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Second
Post - Conviction
Relief

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COURT OF APPEALS

Appeal Brief

Submitted to
Ms. Court of Appeals
by Ronald Flood, Pro-se

Where a prisoner is Appealing Pro-se, the Court of Appeals takes that Fact into Account and, in its discretion, credits not so well pleaded allegations, quoting from McMillen V. State, 811 So.2d 446 (2001).

Meritorious claims of Pro-se Post-Conviction petitioners will not be avoided based on Inartfully drafted pleadings. West A.M.C. § 99-39-4 quoting from Winston V. State, 893 So.2d 274 (2005).

Compared with other litigants, pro-se prisoners are at an Inherent Disadvantage when they try to Vindicate their rights. They lack many of the resources enjoyed by non-prisoner litigants. They have limited finances and limited access to Legal-Research materials. As a result, pro-se prisoners struggle to Navigate the Complex Legal System, often losing their cases on procedural grounds before ever reaching a decision on the Merits. Most of these litigants choose to proceed pro-se only because they cannot afford full representation.

The Average tested prisoner has obtained an Education Equivalent to a 5.5 grade level [on the Test of Adult Basic Education (Tabe)] -- For an Inmate to be Considered even Functionally Literate, he must achieve at least a 6.0 grade level TABE Score".) quoting from Ghostwriting: Filling in the Gaps of Pro-se ... 23 GEO. J. Legal ...

Where prisoner is proceeding pro-se on Motion for Post conviction Relief, Supreme Court takes that Fact into account and, in its discretion, credits not so well-pleaded allegations to end that prisoner's Meritorious Complaint may not be lost because Inartfully Drafted. Code 1972 §§ 49-39-9, 49-39-27 (5) quoting from Myers v. State, 583 So.2d 174 (1991) see Williams v. State, 821 So.2d 883 (2002). and Moore v. Ruth, 556 So.2d 1059 (1990). and Ivy v. Merchant, 666 So.2d 445 (1995).

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Ms. Court Rules in Brief

Uniform Rules of Circuit and County Court
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Exhibits in Brief

Exhibit. A

Ms Supreme Court accept the
2nd PCR Application and order the State
to Response.

Exhibit B.

Ms Supreme Court granted the
2nd PCR Application sending the case back
to Trial Court on one Issue.

Exhibit C.

Yazoo Co. Circuit Court order
denied the 2nd PCR Application.

Exhibit D.

Motion for Mental Examination
filed by Defense Attorney Trent L. Walker.

Exhibit E.

Court Order Granting Mental Examination
for Dr. William C. Lott to Conduct the Evaluation.

Exhibit F.

Dr. Lott Forensic Mental Evaluation
Report mailed to Yazoo Co Circuit Court Judge
Jannie M. Lewis

Exhibit G.

2 Ms Prac - Encyclopedia, Ms Law § 17-13
Competency Hearing, It is both a violation of URCCCP
9.06 and a Due-process Violation to fail to Conduct
a Competency Hearing»

Exhibit H.

Information on three Doctors
Dr. James D. Herzog, Psychologist
Dr. Stanley C. Russell, Psychiatrist
Dr. Robert Lundy, Psychiatrist

Exhibit I.

Ronald Hood Mental Health Records
from Region 8 Mental Health
Hinds Behavioral Health Services

Statement of Issues

Title of the Main Issue

1.

The Facts of the Trial Court Violated his Due-process Rights by Failing to Conduct a Competency Hearing Under Rule 9.06

Part A

Did the Trial Court had a Reasonable ground to Believe the Defendant was Incompetent for a Mental Examination and Competency Hearing to be Determine to Stand Trial. Page 7.

Part B

The Facts of the Procedures of the Requirement under U.R.C.C.P. Rule 9.06 of a Defendant's Competency to Stand Trial. Page 11.

Part C

Was there a Violation in trial Court of Due-process of Law of the Defendant's Fundamental Constitutional Rights was Denied? Page 18

Statement of the Facts

1.

Defense Attorney raised the Issue of Hood Mental Competence by filing a Motion for Mental Examination, the Trial Court Granted and Order Dr. William C. Lott to conduct this Mental Examination on the Reasonable Ground of the Motion of itself, if its good enough of the Reasonable Ground for Mental Examination is also good for the Trial Court to conduct a Competency Hearing.

2.

Dr. Lott conducted the Forensic Mental Evaluation, after he mailed a Report of the results to Circuit Court Judge, the Judge base the decision on the Dr. Lott Report and denied Hood a Competency Hearing. Dr. Lott didn't Testified at Trial, his Report didn't admitted into Evidence. Dr. Lott report was Incomplete and Inadequate because he failed a Essential Element to a Mental Evaluation is Hood Mental Health Records for better results in determine someone Competence.

3.

Not only denied Hood a Competency Hearing by the Trial Court, he was also denied the Opportunity to present Substantial Evidence like his Mental Health Records, revealing the Contents of his Records could Indicated and Classified him to be Mentally Incompetent. Able to Confronted Dr. Lott in Contest his Report and Subpoena Witness.

In Ms. Court of Appeals

Ronald Hood
Vs
State of Mississippi

Appellant
Case No. 2017-CP-00165- COA
Appellee

Appeal Brief

Comes Now, Appellant, Ronald Hood pro-se, files this his Appeal against the Denial of his 2nd PCR by Circuit Court on the Issue, [Trial Court Violated his Due-process Rights by failing to conduct a Competency Hearing] under URCCCP, Rule 9.06. Appellant seeks Relief on this Issue, will show this Honorable Court the following Reasons and Facts in Support thereof to Writ:

Introduction - the History of 2nd P.C.R.

Hood filed 2nd PCR out of Time Appeal on Errors Affecting Fundamental Constitutional Rights May be excepted from Procedural Bars of the UPLCRA and § 49-39-5(2), and Rowland V. State, 42 So. 3d 503 (2010). Filed in Ms. Supreme Court on 10-27-15 with Application for Leave to Proceed in the Trial Court and with Exhibits of Mental Health Records, in Fact the records wasn't Presented at Trial Court for review, Ms.

Supreme Court accepted the Out of Time Appeal of 2nd PCR and order the State to Response on 1-7-16^{see Exhibit A} and after 3.

Extension of Time, the state filed a Brief on 2nd PCR on 2-4-16, Rebuttal filed on 4-4-16, and

Ms. Supreme Court granted 2nd PCR Application, on one Issue that "the Trial Court Violated his Due-process Rights by failing to conduct a Competency Hearing." Order date 4-20-16^{See Exhibit B} Yazoo Co Circuit Court Judge Jannie M. Lewis denied Hood's 2nd PCR on 4-21-17^{See Exhibit C on record p. 1}. After waiting almost a year, Hood end up filing a Writ-Mandamus in Ms. Supreme Court to get her to respond in ruling of the 2nd PCR was filed 2-6-17. After my 2nd PCR was denied, I timely filed a Notice of Appeal with Application to Proceed in Forma Pauperis and Financial Authorization was Mailed 5-18-17. Designation of Records and Certificate of Compliance was Mailed 5-25-17. All 5 documents was filed in Yazoo Co Circuit Court on 6-30-17 by Clerk Robert Coleman. From the date of 6-30-17 Yazoo Co Circuit Court was in Violation of MRAP 11(d)(1)(2) for 16 months of Delayed and Blocking Hood from filing any Appeal Brief in this Court of Appeals in getting a Briefing Schedule, due to a deficiency in Procedure Default by this Circuit Court. On 11-13-18 Hood received his Briefing Schedule and Incomplete certified Record because there is No Documents in this Record Pertaining or Related to his Issue of 2nd PCR on the Trial Court Violated his Due-process Rights by failing to conduct a Competency Hearing, this Issue is the Issue granted 2nd PCR Application to go back to Trial Court on, of this Issue 2nd PCR was denied without any hearing. see Exhibit of Record on page 10 + 14

Summary of Argument

Defense Attorney Trent L. Walker, had raised an Issue in the Light of the Trial Court attention by filing a Motion for Mental Examination of the Defendant Competence on April 16, 2007, Motion stated: "The Defense submits that there is Reason to Question (Whether Ronald Hood will be able to assist in his defense at Trial of this matter, that he does Not have the present ability to consult with his lawyer with a Reasonable Degree of Rational Understanding to adequately assist with his Defense") see Exhibit D. (This Motion is the Reasonable Ground)

Ms. Supreme Court granted Hood's 2nd PCR on the Application for Leave to Proceed in the Trial Court on one Issue that "the Trial Court Violated his Due-process Rights by failing to conduct a Competency Hearing" see Exhibit

This Court granted this Issue because it has Merit of Denied Due-process of someone Rights. Regardless of the Facts on the outcome from having a Mental Examination, if he is Competent or Incompetent to stand Trial. Under Due-process of Law of Rule 9.06 it's a Mandate for a Defendant to have a Competency Hearing after a Mental Examination. This is Not the Issue of a debate on a question of Hood's Competence in this Appeal, it's on the Facts with Violated of Hood Due-process of Law of U R C C P rule 9-06.

Because the MS. Supreme Court granted on the one Issue
 "the Trial Court Violated Flood's Due-process Rights by
 failing to conduct a Competency Hearing".

"The Petitioner need Not Establish that he was
 Incompetent to stand Trial to Obtain Relief, rather he
 need only Establish that the Trial Judge should have
 ordered a Hearing to determine his Competency".
 quoting from Robert V. Dretke, 381 F.3d 491 (2004).

It's Not for an Appeal to Argue the Facts of
 Someone Competent or Incompetent to Determining
 this Issue it's the Purposes of a Competency Hearing.
 The Appeal is to Determining the Facts if there is a Due-process
Rights was Violated and is he Entitled of any Relief Under
Rule 9-06, of denied a Competency Hearing.

(Yazoo County Circuit Judge Jannie M. Lewis granted
 the Motion for Mental Examination and order for a Clinical
 Psychologist Dr. W. Criss Lott to be conducted a Forensic
 Evaluation was conducted Oct 4, 2007^{See Exhibit E.} The Judge failed
 to Conduct a Competency Hearing and Make an on-the-
 record finding and also failed to give Flood the Opportunity
 to present Substantial Evidence of his Incompetency
 like Mental Health Records, subpoena witnesses, able to
 confronted Dr. Lott in Contest his Report to the Court on
 Mental Evaluation. Dr. Lott didn't Testified at Flood's
 Trial, and his report wasn't admitted into Evidence at
 Trial). See Exhibit F.

(The Trial Court in Fact had a Reasonable Ground it was the Motion of itself, filed by the Defense Attorney and the Issue of Hood's Competence had come into the Light and had been raised by the Trial Court when the Judge had granted the Motion for Mental Examination it became Mandate required this Circuit Court to conduct a Competency Hearing and Make the Findings a Matter of Record under URCCCP Rule 9.06).

When Making Mental Competency determinations, the Trial Court has No Authority to rely on a report of the Mental Health Examination while depriving the Defendant of a Hearing in which he might Contest the Conclusions of the Examiners * quoting from Coleman v. State, 127 So-3d 161 (Miss 2013) *.

(The Circuit Court Judge base her decision of Hood's Competence alone upon Dr. Lott Mental Evaluation Report in Violation of URCCCP Rule 9.06 and Due-process of Law in denied Hood a Competency Hearing to give him the Opportunity to Present his Mental Health Records of his claim of Incompetent to this Circuit Court with the Assistance of Professional Legal Attorney, Of this Judge decision shouldn't be Acceptable in denied a person of a Competency Hearing in Violated Due-process of Rule 9.06. Mr. Hood does have Mental Health Issue's could very be incompetence, should be determining in a Competency Hearing as Rule 9.06 stated. I have Establish that he is Entitled for a Competency Hearing and shown that Trial Judge should have ordered this Hearing under Rule 9.06).

Once the Issue of Competency is Raised, the Trial Judge is Obligated to Conduct a Hearing in Order to decide if a probability Exists that the Defendant is Capable of Making a Rational Defense. see Ficklin V. State, 2000 758 So.2d 457⁽⁹⁾ (Hood's Competency has been Raised when the Circuit court Granted the Motion for Mental Examination and Order Dr. W Criss Lott to Conduct a Forensic Mental Examination if Hood is Competent to Stand Trial. Dr. Lott filed a Incomplete and Inadequate Report to the Trial Court because he failed Essential Element in a Mental Competency Examination a Mental Health Records determine a better results on the person Competency. Dr. Lott report should be Inadmissible or Impeachment on the grounds mention above).

Once the Trial Court has Ordered an Evaluation and that Evaluation has been Completed, a Competency Hearing must be held pursuant to URCCCP 9-06, which provides that "after the Examination [regarding the Competency of the Defendant] the Court shall conduct a Hearing to determine if the Defendant is Competent to stand Trial." see case Holliman V. State, 129 So.3d 937 (Miss. Ct. App. 2013) and also see 2 MS Prac. Encyclopedia - MS Law § 17-13 Competency Hearing.

In that opinion the Supreme Court strictly interpreted Uniform Circuit and County Court Rule 9-06 to Mandate a Competency Hearing in Every case where the Trial Court has ordered a Psychological Exam. see Sanders 9 So.3d at 1136 (16). Quoting from Brown V. State, 198 So.3d 325²⁰ (2015).

Title of the Main Issue

1.

The Facts of the Trial Court Violated his
Due-process Rights by Failing
to Conduct a Competency Hearing Under Rule 9.06

Part A.

Did the Trial Court had a Reasonable
Ground to Believe the Defendant was Incompetent
for a Mental Examination and Competency
Hearing to be Determine to Stand Trial?

Having "Reasonable Grounds" is Key in assessing
the Trial Court's responsibility to Order a Competency
Hearing, Id. quoting from Whatley v. State, 123 So-3d
461⁽²⁶⁾ (2013). (In Hood's case the Reasonable Grounds
was in fact the Motion for Mental Examination
by itself).

The Court must First have Reasonable Grounds to
believe that the Defendant is Incompetent to Stand Trial.
If it does, then the Court must order a Mental
Examination. Only after the Mental Examination
occurs shall the Defendant receive a Competency
Hearing. quoting from Hlairston v State, 4 So-3d 403
(14) (2009).

(The Reasonable Grounds was Hood's Motion for Mental Examination, file by Defense Attorney - If it was Not a Reasonable Grounds in the light of Circuit Court Judge to order a Mental Examination, the only Evidence in the light for her to see is the contents in that Motion she able to determine the Reasonable Ground. This same Reasonable Ground she granted the Motion on, is in Fact is good enough for a Competency Hearing that she Violated Hood Due-process Rights in denied him a Competency Hood, this is a True Fact shows she has a Reasonable Grounds).

"Here, the Trial Court clearly had Reasonable Grounds to believe Jay was Incompetent to Stand Trial, as Evidenced by the Order for a Psychiatric Evaluation.

The United States Supreme Court has held that a Criminal defendant's "Constitutional Rights were abridged by his failure to Receive an Adequate hearing on his Competence to Stand Trial." quoting from Jay V. State, 25 So-3d 25³⁵ (2009). (Jay case is similar to Hood's case when it became on the same issue of Reasonable Ground of his Trial Court believe Jay was Incompetent to stand Trial, Evidenced was his Order for a Psychiatric Evaluation. The Fact is that Jay Reasonable Ground in this case was the order by his Trial Court also good for Receive an Adequate Competency Hearing, shown that Jay was Violated by his Due-process Rights by failing to Conduct a Competency Hearing. There is No different in this case compare to Hood's case

because both case's is Violated a Due-process Rights of denied a Competency Hearing. But Jay got some Relief in his case).

The language of Rule 9.06 is clear and it is simple. If a Trial Court has Reasonable Ground to believe that the Defendant is Incompetent to stand Trial, the Court shall Order the Defendant to submit to a Mental Examination" U R C C C 9.06 (emphasis add). "After the Examination the Court shall conduct a Hearing to determine if the Defendant is Competent to stand Trial. After hearing all the Evidence, the Court shall weight the Evidence and make a determination of Whether the Defendant is Competent to Stand Trial." Id (emphasis added) In other words, When a Motion for a Mental Examination has been Granted, such an Examination Must Occur, and then a Separate Competency Hearing Must be Conducted before Trial begins. quoting from Coleman V. State, 177 So. 3d 161⁽¹⁴⁾ (2013).

Rule 9.06 requires an On-The-Record hearing to determine Competency once the Court have Reasonable Ground to believe that the Defendant is Incompetent. The Rule clearly uses the directive "Shall" and Not the permissive "May" language. The Rule requires that the Trial Court First "Shall Conduct a Hear to determine if the Defendant is Competent" and second "Shall make the Finding a Matter of Record, U R C C C 9.06, In the Face of this Plain Language, it is Evident that it would be Error Not to hold a Competency Hearing once a Trial Court order a

Psychiatric Evaluation to determine Competency to Stand Trial. quoting from Sanders V. State, 9 So.3d 1132 (16) (2009).

A Defendant is Denied his Due-process Rights when the Trial Court fails, to Observe Procedures Adequate to Protect a Defendant's Right Not to be Tried or Convicted while Incompetent to Stand Trial.

Rule 9.06 is Meant to Ensure that a Defendant's Due-Process Rights are Not Violated. It provides that if the Court has Reasonable Ground to believe that the Defendant is Incompetent to Stand Trial, a Hearing shall be conducted to Determine whether he is Mentally Fit to stand Trial. quoting from Coleman V. State, 127 So.3d 161 (13) (2013).

Uniform Rules of Circuit and County Court Practice 9.06 requires that a Trial Court order a Psychiatric Evaluation if it has Reasonable Grounds to believe that the Defendant is Incompetent to Stand Trial. The Rule further requires that if a Reasonable Grounds exists to believe the accused is Incompetent, then the Trial Court must also order a Competency Hearing. quoting from Evans V. State, 984 So.2d 308 (9) (2007). (Wow, it was a Mouthful of True Facts on Rule 9.06, on Reasonable Grounds. From these Facts had proving that Hood Trial Court did have a Reasonable Ground to Order a Mental Examination because, the Motion for Mental Examination itself Shows Hood's Mental Competency is in Question of Incompetence, but when the Trial Court received the Mental Examination Report from Dr. Lott,

there is one problem if the Trial Court did received Dr. Lott report and able to review it there is No proof of this only what was said. There is No on-the-Record-finding of Hood Competence and the Report was Not Admitted into Evidence at Trial and Dr Lott didn't Testified at Trial. Lets assume the Court did received this Report, but failed to be know on-the-Record-Finding and admitted the Report into Evidence. Base the Decision on this Report feel Hood is Competent to stand Trial without a Competency Hearing. Trial Court has a Reasonable Grounds when order a Mental Examination but denied to conduct a Competency Hearing in Violation of Due-process of Law of a person Rights and Rule 9.06. In regardless of any Results from having a Mental Examination, under Rule 9.06 still stands on itself clearly after a Mental Examination a Competency Hearing shall be Conducted.

Part B

The Facts of the Procedures of the Requirement under U.R.C.C.C.P Rule 9.06 Defendant's Competency to stand Trial.

The Procedures of Rule 9.06 are in place to Protect the Due-process Rights of Defendant whose Competency to stand Trial is in doubt. Because Competency to stand Trial is decided by the Trial Judge, under the Mississippi procedure now prescribed by Rule 9.06. quoting from Sander v. State, 9 so.3d 1133 (31) (34) (2009) (It sounds like Trial Courts are bound to follow each Procedures of Rule 9.06, If any of the Procedures is denied its a Violation of Due-process of Law.)

Over four decades ago, the United States Supreme Court held in Pate v. Robinson, 383 U.S. 375-86-5. Ct. 836. 15 L. Ed. 2d 815 (1966), that when the Evidence Raises sufficient Doubt as to a Defendant's Mental Ability to stand Trial, that Defendant is deprived of Due-process of Law when the Trial Court does Not Conduct a Separate Competency Hearing. This Rule is No less Viable today, and this Court has attempted to Safeguard this Right in the form of Rule 9.06 of the Uniform Rules of Circuit and County Court Practice. Rule 9.06 sets forth a clear Procedure to be followed when a Defendant's present Mental Competency is in Question. quoting from Sanders v. State, 4 so-3d 1132⁽²⁹⁾ (2009).

Lets break down the Facts of the 6 Steps
in the Requirements of Rule 9.06

1. If before or during Trial, of its own Motion or upon Motion of an Attorney, has Reasonable Ground to believe that the Defendant is Incompetent to Stand Trial.
2. the Court shall Order the Defendant to Submit to a Mental Examination by some Competent Psychiatrist Selected by the Court in Accordance with § 44-13-11.
3. After the Examination the Court shall Conduct a Hearing to determine if the Defendant is Competent to Stand Trial.
4. If the Court finds that the Defendant is Competent to Stand Trial, then the Court shall make the Finding a Matter of Record.

5. and the Case will then Proceed to Trial.

6. If the Court Finds that the Defendant is Incompetent to Stand Trial, then the Court shall Commit the Defendant to the Mississippi State Hospital or other appropriate Mental Health Facility. The Order of Commitment shall require that the Defendant be Examined and a Written Report be Furnished to the Court every Four Calendar Months, stating.

(In Acknowledge the Facts that the Purpose of Rule 9.06 is for a Defendant Mental Competence came into the light of Questionable that he could be Incompetent to Stand Trial of a Reasonable doubt, once the TRIAL Court Judge order a Mental Examination the Door has been opening to Invoke all of the Procedures of Rule 9.06. If the Trial Court Judge denied any Procedures of the Defendant has a Fundamental Constitutional Rights to have by this Rule 9.06, it would be a Violation of Due-process Rights. By this Rule 9.06 of Procedures of 3 and 4 Hood was denied of by Circuit Court Judge. Trial Court is bound by Due-process of Law to follow Rule 9.06 when a Defendant has a Reasonable Ground and it became Mandate after Order a Mental Examination had been conduct and also require by this same Rule to have a Competency Hearing. Trial Court has No Authority to stop a Procedures or denied someone Rights, he has a right to receive under Due-process of Law. Order a Mental Examination is also for Competency Hearing under this Rule 9.06 for both to be Conduct to be determine before Trial).

Rule 9.06 of the Uniform Rules of Circuit and County Court Practice provides the procedure for a Circuit Court's determination of whether a Criminal Defendant is Mentally Competent to Stand Trial," quoting from Brasso V. State, 195 So.3d 856, 860 (12) (Miss. Ct. App. 2018)

Rule 9.06 is Meant to Ensure that a Defendant's Due-process Rights are Not Violated, Id - quoting from Phinizee V. State, --- So.3d --- ⁽¹⁰⁾ (2018).

Mississippi Supreme Court held that the "Plain Language" of Rule 9.06 requires "a Competency Hearing once a Trial Court orders a Psychiatric Evaluation to determine competency to Stand Trial." The Supreme Court also recently held that "when a Motion for a Mental Examination has been granted, such an Examination must occur, and then a Separate Competency Hearing must be conducted before Trial begins." quoting from Silvia V. State, 175 So.3d 533⁽¹¹⁾ (2015) see Coleman V. State, 127 So.3d 161, 166, (14) (Miss. 2013).

These procedures were clearly followed in this case. (Under Rule 9.06) see Tutor V. State, 933 So.2d 1003 (2006).

We find that the Trial Court followed all Requirements of Rule 9.06 in determining Beasley was Competent to Stand Trial, see Beasley V. State, 136 So.3d 393⁽¹¹⁾ (2014).

(Why these Cases able to follow the Procedures of the requirements of Rule 9.06, but Yazoo Co Circuit Court Violated a Essential Element of a Competency Hearing of Rule 9.06 in Hood case)?

A Pate Violation is a Procedural Error by the Trial Court and it may occur only in the time frame encompassed by the Trial itself and immediate related proceedings. The Complaint that a Pate procedural guarantee was Violated is that, in the light of what was known to the Trial Court, the Failure to make further inquiry into Defendant's Competence to stand Trial denied him a Fair Trial. A General Standard for the Nature or Quantum of Evidence necessary to Trigger a Competency Procedure, it has focused on three Factors that should be considered: the existence of a History of Irrational Behavior, defendant's demeanor at Trial, and a Prior Medical Opinion.

The Chief Justice stated in Drope that under appropriate circumstances, the existence of any one Factor the existence of a History of Irrational Behavior, defendant's demeanor at Trial, or Prior Medical Opinion could be sufficient to Trigger a Pate inquiry. Lokos also presented a History of Mental Illness, suffered Learning Disabilities as a Child as well as an inability to adapt to his social Environment, and experienced a series of commitments to a Mental Institution. He (Judge) had at hand the Mental Illness of Lokos. See case laws, Lokos V. Capps, 625 F.2d 1258 (1980) and Pate V. Robinson, 383 U.S. 375, 865, Ct. 836, 15, L. Ed. 2d 815 (1966) and Drope V. Missouri, 420 U.S. 126, 95 S. Ct. 896, 43 L. Ed. 2d 103 (1975).

Lets look at some View Points from the last page in how it would relate to Hood Case

① A Pate Violation is a Procedural Error by the Trial Court, (In Hood case Pate Violation does relate to the Facts that his Trial Court Violated his Due-process Rights by Failing to Conduct a Competency Hearing under one of the Procedure of 9.06 Rule, so he could have a chance in this Hearing to Contest or Challenge in his Incompetent to stand Trial, by presented some Substantial Evidence like his Mental Health Records in which wasn't used or review and call in supported Witnesses could Testified his Mental status of his Incompetent and able to confront Dr. Lott who conduct Hood's Mental Examination to Testified and his Defense Attorney also to Testified and have relatives for Character witness. This is a purpose for having a Competency Hearing to determine someone competence the right way by Rule 9.06).

② Pate procedural guarantee was Violated is that, in the light of what was known to the Trial Court, the Failure to make further Inquiry into Defendant's competence to stand Trial denied him a Fair Trial. (In the light of the Trial Court Knowledge the Morning of Trial, the Judge Know in Facts "when the Judge order a Mental Examination on Reasonable Grounds a Competency Hearing shall be Conducted." But on the Judge mind that No plan for a Competency

Hearing. The Judge Decision was based only on Dr. Lott report, but within that report was in Facts No Competency Hearing the report stated some Facts Attended Special Education Classes throughout school. He reported that he began receiving Disability Benefits because of a Mental Illness. He was diagnosed a Psychotic Disorder. Mr. Hood said that his first contact with Mental Health Professionals was in 1989 in California, he was sent to a Group Home, North East Lodge in San Francisco and he said it was a group home for people with Mental Illness. He said he was Hospitalized at UMC on June 5 2006 after his arrest and he was Diagnosed with a Bipolar Disorder. He said the Mental Health Center referred him to MMC on June 7, 2007 in order to help him get back on his Medication. He also said he has seen a counselor Mike Patty at Region 8 Mental Health Center. On the Reading Subtest he obtained a score of 73, this score falls in the Low Borderline Range and at the 4.7 grade level - (Reading Disorder). Mr. Hood's Intellectual Level appeared to be in the Low Average Range, and his Reading Level falls in the Low Borderline Range, so any Complex Legal Material should be Explained to him in simple and Concrete Terms. In this Report as you Notice has a lot of he said, he didn't Corroboration any information by Hood, unless Dr. Lott assumed that Hood was Fabricated, Dr Lott failed to request Hood's Mental Health Records for Review of these Mental Health place's he mention Hood said.

Hood feels that he would get a Fair Trial if he had received a Competency Hearing his Mental Health Records would Reveal or Expose his Incompetent to stand Trial, and or help him in the gap of lacking in Understanding the Fullness of the Legal Procedures he would be facing in his case or any Legal Decisions he will need to make and maybe it be useful in getting a better plea deal).

③. Evidence Necessary to Trigger a Competency Procedure, it has Focused on three Factors, ① a History of Irrational Behavior, ② defendant's demeanor at Trial, ③ and a Prior Medical Opinion, could be Sufficient to Trigger a Pate Inquiry. (In Hood case for a Trigger a Pate Inquiry, will fall on No-3, Prior Medical Opinion, Hood has Mental Health Records from, Region 8 Mental Health Center in Brandon at Hind's Behavioral Health services in Jackson. If he wasn't denied of a Competency Hearing so his Records would be Reveal or someone request his Records for review).

Part C.

Was there a Violation in Trial Court of Due-process of Law of the Defendant's Fundamental Constitutional Rights was Denied?

If the Trial Court has granted a Competency Evaluation Motion (and therefore has Reasonable basis to believe there is at least a possibility the Defendant is Not Competent to stand Trial),

it is both a Violation of URCCCP 9.06 and a Due-Process Violation to Fail to Conduct a Competency Hearing, quoting from § 12:13 Competency Hearing, 2 Ms Prac. Encyclopedia Ms Law § 17:13. See Jay V. State, 25 So.3d 25⁽³⁵⁾ (Miss. 2009), and Sanders V. State, 4 So.3d 1132⁽¹⁾ (Miss. 2009), and Ficklin V. State, 758 So.2d 457 (Miss. Ct. App. 2000), and James V. State, 86 So.3d 286⁽²⁵⁾ (Miss. Ct. App. 2012). see Exhibit G

A Court Rule for Criminal Trials provides that "if before or during Trial the Court . . . has Reasonable Ground to believe that the Defendant is Incompetent to stand Trial, the Court shall order the Defendant to submit to a Mental Examination . . ." URCCCP 9.06.

Once the Issue of Competency is Raised, the Trial Judge is Obligated to Conduct a Hearing in Order to decide if a probability Exists that the Defendant is Capable of Making a Rational Defense, quoting from Ficklin V. State, 758 So.2d 457⁽⁹⁾ (2000).

(In Hood's case the Facts has shown in Trial Court Violated Court Rule of 9.06, because Hood has a Reasonable Ground for a Mental Examination was Order by Trial Court if that same Reasonable Ground is good for a Mental Examination is also good for a Competency Hearing. These Facts has prove Mr. Hood was Violated in denied a Competency Hearing).

In which a Majority of this Court held, based on Sanders, Coleman, and Smith, that a Mental Evaluation ordered by the Trial Court constitutes "a per se showing that the Trial Court had Reasonable Grounds to believe

The movant bears the Burden of Proof to Demonstrate by Substantial Evidence that the Defendant is Mentally Incompetent to Stand Trial. See Jones v. State, 926 So.2d 407, 412 (13) (Miss. Ct. App. 2008). (If Mr. Hood bears the Burden of Proof of Substantial Evidence like his Mental Health Records he was denied a Competency Hearing to be able to reveal his Records a Denied Due-process of Law).

Competency is to be presumed until the Defendant proves by "Substantial Evidence that he is Mentally Incompetent to Stand Trial." quoting from Medina V. California, 505 U.S. 437, 448, 112 S.Ct. 2572, 120 L.Ed. 2d 353 (1992) also see Evans v. State, 725 So.2d 613, 660, 180 (Miss 1997). (Mr. Hood was in Fact, that a Chance to prove his Mentally Incompetent to Stand Trial was Denied, of Due-process of Law).

The relevant Factors in Assessing Competency are a Defendant's Past Medical History the Opinion of Psychiatric Experts and the Defendant's behavior during Trial. Supporting Caselaws see, Reese v. Wainwright, 600 F.2d 1085 (1979) and Richardson v. State, 722 So.2d 481⁽¹⁹⁹⁷⁾ (1998) and Pate v. Robinson, 383 U.S. 375 (1966). Mr. Hood, Mental Health Records is Essential Element in Determining someone Competence to Stand Trial, his state of Mind if it wasn't

Conclusion

For this (Supreme) Court

Conclusion

Effective May 1, 1995, this (Supreme) Court Adopted Uniform Rule of Circuit and County Court Practice 9.06, which safe guarded the Right of Criminal Defendants against being Tried while Mentally Incompetent by providing the Following Procedure.

As this Court has Stressed Time and Again "a Rule which is Not Enforced is No Rule". A Rule is an Authoritive Direction for Conduct - quoting from Coleman v. State, 127 So.3d 161⁽¹⁴⁾ (2013).

A "Rule" is an "Authoritive Direction for Conduct" Furthermore ensuring Compliance therewith is Necessary as "a Rule which is Not Enforced is No Rule". Applied to Judicial Proceedings Due process traditionally means "a Course of Legal Proceedings according to those Rules and Principles which have been Established in our Systems of Jurisprudence for the Protection and Enforcement of Private Rights". This Court disturbs a Trial Court's Findings on Appeal only when there is Manifest Error. This Court may Reverse only if it finds that the Trial Court Abused it's Discretion".
quoting from Illinois Cent. R. Co. Vs Moore, 994 So. 2d 723 (2008).

Yazoo Co Circuit Court Judge Mention in
the Order in Denied 2nd PCR

① The Court finds that it had Reasonable Grounds to believe Hood was Competent to Stand Trial and No Due-process Rights were Violated.

In Hood case he did have a Reasonable Grounds for Granted the Motion for a Mental Examination by itself and order Dr. Lott to conduct this Examination, this same Reasonable Grounds is good for a Mental Examination is also good for a Competency Hearing under URCCCP Rule 9.06 and this Rule Supports after ordered a Mental Examination it shall be conduct a Competency Hearing. On the Record there was No Competency Hearing been conducted, therefore it's a Violation of Due-process Rights and Rule 9.06, of a Trial Court failed to have a Competency Hearing is Not Questionable or Doubts to have one it's a Mandate of this Rule 9.06 must have a Competency Hearing a person Rights. If there is a Violation of Rule 9.06 by the Trial Court is a Abused of Discretion.

② On October 18, 2007 Hood's Mental Evaluation was filed with the Clerk.

If Hood Mental Evaluation was filed in Court by the Clerk, this report of Dr. Lott wasn't admitted into Evidence at Trial and Dr. Lott didn't Testified at Trial. There was Nothing Mention on Hood Mental Health.

③ Hood was Evaluated by Dr Criss Lott, and was found to be Competent to Stand Trial.

Dr. Lott didn't specifically stated in his Report that he found Hood to be Competent to Stand Trial or Incompetent. This Report of Dr. Lott filed in Trial Court was Inadequate and Incomplete because he Failed to Request and Review Hood's Mental Health Records is Essential Element in determining better Results for a Decision Making on someone Mentally Competence with the knowledge of Mental Health Records. The Circuit Court Judge rely on Dr. Lott failed report, denied Hood a Competency Hearing. Dr. Lott report should be Impeached or Inadmissible.

④ The Court received No Information which objectively considered, should reasonably have raised a doubt about Defendant's Competence and Alerted it to the Possibility that the Defendant could neither understand the proceedings, nor rationally aid his Attorney in his Defense.

Hood has Substantial Evidence of Mental Health Records, No one take any steps to Requested these Records and Review them before Trial instead of Ignored them. Dr Lott could Request them for Review and if the Trial Court have done the Right Thing instead of denying Hood of a Competency Hearing so he could have the chance to Reveal to the Trial Court of his Mental Health Records. The Circuit Court Judge Know there are Records because it was Mention in Dr. Lott report of places he have been.

By the Light of Rule 9.06 this Trial Court was Not Blind to see the Facts, the failure is Not on Mr Hood it on the Trial Court knows that when the Judge order a Mental Examination on Reasonable Grounds a Competency Hearing must be Conduct if the Trial Failed its a Violation of Due-process Rights and Rule 9.06.

⑤ During the Trial, Hood did Not display any demeanor evincing incompetence nor did defense Counsel offer any statements to the Court that the Defendant was unable to Rationally Consult with Counsel or assist in his own Defense.

Hood Defense Counsel did offer a Statement to Trial Court is his Motion for Mental Examination of itself when he filed this Motion, It should be acceptable to a statement. The Motion did state Hood was unable to Rationally Consult with Counsel or assist in his Defense. Trial Judge accept this Motion as Reasonable Ground.

The Trial Court denied Hood 2nd PCR on the Issue of the Trial Court Violated his Due - process Rights by failing to Conduct a Competency Hearing before Trial, in Violated Rule 9.06. Is like denied his Rights again Instead of Granted the 2nd PCR for him to receive a Competency Hearing.

Closing Argument

Have to say Hood has suffering by his Trial Court Violated his Due-process Rights by failing to Conduct a Competency Hearing, this Issue has been Demonstrated and Proving in this Brief. The Facts did show Hood was denied a Competency Hearing is in Violation of Both Due-process of Law and Rule 9.06. The Fact and Evidence of the Trial Court indeed have a Reasonable Grounds for Both a Mental Examination and a Competency Hearing by the Motion for Mental Examination filed by Hood's Defense Attorney. When the Trial Court Judge granted the Motion and Ordered a Mental Examination is proof that the Evidence of the Reasonable Grounds was the Motion of itself came into the Light to Invoked the rest of Rule 9.06. By this Court failure it constitute a Pate Violation and Abused of Discretion.

Not only Hood was Denied of his Legal Rights to have a Competency Hearing, he also was Denied the Opportunity to have his Defense Attorney to presented Substantial Evidence of Hood Mental Health Records to Contest Dr. Lott Mental Examination Report filed in the Trial Court. As the contents of Mental Health Factors mention in Hood's Records could Indicate and Classified him to be Mentally Incompetent in some form. These Mental Health Records was Critical Facts should have been Reveal in a Competency Hearing before Hood went to Trial by his Attorney.

The Trial Judge decided to rely only on Dr. Lott Mental Examination Report nothing else. This Report had mention of other place's Hood had been hospitalized and seen at Mental Health Clinic's, should be Relevant and Essential Element in a Forensic Mental Examination for better Results in determining someone Incompetence, in Hood case if Dr. Lott had requested his Mental Health Records and able to review them the Results would have been different. Dr. Lott report was Inadequate and Incomplete because he didn't review Hood's Records, for this Reason Dr. Lott report should be Impeached or Inadmissible from Hood Case. Dr. Lott didn't Testified at Trial and his Report wasn't admitted into Evidence at Trial. Hood should be Entitled to receive a New Mental Examination be conducted by someone else with his Mental Health Records be reviewed and determined Hood Competence for better results this time since Dr. Lott had failed to request them for review for Hood Competence.

On the day of Hood's Trial, the Judge Known then it won't be a Competency Hearing be conducted in Violated Hood rights to this Hearing and also failed to conduct a Investigation into Hood Mental Health Records after become aware of information was mention in Dr. Lott report the Facts shows the following, Hood receiving Disability Benefits because of Mental Illness, diagnosed with a Psychotic disorder and Bipolar disorder and Hospitalized twice and been at Mental Health Clinics. Hood was in a Group Home for people have Mental Illness.

The Judge should have some Knowledge knowing this Information from Dr. Lott report there's is Mental Health Records is existed, this information should have alerted the Judge to Investigate further into Hood Competence. This Constitute a Pate Violation.

Since this case shouldn't have went to Trial in Violation of Rule 9.06, because Hood was Denied Due-process of Law of the Trial Court failure to Conduct a Competency Hearing after this Court Judge order a Mental Examination. If Hood had received a Competency Hearing, he would have the Opportunity to be able to Presented his Mental Health Records, his Records could be useful in a Trial Strategy of a Plea Negotiations or in a Insanity Defense. When Hood went to Trial he didn't know anything of a Competency Hearing of his Legal Rights of Rule 9.06, Hood Sentence and Conviction was a Illegal Sentence should be Vacate and he was denied a Fair Trial. This Constitute and Require Hood to be Entitled to a New Trial, his case fall within Pate Violation.

The following Caselaws in this Paragraph is Much Similar to Hood case when it comes within the very same Issue of the Trial Court Violated Due-process Rights by failed to Conduct a Competency Hearing after ordered a Mental Examination on Reasonable grounds under Rule 9.06. In 5 Ms. Supreme Court Case's Sanders V. State 9 So.3d 1132 (2009), Jay V. State 25 So.3d 257 (2009), Hollie V. State 174 So.3d 824 (2015), Coleman V. State 127 So.3d 161 (2013), Smith V. State 149 So.3d 1027 (2014).

Within these Case's Mention, the Defendant received Relief as to Reverse and Remand for a Competency Hearing or a New Trial. In these Following 3 Case's of this Court of Appeals have Granted Relief as to :

① Rickman V. State, 129 So.3d 960 2014 Therefore we Reverse the Trial Court's Ruling and Vacate the Conviction. we Remand this Case for a New Competency Hearing and if the Trial Court finds Rickman Competent, a New Trial.

② Silvia V. State, 175 So.3d 533 (2015) Accordingly we must Reverse and Remand for a Competency Hearing and if Silvia is found Competent to stand Trial, a New Trial.

③ Brasso V. State, 195 So.3d 856 (2016) As a Result we Reverse the decision of the Circuit Court and Vacate Brasso Conviction, Brasso should be either Retried or Institutionalized following a Mental Evaluation and Competency Hearing under Rule 9.06.

In one other Ms. Supreme Court case Hearn V. State, 3 So.3d 722⁽¹⁹⁾ (2008) Within this case the Supreme Court find that the Trial Court failed to comply in the strictest Technical sense with Rule 9.06 which Mandates that a Competency Hearing be Conducted following a Court-Ordered Mental Examination, However Dr. Montgomery Testified at Trial as to Hearn's Competency and was subject to Cross-Examination. Because Hearn was afforded the Opportunity to Present Competing Evidence, the purposes of Rule 9.06 were Satisfied.

In Hood case he didn't have any Opportunity to have Dr. Hott who conduct his Mental Examination, Testified at his Trial, and able to Cross-Examination on Hood Competency like in the case of Hearn and able to present Competing Evidence, with the Legal Assistance of Counsel.

Hood is Asking this Honorable Court to take everything had been said, and proving within his Appeal Brief into account and Consider the same Relief Granted, mention in the Case's above. Under Equal Protection of the 14th Amendment Guarantee of the same Equal Rights in the Case's above, since those Case's is much similar to Hood case on the same Issue of the Trial Court Violated his Due-process Right by failing to Conduct a Competency Hearing. Hood seeks Relief in Reverse Trial Court Ruling and Vacate the Conviction and Remand the Case for a New Mental Examination following a Competency Hearing if found Competent a New Trial.

I certify that the Allegations and Statements of Fact set forth above are True and Correct to the best of my knowledge within this Appeal Belief.

Signed, this the _____ day of _____ 2019,

Signature of Appellant

Ronald J. Hood

Exhibit A

Serial: 202959

IN THE SUPREME COURT OF MISSISSIPPI

No. 2010-M-00283

RONALD HOOD

FILED

Petitioner

v.

JAN 07 2016

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

STATE OF MISSISSIPPI

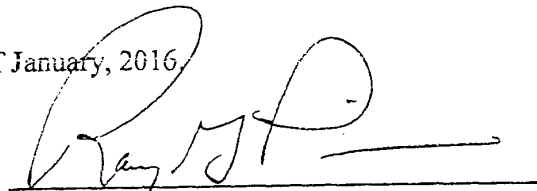
Respondent

ORDER

This matter is before the panel of Waller C.J., Pierce and Coleman, JJ., on Ronald Hood's Application for Leave to Proceed in the Trial Court. Hood contends, *inter alia*, that the trial court violated his due process rights by failing to conduct a mental competency hearing. After due consideration, the panel finds that the State of Mississippi should file a response to this issue.

IT IS THEREFORE ORDERED that, within thirty (30) days of the entry of this Order, the State of Mississippi shall file a response to Ronald Hood's Application for Leave to Proceed in the Trial Court.

SG ORDERED, this the 7 day of January, 2016.

A handwritten signature in black ink, appearing to read 'Randy G. Pierce', is written over a horizontal line.

RANDY G. PIERCE, JUSTICE

Exhibit. B

Exhibit B

Serial: 205337

IN THE SUPREME COURT OF MISSISSIPPI

No. 2010-M-00283

FILED

APR 20 2016

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

RONALD HOOD

Petitioner

v.

26-0119

STATE OF MISSISSIPPI

Respondent

ORDER

Before the panel of Randolph, P.J., Kitchens and King, JJ., is Ronald Hood's Application for Leave to Proceed in the Trial Court. Also before the panel are the State of Mississippi's Response, and Hood's Rebuttal. Hood contends that he is entitled to relief on two bases: (1) his trial counsel was ineffective for failure to request a competency hearing; and (2) the trial court violated his due process rights by failing to conduct a competency hearing. Hood has previously raised the ineffective assistance of counsel claim, and this Court denied relief. Therefore, this issue is procedurally barred.

This Court ordered the State of Mississippi to respond to Hood's due process claim. The State contends that the requirements of Uniform Circuit and Chancery Court Rule 9.06 should not strictly apply to Hood's case. In the alternative, the State argues that the purpose of Rule 9.06 was met in the underlying trial court proceedings.

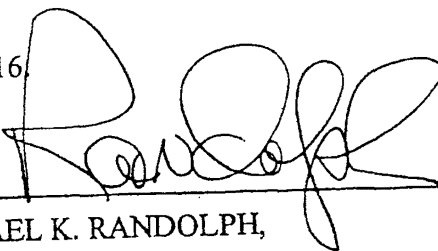
After due consideration, the panel finds that the petition should be granted in that Hood is granted leave to proceed in the trial court to pursue his due process claim.

FILED
ROBERT COLEMAN, CIRCUIT CLERK

APR 22 2016

IT IS THEREFORE ORDERED that Ronald Hood's Application for Leave to Proceed in the Trial Court is hereby granted.

SO ORDERED, this the 20th day of April, 2016.



MICHAEL K. RANDOLPH,
PRESIDING JUSTICE

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner Ronald J. Hood, Pro Se (hereinafter "Hood") on what the Court interprets as a Petition for Appointment of Counsel. Upon Review the Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender. He was also ordered to be evaluated for any mental problems and treated while in the custody of the Mississippi Department of Corrections.

On April 20, 2016, the Mississippi Supreme Court granted Hood's petition to proceed in the trial court to pursue a due process claim on the lack of a competency hearing. He argues that the Court violated his right of due process by failing to conduct a Competency Hearing in his case. He alleges that his mental health diagnosis revealed that he is not and has never been mentally competent to stand trial.

Miss. Unif. Cir. & County Ct. Prac. R. 9.06 prescribes the procedure for determining a defendant's competence to stand trial. Rule 9.06 provides that, if the trial court has a reasonable ground to believe the defendant is incompetent to stand trial, the court must order a mental evaluation and conduct a hearing to determine competence.

FILED

ROBERT COLEMAN, CIRCUIT CLERK

APR 26 2017

BY  DC

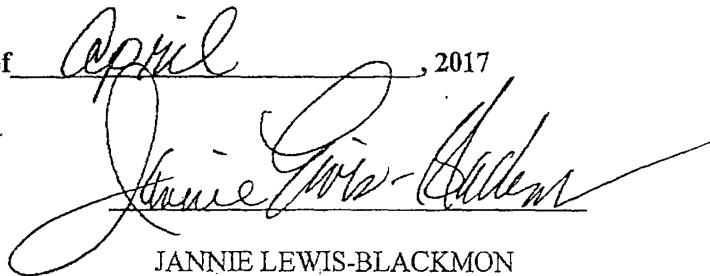
A defendant is competent to stand trial if he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him. The Supreme Court of Mississippi has further refined the test for competency in Mississippi, holding that a competent defendant is one (1) who is able to perceive and understand the nature of the proceedings; (2) who is able to rationally communicate with his attorney about the case; (3) who is able to recall relevant facts; (4) who is able to testify in his own defense if appropriate; and (5) whose ability to satisfy the foregoing criteria is commensurate with the severity and complexity of the case. *Howard v. State*, 701 So. 2d 274, 280 (Miss. 1997) (quoting *Conner v State*, 632 So. 2d 1239, 1248 (Miss. 1993))

According to Miss. Unif. Cir. & County Ct. Prac. R. 9.06, the trial court must order a mental evaluation and conduct a competency hearing if the court has a reasonable ground to believe the defendant is incompetent. On review of a trial court's decision to forego a competency hearing, the appellate court inquires whether the trial court had a reasonable ground believe the defendant was incompetent. To determine whether the trial court had such reasonable ground, the court applies the following test: Did the trial judge receive information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted him to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense? Some information that has been considered probative of a defendant's competency are the defendant's demeanor during the proceedings and defense counsel's statements to the court that the defendant is unable to rationally consult with counsel or assist in his own defense. A mental evaluation finding the defendant competent to stand trial may support the trial court's decision to forego a competency hearing. *Magee v. State*, 914 So. 2d 729 (Miss. Ct. App. 2005)

The Court finds that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. On October 18, 2007, Hood's mental evaluation was filed with the clerk. Hood was evaluated by Dr. Criss Lott, and was found to be competent to stand trial. The Court received no information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted it to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense. During the trial, Hood did not display any demeanor evincing incompetence nor did defense counsel offer any statements to the court that the defendant was unable to rationally consult with counsel or assist in his own defense.

IT IS THEREFORE ORDERED, that Hood's Petition for Post-Conviction Relief is hereby **DENIED**.

SO ORDERED this 21 day of April, 2017

A handwritten signature in cursive script, appearing to read "Jannie Lewis-Blackmon", written over a horizontal line.

JANNIE LEWIS-BLACKMON

CIRCUIT JUDGE

Exhibit D

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 26-0119

RONALD HOOD

DEFENDANT

MOTION FOR MENTAL EXAMINATION

COMES NOW the Defendant, Ronald Hood, by and through counsel, and files this motion for mental examination, and in support thereof, would show unto the Court as follows:

Mississippi Code Annotated Section 99-13-11 (Rev. 2000) provides: In any criminal action in the circuit court in which the mental condition of a person indicted for a felony is in question, the court or judge in vacation on motion duly made by the defendant, the district attorney or on the motion of the court or judge, may order such person to submit to a mental examination by a competent psychiatrist or psychologist selected by the court to determine his ability to make a defense; provided, however, any cost or expense in connection with such mental examination shall be paid by the county in which such criminal action is pending.

In Gammage v. State, 510 So.2d 802, 803 (Miss. 1987), the supreme court held that a "defendant not competent to stand trial is one who does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding, or does not have a rational as well as a factual understanding of the proceedings against him." (citing Dusky v. United States, 362 U.S. 402 (1960); Caylor v. State, 437 So.2d 444, 447 n. 1 (Miss. 1983)).

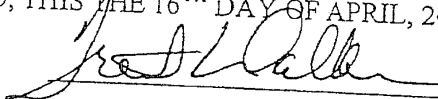
EXHIBIT C

Filed

April 19 2007
SUSIE BRADSHAW, Circuit Clerk

The Defense submits that there is reason to question whether Ronald Hood will be able to assist in his defense at trial of this matter, that he does not have the present ability to consult with his lawyer with a reasonable degree of rational understanding to adequately assist with his defense. As a result, the Defense hereby moves for a mental examination of the Defendant to determine his competency to stand trial.

RESPECTFULLY SUBMITTED, THIS THE 16TH DAY OF APRIL, 2007.



Trent L. Walker, MSB#10475

Attorney for the Defendant

OF COUNSEL:

5255 KEELE STREET, SUITE A

JACKSON, MISSISSIPPI 39206

601-981-4444 PHONE

601-981-4100 FACSIMILE

Trent@trentwalkerlaw.com

Exhibit. E

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 26-0119

RONALD HOOD

DEFENDANT

ORDER GRANTING MENTAL EXAMINATION

THIS CAUSE HAVING COME on Motion of the Defendant, and the Court being advised of the Premises therein finds said Motion is well-taken and should be granted.

Therefore, the Court hereby finds that the Defendant shall undergo a mental examination to determine the fitness to stand trial in this matter. Said examination shall be performed by Dr. Christopher Lott at the expense of Yazoo County. The Defendant and his counsel shall be responsible for scheduling said examination.

SO ORDERED, this the 23 day of April, 2007.


CIRCUIT COURT JUDGE

ORDER PREPARED BY:
Trent L. Walker, MSB#10475
5255 Keele Street, Suite A
Jackson, Mississippi 39206
601-981-4444 Phone
601-981-4100 Facsimile

Filed April 26, 2007
SUSIE BRADSHAW, Circuit Clerk

Exhibit. E

W. Criss Lott, Ph.D.
Clinical Psychologist
969 Lakeland Drive
Jackson, MS 39216
Tel: 601-200-3108 Fax: 601-200-3109

October 4, 2007

Honorable Jannie M. Lewis
Circuit Court Judge, District 21
P.O. Box 149
Lexington, MS 39095

Re: Ronald Hood
Cause No. 26-0119

Dear Judge Lewis:

I am writing to provide the results of my outpatient forensic mental evaluation of Lee Hood. Mr. Hood was evaluated at our office on 4 October 2007.

IDENTIFICATION/PURPOSE OF EVALUATION:

Mr. Hood is a 49 year-old white male referred on motion of the defendant to determine his fitness to stand trial.

The order did not stipulate to whom the report should be provided.

NOTIFICATION:

Mr. Hood was informed of the non-confidential nature of the evaluation. He was informed that a report would be made to his attorney and to the Judge, and if the report was used in Court, the report would also be provided to the District Attorney. Mr. Hood did not appear to have any difficulty reading and understanding the notification and consented to the evaluation.

When asked later to restate his rights, he replied, "You said not to say anything that might hurt my case." When asked who would receive a copy of the report, he replied, "The attorney, the Judge, and the DA."

Filed October 18, 2007
SUSIE BRADSHAW, Circuit Clerk

INFORMATION REVIEWED:

1. Order Granting Mental Examination
2. Indictment
3. Motion for Dismissal
4. Affidavit for Search Warrant
5. Search Warrant
6. NCIC
7. Mississippi Criminal Sex Offender Information for Ronald James Hood
8. Arrest Warrant for Ronald Hood – exploitation of children
9. Affidavit
10. Arrest Report Card
11. Yazoo City Police Department Arrest Report
12. Miranda Rights signed by Ronald Hood on 16 March 2006 at 0953
13. Yazoo City Police Department Offense/Supplementary Report

CHARGES:

According to the Indictment, Mr. Hood is charged with one count of possession of a video of naked white male children under the age of 18, engaging in sexually explicit conduct.

Mr. Hood also reported that he is being charged as an habitual offender.

BACKGROUND INFORMATION:

Mr. Hood said that he was born on 2 December 1957. He reported that he is the third of three siblings; he has two sisters, Maxine, age 61, and Linda, age 57. He also said he has one brother (he reported that he did not know his brother's name as this brother was adopted at birth). He reported that his father, James Hood, died at the age of 69 on 17 March 1988. His father was a construction worker. He reported that his mother died on 5 February 1947 at 48 years of age. He reported that his mother was a homemaker.

Mr. Hood reported that he has been married once to Melissa Ingram; his wife has one son, Noah Fender, who is 5 years of age. He reported that he was married on 16 December 2005.

FAMILY PSYCHIATRIC HISTORY:

Mr. Hood reported that his mother had nerve problems and his father was diagnosed with schizophrenia. He reported that his sister, Maxine, was mentally retarded. He reported that his sister, Linda had a history of depression.

He reported that one of his sisters had a history of substance abuse.

EDUCATIONAL HISTORY:

Mr. Hood reported that he graduated from Forrest Hill High School in 1976; he said he attended special education classes throughout school and he received a certificate upon graduation.

He said he attended one semester at Hinds Community College, but was reportedly told he should withdraw from school because he was not able to do the work.

EMPLOYMENT HISTORY:

Mr. Hood denied any history of military service. He said that he has had approximately 15 to 16 jobs. He reported that his jobs ranged from a restaurant cook, box wrapper in a factory, and a convenience store worker. He reported that he last worked at a convenience store in 1980. He reported that he quit that job after the store was robbed. He reported that he had worked there for five weeks. He reported being fired from at least six to seven jobs. He did not specify why.

He denied receiving workers' compensation benefits. He reported that he began receiving disability benefits in which he was the payee in 1989 because of a mental illness. He reported that he was receiving \$829 per month. He was diagnosed a psychotic disorder and pedophilia while living in California. He reported that his disability benefits were discontinued in November 2006 after his arrest.

LEGAL HISTORY:

Mr. Hood reported no contact with DHS during childhood. He was sent to Hinds County Youth Court for two weeks for calling the airport and stating a bomb was on a plane.

He reported that he called Hinds General Hospital and stated he was going to "blow it

up" at the age of 18. He said he was angry at the hospital, and he said this charge was dismissed. He said he was arrested in Kosciusko in 1984 for "unnatural intercourse with an 11 year old boy." He said he received a 5 year sentence with 3 suspended, and he served two years in the county jail. He said he was arrested in 1998 for sexual battery; he was arrested in Hinds County for having sex with an 8 year old boy. He said he received a 15 year sentence, with 10 years suspended and 5 years supervised probation. He said he was arrested in 1996 in California for not registering as a sex offender. He said he was homeless at the time and did not have a residence to register.

MEDICAL HISTORY:

Mr. Hood reported no major childhood illnesses or injuries.

He said that he was "victimized" at the age of 10 by a 50 year old man who was painting a house across the street. He said the man fondled him in a closet in the house he was painting.

He reported that he has poor vision and he has a hearing deficit. He denied any history of seizures, head trauma or motor vehicle accidents. He reported that he has been diagnosed with arthritis, acid reflux, irritable bowel syndrome, and he said he is "borderline diabetic." He also complained of pain from a wisdom tooth.

CURRENT MEDICATIONS:

He said that he not receiving any medication at this time, and he noted no known allergies to medication.

DAILY ACTIVITIES:

Mr. Hood said that he was living with his wife and stepson at the time of the offense. He described their marriage as very conflicted and he said she was very controlling. He said that he met his wife in church, but after they were married she changed. He said she began talking about "witchcraft and she wanted to bring a Quieja board in the home and I wouldn't let her."

He said that he was spending most of his time at home watching TV or taking his wife to the doctor. He said he was active in church and was attending the First Pentecostal Church in Yazoo City.

PSYCHIATRIC HISTORY:

Mr. Hood said that his first contact with mental health professionals was in 1989 in California. He said as a condition of his probation, he was sent to a Group Home, North East Lodge, in San Francisco, and he said it was a group home for people with mental illness.

He said he was hospitalized at UMC on 5 June 2006, after his arrest, and he was diagnosed with a bipolar disorder. He said he had just bonded out of jail and he was suicidal. He said he was also seen at the Mental Health Center after his arrest. He said the Mental Health Center referred him to CMMC on 7 June 2007 in order to help him get back on his medication. He also said he has seen a counselor, Mike Patty, at Region 8 Mental Health Center, and Mr. Patty specializes in sexual disorders.

Mr. Hood reported that he was evaluated by this examiner for a disability examination, but I have no recollection of this evaluation.

DRUG AND ALCOHOL USE HISTORY:

Mr. Hood denied any history of substance abuse.

MENTAL STATUS EVALUATION:

Mr. Hood presented as an overweight Caucasian man. He reported he is 5' 6" tall and weighs 185 pounds. He was poorly groomed in that his hair was unkempt and he had several days growth of beard. His posture and gait appeared to be within normal limits and no unusual motor movements were observed. He was polite throughout the evaluation.

He was alert, attentive and responded promptly to questions. He was precisely oriented. His speech was appropriate and his responses were at all times coherent and goal directed. There were no significant expressive and receptive language deficits noted.

His affect appeared restricted, and he described his mood as "not too good, I'm depressed and worried." He described his sleep as poor and said he was only getting 3 to 4 hours of sleep a night. He described his appetite as varied, and he said he had lost 40 pounds since his incarceration. He said that he attempted suicide after his bond was revoked and he took some pills. When asked about current suicidal ideation, he said

that if he did not receive help for his wisdom tooth, he was going to harm himself again.

When asked about unusual perceptions or beliefs, Mr. Hood said he has heard his name being called, but he denied ever hearing voices or seeing things that other people did not see. He also denied ever believing he had any special powers or abilities. He reported being afraid of the dark and afraid of water, and he said he has had these fears since childhood. He also expressed marked fear that he will be abused, or possibly killed, by inmates if he is sent to Parchman.

His recent, remote and immediate memory appeared intact. His recall for childhood and current personal information was poor and often inconsistent. He repeated five of five objects immediately and three of five after a several minute delay. Attention/concentration appeared intact, but he had no difficulty performing simple calculations, and he repeated four digits forward and three in reverse.

Verbal abstracting abilities appeared to be in the low average range, but he some difficulty explaining how words were similar. He was also unable to explain several proverbs. He had difficulty explaining several questions assessing basic social customs and practices (smoke, envelope, prescription drugs).

ASSESSMENT RESULTS:

Mr. Hood was administered the Wechsler Abbreviated Scale of Intelligence (WASI). He obtained a Full Scale IQ Score of 89. This score falls in the average range. He obtained the following subtests t-scores: Vocabulary 33, Similarities 30, Block Design 53, and Matrix Reasoning 61.

Mr. Delashmit was also administered the Word Reading subtest of the Wide Range Achievement Test-4 (WRAT-4). On the Reading subtest he obtained a score of 73; this score falls in the low borderline range and at the 4.7 grade level.

PROVISIONAL DIAGNOSES:

Axis I 1. Pedophilia, Sexually Attracted to Males
 2. Reading Disorder

Axis II No Diagnosis

Axis III Arthritis, Acid Reflux Disease and Irritable Bowel Syndrome, by Defendant's report

Axis IV Incarceration, Pending Charges as Habitual Offender

Axis V GAF: 71

KNOWLEDGE OF COURT:

Charges/ Penalty: Mr. Hood understood that he was charged with "exploitation of children," and he said he is being charged as an habitual offender. He said he was told that he was facing 20 years for this offense and he indicated that this was a serious matter.

Participants/ Roles: Mr. Hood said he had been in court on two prior occasions and he had pled both times. Asked the purpose of a criminal trial, he replied, find person guilty or not guilty." Asked the name and role of his lawyer, Mr. Hood replied, "Trent Walker, he's supposed to defend me." When asked the name and role of the opposing attorney, he said, "The District Attorney, prosecutor."

Asked who determined the verdict if he has a trial, he replied, "The judge," then corrected himself and said "the jury." He knew the number of people on a jury and the number required to reach a verdict. Asked what happened if one or more jurors could not agree, he replied, "deadlock, mistrial, it's dismissed."

Verdicts/ Outcomes: Asked the possible verdicts, Mr. Hood said that he could be found "guilty or not guilty." He knew that if he is found not guilty he would "be dismissed," and if found guilty he would "be sentenced." He knew the Judge determined the sentence. He also appeared to understand what it meant to be found not guilty by reason of insanity when this fact was explained.

Witnesses/ Challenge Witness: When asked what witnesses do, he replied, "testify." When asked to describe the role of an eyewitness, he said that an eye witness "actually seen the event." He said that a character witness "is a person that knows you," and he said an expert witness "is somebody like yourself."

Asked who should challenge a witness during the trial, he replied, "the defense attorney." Asked what might happen if he began shouting at a witness, he replied, "Kick me out."

Testify/ Assisting Attorney: Mr. Hood knew that he could not be compelled or prevented from testifying at his trial. He said that he met with his attorney five to seven times, and he denied having any disputes with him.

Plea Bargain: Asked to explain the plea process, Mr. Hood said, "It's what the DA offers rather than go to trial." He knew that he would have to plead "Guilty," and when asked the advantage of taking a plea bargain, he said, "Less time." He understood he could not be compelled to accept such an arrangement. When asked what he risked by refusing a plea bargain, he replied, "the max, 20 years."

Mr. Hood appeared capable of making a reasoned decision regarding a plea agreement.

FORENSIC OPINIONS:

It is my opinion, to a reasonable degree of psychological certainty, that Mr. Hood has the sufficient present ability to confer with his attorney with a reasonable degree of rational understanding, and he has a factual and rational understanding of the nature and object of the charges against him. Mr. Hood's intellectual level appeared to be in the low average range, and his reading level falls in the low borderline range, so any complex legal material should be explained to him in simple and concrete terms.

DISPOSITION:

Mr. Hood does not appear to need further testing or psychiatric treatment at this time and he has been returned to the custody of the Holmes County Sheriff's Department.

If I can provide any additional information please do not hesitate to contact me.

Respectfully,



W. Criss Lott, Ph.D.
Clinical Psychologist

Exhibit. 6

2 MS Prac. Encyclopedia MS Law § 17:13 (2d ed.)

Encyclopedia of Mississippi Law | October 2017 Update
Jeffrey Jackson

Mary Miller

Donald Campbell

Chapter 17. Competence to Stand Trial^{*}
Sibyl C. Byrd^{**}

§ 17:13. Competency hearing

Once the trial court has ordered an evaluation and that evaluation has been completed, a competency hearing must be held pursuant to URCCCP 9.06, which provides that "after the examination [regarding the competency of the defendant], the court shall conduct a hearing to determine if the defendant is competent to stand trial."¹ If the trial court has granted a competency evaluation motion (and therefore has reasonable basis to believe there is at least a possibility the defendant is not competent to stand trial), it is both a violation of URCCCP 9.06 and a due process violation to fail to conduct a competency hearing.²

The Mississippi Supreme Court has comprehensively addressed this issue in *Coleman v. State*.³ In *Coleman*, counsel for the defendant moved to have her client evaluated for a determination regarding his competency to stand trial.⁴ The motion was granted, and the evaluation was conducted.⁵ Subsequent to the evaluation, however, the trial court refused to grant a competency hearing.⁶ The defendant was convicted and later appealed.⁷ On appeal, the defendant raised the issue of the trial court's failure to grant him a competency hearing despite the fact that the court had previously granted his motion for a competency evaluation.⁸ The Mississippi Court of Appeals (to which the appeal was originally assigned) remanded the case to the trial court for a retrospective competency hearing.⁹ The Mississippi Supreme Court granted certiorari to determine whether or not the defendant was entitled to a new trial rather than a retrospective competency hearing.¹⁰ The Mississippi Supreme Court held that the trial court's failure to grant the defendant a full competency hearing after his motion for a competency evaluation had been granted was not harmless error and therefore granted the defendant a new trial.¹¹

Prior to its decision in *Coleman*, the Mississippi Supreme Court held that a hearing does not necessarily have to take place after the motion for a mental examination was granted as long as "the purposes of Rule 9.06 [a]re satisfied."¹² The court, however, distinguished that case (*Hearn v. State*) from the situation in *Coleman*.¹³ In *Hearn*, a physician who had an opportunity to examine the defendant testified during the trial.¹⁴ During that testimony, he was cross examined.¹⁵ The court in *Coleman* held that, "[b]ecause Hearn was afforded the opportunity to present competing evidence, the purposes of Rule 9.06 were satisfied."¹⁶

^{*} The author wishes to thank Dr. Philip Meredith and Dr. Gilbert Macvaugh, III, for their excellent work on the prior version of this chapter, parts of which have been updated and incorporated into this version.



roberty lundy pshchiatrist



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Dr. Robert Lundy, Psychiatrist in Flora, MS | US News Doctors

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Dr. Robert Lundy is a psychiatrist in Flora, Mississippi and is affiliated with multiple hospitals in the area, including G.V. (Sonny) Montgomery Veterans Affairs ...

Robert Lundy, Hines Behavioral Health Services - Psychiatry Doctor in ...

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Robert Lundy is a practicing Psychiatry doctor in Jackson, MS.

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Dr. Robert Lundy Jr, MD is a psychiatry specialist in Jackson, MS and has been practicing for 41 years. He graduated from Univ Of Ms Sch Of Med in 1977 and ...

Dr. Robert B Lundy Jr MD Reviews | Jackson, MS | Vitals.com

https://www.vitals.com/doctors/Dr_Robert_Lundy.html

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Dr. Robert B Lundy Jr is a highly rated psychiatrist in Jackson, MS with over 13 areas of expertise, including Depressive Disorder, Schizophrenia, and Bipolar ...

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Services Robert Lundy Jr, MD practices psychiatry at 969 Lakeland Dr, Jackson, MS 39216.

Psychiatrists are licensed physicians who specialize in the ...

Dr. Robert B Lundy Jr. M.D., Psychiatrist in Flora, Ms, 39071 ...

<https://www.findatopdoc.com/.../216383-Robert-Lundy-psychiatrist-Flora-MS-39071>

Dr. Robert Lundy is a psychiatrist practicing in Flora, MS. Dr. Lundy is a medical doctor specializing in the care of mental health patients. As a psychiatrist, Dr.

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https://www.medicinenet.com/doctors/...4BE9.../robert-lundy/jackson-ms_doctor.htm

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<https://www.doximity.com> > States > Mississippi > Flora

Dr. Robert Lundy Jr., MD is a psychiatrist in Flora, Mississippi. He is affiliated with G.V. (Sonny) Montgomery Veterans Affairs Medical Center and St.

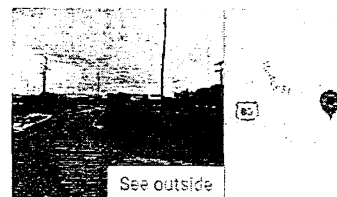
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Psychiatrist in Jackson, Mississippi

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Phone: (601) 321-2400

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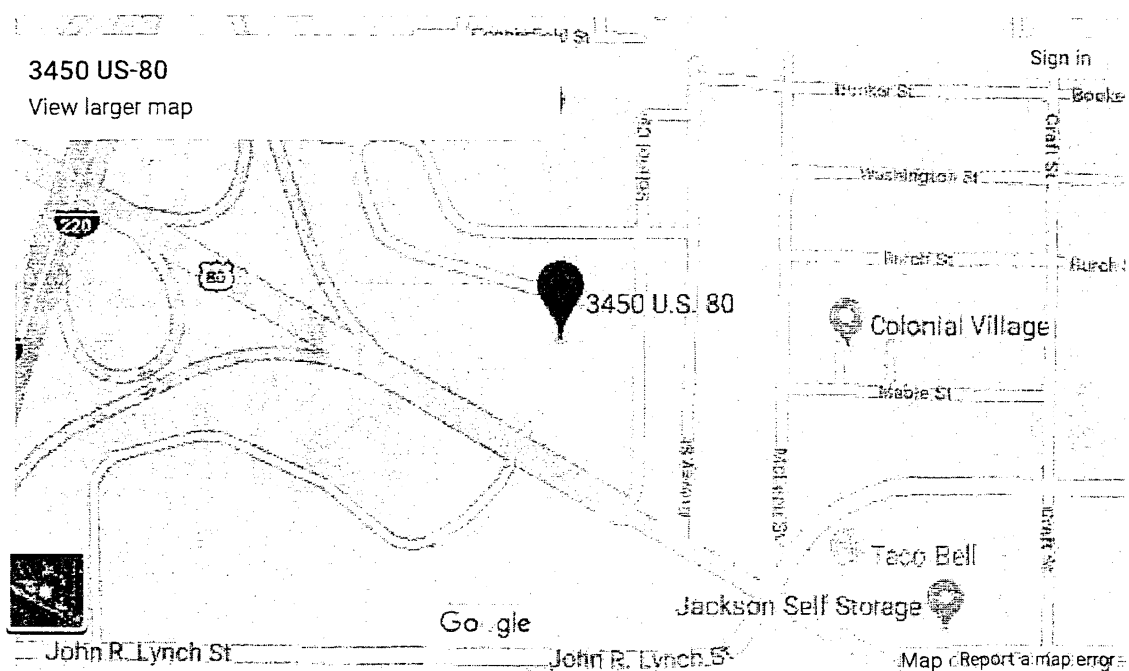
 Yes, Dr. Robert B. Lundy is accepting new patients at this office.


PHONE


 (504) 988-4272 (tel:15049884272)

ADDRESS

3450 Hwy 80, Jackson, MS 39209




 Office Details

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Hinds County Mental Health

ACCEPTING NEW PATIENTS?

 Yes, Dr. Robert B. Lundy is accepting new patients at this office.

PHONE

Exhibit. I

REGION 8 MENTAL HEALTH
Discharge/Termination/Transfer
Summary

Name Ron Hood

Case # 35403

☒ DISCHARGE/TERMINATION

☐ TRANSFER

Date 3/17/08 Service Code 200 Unit(s) 1 Staffing Date 3/17/08 (optional)

REASON FOR ADMISSION: Sexual offender, depressive symptoms

SUMMARY OF THERAPEUTIC ACTIVITIES PROVIDED: intake, therapy CM, med eval, nursing service

ASSESSMENT OF PROGRESS TOWARD TREATMENT/SERVICE/SUPPORT PLAN OBJECTIVES:

☐ Much Worse ☐ Worse ☐ No Change ☐ Improved ☐ Much Improved ☒ Unknown

REASON FOR DISCHARGE/TERMINATION OR TRANSFER:

- ☐ 1. No Tx- Intake only. ☐ 6. Moved from service area.
☐ 2. Completion of Treatment goals. ☐ 7. Died
☐ 3. Noncompliance with treatment recommendations / facility initiated. ☐ 8. No contact in 12 months.
☐ 4. Referred to another program. ☐ 9. Optimal level of functioning achieved.
☐ 5. Client initiated / against medical advice (AMA) ☐ 10. Other _____

DISCHARGE/TERMINATION OR TRANSFER INSTRUCTIONS: GIVEN TO ☒ THE INDIVIDUAL ☐ OTHER _____

Respect upon request

FOR CHILDREN TRANSFERRED FROM DAY TREATMENT:

- ☐ Appropriate Classroom Placement ☐ Individual Therapy ☐ Family Therapy
☐ Case Management ☐ Group Therapy ☐ Medication Clinic

REFERRED TO: 09

- | | | |
|----------------------------------|-------------------------------|-----------------------------|
| 01- DMH Psychiatric Hospital | 07- Other A&D Provider | 13- Police / Sheriff |
| - Other MS CMHC | 08- Gen/Hospital/Other Health | 14- Courts/Corrections |
| 03- DMH MR Facility | 09- Self | 15- Probation Parole |
| 04- Private Psychiatric Hospital | 10- Family/Friend | 16- Self Help Program |
| 05- Other MH Provider | 11- School/Education | 17- Voc Rehab/Job Placement |
| 06- Other MR Provider | 12- Employer/EAP | 18- Other _____ |

Final Diagnostic Impression:

Axis I MOOD, recurrent

Code 296.32, V61.2

Axis II Personality disorder

Code 301.9

Axis III none reported

Current Meds _____

Axis IV homeless

(Identify Stressors) _____

Axis V 75

Spencer Murray 3/17/08 Kimberly Cushman, LPC 3/17/08

Staff/Credentials

Date

Staff/Credentials

Date

EXHIBIT

D-1

THERAPY NOTE

☒ Individual ☐ Family present
☐ Group ☐ Family

NAME: RON HOOD
CASE #: 35403
DATE SEEN: 5.17.07
TIME SPENT: 60 MIN

Behavioral Description (please check)

Affect ☒ Broad ☐ Restricted ☐ Blunted ☐ Other _____
Mood ☐ Normal ☐ Cheerful ☐ Anxious ☐ Irritable ☒ Depressed
☐ Other _____
Speech ☒ Clear ☐ Slow ☐ Loud ☐ Rapid ☐ Other _____
Motor Movement ☐ Normal ☐ Fidgety ☐ Restless ☐ Slow/Retarded
☒ Other _____
Grooming ☐ Appropriate ☐ Other _____
Insight ☐ Realistic ☐ Limited ☐ Fair ☒ Poor ☐ None
Interaction ☐ Good ☐ Defensive ☐ Argumentative ☐ Other _____

SESSION SUMMARY/ASSESSMENT/NOTED/OBJECTIVES:USE SAP FORMAT
SUMMARY - CL PRESENTED TO HIS FIRST SESSION SINCE AN INITIAL INTAKE
LAST WEEK; HE WAS LIVING IN HINDS COUNTY BUT WAS REFERRED BACK TO
REGION FOR SEX OFFENDER TX/COUNSELING; AN INITIAL INTAKE AND 4
SESSIONS WERE APPROVED; HE IS SCHEDULED FOR AN ASSESSMENT (DR CRISS
LOTT); HIS ATTORNEY IS G. WALKER (601.981.8004); THEY ARE CONSIDERING A
PLEA BARGAIN THAT WOULD INCLUDE A MANDATORY SENTENCE OF (6) YEARS
FOR CRIMES OF 1) EXPLOITATION OF CHILDREN AND POSSESSION OF
VIDEOTAPED CHILD PORNOGRAPHY; HE EXPRESSED BEING SCARED ABOUT THE
POSSIBILITY OF GOING TO JAIL BECAUSE "THEY DON'T TREAT CHILD ABUSERS
NICE THERE"; HE HAS A HX OF OFFENDING INCLUDING ('83 UNNATURAL
INTERCOURSE (MALE AGE 11); HE RECEIVED A 5 YR SENTENCE AND SERVED 2
WITH 3 SUSPENDED; 2) 2ND ARREST 1988 - SEXUAL BATTERY (8.5YR OLD MALE)
WHERE HE SERVED 1YR IN COUNTY JAIL AND 5YR PROBATION (VICTIM AGE 10);
HE ADMITTED TO A TOTAL OF "ABOUT 14-17 VICTIMS" BUT IS FEELING "GUILTY
ABOUT THE PAST"

ASSESSMENT - VALIDATED CL'S PERCEPTIONS AND ALLOWED HIM TO TALK
ABOUT CURRENT CONCERNS ABOUT POSSIBLE INCARCERATION AND THE
EFFECT ON HIS LIFE;

PLAN(S): NEXT APPT (1) WEEK; CONTINUE SESSIONS WEEKLY SESSIONS; SEX
OFFENDER SPECIFIC TREATMENT;

SIGNATURE:

MICHAEL VINCENT PATR, MCC, NCC

[Handwritten Signature]
[Handwritten Signature] CPL

THERAPY NOTE

Individual Family present
Group Family

NAME: RON HOOD
CASE #: 35403
DATE SEEN: 8.18.06
TIME SPENT: 60 MIN

Behavioral Description (please check)

Affect ☒ Broad ☐ Restricted ☐ Blunted ☐ Other _____
Mood ☐ Normal ☐ Cheerful ☒ Anxious ☐ Irritable ☐ Depressed
☐ Other _____
Speech ☒ Clear ☐ Slow ☐ Loud ☐ Rapid ☐ Other _____
Motor Movement ☒ Normal ☐ Fidgety ☐ Restless ☐ Slow/Retarded
☐ Other _____
Grooming ☒ Appropriate ☐ Other _____
Insight ☐ Realistic ☒ Limited ☐ Fair ☐ Poor ☐ None
Interaction ☐ Good ☒ Defensive ☐ Argumentative ☐ Other _____

SESSION SUMMARY/ASSESSMENT/NOTED/OBJECTIVES:USE SAP FORMAT
SUMMARY - PT PRESENTED TO SESSION IN PENSIVE MOOD/CONGRUENT AFFECT BUT INTERACTED APPROPRIATELY WITH THE WHILE ASSESSING HIS PROGRESS WITH TX GOALS; HE HAS A PRELIMINARY HEARING SCHEDULED SEPTEMBER 1 2006; PT NOTED A DESIRE FOR TH TO CONTACT HIS ATTORNEY TRENT WALKER (601.981.8004); WHILE RESPONDING TO TH'S QUESTIONS ABOUT HIS OFFENDING BEHAVIOR, PT RESPONDED "I AM NOT A DANGER PEDOPHILE"; HE ALSO ESTIMATED THE # OF HIS VICTIMS AT "15-18 AND AROUND AGE 12"; PT CONTINUES TO HAVE POOR INSIGHT IN PART DUE TO HIS LOW FUNCTIONING; HIS LEGAL HX INCLUDES 1) FIRST OFFENSE '83 UNNATURAL INTERCOURSE (MALE AGE 11); HE RECEIVED A 5 YR SENTENCE AND SERVED 2 WITH 3 SUSPENDED; 2) 2ND ARREST 1988 - SEXUAL BATTERY (8.5YR OLD MALE) WHERE HE SERVED 1YR IN COUNTY JAIL AND 5YR PROBATION (VICTIM AGE 10); 3) MARCH 2006 EXPLOITATION OF CHILDREN (VIDEOTAPE) COURT SEPT 1 06; ASSESSMENT - REVIEWED PT'S OFFENSE AND LEGAL HX AND OUTLINED TREATMENT AREAS (RELAPSE PREVENTION); PT NOTED HIS FIRST SEXUAL EXPERIENCE OCCURRED WHEN HE WAS IN A BOARDING SCHOOL; PT IS CURRENTLY LIVING ALONE AT OLD DOVER ROAD IN YAZOO CITY; HE EXPRESSED UNDERSTANDING THE IMPORTANCE OF MONITORING INAPPROPRIATE THOUGHTS; ENVIRONMENTAL STRUCTURING; PRACTICING RELAPSE PREVENTION; ETC
PLAN(S): NEXT APPT (1) WEEK; CONTINUE SESSIONS WEEKLY SESSIONS; SEX OFFENDER SPECIFIC TREATMENT; ASSESS RISK FACTORS; ETC;

SIGNATURE:

MICHAEL VINCENT PATTI, MCC, NCC

[Handwritten Signature]
[Handwritten Signature]

**REGION 8 MENTAL HEALTH CENTER
BRANDON, MISSISSIPPI**

MEDICATION CHECK NOTE:

Patient: Ron Hood
Case #: 35403
Date: 08/07/06
Facility: 02/1 UNIT

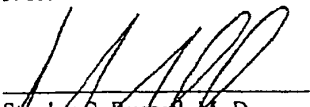
Ron is a 48-year-old white male who is apparently married, but currently separated. He has one stepson. He had an intake done here on 7/14/06 following an referral from UMC Psychiatric Department. I don't know why he hasn't been seen before today. He apparently had some contact with someone over the weekend. I think he talked to Harold Johnson. According to Ron, he has had several arrest in the past dealing with sexual offenses. He served some time in the system. The last time he was put on five years of probation. He moved off to San Francisco for a while and he returned to Yazoo City, MS about five years ago. He was recently arrested there, because of some tape of a childhood pornography. He is out on bond from there and is facing charges in court to come up in November. He apparently was hospitalized at the University and we don't have any records from there. He says he was hospitalized because of depression and suicidal ideation. We need to try to get those records to see what they know about his situation. I encouraged him to go ahead and register as a sex offender if he is going to be here in Rankin County. He says he really doesn't have any place to stay. He is trying to get into a Group Home or some other type of living arrangement until such time as he can go to court. I am just not sure whether he is going to be able to swing that or not. I am going to continue his Celexa and his Desyrel for treatment of his depression and see him back here in a month.

DIAGNOSIS:

AXIS I: Major depression, recurrent.
History of exploitation of children.
AXIS II: Anti-social personality.
AXIS III: No diagnosis.

RECOMMENDATIONS:

1. Celexa, 40 mg one each a.m.
2. Desyrel, 100 mg h.s.
3. Recheck in one month.


Stanley C. Russell, M. D.
Consulting Psychiatrist

☒ I certify that the services provided this client
are all medically necessary.

SCR:sbm

DD: 08/07/06
DT: 08/09/06

THERAPY NOTE

Individual Family present
Group Family

NAME: RON HOOD
CASE #: 35403
DATE SEEN: 7.28.06
TIME SPENT: 60 MIN

Behavioral Description (please check)

Affect ☒ Broad ☐ Restricted ☐ Blunted ☐ Other _____
Mood ☐ Normal ☐ Cheerful ☐ Anxious ☐ Irritable ☒ Depressed
☐ Other _____
Speech ☒ Clear ☐ Slow ☐ Loud ☐ Rapid ☐ Other _____
Motor Movement ☒ Normal ☐ Fidgety ☐ Restless ☐ Slow/Retarded
☐ Other _____
Grooming ☒ Appropriate ☐ Other _____
Insight ☒ Realistic ☐ Limited ☐ Fair ☒ Poor ☐ None
Interaction ☒ Good ☐ Defensive ☐ Argumentative ☐ Other _____

SESSION SUMMARY/ASSESSMENT/NOTED/OBJECTIVES:USE SAP FORMAT
SUMMARY - PT PRESENTED TO SESSION IN A MILDLY DEPRESSED
MOOD/CONGRUENT AFFECT AND COMPLAINED ABOUT HOW HE DISAGREED
WITH THE LAW REQUIRING SEX OFFENDERS TO REGISTER THEIR ADDRESS
ON THE SEX OFFENDER REGISTRY; TH BRIEFLY EXPLAINED THE REASON
FOR THIS LAW, BUT PT HAS POOR INSIGHT AND IS LOW FUNCTIONING;
THEREFORE IT IS NOT KNOWN HOW WELL THIS INFORMATION WAS RECEIVED;
PT HAS MADE SOME PROGRESS WITH MEETING CLUBHOUSE/PSYCHOSOCIAL
PROGRAM 5X THIS WEEK AND TH R+ HIM FOR MEETING THIS GOAL; WE
REVIEWED THE ADVANTAGES AND BENEFITS; AT TH'S REQUEST, PT WAS ABLE
TO NOTE SOME SOCIAL HX; ACADEMICALLY, PT WAS IN SPED PLACEMENT 10-12
GRADE; HE HAS A POOR EMPLOYMENT HX (FACTORY; RESTAURANT; TEACHER
AID '76-'77); ALTHOUGH NOT VERIFIED AND SOMEWHAT QUESTIONABLE, HE
NOTED HIS IQ BEING "92"; PT MADE A POINT TO LIST ALL HIS PHYSICAL HISTORY
('92 IRRITABLE BOWEL; ARTHRITIS/BACK PROBLEMS; SLEEP APNEA; HX OF
PRIMARY AND SECONDARY SLEEP PROBLEMS);
ASSESSMENT - RELATIONSHIP BUILDING; ALLOWED PT TO ENGAGE IN SOME
CATHARTIC VENTILATION; VALIDATED HIS PERCEPTIONS AND OFFERED
ALTERNATIVE PERSPECTIVES; COURT DATE (11/06)
PLAN(S): NEXT APPT (1) WEEK; ILP PROGRAM; WEEKLY SESSIONS; SEX
OFFENDER SPECIFIC TREATMENT; BE AWARE OF THE RELATIONSHIP BETWEEN
ELEVATED STRESS/ANXIETY AND AT RISK BEHAVIORS

SIGNATURE:

MICHAEL VINCENT BAPTIST, MCC, NCC

Exemoim m vl

THERAPY NOTE

Individual Family present
Group Family

NAME: RON HOOD
CASE #: 35403
DATE SEEN: 7.26.06
TIME SPENT: 60 MIN

Behavioral Description (please check)

Affect ☒ Broad ☐ Restricted ☐ Blunted ☐ Other Mild
Mood ☐ Normal ☐ Cheerful ☐ Anxious ☐ Irritable ☐ Depressed
☐ Other _____
Speech ☒ Clear ☐ Slow ☐ Loud ☐ Rapid ☐ Other
Motor Movement ☐ Normal ☐ Fidgety ☐ Restless ☐ Slow/Retarded
☐ Other _____
Grooming ☐ Appropriate ☐ Other _____
Insight ☐ Realistic ☐ Limited ☐ Fair ☒ Poor ☐ None
Interaction ☒ Good ☐ Defensive ☐ Argumentative ☐ Other _____

SESSION SUMMARY/ASSESSMENT/NOTED/OBJECTIVES:USE SAP FORMAT
SUMMARY - PT PRESENTED TO SESSION IN A NORMAL MOOD/CONGRUENT
AFFECT AND EXPRESSED WANTING TO HAVE RELEASES SIGNED (SEE
ATTACHED) TO ALLOW TH THE ABILITY TO TALK WITH HIS SISTER (LINDA
STEED) AND ATTORNEY (TREY WALKER); THESE WERE COMPLETED IN SESSION;
IN ADDITION, THE PURPOSE OF TODAY'S SESSION WAS TO FOCUS ON HIS HX OF
ABUSIVE BEHAVIOR, RECOGNIZING THE PATTERNS AND CYCLE OF ABUSE; HE
ASSESSED HIS STATUS/RECENT PROGRESS; HE WANTS TO FIND ALTERNATIVE
LIVING ARRANGEMENTS OTHER THAN WITH HIS MOTHER AND HAS BEGUN THE
APPLICATION PROCESS THROUGH REGION 8 WITH APPLYING FOR ADMISSION IN
THE INDEPENDENT LIVING PROGRAM; HE ATTEMPTED TO TALK ABOUT "WAR
STORIES" (PAST OFFENDING BEHAVIOR) GOING INTO DETAILS OCCASIONALLY;
TH REDIRECTED PT ON OCCASION, NOTING THE SPECIFIC DETAILS OF THE
TYPE/NATURE OF ABUSE WAS NOT NECESSARY AT THIS TIME; ; HIS HX OF
OFFENDING (15-18 MALE VICTIMS AGES 7-12) WILL BE EXPLORED; LIMITED
INSIGHT BUT HE IS MEETING SCHEDULED APPTS

ASSESSMENT - CONTINUED W/ THE PROCESS OF OUTLINING/DELINEATING TX
OBJECTIVES IN THE CONTEXT OF RELAPSE PREVENTION AND UNDERSTANDING
THE CYCLE OF ABUSE; HIS APPLICATION IS PENDING FOR THE INDEPENDENT
LIVING PROGRAM; WE PROCESSED HIS ANXIETY OVER PENDING COURT DATE
(11/06) & WAYS TO SELF MANAGE THESE "LIFE & SITUATIONAL STRESSORS"
PLAN(S): NEXT APPT (1) WEEK; ILP PROGRAM; WEEKLY SESSIONS; SEX
OFFENDER SPECIFIC TREATMENT;

SIGNATURE:
MICHAEL VINCENT PATIL, MCC, NCC

Michael Vincent Patil CP

MENTAL STATUS

Speech: ☒ Appropriate ☐ Slowed ☐ Mechanical ☐ Rapid ☐ Other _____

Behavior: ☒ Appropriate ☐ Withdrawn ☐ Bizarre ☐ Volatile ☐ Other _____

Appearance: ☒ Appropriate ☐ Disheveled ☐ Unclean ☐ Inappropriately dressed ☐ Other _____

Mood: ☒ Appropriate ☐ Manic ☐ Depressed ☐ Labile ☐ Irritable ☐ Other _____

Affect: ☒ Appropriate ☐ Flat ☐ Labile ☐ Other _____

Oriented to: ☒ Place ☒ Time ☒ Person ☐ Situation ☐ Other _____

Thought Content: ☒ Appropriate ☐ Incoherent ☐ Obsessive ☐ Other _____

Memory: ☒ Appropriate ☐ Repressed ☐ Confused ☐ Other _____

Intelligence: ☒ Average ☐ Above Average ☐ Below Average

Judgement/Insight: ☒ Appropriate ☒ Impaired ☐ Suicidal ☐ Homicidal ☐ Paranoid ☐ Other _____

Sleep: ☒ Appropriate ☒ Disturbed Explain primary & secondary

Appetite: ☒ Appropriate ☐ Disturbed Explain _____

Comments _____

EVALUATION SUMMARY: (A narrative of primary findings based on information gathered during the intake/assessment and behavioral observations that render a comprehensive fundamental view of the individual's status.)

- Psychosocial stressor (homeless living in shelter)
 - Acc of sexual offending
 - Depression / Anxiety / stress
 - Legal issues / charges pending
 (- possession of child pornography)
 - came out of county - ex: Director Dan Van
 approved entrance @ (4) IT session

INITIAL DIAGNOSTIC IMPRESSION

Axis I 296.22 Major Depressive
 (Code)
 Axis II 301.9 Personality disorder
 w/ antisocial / narcissistic traits
 (Code)
 Axis III 100.01 Insomnia
 Reflux / belching / sleep apnea
 Axis IV Homeless
Legal charges pending
 Axis V 4.5

RECOMMENDATIONS

IT
 sex offender specific tx
 stress management

Staff/Credentials

Date

**REGION 8 MENTAL HEALTH CENTER
BRANDON, MISSISSIPPI**

TREATMENT PLANNING INTERVIEW

Patient: Ron Hood
Case#: 35403
Date: 08/03/06
DOB: 12/2/57
Facility: 02/04 UNITS

Ron is a 48-year-old white male who carries a diagnosis of Major Depressive Disorder recurrent, Sexual Abuse Victim, and Personality Disorder, NOS. He is referred here by University Medical Center for treatment. He is specifically here to see me regarding an application for entrance in the Supervised Living Program. He reports he is currently homeless and temporarily living with his sister. He has considerable anxiety and depression. He has a history of two prior sex offenses and convictions. He has a sex offense pending of sexual exploitation. He states he had a video of naked family members. He reports mood swings that are described as going from calm to angry.

Mr. Hood went through the 12th grade and was in special education. He said English was his most difficult subject. He currently lives with his sister. He is married, but in the process of divorce, or certainly separated. This occurred after a few months when the tape of the family members and the arrest took place. He has a four year old stepson.

Family psychiatric treatment history is positive for depression and alcohol abuse. He has prior treatment at UMC in June of this year when he was actively suicidal. He has been treated at Warren Yazoo Mental Health Center in 2004. He has been followed on medicines of Celexa and Trazodone.

Medical history is positive for acid reflux, arthritis, sleep apnea, irritable bowel syndrome. He takes Zyrtec.

In terms of work history, he has worked at Allied Enterprise~~s~~ and has done dishwashing, but not much in gainful employment. In terms of legal history, he has a court appearance in November 2006 for he was indicted by the grand jury on a sexual exploitation charge. He has two past charges for sexual battery and unnatural intercourse.

Mr. Hood presents today as a man who is rather short in stature and moderately obese. He has very small hands. He wore his eye glasses. He was casually attired and adequately groomed. He was depressed, and irritable, complaining of many situational stressors and real absence of any effective solutions. He states he "cannot trust myself to not hurt myself". He denies actually being suicidal at present, but has a history of ideation and fears imprisonment. His speech was somewhat over productive. He was somewhat circumstantial and very needy and attention seeking. His insight and

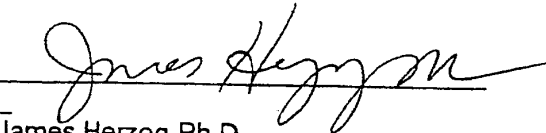
judgment are extremely poor, his attention and concentration are poor
Ron Hood
8/3/06
page 2

and he presents to be of low average intellect. He reports sleep and appetite disturbance, diminished energy and concentration, and feelings of hopelessness. He admits to suicidal ideation.

IMPRESSION:

AXIS I: Major depression, recurrent.
Adjustment Disorder with anxiety and depression.
AXIS II: Personality Disorder, NOS with avoidant narcissistic and passive
aggressive features.
AXIS III: Acid reflux, irritable bowel syndrome, sleep apnea, arthritis.
AXIS IV: Severe situational stressors, pending court hearing.
AXIS V: 45.

RECOMMENDATION: Mr. Hood is not a candidate for the supervised living program due to his pending legal charges and active suicidal ideation and recent behavior to act on such. He does appear to be in need of some intensive therapy and possible some respite care. Monitor for acute suicidal behavior and consider inpatient care if such is determined.


James Herzog Ph.D.
Clinical Psychologist

☒ I certify that the services provided
this client are all medically necessary.

JH:sbm

DD:08/03/06
DT:08/09/06

Hinds Behavioral Health Services <i>Intake / Assessment</i>	Name: <u>Hood, Ronald J.</u>
	Case #: <u>25243</u> <input type="checkbox"/> New Admission <input checked="" type="checkbox"/> Re-Admission

Number of Unit(s) 6 Service Code 10 Date Intake/Assessment Initiated 03 May 2007

Informant: ☒ Individual receiving services ☐ Other - Relationship to individual _____

Source of Referral: Self-referral Age 49 Sex: ☒ Male ☐ Female Race: Caucasian

(USE ADDITIONAL PAPER IF NECESSARY TO COMPLETE THE FOLLOWING SECTIONS)

DESCRIPTION OF THE PRESENTING PROBLEM: *(Reason individual is seeking services/family seeking services. Onset, possible causes, duration, intensity, & fluctuations in severity.)*

Mr. Hood is a 49 y/o Separated/C/M who is a self-referral/re-admit. He was opened in '04, but closed the same day after seeing Criss Lott, Ph.D. He reported experiencing suicidal thoughts, anger, & emotional pain, difficulty understanding things and some paranoid thoughts b/c of marital problems, criminal charges pending for exploitation of children and being homeless. He stated that his experiences have gone on for ~ 6 yrs., and he experiences thoughts ~ 3 x's weekly. He stated that his experiences keep him from sleeping, thinking clearly and performing everyday functions. He stated that he was first charged in ~ '83 w/unnatural intercourse w/a male child of 10 y/o (Kosciusko, MS). He was incarcerated for ~ 13 mos. as a state inmate in the Co. jail. (Sentenced to 5 yrs. - 2 to serve & 3 suspended). The 2nd charge of sexual battery of a minor (8 y/o) was in '87 for an offense occurring in '86. (He was extradited. (He was sentenced to 15 yrs - 10 yr. suspended sentence & 5 yr probation. He served 11 mos {3 in Cal & 8 in HCDIC}). He is presently on bond for the charge of exploitation of a minor. He was arrested 15 Mar. '06, & his date is set for Aug/Sept. '07 pending an eval. Criss Lott, Ph.D. He was dx'd w/Pedophilia ~ in '89 in St. Francisco, CA. @ The Center of Special Problems.

SOCIAL HISTORY: *(Include immediate household/family configuration; individual's relationship with spouse, parents, children, siblings, etc.; marital status; other family background; past relationship patterns; type of family/social support available and degree of involvement; etc).*

Individual was born in San Francisco, CA & raised in Jackson, MS by both parents. His mthr: Doris Herrgott - deceased @ ~48 y/o. & His fthr: James Albert Hood -deceased @ ~ 69 y/o. He is the 3rd child of his parents. He has 2 older sisters. He reportedly has an older 1/2 btr from his mthr's side when she was 16 y/o, but he was adopted. His sisters are: Maxine Williams - 61 y/o & Linda - 57. He does not have a good relationship with his siblings. One is the nursing home & the other wants nothing to do w/him. He reluctantly informed that he got along w/his parents "okay." He stated that he has never been abused, but molested by a male neighbor from ~10 / 11 y/o on ~ 2 -3 occasions. *He stated that he has been married since ~ Dec '05, but has been separated since ~ Mar. '06. He has no close relationships and a 5 y/o stepson, Noah Finder. His wife's name is Melissa. They reside in Yazoo, MS.

1 of 4

EXHIBIT
D-2

CONFIDENTIAL

D2-001

Intake / Assessment

Name Hood, Ron

Case # 25243

EDUCATIONAL/VOCATIONAL HISTORY: (Indicate individual's present status regarding education, vocation, and/or employment) (Further information is required on Intake/Assessment Addendum for Children & Youth)

Individual completed the 12th grade. @ Forest Hill High School in May '76. He was in special education classes, beginning in the 10th grade. He last worked in '80 @ Stop-In-Go for ~ 6-7 wks. The longest period of employment was @ a workshop @ Allied Enterprises in Kosciusko, MS for ~ 1 yr and 5 mos.

Educational/Vocational Achievement (highest grade achieved) 12th

Learning Preferences/Styles: Written Material Y / N Video Y / N One on one instruction (Y) / N

Barriers to Learning * Vision * Hearing ☐ Language * Confusion ☐ Other

Readiness to learn (Y) / N Explain Confused easily.

MENTAL HEALTH HISTORY: (Include previous inpatient/outpatient psychiatric treatment, family history of mental illness, or homicidal/suicidal behavior, other counseling and/or therapeutic experiences)

Individual's first contact with a mental health professional was ~ '86 @ UMC to see a Therapist for his problems w/child molestation & depression. He saw a family service worker @ ~ 17 y/o for problems w/learning. He was hospitalized @ UMC for ~ 12 days in June '06.

***FM HX:** Paternal Side - (+) hx - father dx'd w/Schizophrenia & M. R. births - sister & 2 cousins. Maternal Side - (+) hx of depression - mother.

MEDICAL HISTORY: (Include allergies, physical impairments, surgeries, special diets; current or chronic diseases such as diabetes, high blood pressure, cancer, etc.; applicable family medical history; or other pertinent medical information.)

Individual has no known allergies. He hernia repair @ ~ 14/15 y/o while in CA & a nose repair surgery ~ in '90.

***FM HX:** Paternal Side - (+) hx of heart disease, high blood pressure, & diabetes. Maternal Side - (+) Hx of diabetes, high blood pressure, heart disease, & leukemia.

CONFIDENTIAL

End

Certificate of Service

This is to Certify that I, the Undersigned, have this day and Mailed by Inmate Legal Assistance Program, Via United States Mail/postage pre-paid, a True and Correct copy of foregoing 35 page Appeal Brief to be filed in MS- Court of Appeals, A copy to be Mailed to each address below.

D. Jeremy Whitmire, Clerk
of Ms. Supreme Court & Court of Appeals
Post Office Box 249
Jackson, MS. 39205-0249

Office of Attorney General
Post Office Box 220
Jackson, MS. 39205-0220

Signed on this the 8 day of January 2019,

Witness by ILAP.

Notary Public

Signature of Appellant
Ronald J. Hood

Ronald J. Hood #50024
SMCZ ① 47-A T1-10L
Post Office Box 1419
Leakesville, MS.
39451

D. Jeremy Whitmire
Ms. Supreme Court & Court of Appeals
Post Office Box 249
Jackson, Ms. 39205-0249

Re: Ronald Hood Vs State of Mississippi
Ms. Supreme Court Case No. 2017-CP-00165 COA

Dear Clerk, Whitmire

Will you please file this his Pro-se Appeal
Brief of 2nd PCR, with Documents within Ms. Court of
Appeals on the Issue, the Trial Court Violated his Due
process Rights by Failing to Conduct a Competency
Hearing before Trial and Denied this Issue of the 2nd PCR.

I have included a self-Address-Stamp-
Envelope so you could please send me a copy of this letter
Stamped Filed.

Thanks for your Assistance Inadvance.

Date 1-7-19



Ronald J. Hood 50024
SMCI ① U7-A T1-10L
Post Office Box 1419
Leakesville, MS.
39451

FILED

JAN 11 2019

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

In the Mississippi Court of Appeals

Re: Ronald Hood Vs State of Mississippi
Ms. Supreme Court Case No. 2017-CP-00165 COA
Yazoo County Circuit Court Case No. 26-0119

To the Attention of Ms. Court
of Appeals Honorable Court Judge or Judges

I Ronald Hood the Appellant of this Appeal Brief and Case, I would like to mention for the Record, when I received my Briefing Schedule and Certified Copy of the Record on 11-13-18. The Certified Record is incomplete because the contents of the Documents is Not Pertaining or Related to the Issue that led me back into Trial Court by Ms Supreme Court on one Issue the Trial Court Violated his Due-process Rights by failing to conduct a Competency Hearing. If I suppose to use the Documents within the Certified Record, I won't be able file a Successful Brief so I use the Documents I have and hope that it would be acceptable. There is more information in a letter I wrote to clerk Whitmire with documents. The clerk filed this letter in Court on 12-20-18 as a Motion No 5036.

Signed, this the 8 day of January 2019

Signature of Appellant

Ronald Hood

Ronald J. Hood 50024

D. Jeremy Whitmire Clerk
Ms. Supreme Court & Court of Appeals
Post Office Box 249
Jackson, MS. 39205-0249

1 of 4

Nov 26, 2018
Monday

Re: Ronald Hood Vs State of Mississippi
Ms. Supreme Court case No. 2017-LP-00163
Yazoo County Circuit Court Case No. 26-0119

**COPY
FILED**

DEC 20 2018

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Dear clerk, Whitmire

Ms. Supreme Court granted Hood's 2nd PCR Application for leave to proceed in the Trial Court on one issue "Trial Court Violated his Due process Rights by failing to Conduct a Competency Hearing", order date 4-20-16. This issue Hood went back to Yazoo County Circuit Court on of this failure of Due process of his 2nd PCR was denied on 4-21-17.

Hood received his Briefing Schedule and Certified Copy of Record on 11-13-18, sadly to say with dissatisfied that this record is incomplete because the contents within is Not Pertaining to his issue that led him back into Trial Court by Ms Supreme Court. The missing documents are: Court Transcripts, Copy of the order by Ms Supreme Court Granted his 2nd PCR Application on 4-20-16, Copy 2nd PCR Appeal Brief, Copies of Exhibits of his Mental Health Records, Copy of Defense Attorney Trent Walker Motion for Mental Examination on 4-16-17, Circuit Court Judge Jannie M. Lewis granted the Mental Examination on 4-23-07, Mental Examination Report to Circuit Court on Ronald Hood by Dr. Lott on 10-4-07.

MOTION#

2018

5036

D. Jeremy Whitmire, Clerk of
Ms. Supreme Court & Court of Appeals
Post Office Box 249
Jackson, Ms. 39205-0249



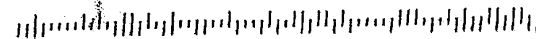
7A-110-L

Date Received 12/28/18
Accepted _____ Refused _____
Inmate Signature _____
Date/Time 12-27-18
Time Delivered by [Signature]

Legal Mailed

Ronald J. Hood, #50024
SM CI @ U-7A T1-102
Post Office Box 1419
Leakesville, Ms. 39451

39451\$1419 B013



IN THE SUPREME COURT OF MISSISSIPPI

PAGES NUMBERED 1-40

VOLUME 1 of 1

EXHIBIT _____

ELECTRONIC DISK _____

Case #2017-CP-00165-COA

COURT APPEALED FROM : Circuit Court

COUNTY : Yazoo

TRIAL JUDGE : Jannie M. Lewis

Ronald Hood Ronald J. Hood v. State of Mississippi

D. Jeremy Whitmire, Clerk

TRIAL COURT #: 26-0119

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

THE STATE OF MISSISSIPPI

PLAINTIFF

VS

CAUSE NO: 26-0119

RONALD HOOD

DEFENDANT

INDEX

FILE PAPERS

PAGE NUMBER

1. Certified Docket Pages	
2. Order (Post-Conviction Relief)	1
3. Order (Petition for Writ of Mandamus)	4
4. Order (Response)	5
5. Notice of Appeal	10
6. Application to Proceed in Forma Pauperis	11
7. Designation of Records	14
8. Order (Writ of Mandamus Dismissed)	18
9. Order (Motion for Records and Transcripts Denied)	19
10. Motion for Reconsideration	22
11. Order (Motion for Reconsideration Denied)	34
12. Letter from Defendant	36
13. Order (Appt of Counsel Denied)	38
14. Order to Proceed in Forma Pauperis	40

1 General Docket, Circuit Court, YAZOO COUNTY

No. 26-0119

CFN 2323

THE STATE OF MISSISSIPPI
Vs.

Counsel for Plaintiff

Counsel for Defendant
Trent L. Walker

HOOD, RONALD
EXP OF CHILDREN
Exploitation Of Children

Judge Jannie M. Lewis-Blackm

97-5-33(5)

DATE	ORDERS, JUDGMENTS, ETC.	BK/PG
7/10/2006	Indictment Filed, Capias Issued	
8/08/2006	Indictment Served, Capias Executed (Personal Ronald Hood) Served 8/8/06	
9/01/2006	Scheduling Order Filed (Copy mailed attorney) (Motion And Plea Date 11/27/06) (Trial Date 12/13/06)	JJ 937
10/06/2006	Motion For Discovery Filed	
11/22/2006	Motion For Dismissal Filed	
11/22/2006	Notice of Hearing Filed	
11/22/2006	Motion For Suppression Filed	
11/22/2006	Motion In Limine Filed	
4/02/2007	Order For Continuance Filed	LL 898
4/19/2007	Motion For Mental Examination, Filed	
4/26/2007	Order Granting Mental Examination Filed (Copy mailed attorney)	MM 235
9/21/2007	Order To Transport For Mental Examination Filed (Copy hand delivered Sheriff & mailed attorney)	NN 184
10/02/2007	Amended Order To Transport For Mental Examination Filed (copy given Sheriff by William Martin)	NN 252
10/18/2007	Mental Evaluation Report Filed	
10/18/2007	Order Granting Fee For Mental Evaluation Filed	NN 296
11/20/2007	Request To Issue Subpoena (State) Filed	
11/20/2007	Subpoena issued Yazoo Co. Sheriff for Larry Davis, John Johnson, Clifton Tillman, Randy Hughes And Melissa Fender Hood	
11/27/2007	Request To Issue Subpoena (State) Filed	
11/27/2007	Subpoena issued Yazoo Co. Sheriff for Larry Davis, John Johnson, Clifton Tillman, Randy Hughes and Melissa Fender Hood	
11/27/2007	Sheriff Exc. Subpoena Filed (Personal Melissa Fender Hood) Served 11-21-2007	
11/27/2007	Sheriff Exc. Subpoena Filed (Personal Clifton Tillman) Served 11-21-2007	
11/27/2007	Sheriff Exc. Subpoena Filed (Personal Larry Davis) Served 11-21-2007	
11/28/2007	Sheriff Exc. Subpoena Filed (Personal Randy Hughes) Served 11-27-2007	
12/06/2007	Sheriff Exc. Subpoena Filed (Personal John Johnson) Served 11-27-2007	
12/06/2007	Sheriff Exc. Subpoena Filed (Personal Melissa Fender Hood) Served 11-30-2007	
12/10/2007	Motion To Amend Indictment Filed	
12/10/2007	Subpoena issued Process Server For Paul Cartwright	
12/10/2007	Defendant's Witness List And Exhibit List Filed	
12/11/2007	Sheriff Exc. Subpoena Filed (Personal John Johnson) Served 12-10-2007	

2 General Docket Circuit Court, YAZOO COUNTY

No. 26-0119

CFN 2323

THE STATE OF MISSISSIPPI
Vs.

Counsel for Plaintiff

Counsel for Defendant
Trent L. Walker

HOOD, RONALD
EXP OF CHILDREN
Exploitation Of Children

Judge Jannie M. Lewis-Blackm

97-5-33(5)

DATE

ORDERS, JUDGMENTS, ETC.

BK/PG

** CONTINUED FROM PREVIOUS PAGE **

12/11/2007 Sheriff Exc. Subpoena Filed (Personal Clifton Tillman)
Served 12-10-2007

12/11/2007 Sheriff Exc. Subpoena Filed (Personal Larry Davis)
Served 12-10-2007

12/11/2007 Sheriff Exc. Subpoena Filed (Personal Randy Hughes)
Served 12-07-2007

12/11/2007 Motion In Limine Filed

12/11/2007 Order To Amend Indictment Filed NN 711

12/12/2007 Jury Verdict And Sentence Filed (20 yrs MDOC without the
possibility of parole due fact habitual offender, be
evaluated for mental problems and treated while in MDOC, be
immediately taken to MDOC) NN 733

12/21/2007 Second Jury Verdict And Sentence Filed NN 792

1/04/2008 Commitment Issued

1/10/2008 Notice Of Appeal Filed (Copy mailed DA, Court Reporter &
Supreme Court)

1/18/2008 Order Granting Leave To Appeal In Forma Pauperis Filed NN 855
(Copy mailed Supreme Court Clerk)

1/24/2008 Letter From Supreme Court To Trent L. Walker Filed

1/29/2008 Corrected Commitment Issued

3/05/2008 Attorney Pay Order Filed OO 247

4/03/2008 Notice Letter To Walker From Supreme Court Filed

5/05/2008 Designation Of The Record Filed
(Copy mailed Supreme Court Clerk)

5/16/2008 Letter From Hood Filed (Requested copies mailed and copy
of clerk's response in file)

6/19/2008 Notice Of Motion Filed

6/19/2008 Motion For Records And Transcripts Filed
(Copy mailed Judge Lewis)

7/21/2008 Letter From Hood Filed (Copy of Clerk's Response in file)

8/13/2008 Order Filed (Motion For Transcript Denied) PP 531
(Copy mailed Hood)

2/11/2009 Order Regarding Payment Of Attorneys Fees And Expenses Filed RR 244

2/13/2009 Order Regarding Payment Of Attorneys Fees And Expenses RR 251
Filed

7/31/2009 Decision Of Supreme Court Of Appeals Filed (Affirmed)

8/11/2009 Correction Pages To Opinion In This Case Filed

9/25/2009 Decision Of Supreme Court Filed (Motion For Rehearing
Denied)

10/02/2009 Mandate From Supreme Court Of MS Filed (Affirmed)

11/02/2009 Motion For Records And Transcript Filed

11/02/2009 Notice Of Motion Filed

** CONTINUED ON NEXT PAGE **

3 General Docket Circuit Court, YAZOO COUNT

No. 26-0119

CFN 2323

THE STATE OF MISSISSIPPI
Vs.

Counsel for Plaintiff

HOOD, RONALD
EXP OF CHILDREN
Exploitation Of Children

Counsel for Defendant
Trent L. Walker

Judge Jannie M. Lewis-Blackm

97-5-33(5)

DATE

ORDERS, JUDGMENTS, ETC.

BK/PG

** CONTINUED FROM PREVIOUS PAGE **

3/15/2010 Copy Of Order From Supreme Court Filed (Motion for Discovery Dismissed)
4/20/2010 Copy Of Order From Supreme Court Filed (Motion To Subpoena Denied)
7/23/2010 Copy Of Order From Supreme Court Filed (Petition For Post-Conviction Relief Denied)
7/26/2010 Letter From Hood Filed (Requested Copies mailed and copy of clerk's response in file)
8/27/2010 Copy Of Order From Supreme Court Filed (Motion To Reconsider Denied)
10/14/2010 Petitioner's Motion For Discovery Filed (Copy mailed Judge Lewis)
10/28/2010 Copy Of Order From Supreme Court Filed (Post Conviction Relief Dismissed as Procedurally Barred & future filings subject to sanctions)
4/18/2011 Affidavit Letter From Hood Filed (Copy given Judge Lewis for response)
7/08/2011 Order Filed (Motion For Records Denied) VV 541
(Copy mailed Hood)
12/08/2011 Copy Of Order From Supreme Court Filed (Motion To Proceed In Forma Pauperis Dismissed as Moot)
1/26/2016 Order Filed(Supreme ordered that within 30 days of the entry of this Order the State of Mississippi shall file a response to Ronald Hood's Application for Leave to Proceed in the Trial court)
2/17/2016 Order Filed(MS Supreme Court ordered the State of Mississippi's Motion for Enlargement of Time is hereby granted)
2/26/2016 Order Filed (State Of Mississippi's Second Motion For Enlargement Of Time is Hereby GRANTED-due on or before March 2, 2016 Supreme Court Order)
4/22/2016 Order Filed(Supreme Court ordered Hood's Application for Leave to Proceed in the Trial Court is hereby granted)
5/09/2016 Copy of Second Post-Conviction Relief Filed
7/01/2016 Letter From Defendant Filed
8/01/2016 Motion For Appointment of Counsel Filed(copy forward to Judge Lewis)
8/23/2016 Order Filed DDD 25
(Court finds that Hood is not ENTITLED to be appointed counsel)
copy handed to DA Office copy mailed to Atty Walker

** CONTINUED ON NEXT PAGE **

No. 26-0119

CFN 2323

THE STATE OF MISSISSIPPI

Counsel for Plaintiff

Vs.

Counsel for Defendant

HOOD, RONALD

Trent L. Walker

EXP OF CHILDREN

Judge Jannie M. Lewis-Blackm

Exploitation of Children

97-5-33(5)

DATE

ORDERS, JUDGMENTS, ETC.

BK/PG

** CONTINUED FROM PREVIOUS PAGE **

11/21/2016 Motion Requesting a Status Update on Pending Case Filed(copy
mailed to Judge Jannie Lewis)

1/10/2017 Letter From Defendant Filed(Information requested was mailed
to defendant)

4/26/2017 Order Filed (Hood's Petition for Post Conviction Relief is EEE 13
hereby DENIED)
mailed copy to Defendant Ronald Hood

5/26/2017 Order Filed (Order from Supreme Court of MS-Judge Lewis EEE 202
shall file a response to Defendants Petition for Writ of
Mandamus on/before 06/23/17 per Robert P Chamberlin,Justice)
copy mailed Judge Lewis, Atty Walker and handed to DA

6/06/2017 Order Filed (copy of Order to Respond to Petition for Post- EEE 234
Conviction Relief filed by Ronald Hood- Original mailed to
the Supreme Court (of MS) by the Office of Judge Jannie
Lewis-Blackmon)

6/30/2017 Notice of Appeal, Filed

6/30/2017 Application to proceed in forma pauperis filed

6/30/2017 Designation of Records Filed

7/26/2017 Order Filed (Petition For Writ Of Mandamus is hereby EEE 360
DISMISSED)
copy mailed to Def.Hood

8/02/2017 Order Filed (Hood's Motion for Records and Transcripts is EEE 374
Hereby DENIED) copy mailed to Defendant Ronald Hood

8/24/2017 Order Filed EEE 546
(Hood's Motion for Reconsideration is hereby DENIED)
(copy handed to DA Office)
(copy mailed to Atty Walker & Defendant)

8/24/2017 Motion For Reconsideration of the Courts Order Filed

12/27/2017 Letter From Defendant Filed (Requesting Clarifications)

3/06/2018 Order Filed (Hood's Petition for Appointment of Counsel is FFF 232
Hereby DENIED) copy mailed to Defendant Ronald Hood

3/22/2018 Order To Proceed In Forma Pauperis Filed(Hood was an FFF 272
indigent person and was entitled to pursue his Post-
Conviction Relief in In Forma Pauperis)copy faxed to MS
Supreme Court of Appeals

5/25/2018 Notice of Completion of Record Filed

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner Ronald J. Hood, Pro Se (hereinafter "Hood") on what the Court interprets as a Petition for Appointment of Counsel. Upon Review the Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender. He was also ordered to be evaluated for any mental problems and treated while in the custody of the Mississippi Department of Corrections.

On April 20, 2016, the Mississippi Supreme Court granted Hood's petition to proceed in the trial court to pursue a due process claim on the lack of a competency hearing. He argues that the Court violated his right of due process by failing to conduct a Competency Hearing in his case. He alleges that his mental health diagnosis revealed that he is not and has never been mentally competent to stand trial.

Miss. Unif. Cir. & County Ct. Prac. R. 9.06 prescribes the procedure for determining a defendant's competence to stand trial. Rule 9.06 provides that, if the trial court has a reasonable ground to believe the defendant is incompetent to stand trial, the court must order a mental evaluation and conduct a hearing to determine competence.

FILED

ROBERT COLEMAN, CIRCUIT CLERK

APR 26 2017

BY  R.C.

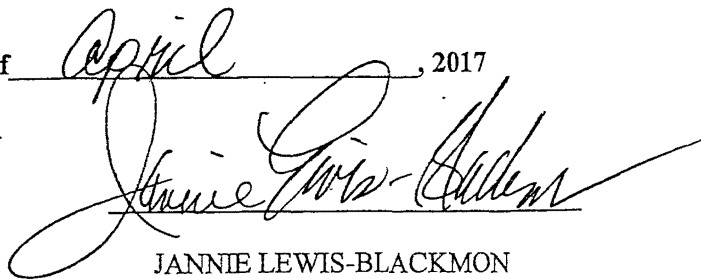
A defendant is competent to stand trial if he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him. The Supreme Court of Mississippi has further refined the test for competency in Mississippi, holding that a competent defendant is one (1) who is able to perceive and understand the nature of the proceedings; (2) who is able to rationally communicate with his attorney about the case; (3) who is able to recall relevant facts; (4) who is able to testify in his own defense if appropriate; and (5) whose ability to satisfy the foregoing criteria is commensurate with the severity and complexity of the case. *Howard v. State*, 701 So. 2d 274, 280 (Miss. 1997) (quoting *Conner v State*, 632 So. 2d 1239, 1248 (Miss. 1993))

According to Miss. Unif. Cir. & County Ct. Prac. R. 9.06, the trial court must order a mental evaluation and conduct a competency hearing if the court has a reasonable ground to believe the defendant is incompetent. On review of a trial court's decision to forego a competency hearing, the appellate court inquires whether the trial court had a reasonable ground to believe the defendant was incompetent. To determine whether the trial court had such reasonable ground, the court applies the following test: Did the trial judge receive information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted him to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense? Some information that has been considered probative of a defendant's competency are the defendant's demeanor during the proceedings and defense counsel's statements to the court that the defendant is unable to rationally consult with counsel or assist in his own defense. A mental evaluation finding the defendant competent to stand trial may support the trial court's decision to forego a competency hearing. *Magee v. State*, 914 So. 2d 729 (Miss. Ct. App. 2005)

The Court finds that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. On October 18, 2007, Hood's mental evaluation was filed with the clerk. Hood was evaluated by Dr. Criss Lott, and was found to be competent to stand trial. The Court received no information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted it to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense. During the trial, Hood did not display any demeanor evincing incompetence nor did defense counsel offer any statements to the court that the defendant was unable to rationally consult with counsel or assist in his own defense.

IT IS THEREFORE ORDERED, that Hood's Petition for Post-Conviction Relief is hereby **DENIED**.

SO ORDERED this 21 day of April, 2017

A handwritten signature in black ink, appearing to read "Jannie Lewis-Blackmon", is written over a horizontal line.

JANNIE LEWIS-BLACKMON

CIRCUIT JUDGE

Serial: 212621

IN THE SUPREME COURT OF MISSISSIPPI

No. 2017-M-00165

26-0119

FILED

IN RE: RONALD HOOD

MAY 23 2017

Petitioner

ORDER

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

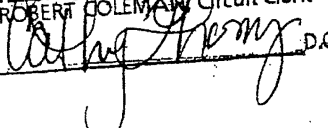
Before the panel of Waller, C.J., King and Chamberlin, JJ., is Ronald Hood's Petition for Writ of Mandamus. On April 20, 2016, Hood filed a Petition for Post-Conviction Relief in the Yazoo County Circuit Court. He has now filed a Petition for Writ of Mandamus, and he asks the Court for an order compelling Yazoo County Circuit Judge Jannie Lewis to rule upon his Petition for Post-Conviction Relief. After due consideration, the panel finds the circuit court shall file a response to Hood's petition.

IT IS THEREFORE ORDERED that Yazoo County Circuit Judge Jannie Lewis shall file a response to Ronald Hood's Petition for Writ of Mandamus on or before June 23, 2017.

SO ORDERED, this the 23 day of May, 2017.



ROBERT P. CHAMBERLIN, JUSTICE

FILED May 26 2017
ROBERT COLEMAN, Circuit Clerk
By  D.C.

IN THE SUPREME COURT OF MISSISSIPPI

No. 2017-M-00165

IN RE: RONALD HOOD

26-0119

ORDER

THIS MATTER came before this Court on Order to respond to Petition for Post-Conviction Relief filed by Ronald Hood in the Yazoo County Circuit Court.

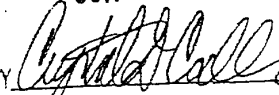
This Court entered an Order on April 21, 2017 responding to Petitioner, Ronald Hood's petition for Post-Conviction Relief. "See Order Attached."

THIS 31 day of May, 2017.


CIRCUIT COURT JUDGE

FILED
ROBERT COLEMAN, CIRCUIT CLERK

JUN 06 2017

BY  D.C.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner Ronald J. Hood, Pro Se (hereinafter "Hood") on what the Court interprets as a Petition for Appointment of Counsel. Upon Review the Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender. He was also ordered to be evaluated for any mental problems and treated while in the custody of the Mississippi Department of Corrections.

On April 20, 2016, the Mississippi Supreme Court granted Hood's petition to proceed in the trial court to pursue a due process claim on the lack of a competency hearing. He argues that the Court violated his right of due process by failing to conduct a Competency Hearing in his case. He alleges that his mental health diagnosis revealed that he is not and has never been mentally competent to stand trial.

Miss. Unif. Cir. & County Ct. Prac. R. 9.06 prescribes the procedure for determining a defendant's competence to stand trial. Rule 9.06 provides that, if the trial court has a reasonable ground to believe the defendant is incompetent to stand trial, the court must order a mental

STATE OF MISSISSIPPI
CIRCUIT COURT OF YAZOO COUNTY

hearing to determine competence.

FILED
ROBERT COLEMAN, CIRCUIT CLERK

APR 26 2017

"Attachment"

BY *Robert Coleman* DC

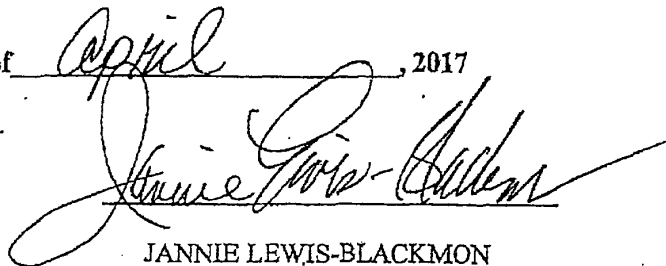
A defendant is competent to stand trial if he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him. The Supreme Court of Mississippi has further refined the test for competency in Mississippi, holding that a competent defendant is one (1) who is able to perceive and understand the nature of the proceedings; (2) who is able to rationally communicate with his attorney about the case; (3) who is able to recall relevant facts; (4) who is able to testify in his own defense if appropriate; and (5) whose ability to satisfy the foregoing criteria is commensurate with the severity and complexity of the case. *Howard v. State*, 701 So. 2d 274, 280 (Miss. 1997) (quoting *Conner v State*, 632 So. 2d 1239, 1248 (Miss. 1993))

According to Miss. Unif. Cir. & County Ct. Prac. R. 9.06, the trial court must order a mental evaluation and conduct a competency hearing if the court has a reasonable ground to believe the defendant is incompetent. On review of a trial court's decision to forego a competency hearing, the appellate court inquires whether the trial court had a reasonable ground believe the defendant was incompetent. To determine whether the trial court had such reasonable ground, the court applies the following test: Did the trial judge receive information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted him to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense? Some information that has been considered probative of a defendant's competency are the defendant's demeanor during the proceedings and defense counsel's statements to the court that the defendant is unable to rationally consult with counsel or assist in his own defense. A mental evaluation finding the defendant competent to stand trial may support the trial court's decision to forego a competency hearing. *Magee v. State*, 914 So. 2d 729 (Miss. Ct. App. 2005)

The Court finds that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. On October 18, 2007, Hood's mental evaluation was filed with the clerk. Hood was evaluated by Dr. Criss Lott, and was found to be competent to stand trial. The Court received no information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted it to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense. During the trial, Hood did not display any demeanor evincing incompetence nor did defense counsel offer any statements to the court that the defendant was unable to rationally consult with counsel or assist in his own defense.

IT IS THEREFORE ORDERED, that Hood's Petition for Post-Conviction Relief is hereby **DENIED**.

SO ORDERED this 21 day of April, 2017

A handwritten signature in black ink, appearing to read "Jannie Lewis-Blackmon", is written over a horizontal line.

JANNIE LEWIS-BLACKMON

CIRCUIT JUDGE

Ronald J. Hood 50024
SMCI Area 1
PO Box 1419
Leakesville, MS 39451

18 May 2017

Robert Coleman
Yazoo County Circuit Clerk
PO Box 108
Yazoo City, MS 39794-0108

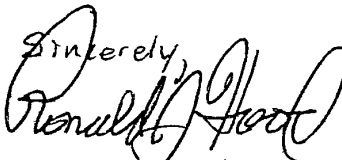
26-0119

RE = Ronald J. Hood vs. The State of Mississippi
Cause No = 2016-M-00283

Dear Clerk Coleman,

Enclosed please find my Notice of Appeal in the above styled cause number. At your convenience, please file this in your office. Also enclosed for your convenience are additional copies of this Notice that you may serve on the required parties pursuant to M.R.A.P. Rule 3(d).

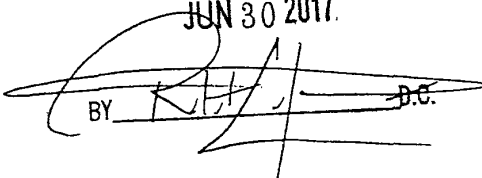
Please also file the enclosed Application to Proceed In Forma Pauperis and Financial Authorization statement.

Sincerely,

Ronald J. Hood

Enclosures

FILED
ROBERT COLEMAN, CIRCUIT CLERK

JUN 30 2017

BY  D.C.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 2016-M-00283

THE STATE OF MISSISSIPPI

RESPONDENT

NOTICE OF APPEAL

COMES NOW, Ronald J. Hood, the Petitioner, Pro-Se, being aggrieved by the Order of this Court entered on April 27th, 2017, in the above numbered cause and does desire to appeal this decision to the Mississippi Supreme Court.

Respectfully Submitted,

per Ronald J. Hood
PETITIONER

MDOC # 50024

SMCI Area 1

P.O. Box 1419

Leakesville, MS 39451

FILED

ROBERT COLEMAN, CIRCUIT CLERK

JUN 30 2017

BY [Signature]

D.C.

APPLICATION TO PROCEED *IN FORMA PAUPERIS*
IN THE COURTS OF THE STATE OF MISSISSIPPI

Ronald J. Hood

PETITIONER

VS.

CAUSE NO. 2010-M-00283

STATE OF MISSISSIPPI

RESPONDENT

I, Ronald J. Hood, an inmate within the Mississippi

Department of Corrections, request this Honorable Court to allow me to proceed without prepayment of costs and declare that I am unable to pay the fees and am entitled to proceed as a Pauper. In support thereof, I would show the following, to-wit:

1. I receive income, if any, in the amount of \$ 0 per week/ month/ year.
2. I have the amount of \$ 0 in a checking and/or savings account located at N/A.
3. List all other assets such as real estate, bonds, notes, etc.
 - a. N/A
 - b. N/A
 - c. N/A

STATE OF MISSISSIPPI
COUNTY OF Greene

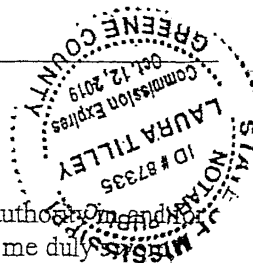
PERSONALLY APPEARED BEFORE ME, the undersigned authority, on this day of said jurisdiction, the within named Petitioner, who, after first being by me duly stated on oath that the statements set forth in the above and foregoing are true and correct as therein stated.

SWORN TO AND SUBSCRIBED before me, this the 18 day of May 2017

FILED
ROBERT COLEMAN, CIRCUIT CLERK

JUN 30 2017

Laura Tilley
NOTARY PUBLIC



FINANCIAL AUTHORIZATION
TO BE COMPLETED BY PETITIONER

Received

MAY 11 2017

Authorization for Release of Institution Account Information
and Payment of the Filing Fees

Inmate Legal Assistance

I, Ronald J. Hood, MDOC# 50024

authorize the Clerk of Court to obtain, from the agency having custody of my person, information about my institutional account, including balances, deposits and withdrawals. The Clerk of Court may obtain my account information from the past six (6) months and in the future, until the filing fee is paid. I also, authorize the agency having custody of my person to withdraw funds from my account and forward payments to the Clerk of Court, in accord with section 47-5-76 of the Mississippi Code Annotated.

5-8-17
Date

Ronald J. Hood
Signature of Petitioner

IT IS THE PETITIONER'S RESPONSIBILITY TO HAVE THE APPROPRIATE
PRISON OFFICIAL COMPLETE AND CERTIFY THE CERTIFICATE BELOW

CERTIFICATE

(Inmate Accounts Only)

TO BE COMPLETED BY AUTHORIZED OFFICER

I certify that the Petitioner named herein has the sum of \$ 0 on
account to his credit at SMCI, MDOC Facility, where he is
confined. I further certify that the Petitioner has the following securities to his credit according
to the records of said institution: NIA

I further certify that during the last six (6) months the
Petitioner's average monthly balance was \$ 0

I further certify that during the last six (6) months the
Petitioner's average monthly deposit was \$ 0

I further certify that Petitioner has made the following withdrawals within
the past thirty (30) days: 0

601-359-5614
Telephone Number

5-11-17
Date

Gia McLeod
Authorized Officer of Inmate Accounts

Gia McLeod
Print Name of Authorized Officer

Ronald J. Hood #50024
SMCI Area 1
Unit 7A cell 2-10
PO Box 1419
Leakesville, MS 39451

25 May 2017


Robert Coleman
Yazoo County Circuit Clerk
PO Box 108
Yazoo City, MS 39194-0108

RE: Ronald J. Hood vs. The State of Mississippi
Case No = 2010-m-0283

Dear Clerk Coleman,

Enclosed please find my Designation of Records and Certificate of Compliance as it pertains to the appeal of the above styled cause numbers.

Respectfully,

by 
Ronald J. Wood

Enclosures

SECRET

viii

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS

CAUSE No. 2010-M-00283

THE STATE OF MISSISSIPPI

RESPONDENT

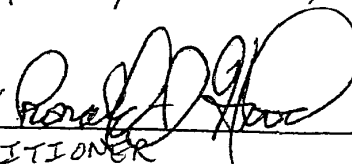
DESIGNATION OF RECORDS

I, Ronald J. Hood, the Appellant, pro-se, pursuant to M.R.A.P. 10(b)(1), designates the following parts of the record as being necessary to be included on appeal.

1. All clerk's papers, trial transcripts, and exhibits filed, taken, or offered in this case.
2. A certified copy of the docket entries prepared by the clerk.
3. Any motions or orders relating to a continuance or extension of time.
4. The order entered on the 27th day of April 2017, denying Petitioner's Post-Conviction Motion.

This the 25th day of May 2017.

Respectfully Submitted,



PETITIONER

MDOC# 50024

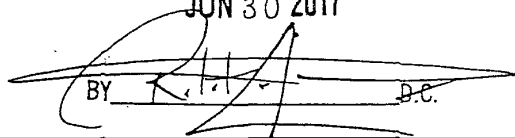
SMCI Area 7

P.O. Box 1419

Leakesville, MS 39451

FILED
ROBERT COLEMAN, CIRCUIT CLERK

JUN 30 2017

BY  D.C.

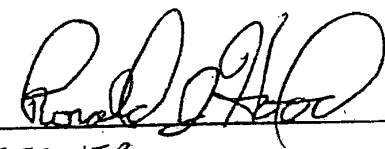
CERTIFICATE OF SERVICE

This is to certify that I, the undersigned, have this day and date mailed, via United States Mail, postage pre-paid, a true and correct copy of the foregoing Designation of Records to the following:

Office of the Attorney General
P.O. Box 220
Jackson, MS 39205-0220

Victoria Reeves
Circuit Court Reporter
Yazoo County Courthouse
211 E. Broadway St
Yazoo City, MS 39194

This the 25th day of May, 2017.


P/s/ Ronald J. Hood
PETITIONER
MPOC# 50024
SMCI Area 1
PO Box 1419
Leakesville, MS 39451

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 2010-M-00283

THE STATE OF MISSISSIPPI

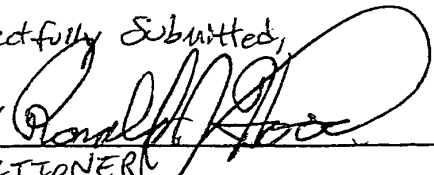
RESPONDENT

CERTIFICATE OF COMPLIANCE

I, Ronald J. Hood, the Appellant, Pro-se, pursuant to M.R.A.P. 11(b)(1), certify that I am unable to obtain the cost of preparing the designated record on appeal because I am incarcerated in the Mississippi Department of Corrections and cannot freely contact the court reporter for this information. Therefore, according to M.R.A.P. 11, cost is estimated at the statutory rate per page for the clerk's papers and at \$300.00 per day of proceedings to be transcribed, totaling approximately \$300.00.

This the 25th day of May 2017.

Respectfully Submitted,


s/s/ Ronald J. Hood
PETITIONER

MDOC# 50004

SMCI Area 1

Po Box 1419

Leakesville, Ms 39451

FILED
16 JUN 2017
CLERK OF COURT
YAZOO COUNTY, MISSISSIPPI

CERTIFICATE OF SERVICE

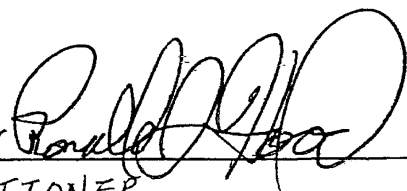
This is to certify that I, the undersigned, have this day and date mailed, via United States Mail, postage pre-paid, a true and correct copy of the foregoing Certificate of Compliance to the following:

Office of the Attorney General
P.O. Box 220
Jackson, MS 39205-0220

Victoria Reeves
Circuit Court Reporter
Yazoo County Courthouse
211 E. Broadway St.
Yazoo City, MS 39194

Office of the Clerk
Supreme Court & Court of Appeals
PO Box 249
Jackson, MS 39205-0249

This the 25th day of May 2017.



PETITIONER
MDOC# 50024

SMC Area 1

PO Box 1419

Leakesville, MS 39451

Serial: 213800

IN THE SUPREME COURT OF MISSISSIPPI

No. 2017-M-00165

26-0119
FILED

JUL 24 2017

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

IN RE: RONALD HOOD

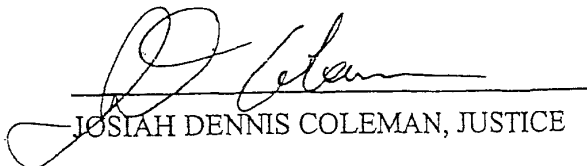
Petitioner

ORDER

Before the undersigned Justice is Ronald Hood's Petition for Writ of Mandamus. On April 20, 2016, Hood filed a Petition for Post-Conviction Relief in the Yazoo County Circuit Court. He now asks the Court for an order compelling Yazoo County Circuit Judge Jannie Lewis to rule upon his petition. Judge Lewis denied Hood's petition on April 21, 2017. Therefore, after due consideration, the undersigned Justice finds that the instant petition should be dismissed.

IT IS THEREFORE ORDERED that Ronald Hood's Petition for Writ of Mandamus is hereby dismissed.

SO ORDERED, this the 21st day of July, 2017.


JOSIAH DENNIS COLEMAN, JUSTICE

FILED
ROBERT COLEMAN, CIRCUIT CLERK

JUL 26 2017

BY Janet Adams D.C.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner, Ronald J. Hood (hereinafter "Hood"), on what the Court interprets as a Motion for Records and Transcripts. Upon review of the record, this Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender. He was also ordered to be evaluated for any mental problems and treated while in the custody of the Mississippi Department of Corrections.

In February 2017, Hood filed a Motion for Post-Conviction Relief arguing that the Court failed to conduct a competency hearing in violation of his due process rights. On April 21, 2017, this Court ruled that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. Hood states that he is aggrieved by the Court's ruling and seeks to file an appeal. He claims that pursuant to Mississippi Appellate Procedure Rule 10(b)(1) a copy of the record is necessary to be included on his appeal. He provides no statement of facts or grounds on which the motion is based.

Mississippi Code Section 99-39-9 requires a claimant to provide "a concise statement of the claims or grounds upon which the motion is based and "specific facts [...] ... within the personal knowledge" of the claimant, supporting his allegations. Miss. Code Ann. § 99-39-9(c), (d).

Mississippi Code Sections 99-39-11 states, in relevant part, as follows:

If it plainly appears from the face of the motion ... that the claimant is not

FILED
ROBERT COLEMAN, CIRCUIT CLERK

AUG 02 2017

BY *[Signature]* BC

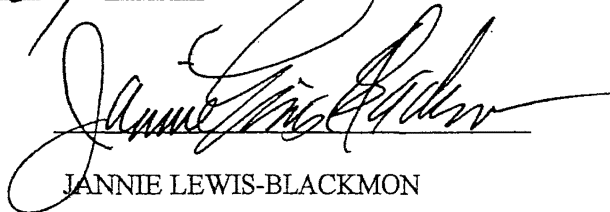
entitled to any relief, the judge may make an order for its dismissal and cause the prisoner to be notified.

Miss. Code Ann. § 99-39-11(2).

This Court finds that Hood failed to comply with Section 99-39-9. The Court further finds that Hood states no grounds, as a matter of law, justifying a trial transcript, and all records in this cause, being prepared and given to him without cost. Hood is required to demonstrate sufficient need or basis to entitle him to the documents free of cost, and the Court is not required to furnish a copy of Hood's records, for independent cause or alternative relief, simply because he claims indigence. *Ford v. State*, 708 So. 2d 73 (Miss. 1998).

IT IS THEREFORE ORDERED that Hood's Motion for Records and Transcripts is hereby **DENIED.**

SO ORDERED this 31 day of July, 2017



JANNIE LEWIS-BLACKMON

CIRCUIT JUDGE

August 10, 2017

Robert Coleman
Yazoo County Circuit Clerk
PO Box 108
Yazoo City, MS 39194

Ronald J. Hood
No. 50034
PO Box 1419
Leakesville, MS 39451

RE: Cause No. 26-0119
Hood v. State


Robert:

Enclosed for filing please find my Motion for Reconsideration of the Court's July 31, 2017 Order which appears to deny my Designation of Records for appeal purposes.

Out of an abundance of caution I am also enclosing a Second Designation of Records for filing in the event that my first does in fact stand denied.

Just to clarify: After this court denied post-conviction relief in April, I timely filed a notice of Appeal and Designation of Record / Certificate of Compliance. The record has still NOT been prepared and transmitted to the Supreme Court for appeal. This Court is in violation of its duties and obligation to prepare and transmit the record.

Your attention in this matter is required.

Sincerely,

Ronald J. Hood

Enc: 2

cc: Muriel B. Ellis, Clerk, MS Supreme Court
Kevin Lackey, Director, MS Administrative Office of Courts
Circuit Judge Tannie M. Lewis-Blackmon
Circuit Court Administrator Modora A. Gordon
Circuit Court Reporter Victoria Reeves
D.A. Akillie Malone Oliver

RJH/mr

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

V.

CAUSE NO: 26-0119

STATE OF MISSISSIPPI

RESPONDENT

MOTION FOR RECONSIDERATION OF THE COURT'S 7/31/17 ORDER

COMES NOW, Ronald J. Hood, Petitioner in the above styled cause, Pro Se with Lay Advocate assistance, pursuant to M.R. Civ. P. 60(b)^{FN1}, and moves this Court to reconsider its Order dated July 31, 2017^{FN2}; and, in support thereof, would show unto the Court the following, to-wit:

1. On April 21, 2017 the Court denied post-conviction collateral relief in this case and the Order was entered and filed on April 26, 2017. Desiring to appeal this decision to the Mississippi Supreme Court, Hood filed his Notice of Appeal pursuant to MRAP 3 in May 2017^{FN3} and his Designation of Record pursuant to MRAP 10(b)(1) in May 2017^{FN4}. Again, the purpose of these documents was to facilitate and initiate an appeal to the Supreme Court of this Courts denial of post-conviction relief.
2. On July 31, 2017 this Court issued an Order that appears to deny Hood's Designation of Record for appeal purposes. See Exhibit A. Hood received service of said Order on August 4, 2017. See Exhibit A at 3.
3. The Court cites Miss. Code Ann. §§ 99-39-9 and 99-39-11 as authority for denying Hood's Designation of Record. However, the cited statutes are post-conviction statutes and Hood's post-conviction pleading has already been denied. These statutes are simply NOT controlling over a Designation of Record and provide no authority whatsoever for denying Hood's Designation of Record. On the contrary, MRAP 10 is the controlling authority in this matter.

^{FN1}: Although the Circuit Clerk inexplicably assigned Hood's original criminal case number to this action, this is a CIVIL proceeding governed by the M.R. Civ. P.

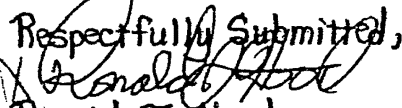
^{FN2}: Received by Hood on August 4, 2017.

^{FN3}: MDCC records prove submission in May; Circuit Clerk delayed filing until June 30, 2017.

^{FN4}: See FN3, supra.

4. Hood is required to file a statement of the issues he intends to present on appeal ONLY if the entire record is NOT to be included. See MRAP 10(b)(4). Since in this case the ENTIRE RECORD is to be included, Hood is NOT required to provide this Court with any statement of issues as claimed by the trial judge. Again, see MRAP 10(b)(4).
5. This Court had no authority or justification for denying Hood's Designation of Record and doing so only delays the appeal of this Court's denial of post-conviction relief to the Supreme Court.
6. Pursuant to MRAP 11 this Court should instruct the Clerk and Reporter to immediately prepare the record in this case and transmit it to the Supreme Court without any further delay.

WHEREFORE, PREMISES CONSIDERED, Ronald Hood requests this Court immediately instruct the Clerk and Reporter to prepare the record as outlined in the previously filed designation of Record and transmit it to the Supreme Court.

Respectfully Submitted,

Ronald J. Hood
Petitioner / Appellant
Pro Se

FN5: Out of an abundance of caution, a second Designation of Record will be submitted simultaneously with this instant motion.

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing pleading has been sent via USPS, postage paid,
to each of the following:

Circuit Judge Jannie M. Lewis - Blackmon
PO Box 149
Lexington, MS 39095

Circuit Court Administrator Modora A. Gordon
PO Box 149
Lexington, MS 39095

District Attorney Akillie Malone Oliver
PO Box 311
Durant, MS 39063

Muriel B. Ellis, Clerk
Mississippi Supreme Court
PO Box 249
Jackson, MS 39205

This the 10th day of August, 2017.

By: 

Ronald J. Hood

50024

PO Box 1419

Leakesville, MS 39451-1419

Exhibit "A"

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner, Ronald J. Hood (hereinafter "Hood"), on what the Court interprets as a Motion for Records and Transcripts. Upon review of the record, this Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender. He was also ordered to be evaluated for any mental problems and treated while in the custody of the Mississippi Department of Corrections.

In February 2017, Hood filed a Motion for Post-Conviction Relief arguing that the Court failed to conduct a competency hearing in violation of his due process rights. On April 21, 2017, this Court ruled that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. Hood states that he is aggrieved by the Court's ruling and seeks to file an appeal. He claims that pursuant to Mississippi Appellate Procedure Rule 10(b)(1) a copy of the record is necessary to be included on his appeal. He provides no statement of facts or grounds on which the motion is based.

Mississippi Code Section 99-39-9 requires a claimant to provide "a concise statement of the claims or grounds upon which the motion is based and "specific facts [...] ... within the personal knowledge" of the claimant, supporting his allegations. Miss. Code Ann. § 99-39-9(c), (d).

Mississippi Code Sections 99-39-11 states, in relevant part, as follows:

If it plainly appears from the face of the motion ... that the claimant is not

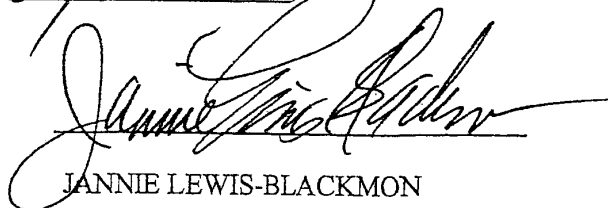
entitled to any relief, the judge may make an order for its dismissal and cause the prisoner to be notified.

Miss. Code Ann. § 99-39-11(2).

This Court finds that Hood failed to comply with Section 99-39-9. The Court further finds that Hood states no grounds, as a matter of law, justifying a trial transcript, and all records in this cause, being prepared and given to him without cost. Hood is required to demonstrate sufficient need or basis to entitle him to the documents free of cost, and the Court is not required to furnish a copy of Hood's records, for independent cause or alternative relief, simply because he claims indigence. *Ford v. State*, 708 So. 2d 73 (Miss. 1998).

IT IS THEREFORE ORDERED that Hood's Motion for Records and Transcripts is hereby **DENIED**.

SO ORDERED this 31 day of July, 2017



JANNIE LEWIS-BLACKMON

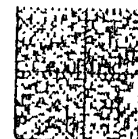
CIRCUIT JUDGE



JANNIE M. LEWIS
CIRCUIT JUDGE
POST OFFICE BOX 149
LEXINGTON MISSISSIPPI 39095

7A 2102

JACKSON
MS 39201



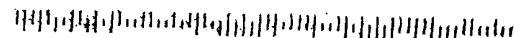
UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 39205

Ronald J. Hood #50024
SMCI Area 1
Unit 7A Cell 2-10
P. O. Box 1419
Leakesville, MS 39451

Date Received 8-3-17
Accepted _____ Refused _____
Inmate Signature _____
Date/Time 8/4/17
Inspected by 2W

RECEIVED AUG 04 2017

39451-141919



End.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT(S)

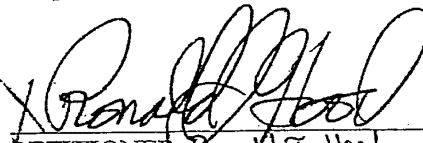
SECOND
DESIGNATION OF RECORDS ^(FNI)

I, Ronald J. Hood, Appellant, Pro Se, pursuant to Mississippi Supreme Court Rule, 10(b)(1), designates the following parts of the record as being necessary to be included on appeal.

1. All Clerk's papers, trial transcripts and exhibits filed, taken or offered in this case.
2. The order entered on the 21st day of April, 2017, denying Petitioner Post Conviction Motion.

This the 10th day of August, 2017.

Respectfully Submitted,



PETITIONER Ronald J. Hood

MDOC# 50024

PO Box 1419

Address

Leakesville, MS 39451-1419

Address

FNI : Hood's initial Designation of Records appears to have been denied by this Court on July 31, 2017. Out of an abundance of caution, this Second Designation of Records is submitted within seven (7) days of Hood's receipt of the purported denial of his first Designation of Records.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

Ronald J. Hood

PETITIONER

VERSUS

NO. 06-0119

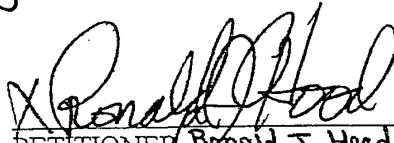
State of Mississippi

RESPONDENT(S)

SECOND
CERTIFICATE OF COMPLIANCE

I, Ronald J. Hood, Petitioner, Pro Se, pursuant to MRAP 11(b)(1), certify that I am unable to obtain the cost of preparing the designated record on appeal because I am incarcerated in Mississippi Department of Corrections and cannot freely contact the court reporter for this information. Therefore, according to Mississippi Rules of Appellate Procedure 11, cost is estimated at the statutory rate per page for the clerk's papers and at \$300.00 per day of proceedings to be transcribed, totaling approximately \$ 300.00.

This the 10th day of August, 20 17.

X 
PETITIONER Ronald J. Hood
MDOC# 50024

PO Box 1419
Address

Leakesville, MS 39451
Address

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing SECOND DESIGNATION OF RECORDS has been sent via UPS, postage paid, to the following:

Muriel B. Ellis, Clerk
MS Supreme Court
PO Box 249
Jackson, MS 39205

Circuit Judge Jannie M. Lewis - Blackmon
PO Box 149
Lexington, MS 39095

Court Reporter Victoria Reeves
PO Box 149
Lexington, MS 39095

Court Administrator Modora A. Gordon
PO Box 149
Lexington, MS 39095

A Killie Malone Oliver
PO Box 311
Durant, MS 39063

This the 10th day of August, 2017.

By: 

Ronald J. Hood

50024

PO Box 1419

Leakesville, MS 39451-1419

End.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner, Ronald J. Hood (hereinafter "Hood"), on what the Court interprets as a Motion for Reconsideration. Upon review of the record, this Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender. He was also ordered to be evaluated for any mental problems and treated while in the custody of the Mississippi Department of Corrections.

In February 2017, Hood filed a Motion for Post-Conviction Relief arguing that the Court failed to conduct a competency hearing in violation of his due process rights. On April 21, 2017, this Court ruled that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. On June 30, 2017, Hood filed a Motion for Post-Conviction Relief Hood stating that he is aggrieved by the Court's ruling and seeks to file an appeal. He claimed that pursuant to Mississippi Appellate Procedure Rule 10(b)(1) a copy of the record is necessary to be included on his appeal. On July 31, 2017, the Court denied his request because Hood failed to comply with Miss. Code Ann. Section 99-39-9. The Court further found that Hood states no grounds, as a matter of law, justifying a trial transcript, and all records in this cause, being prepared and given to him without cost.

In the current petition, Hood requests the Court to reconsider its previous ruling. He argues that the Court committed error by relying on Miss. Code Ann. § 99-39-9 and § 99-39-11. Hood alleges that these statutes are not controlling over a Designation of Record, and that the proper authority is Miss. Rule of App. Procedure 10. Under this rule, he contends that the entire record should be included in his

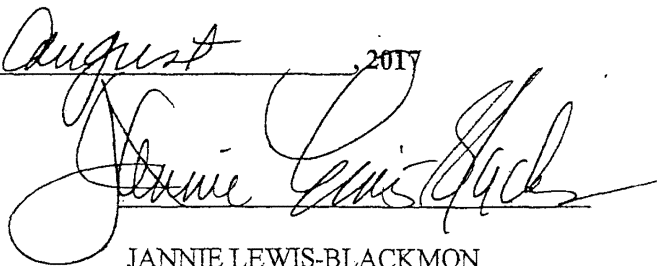
request and he is not required to provide the Court with any statement of issues.

The Court finds that Hood's reliance on Miss. R. App. P. 10(b)(1) is an improper attempt to gain access to the transcripts. In *Bell v. State*, 105 So. 3d 401 (Miss. Ct. App. 2017), the Defendant appealed a judgment that denied his motion for postconviction relief. Defendant claimed that the circuit court erred by failing to include the transcript from his guilty plea and sentencing hearing in response to his request for the designation of records. The appellate court found, inter alia, that defendant did not follow the proper procedure for requesting a transcript under Miss. Code Ann. § 99-39-15 (Rev. 2007). His attempt to gain access to the transcripts through Miss. R. App. P. 10(b)(1) was improper.

Hood's petition is not a direct appeal from the conviction, and Hood has not provided evidence that he requested the transcripts either in his PCR motion or in a separate motion requesting the record. In a PCR action, the proper avenue to request transcripts is under the discovery provisions of section Miss. Code Ann. § 99-39-15. Hood failed to follow the proper procedure for requesting his transcript. His attempt to gain access to the transcripts from his original criminal conviction through a Rule 10(b)(1) designation of records was improper.

IT IS THEREFORE ORDERED that Hood's Motion for Reconsideration is hereby
DENIED.

SO ORDERED this 22 day of August, 2017

A handwritten signature in cursive script, appearing to read "Jannie Lewis-Blackmon", written over a horizontal line.

JANNIE LEWIS-BLACKMON

CIRCUIT JUDGE

Ronald J. Hood #50024
Smci Area 1
Unit 7A Cell 2-10L
P.O. Box 1419
Leakesville, MS 39451

7 December 2017

Ms. Crystal D. Caler
Deputy Clerk
Yazoo County Circuit Court
P.O. Box 108
Yazoo City, MS 39194

RE: Case # 26-0119 -
Ronald J. Hood v State of Mississippi

Dear Deputy Clerk Caler,

On about November 29th you spoke with my niece,
Lynda Burleson, regarding my case. I appreciate your
helpfulness to her, however, I need some clarifications.

First, my niece is under the impression that documents
have been sent to my former trial attorney, Mr. Trent Walker.
Mr. Walker has not represented me since he filed the direct
appeal of my trial verdict in 2008. If this is correct,
there is some confusion. Despite the clerk's office assigning

FILED
ROBERT COLEMAN, CIRCUIT CLERK

DEC 27 2017

[Signature]

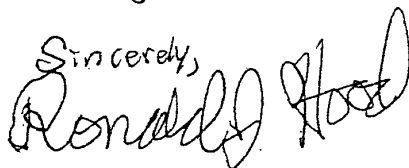
My original Criminal case number, the 2nd Post-Conviction Relief, which I filed in your office in 2016, is a civil matter. It is possible this has caused confusion?

In April 2017, Judge Lewis denied my 2nd PCR. I timely filed a Notice of Appeal on May 18, 2017 through the Prison's law library, and likewise filed a Designation of Records and Certificate of Compliance on May 25, 2017. The Yazoo County Circuit Clerk's office did not stamp them filed until June 30, 2017.

On July 31, 2017, Judge Lewis issued an order that appeared to deny the Designation of Records. Bewildered, I filed a Motion for Reconsideration, which Judge Lewis denied on August 22, 2017.

I am Perplexed as to what is going on. It appears the Clerk's office is refusing to send the records to the Mississippi Supreme Court or to even notify the Mississippi Supreme Court of the appeal.

I hope you can provide me details as to what is going on. I am enclosing a SASE for your reply. I look forward to hearing from you. Thank you for your help.

Sincerely,
+ 

Ronald J. Hood

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

BEFORE the Court is Petitioner Ronald J. Hood, Pro Se (hereinafter "Hood") on what the Court interprets as a Petition for Appointment of Counsel. Upon Review the Court finds as follows:

On December 11, 2007, Hood was convicted of the crime Exploitation of Children. He was sentenced to serve twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole since he is a habitual offender.

Hood requests the Court to appoint him counsel to aid him in perfecting his appeal. Hood claims that he recognizes that he has no right to counsel in any post-conviction proceeding or appeal but submits that extraordinary circumstances reveal a need for an appointment of counsel in this case. Hood claims that he has extensive mental issues and has undergone various treatment over the years and that the issue he wishes to appeal involves his mental competency to stand trial. He alleges that because of his mental incapability's he is unable to move forward with this appeal without the assistance of counsel.

In *Murray v. Giarratano*, 492 U.S. 1 (1989), the United States Supreme Court held that "there is no federal constitutional right to counsel for indigent prisoners seeking state post-conviction relief. Post-conviction relief is even further removed from the criminal trial than discretionary direct review. It is not part of the criminal proceeding itself, and it is in fact considered to be civil in nature. States have no obligation to provide this avenue of relief, and when they do, the fundamental fairness mandated by the Due Process Clause does not require that the state supply a lawyer as well. Neither the Due Process Clause of the Fourteenth Amendment nor the equal protection guarantee of meaningful access requires

ROBERT C. EMMETT, CIRCUIT CLERK

MAR 06 2018

BY: *[Signature]* -DC

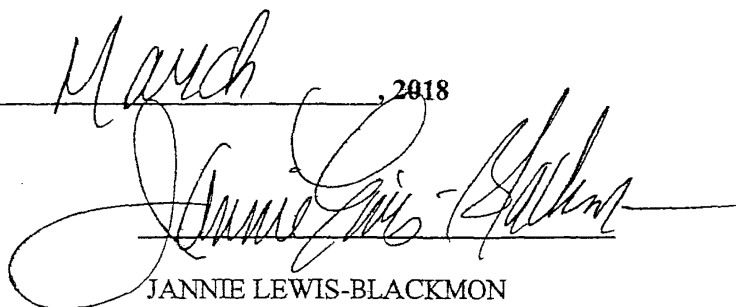
the state to appoint counsel for indigent prisoners seeking state post-conviction relief. The Sixth and Fourteenth Amendments to the U.S. Constitution assure the right of an indigent defendant to counsel at the trial stage of a criminal proceeding, and an indigent defendant is similarly entitled as a matter of right to counsel for an initial appeal from the judgment and sentence of the trial court.”

In *Wiley v. State*, 842 So.2d 1280 (2003), the Mississippi Supreme Court adopted the same ruling of the United States Supreme Court, that there is no constitutional right to counsel provided by the State in post-conviction proceedings.

The Court finds that Hood is not entitled to be appointed counsel. In February 2017, Hood filed a Motion for Post-Conviction Relief arguing that the Court failed to conduct a competency hearing in violation of his due process rights., and on April 21, 2017, this Court ruled that it had reasonable grounds to believe Hood was competent to stand trial and no due process rights were violated. Hood is requesting the Court appoint him counsel so that he may continue to contest the issue of his competency. In according with case law cited above, Hood has no constitutional right to counsel provided by the State in post-conviction proceedings.

IT IS THEREFORE ORDERED, that Hood's Petition for Appointment of Counsel is hereby **DENIED**.

SO ORDERED this 5 day of March, 2018

A handwritten signature in black ink, appearing to read "Jannie Lewis-Blackmon", is written over a horizontal line.

JANNIE LEWIS-BLACKMON

CIRCUIT JUDGE

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

RONALD J. HOOD

PETITIONER

VS.

CAUSE NO. 26-0119

STATE OF MISSISSIPPI

RESPONDENT

ORDER

ORDER TO PROCEED IN FORMA PAUPERIS

On June 30, 2017, Pro Se Petitioner Ronald J. Hood (hereinafter "Hood") submitted a Motion for Post-Conviction Relief with an attached Motion for Leave to Proceed In Forma Pauperis. On July 31, 2017, the Court entered an Order denying Hood's motion. At that time, the Court did not rule on Hood's pauperis status, but the Court having maturely considered the same finds that said Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Hood was an indigent person and was entitled to pursue his Post-Conviction Relief in In Forma Pauperis.

SO ORDERED this 22 day of March, 2018.


CIRCUIT JUDGE
IANNIE LEWIS-BLACKMON

FILED
ROBERT COLEMAN, CIRCUIT CLERK

MAR 22 2018

BY  D.C.

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

NO.: 26-0119

RONALD HOOD

DEFENDANT

Statement Of Costs On Appeal To Supreme Court

Supreme Court Filing Fee _____ \$200.00

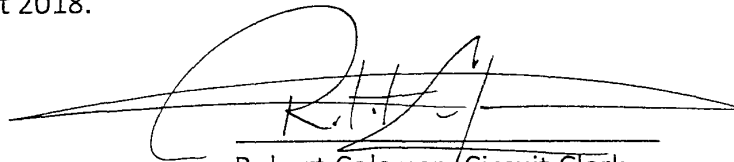
Robert Coleman, Circuit Clerk of Yazoo County

40 @ \$2.00 per page _____ \$80.00

TOTAL _____ **\$280.00**

I, Robert Coleman, Circuit Clerk of Yazoo County, Mississippi, do hereby certify that the above listed Supreme Court Clerk's filing fee, Circuit Clerk's Fee and the Court Reporter's Fee have been paid by the defendant's attorney.

This the 22nd day of August 2018.

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

Robert Coleman/Circuit Clerk
Yazoo County, Mississippi

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

NO.: 26-0119

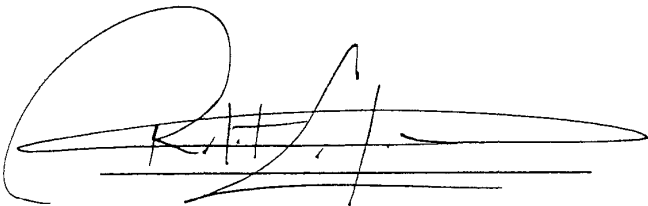
RONALD HOOD

DEFENDANT

CERTIFICATE of Compliance

I, Robert Coleman, Circuit Clerk of Yazoo County, Mississippi, do hereby certify that there are 40 pages contained in this record. These pages are true and correct copies of the original papers, orders, etc. found in the above cause as shown on file in the Circuit Clerk's office.

This the 22nd day of August 2018.

A handwritten signature in dark ink, appearing to read 'R. Coleman', is written over two horizontal lines. The signature is stylized with a large loop at the beginning and a long horizontal stroke.

Robert Coleman, Circuit Clerk

Supplemental volume

IN THE SUPREME COURT OF MISSISSIPPI

PAGES NUMBERED 1-3

VOLUME 1 of 1

EXHIBIT _____

ELECTRONIC DISK _____

Case #2017-CP-00165-COA

COURT APPEALED FROM : Circuit Court

COUNTY : Yazoo

TRIAL JUDGE : Jannie M. Lewis

Ronald Hood Ronald J. Hood v. State of Mississippi

D. Jeremy Whitmire, Clerk

TRIAL COURT #: 26-0119

Supplemental volume

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

Ronald Hood

PLAINTIFF

VS.

NO.: 26-0119

State of Mississippi

DEFENDANT

1. Indictment
2. Amended Indictment
3. Jury Verdict and Sentence

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 26-0119

RONALD HOOD

DEFENDANT

INDICTMENT

EXPLOITATION OF CHILDREN

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful men and women of Yazoo County, Mississippi, being duly selected empaneled, sworn and charged in the Circuit Court of Yazoo County, Mississippi, upon their oaths, present that RONALD HOOD, on or about March 13, 2006, in Yazoo County, Mississippi, did unlawfully, willfully, knowingly, and feloniously possess a video of naked white male children under the age of eighteen (18), engaging in sexually explicit conduct, in violation of Section 97-5-31 and Section 97-5-33(5) of the Mississippi Code of 1972, as amended, against the peace and dignity of the State of Mississippi.


A TRUE BILL

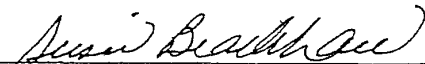

GRAND JURY FOREMAN


ATTORNEY FOR STATE

FILED July 10, 2006
SUSIE BRADSHAW, CIRCUIT CLERK

RECORDED July 10, 2006
SUSIE BRADSHAW, CIRCUIT CLERK

BY: 
Address Available: 425 Smith Street, Yazoo

BY: 

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 26-00119

RONALD HOOD

DEFENDANT

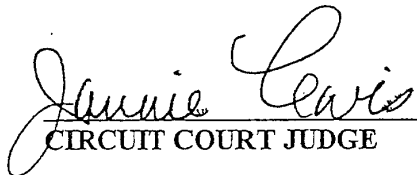
ORDER TO AMEND INDICTMENT

THIS DAY THIS CAUSE came on for hearing on the Motion of the District Attorney, pursuant to Rule 7.09, Mississippi Uniform Circuit and County Court Rules, and moving the Court to amend the Indictment filed in this cause on July 10, 2006, to read as shown on Exhibit "A" to this Order, and the Court having heard the same and now being advised in the premises finds as follows:

The Amendment is a change as to form but not to substance in that the only change is made to show that the Defendant, RONALD HOOD, is a Habitual Offender.

IT IS THEREFORE, ORDERED AND ADJUDGED, that the Indictment be and it is hereby amended to read as shown on Exhibit "A" hereto.

SO ORDERED AND ADJUDGED, this the 11 day of December, 2007.


CIRCUIT COURT JUDGE

Filed December 11, 2007
SUSIE BRADSHAW, Circuit Clerk

By Susie Bradshaw D.C.

IN THE CLERK'S COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 26-0119

RONALD HOOD

JURY VERDICT AND SENTENCE

THIS CAUSE came on to be heard on the 11TH day of December, 2007, on the indictment filed in this Cause, charging the Defendant, RONALD HOOD, with the crime of Exploitation of Children. The Court finds as follows:

- (1) The Defendant, RONALD HOOD, on a previous date, appeared before the Court with his attorney and was duly arraigned on said charge and entered a plea of not guilty to said indictment in this Cause.
- (2) That on said date of December 11, 2007, the District Attorney who prosecutes for the State of Mississippi, and the defendant, RONALD HOOD, together with his attorney, Trent Walker, appeared in Court and announced ready for trial on the charges of the said indictment.
- (3) That a jury, consisting of twelve (12) adult residents and citizens of Yazoo County, Mississippi, was duly empaneled and lawfully sworn, and said jury has heard and considered all of the evidence presented, both documentary and oral, and the arguments of counsel retired, and after deliberations, returned a verdict, "We the Jury, find the Defendant, guilty of Exploitation of Children."

IT IS THEREFORE, ORDERED AND ADJUDGED, by the Court, that RONALD HOOD, for his crime of Exploitation of Children, serve a sentence of twenty (20) years in the custody of the Mississippi Department of Corrections, without the possibility of parole: due to the fact the defendant, RONALD HOOD, is a Habitual Offender.

IT IS FURTHER ORDERED AND ADJUDGED, that the Defendant must be evaluated for any mental problems and he must be treated while in the custody of the Mississippi Department of Corrections.

IT IS THEREFORE ORDERED AND ADJUDGED, the Defendant be immediately taken into custody of the Mississippi Department of Corrections.

SO ORDERED AND ADJUDGED, this the 11th day of December, 2007.

SIGNED, this the 19 day of December, 2007.

Filed December 21, 2007
SUSIE BRADSHAW, Circuit Clerk


JAMIE C. CARTER
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

Ronald Hood

PLAINTIFF

VS.

NO.: 26-0119

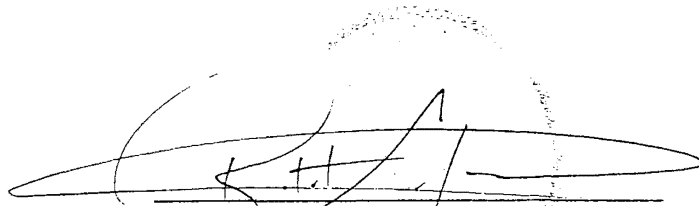
State of Mississippi

DEFENDANT

CLERK'S CERTIFICATION of Record

I, Robert Coleman, Circuit Clerk of Yazoo County, Mississippi, do hereby certify that the foregoing 3 pages is a true and correct transcript in the above styled and numbered cause on file in the Circuit Clerk's office.

Given under my hand and official seal of office this the 4th day of October, 2018.



Robert Coleman, Circuit Clerk

7K T110 L

FROM:
OFFICE OF THE CLERK
Supreme Court & Court of Appeals
Post Office Box 249
Jackson, MS 39205-0249

Date Received 11/9/18
Accepted _____ Refused _____
Inmate Signature _____
Date/Time 11/9/18
Inspected by [Signature]

TO:

2017-CP-00165-COA

Ronald Hood
SMCI #50024
P. O. Box 1419
Leakesville, MS 39451

Legal Record