed filed a compulsory counterclaim, there is no substantial, credible, and reasonable evidence of record to support it. Conversely, there is evidence of record that quite clearly negates any agreement for storage fees. This Court of Appeal overlooked or misapprehended said evidence.

CONCLUSION

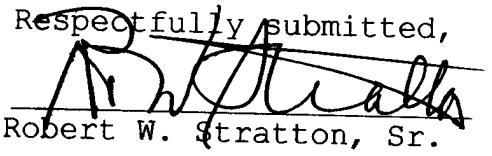
Mississippi follows the Federal rule which states that "A judgment is void when the Court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law". Overbey, supra pg. 306.

This appellate court overlooked any discussion of this lynchpin issue of whether the judgment rendered on behalf of McKey is void since the Circuit Court had no jurisdiction without any pleadings from McKey. Also, the real irony is that McKey did not even orally request the relief he received. Respectfully, this Court is requested to grant a rehearing to correct this egregious and arguably void judgment. A judgment without a demand for relief in a pleading is unequivocally not the intention of the MRCP.

Finally, it is noted that Stratton filed not one, but two (2) post trial motions to correct the arguably void judgment. Yet, the Circuit Court on both motions overlooked any discussion of McKey having filed no pleadings. The instant litigation is surely another case of confusion as to replevin which other appellate courts have noted. Dungan, supra, 1098, Finance America Private Brands, supra, Standard Finance, supra.

Movant prays that this honorable court grant rehearing; that it undertake a discussion of the issues it had previously overlooked; and that the judgment for appellee McKey be declared void.

Respectfully submitted,



Robert W. Stratton, Sr.

pro se

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI
COURT OF APPEALS

ROBERT W. STRATTON, SR.
Appellant

vs. **CAUSE NO. 2014-CP-01443-COA**

JERRY MC KEY
Appellee

CERTIFICATE

I, Robert W. Stratton, Sr., pro se, do hereby certify that I have this date filed by hand delivery the original and eleven copies of appellants' Motion For Rehearing to:

Muriel B. Ellis, Clerk
Supreme Court of Mississippi
P O Box 249
Jackson, MS 39205

and one (1) copy of Appellant's Motion For Rehearing, by United States Mail, postage prepaid to:

Jerry McKey
Pro se
1773 E. Main St.
Liberty, MS 39645

and one (1) copy of the Appellant's Motion For Rehearing, by United States Mail, postage prepaid to:

Honorable Forest A. Johnson
Judge
P O Box 1384
Natchez, MS 39121

SO CERTIFIED this the 7th day of December 2015.

R W Stratton, Sr.

ROBERT W. STRATTON, Sr.
Pro Se