IN The Court Of Appeals Of The State Of Mississippi

Jonathan Edwards — Appellant

V.

Case No. 2018-TS-01034-COA

State Of Mississippi — Appellee

FILED

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COURT OF APPEALS

ORIGINAL

BRIEF OF THE APPELLANT

/s/ Jonathan Edwards
APPellant

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CERTIFICATE OF INTERESTED PARTIES

THIS IS TO CERTIFY THAT THE LISTED PERSONS BELOW MAY HAVE INTEREST IN THE OUTCOME OF THE PROCEEDINGS OR FOR RECUSAL PURPOSES SUCH MAY BE RELEVANT TO THIS COURT

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STATEMENT OF JURISDICTION

APPELLANT AVERS THIS CASE IS PROPERLY BEFORE THIS COURT FROM THE FINAL JUDGEMENT OF THE MARION COUNTY CIRCUIT COURT DENYING HIS PETITION FOR POST CONVICTION COLLATERAL RELIEF AND THIS COURT HAS PENDANT JURISDICTION TO HEAR THE MATTERS FOR APPELLATE REVIEW PURSUANT TO M.C.A. § 99-39-25 APPELLANT THEREFORE INVOKES SUCH JURISDICTION AND SEEKS REDRESS HERETOFORE

STATEMENT OF THE ISSUES

ISSUE ONE: WHETHER TRIAL COURT ABUSED ITS DISCRETION BY ALLOWING ENTRY OF INVOLUNTARY GUILTY PLEA FALSE IMPRISONING DEFENDANT AFTER FALSE ARREST VIOLATING DUE PROCESS AND EQUAL PROTECTION OF LAW

ISSUE TWO: WHETHER AMENDMENT OF INDICTMENT WAS ILLEGAL SURPRISE VINDICTIVE MALICIOUS PROSECUTION IMPOSED

ISSUE THREE: WHETHER DEFENDANT WAS DENIED COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL AND DISCOVERIES

ISSUE FOUR: WHETHER GUILTY PLEA WAS INVOLUNTARY AND IMPOSITION OF CONVICTIONS AND SENTENCES VIOLATED DUE PROCESS AND EQUAL PROTECTIONS OF LAW

STATEMENT OF THE CASE

PETITIONER AVERS THIS CASE ARISES OUT OF 7 INDICTMENTS CHARGES WHERE FIVE 5 WERE DISMISSED AND HE WAS ILLEGALLY SEARCHED AND SEIZED FALSELY ARRESTED FALSELY IMPRISONED BY THREATS COERCION DENIAL OF DUE PROCESS AND EQUAL PROTECTION OF LAW DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL THE RECORDS DEPUTY REPORTS REVEAL ALLEGATIONS THAT EDWARDS BURGLARIZED SEVERAL HOUSES AND DEPUTIES FOUND AT ONE RESIDENCE PART OF A TRUCK FENDER AND WERE LOOKING FOR SUCH TRUCK IN CONNECTION TO THE BURGLARIES. EDWARDS DID NOT OWN OR DRIVE A TRUCK SO THEN THAT CHANGED TO SEARCH FOR A FORD FUSSION POSSIBLY GRAY OR SILVER IN COLOR. WHILE EDWARDS WAS PARKED IN A PARKING LOT OF A SNOW BALL STAND OFF HWY 13 IN HIS SILVER FORD FOCUS, A POLICE OFFICER FROM THE COLUMBIA POLICE DEPARTMENT PULLED UP ORDERED EDWARDS OUT OF HIS FORD FOCUS AND CLAIMED REPORTS WERE THAT EDWARDS WAS DRIVING DRUNK AT WHICH TIME SAID OFFICER GAVE HIM A BREATH FIELD TEST WHICH CAME UP NEGATIVE FOR ALCOHOL USE. BUT BECAUSE EDWARDS WAS A PAROLEE POLICE ARRESTED HIM CLAIMING SHERIFF'S DEPARTMENT ARE COMING HIS INSTRUCTIONS WERE TO HOLD EDWARDS.

STATEMENT OF THE CASE

THEN THE MARION COUNTY SHERIFFS DEPUTIES ARRIVED ILLEGALLY SEARCHED EDWARDS FORD FOCUS WITHOUT A WARRANT OR PROBABLE CAUSE ILLEGALLY ARRESTED AND CONFISCATED EDWARDS SHOES AND THEREUPON EVIDENCE WAS FABRICATED THAT SUCH SHOE SOLES MATCHED SHOE PRINTS ON DOORS OF TWO BURGLARIZED RESIDENCES FALSELY ARRESTING EDWARDS FOR THE CRIMES OF SOMEONE ELSE UNKNOWN. ON SEPTEMBER 7-2015 EDWARDS PLED GUILTY TO INDICTED CHARGE OF BREAK AND ENTER THE DWELLING HOUSE THE PROPERTY OF DAVID SPIERS CAUSE NO. K15-0223H SEE DATE OF ALLEGED CRIME THEREIN SEPTEMBER-8-2015 THE COURT HAD NO FACTUAL BASES TO ACCEPT SUCH PLEA BECAUSE IT WAS IMPOSSIBLE FOR EDWARDS TO HAVE COMMITTED SUCH CRIME FACTS REVEAL HE WAS ARRESTED SEPTEMBER-7-2015 AND did NOT BOND OUT OF MARION COUNTY JAIL. EVEN THE DISPATCH REPORT OF JAMES ALLEN ALL DAY STATES 911 CALL TIME 9-8-2015 AT TIME 10:39 OFFICER ARRIVED ON SCENE TIME 10:51 CLEARED 9-8-2015 TIME 11:37 LOCATION 1072 SHILOH FIRE TOWER ROAD FOXWORTH. SHIRLEE FAGER BALDWIN THE APPOINTED DEFENSE COUNSEL NEVER INVESTIGATED SUCH FACTS MANIFESTING HER INCOMPETENCE AND DEFICIENT INEFFECTIVE ASSISTANCE. MS. BALDWIN NEVER OBJECTED TO MOTION OF STATE TO AMEND THE INDICTMENT TO INCLUDE HABITUAL OFFENDER STATUS NOR EXAMINED ANY EVIDENCE TO SUPPORT SUCH. NOTICE THE JANUARY-27-2017 ORDER OF CONVICTION AND SENTENCE HONORABLE JUDGE PRENTISS G. HARRELL, STATES THE COURT GRANTED THE STATES MOTION TO AMEND THE INDICTMENT TO CHARGE DEFENDANT AS HABITUAL OFFENDER § 99-19-81 EDWARDS SOUGHT ACCESS TO SUCH SEPARATE ORDER GRANTING HABITUAL AMENDMENT FROM THE CLERK OF COURT SEE RECORD MEMO FROM MS. NOLAN TO MR. EDWARDS ON COST OF TRANSCRIPT QUOTE: IN RESPONSE TO YOUR REQUEST FOR COPIES IN CAUSE NO. K15-0219H. I do NOW HAVE THE TRANSCRIPT ON FILE BUT I do NOT SEE AN ORDER AMENDING INDICTMENT UNQUOTE. NOTICE THAT IN THE MATTER OF THE DEFENDANT'S GUILTY PLEA JANUARY-18-2017 TRANSCRIPT PAGE 14-LINES 4-THRU-27. Q. SO YOU UNDERSTAND THAT I COULD GIVE YOU 50 YEARS. A. YES, SIR. Q. IN ESSENCE THAT WILL BE A DEATH--- A LIFE SENTENCE FOR YOU WOULDN'T IT? A. YES, SIR. Q. AND IT WOULD. ALL RIGHT. MR. SWEAT: YOUR HONOR, MAY WE INTERJECT? --- MISTER-- SO THE RECORD IS CLEAR. MR. EDWARDS IS PLEADING TO THESE TWO CHARGES AS A HABITUAL OFFENDER UNDER 99-19-81 DAY FOR DAY ON THE CHARGES. Q. THAT MEANS WHATEVER I GIVE YOU COULD BE HARD TIME, DO YOU UNDERSTAND THAT? (OFF THE RECORD). THE COURT: THE PROSECUTOR MR. SWEAT, HAS MOTIONED THE COURT BACK ON JANUARY 6TH THEIR INTENT TO AMEND THE INDICTMENT. THE COURT WILL GRANT THIS MOTION. AND THE STATUS OF M.R. JONATHAN EDWARDS WILL NOW BE AS A HABITUAL OFFENDER. AND HE UNDERSTANDS THAT THIS DOES MEAN HARD TIME. Q. IS THIS NOT CORRECT MR. JONATHAN? A. YES, SIR. Q. ALL RIGHT. NO EVIDENCE OF PRIOR FELONIES WERE SUBMITTED INTO EVIDENCE THIS WAS SURPRISE TO EDWARDS. REVIEW RECORD JANUARY 18-2017 PETITION TO ENTER PLEA OF GUILTY CONTAINS NO EVIDENCE NOR MENTIONS THAT EDWARDS AGREED TO PLEA GUILTY AS HABITUAL OFFENDER NOR WAS HE EVER SHOWN SAID AMENDMENT OF THE INDIRTMENT NOR EVIDENCE SUBMITTED TO SUPPORT SUCH ALLEGATIONS.

STATEMENT OF THE CASE

SUCH IS A MANIFESTATION OF INVOLUNTARY GUILTY PLEA BASED ON VINDICTIVE MALICIOUS PROSECUTION WITHOUT OBJECTION FROM DEFENSE COUNSEL MS. SHIRLEE FAGER BALDWIN, WHO WOULD NOT GIVE EDWARDS DISCOVERY RECORDS, REPORTS WHICH HE HAD TO PURCHASE AND INVESTIGATE FOR HIMSELF. THE 9-16-2015 POLICE DEPUTY REPORTS OF JASON BRELAND, AND ANDREW SCOTT PHILLIPS ARE BOTH IDENTICAL COLLUSIONS AND IMPLICATE OFFICER SINGLEY. THE 9-8-2015 DISPATCH REPORT OF JAMES ALLEN ALLDAY SHOW BURGLARY COMMITTED AND 911 CALL ON DAY AFTER EDWARDS ARREST AND AT 1072 SHILOH FIRETOWER ROAD FOXWORTH, WHILE EDWARDS WAS INCARCERATED IN JAIL. WHATS EVEN WORSE THE SHOES DEPUTIES TOOK FROM EDWARDS AT JAIL WHICH THEY CLAIM MATCH PICTURES OF THE PRINTS ON KICKED IN DOORS. WERE NOT THE SHOES EDWARDS WAS WEARING ON THE DATE OF ARREST EVIDENCE OF TOTAL FABRICATION ON OFFICERS PART. PHILLIPS. REPORT ALSO SHOWS FALSEHOOD WHERE CLAIM IS DEPUTY TJ. VAUGHAN RECOVERED A FENDER WELL IN YARD OF ONE BURGLARIZED RESIDENCE 505 ROCKY BRANCH ROAD. VICTIM JUSTIN BENNETT. IT WAS TAKEN TO HITTS BODY SHOP WHERE THEY WERE ABLE TO LOOK UP THE "NOTICE PART NUMBER" AND IDENTIFIED AS A PART TO A FORD FUSION. EDWARDS DROVE AND WAS ARRESTED IN A FORD FOCUS. VERY SERIOUS DIFFERENCE IN THESE TWO VEHICLES. CLEAR PROOF OF FALSE ARREST, FALSE IMPRISONMENT PROSECUTION KNOWINGLY USED FALSETESTIMONY TO OBTAIN GUILTY PLEA CONVICTIONS. NOTICE BOGUS ILLEGAL WARRANT ISSUED BY JUSTICE COURT JUDGE GWEN W. BROOM SEPTEMBER-16-2015 ON CRIMINAL AFFIDAVIT OF ANDREW PHILLIPS SEE DATE SEPTEMBER-8-2015 EIGHT 8 DAYS AFTER EDWARDS ARREST.

SUMMARY OF ARGUEMENTS

JONATHAN EDWARDS AVERS HE IS VICTIM OF ILLEGAL SEARCH AND SEIZURE FALSE ARREST, FALSE IMPRISONMENT VINDICTIVE AND MALICIOUS PROSECUTION ILLEGALLY CONVICTED BY COURTS ABUSE OF DISCRETION FOR AN IMPOSSIBLE CRIME DUE TO INCARCERATION WITHOUT BOND ILLEGALLY SENTENCED WITHOUT FACTUAL BASES FOR GUILTY PLEA ON ERRONEOUS ADVICE OF COUNSEL DENYING DISCOVERIES INCOMPETENCE DEFICIENT PERFORMANCE OF DEFENSE COUNSEL'S INEFFECTIVE ASSISTANCE UNDER DURESS ON THREAT OF DEATH PENALTY COERCED TO PLEA GUILTY TO CRIME EDWARDS did NOT POSSIBLY COMMIT WHILE IN JAIL SUBJECTING HIM TO CRUEL AND UNUSUAL PUNISHMENT ON ILLEGALLY AMENDED HABITUAL OFFENDER STATUS INDICTMENT BY SURPRISE IN VIOLATIONS OF THE UNITED STATES CONSTITUTION LAWS AND TREATIES. THE MISSISSIPPI CONSTITUTION AND STATE LAWS THROUGH AN INVOLUNTARY GUILTY PLEA

ARGUEMENT ONE

WHETHER TRIAL COURT ABUSED ITS DISCRETION BY ALLOWING ENTRY OF INVOLUNTARY GUILTY PLEA FALSE IMPRISONING DEFENDANT AFTER FALSE ARREST VIOLATING DUE PROCESS AND EQUAL PROTECTION OF LAW

ARGUEMENT ONE

IN AARON V. TARGET CORP 357 F.3d 768 (8th CIR. 2004) COURT HELD: AN ABUSE OF DISCRETION OCCURS IF A RELEVANT FACTOR THAT SHOULD HAVE BEEN GIVEN SIGNIFICANT WEIGHT IS NOT CONSIDERED, IF AN IRRELEVANT OR IMPROPER FACTOR IS CONSIDERED AND GIVEN SIGNIFICANT WEIGHT, OR IF A COURT COMMITS A CLEAR ERROR OF JUDGEMENT IN THE COURSE OF WEIGHING PROPER FACTORS. IN MISSISSIPPI SEE KENNEDY V. STATE 179 So.3d 82,83 (MISS.CT.APP. 2015) THIS COURT WILL NOT DISTURB A CIRCUIT COURTS DENIAL OF A PETITION FOR POCR UNLESS THE FACTUAL FINDINGS ARE CLEARLY ERRONEOUS. "EDWARDS" AVERS THATS EXACTLY WHAT HAS HAPPEN THE HONORABLE PRENTISS G. HAROLD, HAS MADE AN ERRONEOUS ANALYSIS OF THE FACTS AND APPLIED AN INCORRECT LEGAL STANDARD IN ARBITRARY, CAPRICIOUS MANNER, EMPASIS OF EDWARDS. FIRST IS THAT PRISONER MUST FIRST BE IN LAWFUL CUSTODY BEFORE HE CAN BE ALLOWED TO PLEA WITHOUT COERCION AND INTELLIGENTLY AS MISSISSIPPI URCCCP RULE 8.04 REQUIRES WITHOUT DURESS OR THREATS.

IN THE CIRCUIT COURTS MEMORANDUM OPINION ORDER DENYING EDWARDS PCCR CAUSE NO. 46:17-CV-00303PH, 46:12-CV-00304PH, JUDGE HARRELL AT PAGE 3-4. CONCEDES THAT URCCCP RULE 7.09 FORBIDS UNFAIR SURPRISE IN THE AMENDMENT OF INDICTMENTS. EDWARDS DID NOT NEGOCIATE AN AGGREEMENT TO PLEA GUILTY UNDER ANY AMENDED INDICTMENT AND WAS UNLAWFULLY SURPRISED UNDER DURESS DURING PLEA HEARING AND SENTENCING AND COULD NOT VOICE HIS OBJECTIONS FOR FEAR OF DEATH. EDWARDS OBJECTS TO CIRCUIT COURTS SHINALL V. STATE 832 So.2d 1291 (MISS.CT.APP. 2002) CLAIMING DEFECTIVE INDICTMENT WITH WRONG DATE IS MISPLACED. EDWARDS HAS SHOWN EVEN THE DISPATCHER 911 CALL CORROBORATES THE CALL AND CRIME SCENE INVESTIGATION WERE ALSO CONDUCTED ON SEPTEMBER-8-2015 WHILE EDWARDS WAS ALREADY INCARCERATED AND EDWARDS DID NOT LEAD ANY OFFICERS NOR DID ANY REPORT CLAIM OR ALLEGE EDWARDS LEAD THEM TO SUCH HOUSE IN FOXWORTH, CONTENTION UNSUPPORTED BY ANY EVIDENCE EDWARDS DID NOT WAIVE ANY RIGHT CONCERNING FACTUAL TEST. SEE APPENDIX "A"

IN PETTI V. STATE 666 So. 2d 754 (MISS. 1995) COURT HELD: FALSE ARREST IS AN ARREST WITHOUT PROBABLE CAUSE OR A WARRANT. COMPARE CASE OF REYNOLDS V. CITY OF WATER VALLEY 755 So.3d 592 (MISS. CT. APP. 2011) EMPHASIS OF EDWARDS ON CONTEXT IS DEPUTIES NEVER ARTICULATED ANY ILLEGAL ACTIVITY OR VIOLATION OF LAW SUFFICIENT CAUSE OR REASONABLE SUSPICION TO INITIATE A SEARCH OF EDWARDS FORD FOCUS IN THE SNOW BALL PARKING LOT THE TELEVISON OR VASE IN SUCH CAR WAS NEVER CONNECTED TO A BURGLARY VICTIM EITHER IN TWO OF THE INDICTMENTS HE PLED GUILTY ON THIS CASE

IN STRICKLAND V. HOWELL 654 So.2d 1387 (MISS. 1995) Id AT [4-3] FALSE IMPRISONMENT IS THE CONFINEMENT OF THE PLAINTIFF WITHIN BOUNDARIES FIXED BY THE DEFENDANT WITHOUT LEGAL JUSTIFICATION BY AN ACT OR THE BREACH OF A DUTY INTENDED TO RESULT IN SUCH CONFINEMENT." EDWARDS HAS SHOWN THE COURT HOW THE FRUIT OF THE POISON TREE WERE MANUFACTURED FABRICATED BY THE DEPUTIES VIOLATING CHESNEY V. STATE 165 So.3d 498 (MISS. CT. APP. 2015) CITING FRANKS PRECEDENCE.

ARGUEMENT ONE

MISS. CONST. ART 3 SECTION 14. Holds: NO PERSON SHALL BE DEPRIVED OF LIFE LIBERTY OR PROPERTY EXCEPT BY DUE PROCESS OF LAW: COMPARE TO U.S. CONST. 14. AMEND.

MISS. CONST. ART 3 SECTION 15. HOLDS: THERE SHALL BE NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE IN THIS STATE: OTHERWISE THAN AS PUNISHMENT FOR CRIME. WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED. THE EMPHASIS OF EDWARDS THE TRIAL COURT did NOT HAVE ANY FACTUAL BASES TO ACCEPT HIS GUILTY PLEA IMPOSING CONVICTION ON CAUSE NO. K15-0219H OR CAUSE No. 0223H EDWARDS PROVED TO THE COURT THE PERJURY COMMITTED BY OFFICER JASON BAELAND. ALSO ANDREW SCOTT PHILLIPS. IN COLLUSION WITH OFFICER SINGLEY VIOLATING M.C.A. § 97-7-35 AND § 47-7-10 SUBJECTING EDWARDS TO SLAVERY INVOLUNTARY SERVITUDE BY FRAUD SEE APPENDIX "C" POLICE REPORT RECORDS.

MISS. CONST. ART 3 SECTION 23. HOLDS: THE PEOPLE SHALL BE SECURE IN THEIR PERSONS. HOUSES. AND POSSESSIONS. FROM UNREASONABLE SEIZURE OR SEARCH AND NO WARRANT SHALL BE ISSUED WITHOUT PROBABLE CAUSE. SUPPORTED BY OATH OR AFFIRMATION. SPECIFICALLY DESIGNATING THE PLACE TO BE SEARCHED AND THE PERSON OR THING TO BE SEIZED. COMPARE U.S. CONST. 4TH AMEND ALSO BOYD V. STATE 206 MISS. 573. 40 SO. 2d 303 (1949) EDWARDS HAS SHOWN VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS TO BE FREE OF ILLEGAL SEARCH AND SEIZURE WITHOUT WARRANT OR HONEST AFFIDAVIT OF OATH OR AFFIRMATION REQUIRED BY LAW TO THESE COURTS. THEIR CAN BE NO VOLUNTARY GUILTY PLEA WHERE DEFENDANT IS NOT IN LAWFUL CUSTODY IN THE FIRST PLACE NOR CAN IT BE INTELLIGENTLY MADE WHERE BREACH OF DUTIES OF OFFICIALS HAVE DEPRIVED HIM OF DISCOVERIES OF THE ACCUSERS REPORTS ACCUSATIONS SEE M.C.A. § 99-11-37. PRIOR TO TRIAL

ARGUEMENT TWO

WHETHER AMENDMENT OF INDICTMENT WAS ILLEGAL SURPRISE VINDICTIVE MALICIOUS PROSECUTION IMPOSED

IN SALLIE V. STATE 155 SO. 3d 760 (MISS. 2015) COURT HELD: DEFENDANT WAS NOT GIVEN ADEQUATE PRETRIAL NOTICE AS REQUIRED BY DUE PROCESS THAT HE WAS FACING A FIREARM SENTENCE ENHANCEMENT OVERRULING MAYERS V. STATE 42 SO. 3d 33. ALSO CITING GOWDY V. STATE 56 SO. 3d 540 (MISS. 2010): JEFFERSON V. STATE 556 SO. 2d 1016 (MISS. 1989): COMPARE SLADE V. BINGHAM 2014 WL 1050340 (MAR. 14-2014). SLADES HABITUAL INDICTMENT QUASHED BY FEDERAL COURT SLADE RESENTENCED. EMPHASIS OF EDWARDS. MR. SWEAT NEVER SUBMITTED ANY EVIDENCE OF PRIOR FELONIES AS EXHIBITS FOR REVIEW BY EDWARDS IN THE SURPRISE INDICTMENT AMENDMENT TO INCLUDE M.C.A. § 99-19-81 NOR WAS EDWARDS EVER GIVEN ANY DISCOVERY OF SUCH AMENDED INDICTMENT OR EVIDENCE RELIED ON AS RECORDS PROVE DENIAL OF COUNSEL AND DUE PROCESS OF LAW VIOLATING EDWARDS CONSTITUTIONAL RIGHTS SEE M.C.A. § 99-15-15 - ISSUE THREE INFRA. NOTE APPENDIX "B" SENTENCING TRANSCRIPT RECORDS.

ARGUEMENT TWO

MISS. CONST. ART 3 SECTION 26. Holds IN PERTINENT PART: IN ALL CRIMINAL PROSECUTIONS THE ACCUSED SHALL HAVE A RIGHT TO BE HEARD BY HIMSELF OR COUNSEL OR BOTH To DEMAND THE NATURE AND CAUSE OF THE ACCUSATION TO BE CONFRONTED BY THE WITNESSES AGAINST HIM TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR AND IN ALL PROSECUTIONS BY INDICTMENT OR INFORMATION A SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY OF THE COUNTY WHERE THE OFFENSE WAS COMMITTED: AND HE SHALL NOT BE COMPELLED TO GIVE EVIDENCE AGAINST HIMSELF: COMPARE U.S. CONST. 6th AMEND.

MISS. CONST. ART 3 SECTION 27. Holds: NO PERSON SHALL FOR ANY INDICTABLE OFFENSE BE PROCEEDED AGAINST CRIMINALLY BY INFORMATION EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES OR THE MILITARY WHEN IN ACTUAL SERVICE OR BY LEAVE OF THE COURT FOR MISDEMEANOR IN OFFICE: BUT THE LEGISLATURE IN CASES NOT PUNISHABLE BY DEATH OR BY IMPRISONMENT IN THE PENITENTIARY MAY DISPENSE WITH THE INQUEST OF THE GRAND JURY AND MAY AUTHORIZE PROSECUTIONS BY BEFORE JUSTICES OF THE PEACE OR SUCH OTHER INFERIOR COURT OR COURTS AS MAY BE ESTABLISHED AND THE PROCEEDINGS IN SUCH CASES SHALL BE REGULATED BY LAW:" EDWARDS AVERS HE WAS ILLEGALLY PROCEEDED AGAINST BY FAULTY INFORMATION AS HE HAS PROVEN HE WAS NEVER PROPERLY SERVED A COPY OF THE AMENDED INDICTMENT TO INCLUDE HABITUAL STATUS NOR GIVEN DISCOVERY OF EVIDENCE RELIED ON FOR SUCH AMENDMENT UNDER M.C.A. § 99-19-81 THEREBY VIOLATING HIS RIGHTS TO DISCOVERY REQUIRED BY LAW IN SUCH SECTIONS 26 & 27 MISSISSIPPI CONSTITUTION SEE, GRIM V. EPPS 2015 WL 5883163 (N.D. MISS. OCT-8-2015) A DEFENDANT BEING SUBJECTED TO HABITUAL OFFENDER INDICTMENT HAS RIGHT TO CONFRONT RECORDS KEEPERS VALIDITY AND VERACITY BEFORE SENTENCE MAY BE IMPOSED ON FACTUAL HABITUAL STATUS: EDWARDS AVERS HE WAS MALICIOUSLY AND VINDICTIVELY SENTENCED ILLEGALLY.

IN CASTELLANO V. FRAGOZO 311 F.3d 689 (5th CIR. 2002) COURT CITES ELEMENTS OF MALICIOUS PROSECUTION AS (1) A CRIMINAL ACTION COMMENCED AGAINST THE PLAINTIFF (2) THE PROSECUTION WAS CAUSED BY THE DEFENDANTS OR WITH THEIR AID: (3) THE ACTION TERMINATED IN PLAINTIFF'S FAVOR: (4) THE *700 PLAINTIFF WAS INNOCENT: (5) THE DEFENDANTS ACTED WITH PROBABLE CAUSE: (6) THE DEFENDANTS ACTED WITH MALICE AND (7) THE CRIMINAL PROCEEDING DAMAGED THE PLAINTIFF. COMPARE: LOCHRIDGE V. PIONEER 86 So.3d 942 (MISS. CT. APP. 2012) ELEMENTS ARE (1) INSTITUTION OF A PROCEEDING (2) BY OR AT THE INSISTANCE OF THE DEFENDANT (3) THE TERMINATION OF SUCH PROCEEDINGS IN PLAINTIFFS FAVOR. (4) MALICE IN INSTITUTING THE PROCEEDINGS (5) WANT OF PROBABLE CAUSE FOR THE PROCEEDINGS: SEE FREEMAN V. STATE (121 So.3d 888 (MISS. 2013) COURT HELD: POLICE OFFICER DID NOT QUALIFY TO AUTHENTICATE A RADAR UNIT CERTIFICATION CITING BOWER V. BOWER 758 So.2d 405 Id AT 414-15 (MISS. 2000): AND BRADY V. MARYLAND 373 U.S. 83 (1963) STATE VIOLATED EDWARDS DISCOVERY RIGHTS TO CHAIN OF CUSTODY ON SHOE PRINT REMOVAL FROM BURGLARIZED RESIDENCES DOORS. WHEN. WHERE HOW TESTED. SEE M.R.E. RULE 901(a)

ARGUEMENT TWO

EDWARDS AVERS ALLEGED SHOE PRINT PHOTO'S HAVE NEVER BEEN PRODUCED SUCH IS ALSO INADMISSABLE BOGUS AND FIVE COUNTS OF INDICTMENTS WERE DISMISSED IN THE COERCION TO PLEAD GUILTY TERMINATED IN EDWARDS FAVOR AS RECORDS PROVES EDWARDS CANNOT BE CONVICTED FOR CRIMES CLAIMED TO HAVE BEEN COMMITTED WHILE HE WAS IN JAIL 9-8-2015 ITS IMPOSSIBLE AND MANIFEST VINDICTIVE MALICE THE HONORABLE PRENTISS G. HARRELL FAILED TO PERFORM HIS DUTY TO PROPERLY EXAMINE RECORDS ON POINT HIS TRANSCRIPT REVIEW AND CONTENTIONS ARE ERRONEOUS SEE: M.C.A. §99-39-11 (SUPP. 2009) LAWS REQUIRES IN PERTINENT PART:

(1) THE ORIGINAL MOTION TOGETHER WITH ALL THE FILES, RECORDS, TRANSCRIPTS AND CORRESPONDENCE RELATING TO THE JUDGEMENT UNDER ATTACK "SHALL BE EXAMINED PROMPTLY BY THE JUDGE TO WHOM IT IS ASSIGNED. EMPHASIS OF EDWARDS APPENDIX "A" CIRCUIT COURT did NOT FOLLOW PROCEDURE REVIEW WAS ARBITRARY AND CAPRICIOUS BIASED AND PREJUDICIAL CONTRARY TO DUTIES OWED EDWARDS, AND ALLEGATIONS UNSUPPORTED BY THE RECORDS, SHOWING UNFAIRNESS

ARGUEMENT THREE

WHETHER DEFENDANT WAS DENIED COMPETENT, EFFECTIVE ASSISTANCE OF COUNSEL AND DISCOVERY'S.

IN MCMANN V. RICHARDSON 397 U.S. 759 (1970) COURT HELD: DEFENDANT HAS A SIXTH AMENDMENT RIGHT TO COMPETENT COUNSEL ASSISTANCE ALSO COMPARE M.C.A. §99-15-15. AND AT EVERY CRITICAL STAGE OF PROCEEDINGS WHERE A CONSTITUTIONAL RIGHT MAY BE EFFECTED.

IN U.S. V. DECOSTER 487 F.2d 1197 (D.C. CIR. 1973) COURT HELD: WHEN A DEFENSE COUNSEL'S CHOICES ARE UNINFORMED BECAUSE OF INADEQUATE PREPARATION DEFENDANT IS DENIED EFFECTIVE ASSISTANCE OF COUNSEL DEFENDANT ACCUSED IS ENTITLED TO REASONABLY COMPETENT ASSISTANCE OF AN ATTORNEY ACTING AS ACCUSSED'S DILIGENT CONSCIENTEOUS ADVOCATE. THE EFFECTIVE ASSISTANCE OF COUNSEL IS A DEFENDANTS MOST FUNDAMENTAL RIGHT "FOR IT EFFECTS HIS ABILITY TO ASSERT ANY OTHER RIGHT HE MAY HAVE THE SUPREME COURT HAS OBSERVED IF THE RIGHT TO COUNSEL GUARANTEED BY THE CONSTITUTION IS TO SERVE ITS PURPOSE DEFENDANTS CANNOT BE LEFT TO THE MERCIES OF INCOMPETENT COUNSEL.

IN FERRELL V. STATE 158 So.3d 1204 (MISS. CT. APP. 2015) COURT REVERSED, REMANDED PAUL'S DENIAL OF PETITION FOR PCCR ON GUILTY PLEA BY CITING READUS V. STATE 837 So.2d 209 (MISS CT. APP. 2003) BECAUSE HIS PLEA WAS NOT INTELLIGENTLY VOLUNTARY DUE TO FAULTY ADVISE OF INEFFECTIVE ASSISTANCE OF COUNSEL. FAILURE TO PROPERLY INVESTIGATE EXCULPATORY EVIDENCE HE DID NOT KIDNAP HIS OWN DAUGHTER. COMPARE VITITOE V. STATE 556 So.2d 1062 (MISS. 1990) WHERE COURT LACKED A FACTUAL BASES TO ACCEPT GUILTY PLEA.

ARGUEMENT THREE

EDWARDS EMPHASIS IS SHIRLEE F. BALDWINS FAILURE TO CONDUCT INVESTIGATION OF FACT HE WAS INCARCERATED WHEN INDICTMENT STATES IN CAUSE NO. K15-0223H THAT HE BREAK AND ENTERED THE DWELLING HOUSE OF DAVID SPIERS ON 9-8-2015 IMPOSSIBILITY BECAUSE EDWARDS WAS JAILED ON 9-7-2015 AND THE BOGUS SHOE PRINT ALLEGATIONS OF PHILLIPS, BREELAND AND SINGLEY. WAS NOT IS NOT COMPETENT EVIDENCE BUT UNRELIABLE HEARSAY. SEE APPENDIX "C" POLICE REPORTS, THEY DID NOT HAVE A WARRANT NOR PROBABLE CAUSE TO SEARCH OR SEIZE EDWARDS CAR IN THE SNOW BALL STORE PARKING LOT. THE SHOES TAKEN FROM EDWARDS AT JAIL WERE NOT SAME AS SHOES HE WORE THE 9-7-2015 DAY OF ARREST, THE SHOE PRINT MATCHING ALLEGATIONS ARE A TOTAL FABRICATION BOGUS. IT'S IMPOSSIBLE FOR AN ATTORNEY TO BE FOUND COMPETENT WHO ALLOWS A INNOCENT DEFENDANT TO PLEA GUILTY TO A CRIME HE COULD NOT POSSIBLY HAVE COMMITTED SEE ALEXANDER V. STATE 605 So.2d 1170 (Miss.1992) CITING BOYKIN V. ALABAMA 395 U.S. 238 (1969). UNINTELLIGENT GUILTY PLEA IS NOT A VOLUNTARY. EDWARDS EMPHASIS AS RECORD PROVES DEPUTIES WERE SEARCHING FOR A TRUCK WITH A MISSING PART OF A FENDER AND SILVER FUSSION TOTALLY DIFFERENT SUSPECTS AND THE TELEVISION AND VASE IN EDWARDS FORD FOCUS WAS NEVER CONNECTED TO EITHER OF THE INDICTED BURGLARY VICTIMS AT ALL. MS. SHIRLEE F. BALDWIN, NEVER OBJECTED AND ALLOWED HIM TO BE FALSE IMPRISONED ON CRIMES HE DID NOT COMMIT SHE NEVER EVEN OBJECTED TO VINDICTIVE AMENDMENT OF THE INDICTMENT. SEE 100 CORNELL L. REV. 157 (2014). JOHN H. BLUME, AND REBECCA K. HELM COMMENTARY PART II WHY DO INNOCENT DEFENDANTS PLEAD GUILTY. PLEASE NOTICE AS WELL JUDGE HARRELL, HAS CITED WILLIAMS V. STATE 131 So.3d 1174 AT 1177 (Miss.2014) LAW REQUIRES ADEQUATE NOTICE WITHOUT SURPRISE CONCEDED ALSO REVERSED IN PART FOR LACK OF A PROPER NOTICE OF INTENT TO ENHANCE. ALSO AT JUDGE HARRELL'S ORDER PAGE 4 WHITFIELD V. STATE 105 So.3d 385 (Miss. Ct. App. 2012) IS ALSO MISPLACED CONTRADICTION IN COMPARISON WITH JUDGE HARRELL'S CITING OF MOODY V. STATE 644 So.2d 451 (Miss.1994) AT ORDER PAGE 11 WHICH ALSO WAS REMANDED BECAUSE FOLLOWING A REVIEW OF THE TOTALITY OF DEFENSE COUNSEL'S PERFORMANCE WE CONCLUDE IT WAS BOTH DEFICIENT AND PREJUDICIAL Id * 457. NOTICE GLOVER V. U.S. 531 U.S. 198 (2001) SUPREME COURT HELD: A COURT MAY NOT DENY RELIEF TO PERSONS ATTACKING THEIR SENTENCE ON INEFFECTIVE ASSISTANCE GROUNDS WHO MIGHT SHOW DEFICIENT PERFORMANCE IN COUNSEL'S FAILURE TO OBJECT TO AN ERROR OF LAW AFFECTING THE CALCULATION OF A SENTENCE BECAUSE THE SENTENCE INCREASE DOES NOT MEET SOME BASELINE STANDARD OF PREJUDICE. U.S. 6TH AMEND. THE CIRCUIT COURTS MEMORANDUM OPINION ORDER IS WITHOUT MERIT.

ARGUEMENT FOUR

WHETHER GUILTY PLEA WAS INVOLUNTARY AND IMPOSITION OF CONVICTIONS AND SENTENCES VIOLATED DUE PROCESS AND EQUAL PROTECTIONS OF LAW

MISS. URCCCP. RULE 8.04 HOLDS IN PERTINENT PART:

ARGUEMENT FOUR

A. ENTRY OF GUILTY PLEAS.

1. A DEFENDANT MAY PLEAD NOT GUILTY, OR GUILTY, OR WITH THE PERMISSION OF THE COURT. NOLO CONTENDERE.

2. ENTRY OF GUILTY PLEA. A PERSON WHO IS CHARGED WITH COMMISSION OF CRIMINAL OFFENSE IN COUNTY OR CIRCUIT COURT, AND IS REPRESENTED BY AN ATTORNEY MAY AT HIS/HER OWN ELECTION, APPEAR BEFORE THE COURT AT ANY TIME THE JUDGE MAY FIX, And BE ARRAIGNED And ENTER A PLEA OF GUILTY TO THE OFFENSE CHARGED, AND MAY BE SENTENCED BY THE COURT AT THAT TIME OR SOME FUTURE TIME APPOINTED BY THE COURT.

3. VOLUNTARINESS. BEFORE THE TRIAL COURT MAY ACCEPT A PLEA OF GUILTY THE COURT MUST DETERMINE THAT THE PLEA IS VOLUNTARY AND INTELLIGENTLY MADE AND THAT THERE IS A FACTUAL BASES FOR THE PLEA. A PLEA OF GUILTY IS NOT VOLUNTARY IF INDUCED BY FEAR, VIOLENCE, DECEPTION, OR IMPROPER INDUCEMENTS. A SHOWING THAT THE PLEA OF GUILTY WAS VOLUNTARY AND INTELLIGENTLY MADE MUST APPEAR IN THE RECORD.

4. ADVICE TO THE DEFENDANT. WHEN THE DEFENDANT IS ARRAIGNED AND WISHES TO PLEAD GUILTY TO THE OFFENSE CHARGED, IT IS THE DUTY OF THE TRIAL COURT To Address THE DEFENDANT PERSONALLY AND TO INQUIRE AND DETERMINE:

a. THAT THE ACCUSED IS COMPETENT TO UNDERSTAND THE NATURE OF THE CHARGE:

b. THAT THE ACCUSED UNDERSTANDS THE NATURE AND CONSEQUENCES OF THE PLEA. AND THE MAXIMUM AND MINIMUM PENALTIES PROVIDED BY LAW:

C. THAT THE ACCUSED UNDERSTANDS THAT BY PLEADING GUILTY (S)HE WAIVES HIS/HER CONSTITUTIONAL RIGHTS OF TRIAL BY JURY. THE RIGHT TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES. AND THE RIGHT AGAINST SELF-INCRIMINATION: IF THE ACCUSED IS NOT REPRESENTED BY AN ATTORNEY THAT (S)HE IS AWARE OF HIS/HER RIGHT TO AN ATTORNEY AT EVERY STAGE OF THE PROCEEDING AND THAT ONE WILL BE APPOINTED TO REPRESENT HIM/HER IF (S)HE IS INDIGENT.

5. WITHDRAWAL OF PLEA OF GUILTY. IT IS WITHIN THE DISCRETION OF THE COURT TO PERMIT OR DENY A MOTION FOR THE WITHDRAWAL OF A GUILTY PLEA.

6. SUFFICIENCY OF MOTION. IN ORDER TO BE SUFFICIENT A MOTION TO WITHDRAW A PLEA OF GUILTY MUST SHOW Good CAUSE

B. PLEA BARGAINING.

1. THE PROSECUTING ATTORNEY IS ENCOURAGED TO DISCUSS AND AGREE ON PLEAS WHICH MAY BE ENTERED BY THE DEFENDANT. ANY DISCUSSION OR AGREEMENTS MUST BE CONDUCTED WITH DEFENDANT'S ATTORNEY, OR IF DEFENDANT IS UNREPRESENTED, THE DISCUSSION AND AGREEMENT MAY BE CONDUCTED WITH THE DEFENDANT.

2. THE PROSECUTING ATTORNEY, DEFENDANTS ATTORNEY, OR THE DEFENDANT ACTING PROSE, MAY REACH AN AGREEMENT THAT UPON AN ENTRY OF A PLEA OF GUILTY TO THE OFFENCE CHARGED OR TO A LESSER OR RELATED OFFENSE THE ATTORNEY FOR THE STATE MAY do ANY OF THE FOLLOWING:

ARGUEMENT FOUR

a. MOVE FOR A DISMISSAL OF OTHER CHARGES. OR:

b. MAKE A RECOMMENDATION TO THE TRIAL COURT FOR A PARTICULAR SENTENCE. WITH THE UNDERSTANDING THAT SUCH RECOMMENDATION OR REQUEST WILL NOT BE BINDING UPON THE COURT.

3. DEFENSE ATTORNEY'S SHALL NOT CONCLUDE ANY PLEA BARGAINING ON BEHALF OF THE DEFENDANT WITHOUT THE DEFENDANTS FULL AND COMPLETE CONSENT. BEING CERTAIN THAT THE DECISION TO PLEA IS MADE BY DEFENDANT DEFENSE ATTORNEY'S MUST ADVISE DEFENDANT OF ALL PERTINENT MATTERS BEARING ON THE CHOICE OF PLEA, INCLUDING LIKELY RESULTS OR ALTERNATIVES.

4. THE TRIAL JUDGE SHALL NOT PARTICIPATE IN ANY PLEA DISCUSSION. THE COURT MAY DESIGNATE A CUT-OFF DATE FOR PLEA DISCUSSIONS AND MAY REFUSE TO CONSIDER THE RECOMMENDATION AFTER THAT DATE. AFTER A RECOMMENDED DISPOSITION ON THE PLEA HAS BEEN REACHED, IT MAY BE MADE KNOWN TO THE COURT, ALONG WITH THE REASONS FOR THE RECOMMENDATION, PRIOR TO THE ACCEPTANCE OF THE PLEA. THE COURT SHALL REQUIRE DISCLOSURE OF THE RECOMMENDATION IN OPEN COURT WITH THE TERMS OF THE RECOMMENDATION TO BE PLACED IN THE RECORD.

MISS. CONST. ART 3 SECTION 21. Holds IN PERTINENT PART:

THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED EDWARDS ASK THIS COURT TO SEE AND INCORPORATE HIS ARGUEMENTS LEGAL POINTS AND FACTS FROM MOTION TO EXPEDITE PROCEDURES HE FILED IN THE CIRCUIT COURT AT APPENDIX "B"

MISS. CONST. ART 3 SECTION 24. Holds: ALL COURTS SHALL BE OPEN: AND EVERY PERSON FOR ANY INJURY done HIM IN HIS LANDS. Goods. PERSON OR REPUTATION SHALL HAVE REMEDY BY due COURSE OF LAW AND RIGHT AND JUSTICE SHALL BE ADMINISTERED WITHOUT SALE DENIAL OR DELAY. COMPARE THE U.S. CONST. 14TH AMENDMENT EQUAL PROTECTION CLAUSE AND MISS CONST. ART 3 SECTION 14 AND 11.

MISS. CONST. ART 3 SECTION 25. Holds: No PERSON SHALL BE DEBARRED FROM PROSECUTING OR DEFENDING ANY CIVIL CAUSE FOR OR AGAINST HIM OR HERSELF BEFORE ANY TRIBUNAL IN THE STATE. BY HIM OR HERSELF OR COUNSEL OR BOTH.

MISS. CONST. ART 3 SECTION 28. Holds: CRUEL OR UNUSUAL PUNISHMENT SHALL NOT BE INFLICTED NOR EXCESSIVE FINES IMPOSED.

MISS. CONST. ART 3 SECTION 32. Holds: THE ENUMERATION OF RIGHTS IN THIS CONSTITUTION SHALL NOT BE CONSTRUED TO DENY AND IMPAIR OTHERS RETAINED BY AND INHERENT IN THE PEOPLE

JONATHAN EDWARDS, PRESENTS THE FOLLOWING TRANSCRIPT EXCERTS FROM THE PLEA ACCEPTANCE HEARING AS FOLLOWS TO SHOW THAT THE RULES AND PROCEDURES REQUIRE TO DETERMINE WHETHER HIS CONSTITUTIONAL RIGHTS WERE VIOLATED DENYING DUE PROCESS AND EQUAL PROTECTION OF LAW HAVE SUSPENDED HIS RIGHTS TO WRIT OF HABEAS CORPUS POOR.

ARGUEMENT FOUR

TR. PG. 18. LINES 1-27 SWEAT: INVESTIGATED And Found THAT THAT WAS PART OF A Ford FUSSION. PICKUP. And SO THEY BECAME AWARE And LOOKED FOR THAT SORT OF PICKUP WITH THAT PART MISSING. IT WASN'T TO LONG WHEN ONE OF THE OFFICER'S SAW THAT THE PARTICULAR PICKUP-- And MR. JONATHAN EDWARDS WAS DRIVING THE PICKUP And HE WAS--ALSO HAD SOME--PLAIN VIEW OF FLAT SCREEN TV AND A BOX WITH AN URN IN IT. THOSE ITEMS HAD BEEN REPORTED STOLEN IN THE BURGLARIES. MR. EDWARDS WAS TAKEN TO AN INVESTIGATIVE OFFICE And MIRANDIZED And SPOKE WITH THE LAWYERS OF--- INVESTIGATORS WITHOUT AN ATTORNEY. And HE CONFESSED To MULTIPLE BURGLARIES OF DWELLINGS To THOSE OFFICERS. And CARRIED THEM To THE SCENES WHERE THOSE BURGLARIES HAD HAPPENED. HIS "CONFESSION" MATCHED THE REPORTS OF BURGLARIES THAT HAD COME IN. BUT IT WAS CREDIBLE. SO HE WAS INDICTED THEN FOR SEVEN CHARGES OF BURGLARY SIX BURGLARIES And ALL DWELLINGS And ONE ATTEMPTED BURGLARY OF A DWELLING IN THIS CASE. YOUR HONOR. And THAT WOULD HAVE HAPPENED AT MS. MOORE'S RESIDENCE AT 286 BRADFORD CHURCH ROAD IN MARION COUNTY YOUR HONOR. THE OTHER CHARGE THAT MR. EDWARDS IS PLEADING To IS CAUSE NO. NUMBER K15-0223H. IT HAPPENED IN MARION COUNTY ON SEPTEMBER 8-2015 AT THE HOME OF DAVID SPEARS.

TR. PG. 22 LINES 1-THRU-29 Q. DO YOU HAVE ANY QUESTIONS? A. YES. SIR. UH-- Q. NO. WAIT. WAIT. A. IM SORRY. Q. I STILL dONT WANT YOU TO ANSWER YET. FIRST OFF. I WANT To -- IS WHAT HE SAID RIGHT? A. NO SIR. Q. IT'S NOT RIGHT.? A. NO, SIR. Q WELL WHAT do YOU WANT TO SAY? A. I OWNED AN 2012 Ford FOCUS. And IT WASN'T A PICKUP TRUCK. And WHEN I WAS ARRESTED I WAS LEAVING MR. FLINT MORGAN'S HOME. And I did ATTEMPT To BURGLARIZE IT. BUT WHAT HAPPENED WAS HE HAD SHOWED UP. And I HAD LEFT. SO WHEN I LEFT. I HAD ENDED UP AT THE SNOW BALL STAND. And THEN --- MS. BALDWIN: YOUR HONOR -- THE COURT: HOLD ON. HOLD ON. LET ME ASK YOU A QUESTION OR TWO. A. YES. SIR. Q. HOLD ON. A. IM JUST TELLING THE TRUTH. Q. WELL I WANT YOU-- I FIGURE YOU ARE TELLING THE TRUTH. BUT THAT DONT MATTER RIGHT NOW. I MEAN IT DOES MATTER. ABSOLUTELY IT MATTERS. WHAT YOUR DISPUTING IS THAT THE FENDER THAT FELL OFF -- IT WASN'T A TRUCK. IT WAS A Ford -- YOU didN'T DRIVE A TRUCK?

TR. PAGE 23 - LINES 1-THRU-29. A. NO, SIR. Q. YOU dROVE A FOCUS? A. YES. SIR. Q. And SO THAT FENDER didN'T COME OFF THAT FOCUS. did IT? A. NO. SIR. Q. WELL THATS FINE. IT MAY NOT HAVE. NOW MY QUESTION To YOU IS ARE YOU TAKING OWNERSHIP OF THESE TWO MATTERS THAT YOU PLED To? A. YES -- Q. SIR? A. YES. SIR. Q. WELL, THATS FINE. SO THEY made A MISTAKE ON THE TRUCK VERSUS THE FOCUS? A. YES. SIR. Q. And THAT CAN VERY WELL BE TRUE. BUT IF YOU STILL WANT TO TAKE OWNERSHIP OF THE TWO CHARGES THAT YOUR PLEADING To ON -- I FORGOT THE NAMES. BUT IN K15-0223 And 46:16-CR-0 And THEN THE OTHER FIVE WILL GO AWAY -- A. YES. SIR. Q. THATS WHAT IM INTERESTED IN. I'M NOT INTERESTED IF THE FENDER CAME OFF THE WRONG VEHICLE. A. YES. SIR. MR. SWEAT: YOUR HONOR. I THINK I MISPOKE. I SAW A FOCUS. And I JUST ERRONEOUSLY ASSUMED WE WERE TALKING ABOUT A PICKUP.

TR. PG. 24. LINES 1-THRU-25. THE COURT: NO THEY'RE NOT. Q. WELL, Good. THAT'S OF YOU To PICK IT UP THAT QUICK. I APPRECIATE IT. A. YES. SIR. Q. BUT YOU do WANT To TAKE OWNERSHIP? A. YES. SIR. Q. YOU did BURGLARIZE IT. A. YES. SIR.

ARGUEMENT FOUR

Q. ALL RIGHTS THATS FINE. And you understand HE'S KNOCKING OFF FIVE OF THAT? A. YES. SIR. Q. ALL RIGHT. IF ALL THATS IS TRUE THEN. JONATHAN, I WILL ASK YOU -- IF THAT'S TRUE WHAT HE SAID WITH THE EXCEPTION OF THAT FENDER BEING OFF THE WRONG VEHICLE. THEN HOW do YOU PLEAD TO BURGLARY OF A DWELLING IN THESE TWO CAUSE NUMBERS THAT I'VE ALREADY ENUMERATED? A. I PLEAD GUILTY. Q. THANK YOU. YOU'RE PLEADING GUILTY BECAUSE YOU ARE GUILTY? A. YES. SIR. Q. So THE FACTS THAT ARE STATED IN THAT CHARGE WITH THESE EXCEPTIONS ARE TRUE AND CORRECT? A. YES. SIR.

JONATHAN EDWARDS, AVERS. SWEATT LIED TO THE COURT THEIR NEVER HAS BEEN ANY RECORDED OR TRANSCRIBED OR SIGNED CONFESSION TO INVESTIGATORS OR LAWYERS. BEING UNDER THREAT OF 150 YEARS 25 ON 7 COUNTS EDWARDS WAS UNDER DURESS AT AGE 55 THE COURT HAS IMPOSED DEATH BY INSTITUTIONALIZATION BECAUSE 4 YEARS WAS LEFT TO SERVE ON PRIOR 25 YEARS WHICH HE WAS ON PAROLE FOR Add 25 MORE TO THAT AND EDWARDS IF HE LIVES THROUGH PRISON INVIRONMENT HE'LL BE 84 YEARS OLD. BUT WHATS MORE TERRIBLE IS HE CANNOT VOLUNTARILY PLEA GUILTY OR TAKE OWNERSHIP OF A CRIME WHICH OCCURRED 9-8-2015 AFTER HE WAS INCARCERATED AND THE COURT LACKED A FACTUAL BASES FOR SUCH PLEA. ALSO FACT STILL REMAINS THE FENDER WAS NOT MISSING OFF HIS FORD FOCUS.

IN RE ESKAY 38 F. SUPP. 221 (D. N. J. 1941) COURT HELD: WHEN A WITNESS TAKES STAND IN ANY COURT, HE IS UNDER AN UNMISTAKABLE LEGAL DUTY TO TESTIFY TRUTHFULLY TO WHAT HE KNOWS, AND SUCH LEGAL DUTY SHOULD NOT NEED SPECIAL ADMONITION TO MAKE IT CLEAR OR INESCAPABLE AS RESPECTS POWER OF COURT TO PUNISH FOR CONTEMPT. ALSO WHERE OBSTRUCTION OF JUDICIAL POWER IS ONLY THAT INHERENT IN WRONG OF TESTIFYING FALSELY IT IS NOT ENOUGH TO AUTHORIZE PUNISHMENT FOR CONTEMPT. BUT RATHER THE REMEDY BY INDICTMENT FOR PERJURY IS APPROPRIATE AND ADEQUATE.

IN CARRERO V. STATE 550 S.3d 1170 (MISS. Ct. APP. 2009) COURT HELD: Id AT 1179 ADDITIONALLY OUR FEDERAL COUNTERPARTS ECHO THE IMPORT OF ESTABLISHING A FACTUAL BASIS FOR A DEFENDANTS GUILTY PLEA AS ESTABLISHED BY FEDERAL PRECEDENT AND RULE 11 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE SIMILAR TO RULE 8.04 RULE 11 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE REQUIRES A TRIAL JUDGE, BEFORE ENTERING A JUDGEMENT ON A GUILTY PLEA --- TO DETERMINE THAT THERE IS A FACTUAL BASES FOR THE PLEA." FED. R. CRIM. P. 11 (b) (3). IN LINE WITH THE FIFTH CIRCUIT COURT OF APPEALS ON RULE 11 STATED THAT IMPLICIT IN THE DISTRICT COURTS ACCEPTANCE OF A GUILTY PLEA IS ITS DETERMINATION THAT THE DEFENDANTS CONDUCT SATISFIED EVERY LEGAL ELEMENT OF THE CHARGED CRIME." UNITED STATES V. MAREK 238 F.3d 310, 315 (5TH CIR. 2001) IN KESSEE, THE DEFENDANT WAS CHARGED WITH CONSPIRACY TO DISTRIBUTE COCAINE AND EVENTUALLY PLED GUILTY. HOWEVER ON APPEAL KESSEE ARGUED THAT THE WAS NO FACTUAL BASES FOR HIS PLEA BECAUSE ALTHOUGH HE ADMITTED TO SELLING COCAINE AT SOME UNIDENTIFIED TIME TO SOME UNITENTIFIED PERSON "SUCH CONFESSION" did NOT SUPPORT HIS PLEA OR THE CHARGE OF CONSPIRACY IN HIS INDICTMENT IT AT 339. THE FIFTH CIRCUIT COURT OF APPEALS VACATED KESSEE'S GUILTY PLEA AND REMANDED TO THE DISTRICT COURTS THAT THEY SHOULD COMPARE (1) THE CONDUCT TO WHICH THE DEFENDANT ADMITS WITH →

ARGUEMENT FOUR

(2) THE ELEMENTS OF THE OFFENSE CHARGED IN THE INDICTMENT "SO AS TO VINDICATE THE PURPOSE OF RULE 11. Id AT 340 QUOTING MAREK 238 F.3d AT 315. THE SAME REASONING STANDS TRUE FOR OUR RULE 8.04 (A) (3) WITH THIS IN MIND WE MOVE TO OUR ANALYSIS OF CARREIRO'S PLEA SEE *1124 ¶12 AS SUCH A SET of FACTS WE FIND THAT ITS IS AN IMPOSSIBILITY FOR SUCH SET OF FACTS TO CONSTITUTE A VIOLATION OF 97-5-33 (2) AS SARA WAS NOT ENGAGING IN ANY CONDUCT LASCIVIOUS OR OTHERWISE OTHER THAN SLEEPING. REVERSED REMANDED.

JONATHAN EDWARDS, COULD NOT POSSIBLY HAVE COMMITTED A BURGLARY CITED IN CAUSE NO. K15-0223H WHILE INCARCERATED IN JAIL ON 9-8-2015 AND HE DID NOT DRIVE A TRUCK WITH A FENDER MISSING NOR did HIS Ford FOCUS HAVE A FENDER MISSING EITHER FOR CAUSE NO. K15-0219H. THE STATE WAS PLAYING PIN THE TAIL ON THE DONKEY AND TRIED TO PIN EVERY BURGLARY IN MARION COUNTY ON EDWARDS, AND HE'S BEEN FALSE ARRESTED AND IMPRISONED ON SUCH FICTION. COMPARE, Good V. CURTIS 601 F.3d 393 (5TH CIR. 2010). AND GETER V. FORTENBERRY 849 F.2d 1550 (5TH CIR. 1988)

IN ORTEGA V. DUNCAN 333 F.3d 102 (2ND CIR. 2003) COURT HELD, Id AT [10] "FEW RULES ARE MORE CENTRAL TO AN ACCURATE DETERMINATION OF INNOCENCE OR GUILT THAN THE REQUIREMENT ___ THAT ONE SHOULD NOT BE CONVICTED ON FALSE TESTIMONY." SEE SANDERS V. SULLIVAN 900 F.2d 601, 607 (2ND CIR. 1990) (SANDERS II) WE HOLD AS A MATTER OF LAW THAT ORTEGA'S CONVICTION IS IN VIOLATION OF HIS DUE PROCESS RIGHTS BECAUSE WITHOUT GARNER'S TESTIMONY THE JURY WOULD "PROBABLY NOT HAVE FOUND ORTEGA GUILTY" WE THEREFORE GRANT ORTEGA'S PETITION FOR HABEAS CORPUS.

IN GILL V. STATE 962 So.2d 552 (MISS. 2007) COURT SAID Id AT [2] ¶12. HOWEVER THIS COURT HAS STATED "RULES ARE MADE TO SECURE JUSTICE NOT DEFEAT IT". BREWER V. BROWNING 115 MISS. 358, 366, 76 So. 267 (1917) MOREOVER ALL COURTS HAVE THE INHERENT POWER TO CORRECT AND MAKE THEIR JUDGEMENTS SPEAK THE TRUTH". TURNER V. STATE 212 MISS 590, 594, 55 So.2d 228 (1951) THIS COURT HAS ADDITIONALLY HELD THAT THE POWER TO CORRECT AN ERROR IN THE RECORD OF A JUDGEMENT RENDERED BY IT AT A FORMER TERM IS INHERENT IN THE COURTS SYSTEM SEE CLAUGHTON V. FORD 202 MISS. 361, 30 So.2d 805 (1947).

IN A FOURTH AMENDMENT CASE OF ILLEGAL SEARCH AND SEIZURE SEE BROOKS V. STATE 209 MISS. 150, 46 So.2d 94 (MISS. 1950) COURT HELD: WHERE FUNDAMENTAL AND CONSTITUTIONAL RIGHTS ARE IGNORED DUE PROCESS DOES NOT EXIST AND A FAIR TRIAL IN CONTEMPLATION OF LAW CANNOT BE HAD.

IN ZEIGLER V. JACKSON 638 F.2d 776 (5TH CIR 1981) COURT HELD: ALTHOUGH EQUAL PROTECTION CLAUSE DOES NOT REQUIRE THAT ALL PERSONS BE TREATED IDENTICALLY, IF DISTINCTIONS BETWEEN SIMILARLY SITUATED INDIVIDUALS ARE TO WITHSTAND EQUAL PROTECTION ANALYSIS, SUCH DISTINCTIONS MUST BE REASONABLE NOT ARBITRARY AND MUST REST ON GROUNDS HAVING A FAIR AND SUBSTANTIAL RELATION TO THE OBJECT OF THE LEGISLATION. EMPHASIS OF EDWARDS, HE'S ENTITLED TO SAME TYPE JUDGEMENT PROTECTION AS BROOKS SUPRA AND CHESNEY SUPRA, BECAUSE JAMIE SINGLEY, ANDREW S. PHILLIPS, AND JASON BRELAND, HAD NO PROBABLE CAUSE NOR WARRANT TO →

ARGUEMENT FOUR

SEARCH HIS FORD FOCUS AT THE SNOWBALL STAND PARKING LOT AND MANUFACTURED CLAIMS FALSE ARRESTING IMPERSONING HIM.

M.C.A. §99-39-5 (1)(A)(b)(d)(e)(F)(g)(h)(J) HOLDS IN PERTINENT PART:

(1) ANY PERSON SENTENCED BY A COURT OF RECORD OF THE STATE OF MISSISSIPPI, INCLUDING A PERSON CURRENTLY INCARCERATED, CIVILLY COMMITTED, MAY FILE A MOTION TO VACATE SET ASIDE OR CORRECT THE JUDGEMENT OR SENTENCE, A MOTION TO REQUEST BIOLOGICAL EVIDENCE TESTING OR IF HE CLAIMS:

(a) THAT THE CONVICTION OR THE SENTENCE WAS IMPOSED IN VIOLATIONS OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OR LAWS OF MISSISSIPPI;

(b) THAT THE TRIAL COURT WAS WITHOUT JURISDICTION TO IMPOSE SENTENCE;

(d) THAT THE SENTENCE EXCEEDS THE MAXIMUM AUTHORIZED BY LAW;

(e) THAT THERE EXIST EVIDENCE OF MATERIAL FACTS NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE;

(F) THAT THERE EXISTS BIOLOGICAL EVIDENCE SECURED IN RELATION TO THE INVESTIGATION OR PROSECUTION ATTENDANT TO THE PETITIONER'S CONVICTION NOT TESTED, OR IF PREVIOUSLY TESTED, THAT CAN BE SUBJECTED TO ADDITIONAL TESTING THAT WOULD PROVIDE A REASONABLE LIKELYHOOD OF MORE PROBATIVE RESULTS, AND THAT TESTING WOULD DEMONSTRATE BY REASONABLE PROBABILITY THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED OR WOULD HAVE RECEIVED A LESSER SENTENCE IF FAVORABLE RESULTS HAD BEEN OBTAINED THROUGH SUCH FORENSIC TESTING AT THE TIME OF THE ORIGINAL PROSECUTION.

(g) THAT HIS PLEA WAS MADE INVOLUNTARILY;

(h) THAT HIS SENTENCE HAS EXPIRED; HIS PROBATION PAROLE OR CONDITIONAL RELEASE UNLAWFULLY REVOKED; OR HE IS OTHERWISE UNLAWFULLY HELD IN CUSTODY;

(J) THAT THE CONVICTION OR SENTENCE IS OTHERWISE SUBJECT TO COLLATERAL ATTACK UPON ANY GROUNDS OF ALLEGED ERROR HERETOFORE AVAILABLE UNDER ANY COMMON LAW STATUTORY OR OTHER WRIT, MOTION, PETITION, PROCEEDING OR REMEDY."

MISS. CONST. ART 3 SECTION 1. HOLDS: THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE AND PETITION THE GOVERNMENT ON ANY SUBJECT SHALL NEVER BE IMPAIRED.

JONATHAN EDWARDS AVERS, THAT HE IS ENTITLED TO FORENSIC TESTING OF THE ALLEGED SHOE PRINTS AND SHOES TAKEN BY THE DEPUTIES AS IN CASE SIMILARLY SITUATED SEE SOULIOTTES V. EVANS 622 F.3d 1173 (9TH CIR. 2010) TO PROVE DEPUTIES LIED ABOUT THEIR INVESTIGATION FABRICATING FALSE INFORMATION MISLEADING JUDGE FOR A ILLEGAL WARRANT AFTER ILLEGAL SEARCH AND SEIZURE AND ARREST INCARCERATION, CIRCUIT COURT HAD NO JURISDICTION TO IMPOSE CONVICTIONS OR SENTENCES ON RECORD FAULTY BOGUS INFORMATIONS. ALLEGATIONS.

CONCLUSION

THEREFORE WITH THESE PREMISES CONSIDERED THE COURT SHOULD CONCEDE THAT JONATHAN EDWARDS, IS FALSELY ARRESTED FALSELY IMPRISONED ILLEGALLY SENTENCED AND IN CUSTODY OF THE M.D.O.C. CONVICTED IN VIOLATIONS OF THE UNITED STATES CONSTITUTION LAWS AND TREATISES THE MISSISSIPPI CONSTITUTION AND STATE LAWS BY DENIAL OF HIS CONSTITUTIONAL RIGHTS AS PROVEN BEYOND A REASONABLE DOUBT. AND SHOULD AS A MATTER OF LAW REQUIRES IN THE INTEREST OF JUSTICE REVERSE AND REMAND THE CIRCUIT COURTS DENIAL OF PCCR WITH THE INSTRUCTIONS TO RENDER NULL AND VOID BOTH CONVICTIONS AND SENTENCES AND ORDER EDWARDS RELEASE FROM CUSTODY IMMEDIATELY

SUBSCRIBED THIS THE 11 DAY OF Oct 2018

Jonathan Edwards

APPELLANT
JONATHAN EDWARDS #44510
SMCC AREA 2
P.O. BOX 1419
LEAKESVILLE MS. 39451

Personally appeared before me, the under signed authority and for said jurisdiction, the same Petitioner, who, after frist beging by me duly Sworn Stated on Oath that the Statement Set forth in the above and foregoing are true and correct as there in Stated.

Sworn to and Subscribed before me, this the _____ day of _____, _____.

CERTIFICATE OF SERVICE

This is to certify that I have this date, caused to be mailed, via United States Mail, postage pre-paid, a true and correct copy of the above and foregoing Pleading to:

Jim Hood
Miss. Attorney General
P.O. Box 220
Jackson, MS. 39205

D. Jerem Whitmire
Clerk Supreme Court of Miss
P.O. Box 249 ~~Jack~~
Jackson, MS. 39205

SO CERTIFIED, this the 11 day of Oct, 2018.

Jonathan Edwards
Petitioner
JONATHAN EDWARDS #44510
MDOC # SMCI AREA 2
P.O. BOX 1419
Address
LEAKESVILLE, MS. 39451
Address

APPENDIX "A"

COPY	CONSIST OF THE FOLLOWING	PAGES:
#1.	MEMORANDUM OPINION AND ORDER DENYING PCCR 6-26-2018 MARION COUNTY CIRCUIT COURT CAUSE No. 46C01-17-CV-00303PH	12
#2.	STATE V. EDWARDS CAUSE NO. K15-219H. MOTION TO AMEND INDICTMENT 1-6-2017	5
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IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

FILED
JUN 26 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

JONATHAN EDWARDS

VS. CAUSE NOS. 46:17-CV-00303PH-
46:17-CV-00304PH-

STATE OF MISSISSIPPI

MEMORANDUM OPINION AND ORDER

BEFORE THIS COURT are the two motions for post conviction collateral relief filed by the Petitioner, JONATHAN EDWARDS ("Edwards") *pro se* **Motion for Post Conviction Collateral Relief** pursuant to § 99-39-1 *et seq.*, of the Post-Conviction Collateral Relief provisions. In rendering its decision, the Court has thoroughly examined the Petitioner's motions and accompanying memoranda and exhibits, along with the following documents from Marion County Circuit Court Criminal Cause Nos. K15-0219H and K15-0223: Indictments, Motions to Amend Indictment, Petitions to Enter Plea of Guilty, Transcript of Plea Colloquy, Transcript of Sentencing Hearing, and Sentencing Orders. The Court finds that it plainly appears from the face of the Petitioner's Motion, the annexed exhibits, and record of prior proceedings that the claims are without merit. Therefore, pursuant to Miss. Code Ann. § 99-39-11(2), the Court SUMMARILY DISMISSES the Petitioner's motion for the following reasons to-wit:

PROCEDURAL BACKGROUND

A Marion County grand jury indicted Edwards on or about December 17, 2015, on six charges of burglary of a dwelling and one charge of attempted burglary: Cause Nos. K15-219H, K15-220H, K15-221H, K15-222H, K15-223H, K15-224H, and K15-

225H. On January 6, 2017, the State filed a Motion to Amend Indictment in each of those causes to charge Edwards as a habitual offender under § 99-19-81 of the Mississippi Code (1972, as amended).

On January 18, 2017, Edwards filed a Petition to Enter Plea of Guilty in Cause No. K15-219H for the charge of burglary of a dwelling, and Cause No. K15-223H for the charge of burglary of a dwelling. Edwards pleaded guilty to both charges the same day. The Court obtained and reviewed a Presentence Investigation Report and, on January 27, 2017, sentenced Edwards on each charge to twenty-five years as a habitual offender and ran the sentences concurrently with one another.

On September 8, 2017, Edwards filed his motions for post conviction relief from these convictions, followed by a motion to expedite. In his motion, Edwards raises the following claims:

I. His guilty plea was not knowingly and intelligently made and was involuntary because he did not have a clear understanding of the consequences of his pleading guilty; and

II. There was no factual basis for accepting his plea of guilty;

III. Ineffective Assistance of Counsel

LAW AND ANALYSIS

I. Edwards plea of guilty was valid

In his motions, Edwards sets forth several reasons as to why he did not knowingly enter his plea. Most of these reasons are centered around his contentions that the State amended the indictment to charge him as a habitual offender after he had already pleaded guilty; the Court failed to advise him – before he entered his plea

of guilty – that he was being charged as a habitual offender; no one informed him that his sentences would run consecutive to the revoked sentence he was already serving at the time of his pleas; and no one explained to which of the seven indicted charges he was pleading guilty.

MRCrP Rule 15.3(c) tells the court what it must do before accepting a plea of guilty:

> (c) Voluntariness. Before the trial court may accept a plea of guilty, the court must determine that the plea is voluntarily and intelligently made and that there is a factual basis for the plea. A plea is not voluntary if induced by fear, violence deception, or improper inducements. A showing that the plea of guilty was voluntarily and intelligently made must appear in the record.

The Court finds that, after a thorough review of the documents identified above, Edwards' plea was knowingly and intelligently made. The State gave him notice of the amendment to the indictment before he entered a plea of guilty, and the Court advised him of the consequences of pleading.

a. **Edwards was informed of the amendment charging him as a habitual offender and was advised of the consequences of entering a plea of guilty**

The State filed its motion to charge Edwards as a habitual offender on January 6, 2017, and noticed it for hearing on January 9, 2017, or the first available date suitable to the court. And while the Mississippi Rules of Criminal Procedure require the State to provide a minimum of thirty days advance notice of such an amendment unless waived in writing by the defendant,[1] these rules did not go into effect until July 1, 2017. Rule 7.09 of the Uniform Rules of Circuit and County Court ("URCCC"), was

[1]MRCrP Rule 14.1(b)(2)

applicable at the time Edwards entered his plea of guilty on January 18, 2017. URCCC Rule 7.09 allowed amendments as to the form of an indictment "if the defendant is afforded a fair opportunity to present a defense and is not unfairly surprised." *Ibid.*

In *Williams v. State*[2], the Mississippi Supreme Court stated that "adequate notice is achieved through formal pleadings which include the specific amendment to be offered and which are filed sufficiently in advance of trial to ensure that a defendant will have a 'fair opportunity to present a defense' and will not be 'unfairly surprised.' *Id.*, at 1177. [citations omitted].

And, in *Whitfield v. State*[3], the Mississippi Court of Appeals affirmed the trial court's denial of Whitfield's PCR. Whitfield claimed that he did not knowingly enter his plea because he was "unfairly surprised by the amendment of his indictment." Specifically, Whitfield decided to enter a plea of guilty on the day before he was scheduled to go to trial. On the morning of the plea, the State moved to amend the indictment to charge Whitfield as a habitual offender and the trial court granted the motion. Holding that Whitfield was not "unfairly surprised" and was "fully aware of the State's proposed amendment ... and its effect on his sentence," the Court of Appeals found that: (1) the evidence showed that the State and Defense were conducting plea negotiations which involved a habitual offender amendment; (2) Whitfield's plea petition contained wording that he was pleading as a habitual offender; and (3) the trial judge had informed Whitfield at the beginning of his plea of the consequences of pleading guilty as a habitual offender. *Id.*, at 388.

---

[2]Williams v. State, 131 So. 3d 1174 (Miss. 2014).

[3]Whitfield v. State, 105 So. 3d 385 (Miss. Ct. App. 2012).

The Court sees no outcome determinative factual distinction between *Whitfield* and Edwards. In this instance, Edwards claims he did not have notice of the intent to amend indictment or of the consequences of a habitual offender sentence until after he had pleaded guilty. The record does not support these contentions.

First, Edwards acknowledges in paragraph 10 of his plea petitions "I understand that if my parole or probation is revoked, my sentence in this present case may be imposed consecutively to or in addition to any sentence I may receive if my prior case is revoked." And, in paragraph 17(a) he acknowledges that he may be sentenced to the maximum term of imprisonment if he has two or more prior felony convictions.

Second, the plea transcript shows (1) Edwards was given notice about the amendment before he entered his plea, (2) neither Edwards nor his attorney objected to or contested the amendment, and (3) the Court had informed Edwards of the consequences of pleading guilty as a habitual offender. In one portion of the plea, the following exchange occurs between the Court and Edwards:

Q: How long have you been in jail?
A: Excuse me, sir.
Q: How long have you been locked up?
A: Since September 7, 2015.
Q: Since September of 2015? On these charges, or did these revoke something else? Have you had another prior charge?
A: Yes, sir.
Q: Okay. Well, I'm going to go ahead and tell you right now then. These are two separate charges.
A: Yes, sir.
Q: If you plead to these two, and you are pleading to them, and you have already had a first one, that could get your hard time. Do you understand that?
A: Yes, sir.
Q: And you know what hard time means, don't you?
A: Yes, sir.

And, later in the plea colloquy, the following exchange:

Q [Court]: And I'm going to ask you, Jonathan, do you know what I can give you for burglary of a dwelling?
A: Yes, sir.
Q: How much?
A: 3 to 25 years.
Q: That's right. And how many do you have?
A: 2, sir.
Q: So what – how much are both of them together?
A: The maximum.
Q: Yes, sir. They're 25 a piece, aren't they?
A: Yes, sir.

***

Q: So you understand that I could give you 50 years.
A: Yes, sir.

***

State: Your Honor, may we interject...so the record is clear, Mr. Edwards is pleading to these two charges as a habitual offender under 99-19-81, day for day, on the charges.
Q: That means whatever I give you could be hard time. Do you understand that?

(Off the record)

Q: The prosecutor, Mr. Morris Sweatt, had motioned the Court back on January 6th their intent to amend the indictment. The Court will grant this motion, and the status of Mr. Jonathan Edwards will now be as a habitual, and he understands that this does mean hard time.
Q: Is this not correct, Mr. Jonathan?
A: Yes, sir.

***

State: Your Honor, we filed a motion in all of his cases that are pending, so both of the cases that he's pleading to will be habitual.

Based on the foregoing, the Court finds that Edwards' did know – before he entered his plea – about the amendment charging him as a habitual offender and of the consequences of pleading guilty.

b. The Court did not opine that Edwards would not have to serve the remainder of his revoked sentence

Edwards also asserts that he did not knowingly enter his plea because no one informed him that he would still have to serve time on his revoked sentence. In fact, he asserts in his PCR motions that the Court told him "the remainder of the time from the charge for which his parole was violated would not add any additional time to the twenty-five years sentences." (PCR Motion, 46:17-cv-303PH). And, in PCR motion filed in Cause No. 46:17-cv-00304, he claims the Court told him "he would not have to do any additional time on the sentence for which his parole was violated."

In addition to the Court's discussion, *supra*, on paragraphs 10 and 17 of Edwards' petitions to enter plea of guilty, Edwards fails to cite any authority to support his claim that a plea is not knowingly made if the defendant is not first advised that his new sentence will run consecutively to a sentence already being served. Secondly, the sentencing transcript reveals that the Court not only did not state, but it did not insinuate or imply, that Edwards would not have to serve any more time on his revoked sentence:

A: [Edwards] Yes, sir. Can I say one thing?
Q: Sure. Say anything you want.
A: I was already serving time before you once, and I don't have no understanding. I would like to know how that will go on with my sentence.
Q: You got out early because of the early release matters, and you weren't on hard time then, and you got out, and then you committed this error while you were out?
A: Yes, sir.
Q: And I'm not — I'm not going to bring that up into consideration. Don't worry about it.
A: Yes, sir.
Q: And you have two, and I'm going to let them run together.
A: Yes, sir.
Q: So I'm not going to put them on top of each other. I'm not going to stack them. Do you understand that?
A: Yes, sir.
Q: All right.

A: I just — I don't have no idea of what's really going on with this situation.
Q: Well, I'm about to tell you.
A: Yes, sir.
Q: I'm about to sentence you to 25 and 25 for the different causes – different cause numbers. I'm going to let them run concurrent and not consecutive. That means they will run together, but I will have to give you 25; that's to serve.

The plea transcript reveals that the Court did not tell Edwards he would not have to serve any more time on his revoked sentence. It is also clear that the comments about "sentences running concurrently or consecutively" pertained to Edwards' two burglary pleas and not to his revoked sentence time. Ultimately, however, the Court's responses on this matter during the sentencing hearing are irrelevant to the question of whether they influenced Edwards' decision to enter a plea, as Edwards had entered his plea nine days earlier.

II. **There was a factual basis supporting the pleas; Edwards knew which two of the seven charges he was pleading guilty to**

Edwards also claims there was no factual basis to accept his plea of guilty and that he had no knowledge of which of the seven charges to which he was pleading guilty. Again, the record does not support his claims. In addition to the information contained in each of his indictments and in his plea petitions, the State's proffer provided a factual basis for the pleas and identified to which two of the seven charges Edwards was pleading:

Court: Okay. Before I ask for your plea, I'm going to ask the district attorney's office read me a basic statement of the underlying facts of what happened, and then I'm going to ask you is that right. If it is right, then I will ask for your plea. If it's not right, we will talk about it. Fair enough?

A: Yes, sir.

State: Please the Court. In Cause No. K15-0219H, Jonathan Edwards is the defendant in a charge that arose out of Marion County. The indictment has charged him with burglary of a dwelling that occurred on or about July 27, 2015, at the residence — property of Sherry Moore in Marion County, Mississippi. *** [W]e would present investigators from the Marion County Sheriff's Office. They will tell the Court and the jury that the burglary happened with Sherry Moore when she came home and discovered that her house had been broken into and property was missing.

State: Two or three days later, another burglary was reported at 505 Rocky Branch Road. The victim would be Justin Bennett. Several burglaries were reported during this span of time. *** It wasn't too long when one of the officers saw that that particular pickup – and Mr. Jonathan Edwards was driving the pickup, and he was – also had some – plain view of flat screen TV and a box with an urn in it. Those items had been reported stolen in the burglaries. Mr. Edwards was taken to an investigative office and Mirandized and spoke with the ... investigators without an attorney, and he confessed to multiple burglaries of dwellings ... and carried them to the scenes where those burglaries had happened. His confession matched the reports of burglaries that had come in, but it was very credible, so he was indicted then for seven charges of burglary. Six burglaries and all dwellings and one attempted burglary of a dwelling in this case, your Honor, and that would have happened at Ms. Moore's residence at 286 Bedford Church Road in Marion County....

State: The other charge that Mr. Edwards is pleading to is Cause No. K15-0223H. It happened in Marion County on September 8, 2015, at the home of David Spears.

***

State: Mr. Spears was on vacation. He came home and discovered his house had been burglarized and property was missing. He made a list of the property items and so forth, and ... the investigation was the same for Mr. Spears' burglary...and Mr. Edwards confessed to that one as well.

Edwards' only challenge to the State's proffer was that his vehicle was a car, not a pickup. In admitting that the State's proffer was true and correct, Edwards specifically

admitted that he took law enforcement to the homes he had burgled, and that he had burgled the homes identified in the charges against him.

The Court also notes Edwards' claim that he pleaded guilty to a burglary that he could not have committed because he was in jail on the date cited. In Cause No. K15-0223, Edwards pleaded guilty to burglarizing the home of David Spiers (sp?). The indictment recites that this burglary occurred **on or about** September 8, 2015. [emphasis added]. During its proffer the State only recited "September 8, 2015," and did not use the words "on or about." This argument fails because our courts of appeal have previously rejected it.

In *Shinall v. State*[1], Shinall had pleaded guilty to the charge of armed robbery which, according to the indictment, was committed on or about August 8, 1998. He subsequently filed a motion for post conviction relief, which the trial court summarily denied. He argued on appeal that the indictment was defective because he was in jail on the date the alleged crime was committed. Rejecting this argument, the Mississippi Court of Appeals stated as follows:

> Shinall urges that his indictment was defective because it stated that the crime was committed on or about the 8th day of August, 1998-a time that Shinall claims he was already incarcerated and, therefore, he could not have been guilty of committing the offense. In actuality, this claim cannot be viewed as a defect in the indictment. Rather, the assertion that Shinall was in custody of law enforcement officers on August 8, 1998, would, at best, provide him with a viable defense to the charge in the indictment. Nevertheless, there is ample authority for the proposition that erroneous assertions of the date where time is not of the essence of the offense are matters of form and not of substance and may be cured by amendment. Baine v. State, 604 So.2d 258, 261 (Miss.1992). Such alleged defects in the indictment are waived by a valid plea of guilty. Brooks v. State, 573 So.2d 1350, 1352 (Miss.1990). Shinall admitted as a part of the process

[1]Shinall v. State, 832 So. 2d 1291 (Miss. Ct. App. 2002)

> of entering a guilty plea to committing the essential elements of the crime. Any discrepancy as to the exact date of the offense was waived in that process.

Id., at 1293.

III. Ineffective Assistance of Counsel

Edwards argues that his attorney provided ineffective assistance of counsel because she: (1) failed to advise him about the amendment to charge him as a habitual offender; (2) failed to object to the amendment; (3) failed to discuss defense options; and (4) failed to advise him of the potential consequences of pleading guilty and that he would still have time to serve on his revoked sentence.

Ineffective assistance of counsel claims are analyzed under *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The test requires a finding of each of the following elements: (1) that counsel's performance was deficient, and (2) the deficiency in fact prejudiced the defendant. The burden of proving that both prongs have been met is on Edwards, and he has to overcome a rebuttable presumption that his counsel's performance fell within the broad spectrum of competent assistance. *See, Moody v. State*, 644 So.2d 451 (Miss. 1994). The Court finds that Edwards does not satisfy the *Strickland* prongs.

In addition to the affirmations or confirmations in his plea petition on knowledge of the charges against him and of the minimum and maximum sentence he could receive, Edwards also responded throughout the plea colloquy that he was satisfied with his attorney and her representation of him. In the Court's opinion, the most persuasive factor that motivated Edwards to enter a plea of guilty, regardless of when

he first became aware that he was charged as a habitual offender, may be found in the statement he makes in his PCR, Cause 46:17-cv-303, to-wit:

> Edwards lawyer never objected to or challenged the amendment and nothing was said by her about the prior convictions used for the enhancement. When asked about this by Edwards, Baldwin said there was nothing she could do. **Confused, not wanting to get 150 years, Edwards never protested to the court.** [emphasis added].

In other words, Edwards knowingly, willingly, and voluntarily elected to accept a plea arrangement in which he would plead to two charges carrying twenty-five years each as a habitual offender, rather than take the chance on seven charges that could net him one hundred and fifty years as a habitual offender. Edwards' claims that he would not have pleaded guilty had he known about the habitual offender amendment and that he would not have pleaded guilty if he had known he would still have to serve time on his revoked sentence, ring false. Edwards fails to prove even one of the two *Strickland* prongs, (1) that counsel's performance was deficient, and (2) the deficiency in fact prejudiced the defendant.

IT IS, THEREFORE, ORDERED AND ADJUDGED, for the foregoing reasons, that JONATHAN EDWARDS's Motion for Post Conviction Collateral Relief is hereby SUMMARILY DISMISSED pursuant to Miss. Code Ann. § 99-39-11(2). The Circuit Clerk of Marion County, Mississippi, shall mail a copy of the Court's Opinion and Order to the Petitioner via certified First Class U.S. Mail, return receipt requested.

SO ORDERED AND ADJUDGED on this 26th day of June, A.D., 2018.

PRENTISS HARRELL,
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

vs.

JONATHAN EDWARDS

FILED
JAN - 6 2017
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

CASES NUMBERED: K15-219H, K15-220H, K15-221H, K15-222H, K15-223H, K15-224H, K15-225

MOTION TO AMEND INDICTMENT

COMES NOW the State of Mississippi and asks the Court for an Order To Amend the Indictment in this cause under Rule 7.09 URCCCP to show that the defendant should be charged in the above causes as an Habitual Offender under Section 99-19-81 of the Mississippi Code (1972, as amended), and the State would show the following:

BURGLARY OF DWELLING

(1) The Defendant, Jonathan Edwards, in a charge separately brought and arising out of a separate incident in Lamar County, Mississippi, Circuit Court in case number 5796-2, was convicted of the offense of burglary of a dwelling under §97-17-23 Miss Code Ann. of 1972 as amended, and Jonathan Edwards was sentenced to a term of five (5) years in custody of Mississippi Department of Corrections on March 4, 1983, and the Defendant did serve more than one (1) year on that conviction; and

BURGLARY OF DWELLING

(2) The Defendant, Jonathan Edwards, in a charge separately brought and arising out of a separate incident in Lamar County, Mississippi, Circuit Court in case number 5797-2, was convicted of the offense of burglary of a dwelling under §97-17-23 Miss Code Ann. of 1972 as

amended, and Jonathan Edwards was sentenced to a term of five (5) years in custody of Mississippi Department of Corrections on March 4, 1983, and the Defendant did serve more than one (1) year on that conviction; and

BURGLARY OF DWELLING

(3) The Defendant, Jonathan Edwards, in a charge separately brought and arising out of a separate incident in Forrest County, Mississippi, Circuit Court in case number 10,563, was convicted of the offense of burglary of a dwelling under §97-17-23 Miss Code Ann. of 1972 as amended, and Jonathan Edwards was sentenced to a term of two (2) years in custody of Mississippi Department of Corrections on April 1, 1983, and the Defendant did serve more than one (1) year on that conviction; and

RECEIVING STOLEN PROPERTY

(4) The Defendant was convicted on February 28, 1986, in Forrest County, Mississippi, Circuit Court, case number 12,000 , of the offense of burglary of a dwelling under §97-17-23 Miss. Code Ann. of 1972, as amended, the charge having been brought separately and arising from a separate incident, and he was sentenced to a term of three (3) years in custody of Mississippi Department of Corrections, and the Defendant did serve a term of more than one (1) year on that conviction; and

BURGLARY OF DWELLING

(5) The Defendant was convicted on February 28, 1986, in Forrest County, Mississippi, Circuit, case number 12,001 ,of the offense of burglary of a dwelling under §97-17-23 Miss. Code Ann. of 1972, as amended, the charge having been brought separately and arising from a separate

incident, and he was sentenced to a term of three (3) years in custody of Mississippi Department of Corrections, and the Defendant did serve a term of more than one (1) year on that conviction; and The Defendant, Jonathan Edwards, in a charge separately brought and arising out of a separate incident in Forrest County, Mississippi, Circuit Court in case number 14,055, was convicted on April 12, 1990, of the offense of receiving stolen property under §97-17-70 Miss Code Ann. of 1972 as amended, and Jonathan Edwards was sentenced to a term of three (3) years in custody of Mississippi Department of Corrections on April 12, 1990, and the Defendant did serve more than one (1) year on that conviction; and

BURGLARY OF DWELLING

(6) The Defendant, Jonathan Edwards, in a charge separately brought and arising out of a separate incident in Forrest County, Mississippi, Circuit Court in case number 14,055, was convicted of the offense of receiving stolen property under §97-17-70 Miss Code Ann. of 1972 as amended, and Jonathan Edwards was sentenced to a term of three (3) years in custody of Mississippi Department of Corrections on April 12, 1990, and the Defendant did serve more than one (1) year on that conviction; and

BURGLARY OF DWELLING

(7) The Defendant, Jonathan Edwards, in a charge separately brought and arising out of a separate incident in Forrest County, Mississippi, Circuit Court in case number 19,755, was convicted of the offense of receiving stolen property under §97-17-70 Miss Code Ann. of 1972 as amended, and Jonathan Edwards was sentenced to a term of three (3) years in custody of Mississippi Department of Corrections on August 25, 1997, and the Defendant did serve more than one (1) year on that conviction.

See copies of convictions attached hereto.

The State would show that the seven (7) prior convictions were separate offenses, separately brought, and each offense carried a maximum sentence of one (1) year or more and that the defendant served one (1) year or more on each case in the custody of the Mississippi Department of Corrections, and thereby the Defendant is eligible and qualified as an habitual offender as stated above.

Respectfully Submitted
State of Mississippi
By: _____
MORRIS SWEATT, ADA

NOTICE OF HEARING OF MOTION FOR AMENDMENT AS TO SENTENCING

TO:

Hon. Shirlee Baldwin
Attorney at Law
P. O. Box 723
Hattiesburg, MS 39403

Please be advised that the foregoing Motion for Sentence Enhancement, Habitual Offender will be brought to the attention of the Circuit Court on the 9th day of January, 2017 at1:00 p .m. or on the first available day and time as should be suitable to the court.

This the 6th day of January, 2017.

_____
HON. MORRIS SWEATT, ADA

CERTIFICATE OF SERVICE

THIS DAY the undersigned attorney did hand deliver, fax or mail the foregoing Motion to Amend Indictment to Charge Defendant as Habitual Offender and the Notice of Hearing for same to the attorney for the Defendant at her usual business.

Hon. Shirlee Baldwin
Attorney at Law
P. O. Box 723
Hattiesburg, MS 39403

THIS THE 6th day of January, 2017.

MORRIS SWEATT, ADA

Hon. A. Morris Sweatt
Assistant District Attorney
500 Courthouse Square, Suite 3
Columbia, MS 39429
601 731 1476

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

JONATHAN EDWARDS

FILED

JAN 27 2017

JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

CASE NO. K15-219H

ORDER OF CONVICTION AND SENTENCE

INTO OPEN COURT on January 1[illegible], 2017, came the Assistant District Attorney, Morris Sweatt, who prosecutes for the State of Mississippi and the Defendant, **JONATHAN EDWARDS**, personally and represented by counsel, Honorable Shirlee Fager-Baldwin. The Defendant was indicted with **Burglary of a Dwelling §97-17-23**. The Court granted the State's Motion to amend the indictment to charge Defendant as a Habitual Offender §99-19-81. The Defendant pled guilty to **Burglary of a Dwelling §97-17-23, Habitual Offender §99-19-81.** The Court, after full inquiry, determined that Defendant's plea of guilty complied with all the requirements of Rule 8.04 of the Uniform Rules of Circuit Court, and satisfied all of Defendant's additional legal and constitutional rights. The plea was accepted and the Court found Defendant guilty of said charge.

On January 27, 2017, the Court entered the sentencing phase of the plea. For said offense and upon plea of guilty, and after reviewing a pre-sentence investigation report, it is by the Court ORDERED AND ADJUDGED that **JONATHAN EDWARDS** is hereby sentenced to the charge of **Burglary of a Dwelling §97-17-23, Habitual Offender §99-19-81** to serve a term of to serve a term of **TWENTY-FIVE (25) YEARS** in the custody of the Mississippi State Department of Corrections, with **TWENTY-FIVE (25) YEARS** to be served at the Mississippi Department of Corrections. Said sentence shall run **CONCURRENT** with the sentence in Marion County Cause

number K15-223. Defendant shall pay a **fine of $1000.00, an assessment of $1000.00 to the Public Defender's Office** and all cost of court.

Any period of incarceration is to be served under the provisions of Mississippi Code Section 47-5-138, and any portion of said sentence that is served under Post-Release Supervision is to be served under the provisions of Mississippi Code Section 47-7-34.

The suspension of any portion of said sentence, whether under Post-Release Supervision, probation or otherwise, shall be subject tc the following conditions:

Defendant shall:

(a) Commit no offense against the laws of this or any other state of the United States, or the laws of the United States;

(b) Avoid injurious or vicious habits and persons and places of disreputable or harmful character;

(c) Report to the field Officer as directed;

(d) Permit the Field Supervisor (Probation officer) to visit Defendant at home or elsewhere;

(e) Work faithfully at suitable employment so far as possible;

(f) Remain within a specified area, to-wit: State of Mississippi;

(g) Support any dependents;

(h) Possess or consume no alcoholic beverages or mood altering drugs, and possess no firearm or other deadly weapon;

(i) Pay required fee during each month of probation, by money order, to the Mississippi Department of Corrections;

(j) Submit, as provided in Section 47-5-603 of the Mississippi Code of 1972, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or substance prohibited or controlled by any law of the State of Mississippi or the United States, or to tests recommended by Defendant's Field Officer;

(k) Participate in any recognized program available and recommended by Defendant's Field Officer;

(l) Defendant shall pay his fine, assessment, restitution and costs at the rate of $50.00 per month beginning one (1) month after his release on Post-Release Supervision.

The violation of any one of the above enumerated conditions shall violate the terms and conditions of Defendant's Post-Release Supervision and the Court shall have the authority to revoke Defendant from Post-Release Supervision and remand him back into the custody of the Mississippi Department of Corrections.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant shall be given credit for time served in the county jail, as allowed by law.

SO ORDERED AND ADJUDGED on this the 27th day of January, 2017.

PRENTISS G. HARRELL
CIRCUIT COURT JUDGE

FILED

JUL 19 2018

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Serial: 220121

IN THE SUPREME COURT OF MISSISSIPPI

No. 2018-M-00770

IN RE: JONATHAN EDWARDS ***Petitioner***

ORDER

Before the undersigned Justice is Jonathan Edwards's Petition for an Order to Show Cause, which is in the nature of a petition for writ of mandamus and will be treated as such. Edwards seeks a Court order compelling the Circuit Court of Marion County to rule upon his motion for post-conviction relief. On June 26, 2018, the circuit court dismissed Edwards's motion. Therefore, after due consideration, the undersigned Justice finds that the instant petition should be dismissed as moot.

IT IS THEREFORE ORDERED that Jonathan Edwards's Petition for an Order to Show Cause is hereby dismissed as moot. The Clerk of this Court shall forward a copy of the circuit court's order to Edwards.

SO ORDERED, this the 18th day of July, 2018.

JAMES D. MAXWELL II, JUSTICE

APPENDIX "B"

COPY: CONSIST OF THE FOLLOWING PAGES

#1. EDWARDS V. STATE NO. K15-0219H, 4:17-CV-00303PH 9-6-17 MOTION FOR PCCR ORIGINAL AND RECORD EXCERPTS ---------- 29

#2. EDWARDS V. STATE NO. K15-0219H, 4:17-CV-00303PH 4-12-2018 MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF PCCR ---------- 16

#3. EDWARDS V. STATE NO. 2018-M-00720 PETITION FOR AN ORDER TO SHOW CAUSE 5-24-2018 MISSISSIPPI SUPREME COURT ---------- 28

Date 9-6-17

Circuit Court Clerk Marion Marion
County 250 Board St Suite-1
Columbia, Mississippi 39429

FILED
SEP - 8 2017
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

Dear Circuit Court Clerk:

Enclosed please find for filing my Petition for Post Conviction Relief. I am without funds to pay the filing fee evidenced by my attached Application for Informa Pauperis status and ask that you waive any required fees.

By copy of this letter, I am forwarding a copy of said Petition to the District Attorney.

Thanking you in advance for your time and assistance in this matter.

Sincerely,

Jonathan Edwards
Petitioner

In the Circuit Court of Marion County,

Jonathon Edwards Petitioner

vs. Cause K15-02194-11

State Of Mississippi Respondent

FILED
SEP - 8 2017
JANETTE NOLAN, CIRCUIT CLERK
BY D.C.

Motion for Post-Conviction Collateral Relief

Comes now Jonathon Edwards, Petitioner Pro Se, and files this his Motion for Post-Conviction Collateral Relief pursuant to Mississippi Code Annotated section 99-39-1 et. Seq., and in Support there of would show upon this Honorable Court the following, to-wit:

I.
Identity of Proceeding in which Petitioner was Convicted

Petitioner was indicted by the Grand jury of this Said County on or about the 17th day of December, 2015, on the Charge of Burglary of Dwelling in Violation of Miss Code Ann. Section 97-17-23 Thereafter, Petitioner entered a Guilty Plea on Said Charges and was Sentenced by the Honorable Judge Prentiss Harrell to Serve a term of 25 yrs under habitual

in the Custody of the Mississippi Department of Corrections. Entry of judgment of conviction and Sentence was imposed on the 18th day of January 2017.

Petitioner has not previously Sought Post-Conviction relief in any State OR Federal Court, although he has production of records.

Concise Statement of the Claims or Grounds upon Which Motion is Based

Petiontioner Edwards Contends his Conviction was obtained in violation of the rights and privileges guaranteed him by the Sixth and Fourteeth amendments to the United States Constitutions. Specially, Edwards alleges the following

A. Edwards guilty plea was not knowingly and intelligently made and was involuntary as a matter of law because he did not have an understanding of the direct Consequences of pleading Guilty. 1. Prior to accepting his guilty Plea, Neither the Court OR Edwards attorney ex-

(See attachment Exhibit-A)

4. The trial Court failed to establish a factual basis to accept Edwards guilty Plea.

B) Petitioners guilty Plea was not knowingly and intelligently made because he was denied his Sixth and fourteenth amendments right to effective assistance of Counsel. He Submitts attorney Baldwin as ineffective in the following way:

1. Attorney Baldwin did not explain to Edwards that any Sentence he got by Pleading guilty was going to be served Consecutive to the Sentence which he was violated nor did She advise him he was going to be a habitual offender.

2. Attorney Baldwin failed to object to or Challenge on amendment to this indictment after Edwards had already Plead guilty and was sentence.

3. Attorney Baldwin failed to explain the facts of the Charge Edwards was pleading guilty to and allowed him to Plead guilty to a Charge he did not Committ.

4. Attorney Baldwin did not discuss other possible option with Edwards or a defence to any of the Charges.

5. Attorney Baldwin did not make

plained to him that any sentence he got would be Consecutive to the sentence for which his Parole was violated. Edwards was under the impression that all the time he would have to do was for the Charge he was pleading guilty to and the Judge had told him as much.

2. The trial Court failed to explain to Edwards prior to his guilty plea that he was being Charged as a habitual offender. It was only after he plead guilty and was Sentence that the State moved to amend the indictment. The trial Judge reluctantly allow the amendment and added the habitual States to the (25) years sentences.

3. It was never explained by the trial Court to Edwards which of the Seven (7) Charges he was pleading guilty to. As it turned out, one of the Charges Edwards was Cause number K15-0219H; which was for a burglary that was Committed on July 27, of 2015. Edwards remained on Parole without a Parole warrant issued or Edwards Parole officer was never informed of a warrant issued for Edwards arrest on July 27, 2015. It was not until Edwards arrested without a warrant, detained and Charged for a 911 Call on September 7, 2015

informed assessment of Edwards Situation, nor did she advise him of the potential consquenes of pleading guilty.

III.

Specifice Facts Within Petitioners Personal Knowledge

On September 7, 2015 Jonathon Edwards (Hereinafter Edwards) was parked at a Snow Ball Stand on highway 13 in Columbia Mississippi when a police car pulled in behind him and parked. The police officer got out of his car and approched Edwards vehicle which was a 2012 Silver ford focus, and told him that the Police department had received a Call about a Silver ford fussion driving erratically. The officer said the description fits Edwards Car. He subsequently had Edwards to blow into a hand held device testing for alcohol, which come back negative. The officer then told Edwards, that he has been informed by the Marion County Sheriff's department that they had gotton a 911 Call Concerning a burglary and to detain him for questioning (See attached Exhibit A). Edwards was hand cuffed and placed in back of the Police Car until the Sheriff department arrived.

Once on the scene, the Sheriff's department Searched Edwards Car without a Search warrant and then took Custody of Edwards without an arrest warrant and transported him to the Marion County jail. It wasn't until September 16, 2015 that an Affidavit and warrant for Edwards arrest Concerning a burglary for the July 27, 2015. Once Edward was arrested and violated for the arrest of September 7, 2015. He was then transported into Mississippi Dept. of Corrections to serve his violation for the arrest of September 7, 2015. (See Exhibit-B)

It wasn't until June 8, 2016 when Edwards was extradicted back into Marion County jail for him to have acknowledgement's of July 27, 2015 indictment. (see attachent Exhibit-C). At this time of his arrest Edwards was on Parole so Shortly after the arrest warrant was issued, Edwards Parole was revoked for the aforementioned burglary. (See attached Exhibit-B). In addition to the above mentioned burglary, Edwards was also indicted for another burglary in cause No. #R15-2019 as well as five (5) other

burglaries (See attached Exhibit-C).

The Court appointed Shirley Baldwin as Counsel to represent Edwards on the Charges. She spoke to Edwards briefly that day, only to tell him she would be by the jail to talk to him at a later date. The next time Edwards saw her, was on January 25, 2017 at Marion County Courthouse. On that occasion, attorney Baldwin told Edwards that he was there to Consider a plea offer. She said She thought she could get him ten (10) years, that that's what She would seek from the prosecutor in a few minutes. She left the Courtroom for about ten minutes and when She returned She advised Edwards that the Judge wanted a pre-sentence investigation report done of Edwards.

Two days later, on Jan 27, 2017, Edwards was back in Court. His lawyer told him that the prosecutor was not making a recommendation and that if he was going to plead guilty it would have to be an open plea. She did not explain anything Concerning the Substance of the Charges or even which Charges he would be pleading guilty to, or how many. All Edwards knew is that

he was pleading in the blind.

When it come time for Edwards to formally enter his plea, the Judge explained to him that if he decided to go to trial on charges, he would be facing at least one hundred and fifty years in Prison. Edwards acknowledged this. Confused as he was, and ended up pleading guilty to two (2) burglaries, cause number K15-02231H and K15-02191H. The five (5) remaining burglaies Charges were dropped.

The Judge Sentenced Edwards to twenty five(25) years on each Charge Concurrent with each other. He told Edwards that the remainder of the time from the Charge for which his Parole was violated, would not add any additional time to the twenty-five (25) years Sentences.

At that point in the Proceedings, the Prosecutor advised the Judge that He was Seeking to amend the indictment to Show that Edwards was a habitual offender The Judge asked the prosecutor why he waited So late in the proceeding, that he had more than enough time previously, to move for the habitual Statues in this Case. The prosecutor tried to explain dates and the Judge respond-

ed. What are the dates? Out of frustration the Judge stated, this time I'll accept, but for the future, things must be in order. Judge relented and added the habitual offender designation to Edwards Sentence.

Edwards lawyer never objected to or Challenged the amendment and nothing was said by her about the prior convictions used for the enhancement. When asked about this by Edwards, Baldwin said there was nothing she could do. Confused, not wanting to get 150 years, Edwards never Protested to the court. Prior to being sentence, Edwards had reviewed all seven (7) of the indictments. He noticed the indictment in Cause number K15-0219H was for a burglary that occurred on July 27, 2015. (see attached Exhibit-C). The ..... Affidavit and Warrant were signed September 16, 2015, which was 46 days after the burglary was committed and nine (9) days after Edwards was arrested for September 7, 2015 (see Exhibit-D)

Because Edwards was arrested and Notified for the burglary in Cause number K15-0220H, he assumed

that was the burglary he had plead guilty to. Out of the seven(7) burglaries Edwards just didn't know which burglary he was actually pleading to. Had it been explained to Edwards by the Court or his lawyer Baldwin that he would have to do the remainder of the Sentence his parole was violated for in addiction to the twenty-five(25) years Sentence he received, he would not have plead guilty, but would have gone trial. (See Exhibit-E time Sheet indicating he has(40) year Sentence). Had it been explained to Edwards before he plead guilty that he was being Charged as a habitual offender he would have not plead guilty, but would have gone to trial.

Had it been explained to Edwards that the indictment was an improper indictment with an out of date affidavit and warrant that was never issued or used to violated Edwards Parole, he would have not plead guilty, but would have gone to trial.

For all the above reason, this action follows.

Facts not within Petitioner's Personal Knowledge

It is not within Petitioners knowledge why the trial Court advised him he would not have to do any additional time on the Sentence for which his Parole was violated.

It is not within Petitioner's Knowledge why the trial Court allow the Prosecution to wait to amend his indictment to reflect habitual Offender designation until he plead guilty and was Sentence

It is not within Petitioner's Knowledge why the court fail to try to establish a factual basis for his guilty plea.

It is not within Petitioners Knowledge why his attorney Baldwin, Completely fail in her role an advocate for him i.e. did not attempt to advise him of the Consequence of pleading guilty, or allow him to make an informed assessment of his Situation. (See Grounds for relief).

Petitioner has attempted on (3) occasions to obtain from the Marion County Circuit Clerk's office, the guilty plea and sentencing transcripts but his Requests was denied each time.

He therefore, request this Court to excuse his inability to produce said documents to support his Claims.

He suggests he has now made a significant Showing of the need for the production of Said documents.

Relief Sought

1. Pursuant to Mississippi Code annotated section 99-39-15, Petitioner Edwards request leave of this Court to invoke the processes of discovery. Specifically he seeks a copy of the ~~guilty~~ Plea transcript, and habitual offender ~~A~~amendment to indictment, as well as a copy of the documents used to support the States Contention that Edwards qualified to be a habitual offender.

2. Should this Court find discovery unnecessary, Edwards move this Court to Vacate and Set aside the Conviction found against him on January 27, 2017 in Cause number K15-0219H and for any such other relief as this Court deems just and proper.

Conclusion

Petitioner Edwards has established facts which entitle him to relief as a matter of law.

Where fore, Premises Considered, Petitioner submits the relief requested Should be granted.

Respectfully Submitted.
Jonathan Edwards

Verification of Petitioner

I Jonathon Edwards, the above Pro se Petitioner in the foregoing Petition, do hereby affirm and State the following: to-wit:

I.

I am the Petitioner in the foregoing original motion Styled as "Motion for Post-Conviction Relief."

II.

I have read the foregoing motion and all statements and other reading herein attached are true and correct to the best of my knowledge, information and belief.

III.

I believe that I am entitled to the Relief as requested in said Motion.

Jonathon Edwards
Petitioner

State of Mississippi
County of Greene

Personally Appeared before me, the undersigned authority and for said jurisdiction, the named Petitioner, who, after first being by me duly Sworn 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 6 day of September 2017

STATE OF MISSISSIPPI NOTARY PUBLIC # 28563 GIA NICOLE McLEOD Commission Expires Oct. 10, 2019 HINDS COUNTY

Notary Public Gia Nicole McLeod

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

Jonathan Edwards PETITIONER

VS.

FILED
SEP - 8 2017
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

CAUSE NO. K15-0219-4

STATE OF MISSISSIPPI RESPONDENT

I, Jonathan Edwards, 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 0.

3. List all other assets such as real estate, bonds, notes, etc.

   a. 0

   b. 0

   c. 0

STATE OF MISSISSIPPI
COUNTY OF Rankin

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said jurisdiction, the within named Petitioner, who, after first being by me duly sworn, 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 4 day of September, 2017.

NOTARY PUBLIC OF MISSISSIPPI
ID # 28563
GIA NICOLE MCLEOD
Commission Expires
Oct. 10, 2019
HINDS COUNTY

Gia Nicole McLeod
NOTARY PUBLIC

Exhibit A

(2)

Marion County Sheriff's Office
Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201523860** Date Received: **9/7/2015 13:44**
Assigned to Case: **201523860**

Call Details

201523860 **BURGLARY**

Dispatcher: **LINK, CAD _____** Received: **9/7/2015 13:44** How Received: **911**

Dispatched: **9/7/2015 13:44** Arrived: **9/7/2015 13:54** Cleared: **9/7/2015 14:40**

Officer: **ALLDAY, JAMES ALLEN SO9**

Location: **238 GATES RD COLUMBIA**

Call Notes

201523860 ALLDAY, JAMES ALLEN SO9

9-7-15

Exhibit - B

COPY

NCIC ENTRY ☒ YES ☐ NO RACE: Black DOB: 12/18/1961 HT: 5'6" WT.: 147

Mississippi Department of Corrections

SCARS/MARKS

WARRANT FOR ARREST OF PAROLED PRISONER

TO ANY FIELD OFFICER OR ANY OFFICER authorized to serve criminal process:

WHEREAS, JONATHAN EDWARDS, MDOC# 44510 , was sentenced on October 08, 2012, to serve a term of 25 years in the custody of the Department of Corrections, said sentence being in the County of Marion, State of Mississippi, for the crime of Burglary Of A Dwelling and said JONATHAN EDWARDS was on September 2, 2014, granted a conditional parole by the Parole Board, and WHEREAS, having reasonable cause to believe that JONATHAN EDWARDS MDOC# 44510, a prisoner of the State of Mississippi, conditionally paroled from the Department of Corrections, and now in the legal custody of the Community Services Division of the Department of Corrections, has violated his/her parole agreement in that:

9. Law And Immediate Notification: The offender was arrested on September 07, 2015 by the Marion County Sheriff's Department and was charged with Burglary Of A Dwelling x 5.

NOW, THEREFORE, by the authority vested in me by the Mississippi Code 1972, Annotated, Section 47-7-27, I hereby order the said JONATHAN EDWARDS to be arrested and I hereby authorize you to so arrest him/her and for doing, this shall be your sufficient warrant.

GIVEN under my hand and seal, this the 22day of September, 2015.

MISSISSIPPI DEPARTMENT OF CORRECTIONS

C.N. BRUMFIELD C. N. Brumfield

(Field Officer)

cc: Records Office, Parchman (Original)
Deputy Commissioner of Community Corrections
Offender's File
Holding Authority

Exhibit-C

INDICTMENT | **CAUSE NUMBER K15-0219H**

STATE OF MISSISSIPPI | CHARGE: **BURGLARY OF A DWELLING**
Section 97-17-23, Miss. Code of 1972, as amended

COUNTY OF MARION

In the Circuit Court in and for the said County and State at the September 2015 TERM, the Grand Jurors for the State of Mississippi, elected, impaneled, sworn and charged, in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath, present that in said county and state, on or about July 27, 2015, in Marion County, Mississippi,

JONATHAN EDWARDS

did willfully, unlawfully, feloniously and burglariously break and enter the dwelling house, the property of SHERRY MOORE, located in Marion County, with intent to commit a crime therein, to-wit: to take, steal, and carry away personal property contained therein, contrary to and in violation of Section 97-17-23 of the Mississippi Code of 1972, as amended; against the peace and dignity of the State of Mississippi.

ENDORSED: A TRUE BILL

Kim Hollin
Assistant District Attorney

Johnny L. Broom
Foreman of the Grand Jury

Filed and recorded the 17th day of December, 2015.

Janette Nolan, CIRCUIT CLERK

By: _____, DEPUTY CLERK

ITEM # MCSO 2015-19790

JONATHAN EDWARDS- DOB 12-18-1961 SSN 4xx-xx-0602 or SSN 4XX-XX-0642 Black / Male

This is a True Copy
Dec. 17 20 15
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

RAP Sheet

Name: EDWARDS, JONATHAN Jacket #: 9449

Booking #: 2011060008	Book Date: 6/2/2011 11:10:00 AM	Release Date: 11/14/2012 9:00:00 AM	Days: 532
Case No:			
Counts: 1	97-17-23(97-17-23) - BURGLARY; INHABITED DWELLING HOUSE, WHETHER ARMED OR NOT, WH		
Booking #: 2015090058	Book Date: 9/7/2015 9:01:00 PM	Release Date: 10/15/2015 10:39:00 AM	Days: 39
Case No: [redacted]			
Counts: 1	111(111) - FELONY BURGLARY OF A DWELLING		
Booking #: 2015103754	Book Date: 6/8/2016 9:09:00 AM	Release Date:	Days: 84
Case No:			
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		
Counts: 1	97-17-23(97-17-23) - BURGLARY OF INHABITED DWELLING (HOME INVATION) (GJI)		

Total Charges: 9

9449

Exhibit - D

OVER →

JUSTICE COURT WARRANT

FELONY

THE STATE OF MISSISSIPPI,
TO ANY LAWFUL OFFICER OF MARION COUNTY

WE COMMAND YOU TO TAKE THE BODY OF: Jonathan Edwards
DOB 12/18/1961 SSN 433-29-0602

As to be found in your county, and him/her safely keep, so that you have him/her before the undersigned, a Justice Court Judge of Marion County, Mississippi, to be holden at the office of the undersigned, in Marion County, then and there to answer unto the State of Mississippi on a charge of:

BURGLARY OF A DWELLING HOUSE

97-17-23

By Affidavit.

Herein Fail Not, and have been there this writ, with the manner you have execute the same.

Given under my hand and seal and issued this 16th **day of** September, 2015.

Given W. Broom

Justice Court Judge

I have this day executed the within writ by arresting the within named defendant:

Jonathan Edwards	1662 Gates Road Columbia, MS	12/18/1961
Suspect Name	**Suspect Address**	**Suspect DOB**

433-29-0602	B	M	( )	310-446-6439
Suspect Social Security Number	**Race**	**Sex**		**Suspect Phone**

This the 16th **day of** Sept., 2015.

Officer

201523798

Case Number

Exhibit - E

up to date

Mississippi Department of Corrections

Inmate Time Sheet

Offender: EDWARDS, JONATHAN 44510 **Housing:** CMCF, CMCF 720, BLD C, ZONE D, BED 0335T

Computation Date: 03/08/2017 15:45 **Date Printed:** 03/21/2017 10:40

Sentences:

DATE	CAUSE/COUNT	OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION	HAB	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
10/08/12	K12-0053H/1	2256:BURGLARY LARCENY-UNOCCUPIED DWELLING	05/30/11	Marion	15Y		10Y	N				
01/27/17	K15-219H/1	2202:BURGLARY-RESIDENTIAL	07/27/15	Marion	25Y			Y				K12-0053H/1
01/27/17	K15-0223H/1	2202:BURGLARY-RESIDENTIAL	09/08/15	Marion	25Y			Y			K15-219H/1	

☐ First Time Offender

Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
06/02/11	10/08/12	494

Total Jail Time: 494 Override:

Computation Details:

DATE	DESCRIPTION
10/08/12	K12-0053H/1 2256:BURGLARY LARCENY-UNOCCUPIED DWELLING 15Y
01/02/13	Init: Trusty Status 11/20/12 IN T/S - COMMON LABOR
01/03/13	Trusty Earned Time 11/20/12 to 12/20/12 : 30D
01/19/13	Trusty Earned Time 12/20/12 to 01/19/13 : 30D
02/18/13	Trusty Earned Time 01/19/13 to 02/18/13 : 30D
03/20/13	Trusty Earned Time 02/18/13 to 03/20/13 : 30D
04/15/13	Met-Discipleship Program 01/02/13 to 03/31/13 : 29D 1
04/19/13	Trusty Earned Time 03/20/13 to 04/19/13 : 30D
05/19/13	Trusty Earned Time 04/19/13 to 05/19/13 : 30D
06/18/13	Trusty Earned Time 05/19/13 to 06/18/13 : 30D
07/18/13	Trusty Earned Time 06/18/13 to 07/18/13 : 30D
07/29/13	Met-Discipleship Program 04/01/13 to 06/30/13 : 30D I
08/17/13	Trusty Earned Time 07/18/13 to 08/17/13 : 30D
09/16/13	Trusty Earned Time 08/17/13 to 09/16/13 : 30D
10/16/13	Trusty Earned Time 09/16/13 to 10/16/13 : 30D
10/16/13	Met-Discipleship Program 07/01/13 to 09/30/13 : 30D I
11/15/13	Trusty Earned Time 10/16/13 to 11/15/13 : 30D
12/15/13	Trusty Earned Time 11/15/13 to 12/15/13 : 30D
01/14/14	Trusty Earned Time 12/15/13 to 01/14/14 : 30D
02/13/14	Trusty Earned Time 01/14/14 to 02/13/14 : 30D
02/18/14	Met-Discipleship Program 10/01/13 to 12/31/13 : 30D I
03/15/14	Trusty Earned Time 02/13/14 to 03/15/14 : 30D
04/14/14	Trusty Earned Time 03/15/14 to 04/14/14 : 30D
04/14/14	Met-Discipleship Program 01/01/14 to 03/31/14 : 30D I
05/12/14	Met-Discipleship Program 04/01/14 to 04/30/14 : 10D 1
05/14/14	Trusty Earned Time 04/14/14 to 05/14/14 : 30D

DATE	DESCRIPTION
06/13/14	Trusty Earned Time 05/14/14 to 06/13/14 : 30D
07/13/14	Trusty Earned Time 06/13/14 to 07/13/14 : 30D
07/14/14	Met-Discipleship Program 05/01/14 to 05/31/14 : 10D I
07/14/14	Met-Pre Release Program 06/01/14 to 06/30/14 : 10D LIFESKILLS
08/11/14	Met-Discipleship Program 07/01/14 to 07/31/14 : 10D I
08/12/14	Trusty Earned Time 07/13/14 to 08/12/14 : 30D
09/04/14	Out Of Trusty Status 09/03/14
09/04/14	Released On Parole 09/03/14
01/23/15	Into Earned Discharge Status 12/01/14
01/24/15	Earned Discharge Credit 12/01/14 to 12/31/14 : 31D
02/12/15	Earned Discharge Credit 01/01/15 to 01/31/15 : 31D
03/10/15	Earned Discharge Credit 02/01/15 to 02/28/15 : 28D
04/10/15	Earned Discharge Credit 03/01/15 to 03/31/15 : 31D
05/10/15	Earned Discharge Credit 04/01/15 to 04/30/15 : 30D
06/10/15	Earned Discharge Credit 05/01/15 to 05/31/15 : 31D
07/10/15	Earned Discharge Credit 06/01/15 to 06/30/15 : 30D
08/10/15	Earned Discharge Credit 07/01/15 to 07/31/15 : 31D
09/10/15	Earned Discharge Credit 08/01/15 to 08/31/15 : 31D
09/22/15	Earned Discharge Violation 09/22/15
09/30/15	Released On Parole 09/28/15 Parole revoked until elig.
11/16/15	Into Trusty Status 11/02/15 IN T/S - COMMON LABOR
12/02/15	Trusty Earned Time 11/02/15 to 12/02/15 : 30D
01/01/16	Trusty Earned Time 12/02/15 to 01/01/16 : 30D
01/31/16	Trusty Earned Time 01/01/16 to 01/31/16 : 30D
03/01/16	Trusty Earned Time 01/31/16 to 03/01/16 : 30D
03/31/16	Trusty Earned Time 03/01/16 to 03/31/16 : 30D
04/28/16	Met-A&D Treatment 02/11/16 to 04/21/16 : 23D
04/30/16	Trusty Earned Time 03/31/16 to 04/30/16 : 30D
05/11/16	Met-A&D Treatment 04/22/16 to 05/11/16 : 6D
05/30/16	Trusty Earned Time 04/30/16 to 05/30/16 : 30D
06/01/16	Met-Abe/GED 04/22/16 to 05/31/16 : 13D BUILDING TRADES
06/29/16	Trusty Earned Time 05/30/16 to 06/29/16 : 30D
06/30/16	Met-Pre Release Program 06/01/16 to 06/07/16 : 2D BUILDING TRADES
07/29/16	Trusty Earned Time 06/29/16 to 07/29/16 : 30D
08/28/16	Trusty Earned Time 07/29/16 to 08/28/16 : 30D
09/27/16	Trusty Earned Time 08/28/16 to 09/27/16 : 30D
10/27/16	Trusty Earned Time 09/27/16 to 10/27/16 : 30D
11/26/16	Trusty Earned Time 10/27/16 to 11/26/16 : 30D
12/26/16	Trusty Earned Time 11/26/16 to 12/26/16 : 30D
01/25/17	Trusty Earned Time 12/26/16 to 01/25/17 : 30D
01/27/17	K15-219H/1 2202:BURGLARY-RESIDENTIAL 25Y CS to K12-0053H/1
01/27/17	K15-0223H/1 2202:BURGLARY-RESIDENTIAL 25Y CC with K15-219H/1
02/02/17	Text ENTRY k15-219 will run CC to k15-223
02/24/17	Trusty Earned Time 01/25/17 to 02/24/17 : 30D

Summary:

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
06/02/2011				12/18/2046	05/23/2051	

Total Term To Serve: 40Y Total Earned Time: 2Y 17D Earned Time Lost: 0D Total MET Earned: 233D Total Trusty Time Earned: 3Y 15D

Certificate of Service

This is to Certify that I have this date to be mailed, via United States Mail, postage Pre Paid, a true and correct Copy of the above and foregoing Pleading to:

Circuit Court Clerk
Janett Nolan
250 Broad St Suite-1
Columbia, Ms 39429

District Attorney
Morris Sweatt
250 Broad St Suite-1
Columbia, Ms 39429

So certified, this the 6 day of 9, 20 17.

Jonathan Edwards
44510
S.M.C.I area (2) D-B-2one
P.O. Box 1419
Leakville, Ms
39451

TO: MS. JEANETTE NOLAN (601) 736-8246
CLERK OF MARION COUNTY CIRCUIT COURT
250 BROAD STREET SUITE 1
COLUMBIA, MS. 39429 DATE: 4-12-18

INRE: EDWARDS V. STATE NO. K15-0219-H

"MOTION AND BRIEF TO FILE"

DEAR MS. NOLAN. MADAM YOU SHALL FIND BELOW FOR FILING MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF PETITION FOR POST CONVICTION COLLATERAL RELIEF. PLEASE RETURN STAMP FILED COPY TO ACKNOWLEDGE RECEIPT AND BRING SUCH MATTERS TO THE ATTENTION OF THE JUDGE PRESIDING AS SOON AS POSSIBLE

YOUR ASSISTANCE IS GREATLY APPRECIATED

SINCERLY

/s/ Jonathan Edwards
PETITIONER
JONATHAN EDWARDS # 44510
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

IN THE CIRCUIT COURT OF MARION COUNTY MISSISSIPPI

JONATHAN EDWARDS — PETITIONER

V. — CAUSE NO. K15-0219-H

STATE OF MISSISSIPPI — RESPONDENT

MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF POST CONVICTION COLLATERAL RELIEF

COMES NOW PETITIONER PURSUANT TO M.C.A. § 99-39-5 (1) (a) (b)(d) (e)(f)(g)(h)(j) THE MISSISSIPPI CONSTITUTION ARTICLE 3 SECTIONS 11.14.15.21.23.24.25.26.27.28.32 COMPARE U.S. CONSTITUTION HEREBY INVOKING SUCH RIGHTS IN MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF POST CONVICTION COLLATERAL RELIEF AS FOLLOWS HERETOFORE:

"MOTION TO EXPEDITE PROCEDURES"

PETITIONER AVERS THAT HE HAS PRESENTED SUBSTANTIAL EVIDENCE TO THIS COURT PROVING FUNDAMENTAL MISCARRIAGE OF JUSTICE BY DENIAL OF HIS CONSTITUTIONAL RIGHTS THROUGH FALSE ARREST AND PERJURY OF ARRESTING OFFICERS COLLUSION BREACH OF DUTIES AND FALSE IMPRISONMENT THEREBY SUBJECTED EDWARDS TO SLAVERY AND CRUEL UNUSUAL PUNISHMENT. ALSO PROOF OF VINDICTIVE MALICIOUS PROSECUTION BY DISTRICT ATTORNEY THROUGH ILLEGAL AMENDMENT OF INDICTMENT TO UNLAWFULLY INCLUDE HABITUAL STATUS THROUGH SURPRIZE TACTICS AS RECORDS REVEAL.

FIRST AND FOREMOST THEIR EXIST NO RECORD OF A LABORATORY TEST RESULT SHOWING THAT EDWARDS SHOES THAT THE DEPUTY CAME TO JAIL AND CONFISCATED FROM HIM THE DAY OF ON HIS ARREST MATCHED ANY SUCH PRINT ON TWO RESIDENCES BACK DOORS AS CLAIMED BY THE DEPUTIES IN THEIR FABRICATED REPORTS. ADDITIONALLY NEITHER DO THE ARRESTING OFFICERS QUALIFY AS EXPERTS IN THE FIELD OF FORENSIC TESTING OF LATENT SHOE SOLE PRINTS.

IN FREEMAN V. STATE 121 SO.3d 888 (MISS. 2013) COURT HELD: POLICE OFFICER DID NOT QUALIFY TO AUTHENTICATE A RADAR UNIT CERTIFICATION CITING BOWER V. BOWER 758 SO.2d 405 Id AT 414-15 (MISS. 2000): AND BRADY V. MARYLAND 373 U.S. 83 (1963). STATE ALSO VIOLATED EDWARDS DISCOVERY RIGHTS TO CHAIN OF CUSTODY ON SHOE PRINT REMOVAL FROM BURGLARIZED RESIDENCES DOORS WHEN WHERE HOW TESTED. SEE M.R.E. RULE 901(a)

MOTION TO EXPEDITE PROCEDURES

JONATHAN EDWARDS AVERS OFFICERS LACKED ADEQUATE PROBABLE CAUSE TO SEARCH HIS VEHICLE IN THE PARKING LOT WHERE HE WAS ARRESTED THEY'VE SAID THEY WERE LOOKING FOR A TRUCK, AND HAD NO WARRANT AS REQUIRED BY MISS. CONST. ART 3 SECTION 23

IN BOYD V. STATE 206 MISS. 573, 40 SO. 2d 303 (1949) COURT HELD: THE CORRECTNESS OF THIS RULING OF THE TRIAL COURT IS DEPENDENT (1) ON WHETHER OR NOT THE PROOF DISCLOSES THAT THE SHERIFF HAD PROBABLE CAUSE FOR SEARCHING THE AUTOMOBILE WITHOUT A WARRANT WITHIN THE MEANING OF THE PREVIOUS *585 DECISIONS OF THIS COURT IN THAT BEHALF, OR (2) WHETHER OR NOT THE RIGHT TO SEARCH AN AUTOMOBILE ON PROBABLE CAUSE FOR DOING SO WOULD ENTITLED THE OFFICER TO INVADE THE PRIVATE PREMISES AND POSSESSIONS OF THE DEFENDANT WITHOUT A SEARCH WARRANT AFTER THE AUTOMOBILE HAS LEFT THE HIGHWAY, COMPLETED ITS JOURNEY, AND COME TO REST IN A GARAGE BUILT ONTO THE RESIDENCE AND STORE BUILDING OF THE DEFENDANT. Id AT [5] SEE IT IS THEREFORE, THE OPINION OF THE COURT THAT THE EVIDENCE UPON WHICH THE CONVICTION IS BASED IN THE INSTANT CASE WAS ILLEGALLY OBTAINED AND WAS THEREFORE, INADMISSIBLE BEFORE THE JURY.

"HABITUAL STATUS"

PETITIONER AVERS THAT THIS COURTS GRANT OF THE STATES MOTION TO AMEND THE INDICTMENT TO ENHANCE PUNISHMENT AS HABITUAL OFFENDER STATUS IMPOSED ILLEGAL SENTENCE WITHOUT PROCEDURAL SAFEGUARDS TO ENSURE THE STATE MET ITS BURDEN OF PROOF OF HABITUAL STATUS BEYOND A REASONABLE DOUBT, BY SUBMISSION OF EVIDENCE CERTIFIED RECORDS OF PRIOR CONVICTIONS AND THE SENTENCES THROUGH CUSTODIAN OF SUCH RECORDS. ADDITIONALLY EGREGIOUS FALSE IMPRISONMENT ON A CHARGE EDWARDS COULD NOT POSSIBLY COMMIT ON THE DAY AFTER HIS ARREST BECAUSE HE WAS INCARCERATED AT SUCH TIME IT WAS CLAIMED HE COMMITTED SUCH CRIME DEPRIVING THE COURT OF FACTUAL BASIS TO ACCEPT THE GUILTY PLEA AND IMPOSITION OF SENTENCES.

IN SLADE V. BINGHAM 2014 WL 1050340 (S.D. MISS. MAR-14-2014) GRANTING HABEAS RELIEF VACATING HABITUAL SENTENCE Id AT FN 14 AND 15 COURT SAID: 14 RESPONDENTS ARGUES THAT PETITIONERS SENTENCE WAS NOT UNCONSTITUTIONALLY DISPROPORTIONATE. THE COURT HOWEVER, DOES NOT READ PETITIONER'S CHALLENGE TO BE ONE OF PROPORTIONALITY "BUT PROOF." IN HIS BRIEF PETITIONER PLAINLY STATED THAT THE "STATE FAILED TO CARRY ITS BURDEN OF PROOF TO SHOW SLADE'S PRIOR CONVICTIONS, WHERE NO DOCUMENTS WERE SUBMITTED THEREFORE, did NOT PROVE BEYOND REASONABLE DOUBT." BRIEF (3) AT (23).

MOTION TO EXPEDITE PROCEDURES

FN 15 Id PARA 3 AND 4 SLADE SUPRA SAID IN PERTINENT PART BELOW: AFTER THOROUGHLY SEARCHING THE RECORD, THE UNDERSIGNED DID NOT FIND WHERE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS DOCUMENTS WERE ACCEPTED INTO EVIDENCE OR MADE A PART OF THE RECORD. PARA 4 IN PART "AN INDICTMENT HOWEVER IS NOT EVIDENCE" CITING CASE UNITED STATES V. ROSS 58 F.3d 154, 160 (5TH CIR. 1995). EMPHASIS OF EDWARDS HE'S ENTITLED TO EQUAL PROTECTION OF SUCH LAWS AND STATE FAILED TO CERTIFY AND SUBMIT EVIDENCE OF HABITUAL OFFENDER RECORDS FOR EDWARDS SENTENCE IMPOSED ILLEGALLY.

EXPEDITE PROCEDURES

IN SOULIOTES V. EVANS 622 F.3d 1173 (9TH CIR. 2010) COURT ON ISSUE OF BIOLOGICAL TESTING OF RESIDUE ON SHOES SIMILAR TO EDWARDS CLAIM OF MANUFACTURED EVIDENCE OF SHOE PRINTS FALSEHOOD, ORDERED STATE COURT TO EXPEDITE PROCEDURES TO RESOLVE SUCH SHOE EVIDENCE ISSUES.

IN UNRUH V. PUCKETT 716 So.2d 636 (MISS. 1998) COURT ORDERED DUE TO UNRUH'S CLAIMS OF CRUEL UNUSUAL PUNISHMENT PART III AND CITING BILBO V. THIGPEN 647 So.2d 678, 691 (MISS. 1994); YIZAR V. AULT 265 GA. 708, 462 S.E.2d 341 (1995). FARMER V. BRENNAN 511 U.S. 825 114 S.Ct. 1970, 128 LED.2d 811 (1994). NOTICE ALSO COURT ORDERED APPOINTMENT OF COUNSEL.

"CONCLUSION"

THEREFORE WITH THESE PREMISES CONSIDERED PETITIONER HAS NO CHOICE BUT TO FILE A PETITION FOR AN ORDER TO SHOW CAUSE IN THE MISSISSIPPI SUPREME COURT WITHIN 30 DAYS IF THIS COURT REFUSES TO HOLD A HEARING ON HIS PETITION FOR PCCR WHICH WAS STAMP FILED SEP-8-2017 HAS BEEN ON DOCKET NOW FOR 7 SEVEN MONTH'S WITHOUT RELIEF REQUIRED BY LAW SO EDWARDS HEREBY DUE TO ILLEGAL INCARCERATION ASK THIS COURT TO EXPEDITE PROCEDURES FOR A HEARING WITHIN 30 DAYS AND VACATE HIS CONVICTIONS AND SENTENCES AS A MATTER OF LAW REQUIRES IN SUCH CASES IN INTEREST OF JUSTICE

SUBSCRIBED THIS THE 12 DAY OF April 2018

/s/ Jonathan Edwards
PETITIONER

JONATHAN EDWARDS #44510
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

IN THE CIRCUIT COURT OF MARION COUNTY MISSISSIPPI

JONATHAN EDWARDS — PETITIONER

V. — CAUSE NO. K15-0219-H

STATE OF MISSISSIPPI — RESPONDENT

BRIEF IN SUPPORT OF PETITION FOR PCCR

COMES NOW PETITIONER PURSUANT TO M.C.A. §99-39-5 (1) (A) (b) (d) (e) (F) (g) (h) (J) THE MISSISSIPPI CONSTITUTION ARTICLE 3 SECTIONS 11, 14, 15, 21, 23, 24, 25, 26, 27, 28, 32, COMPARE U.S. CONSTITUTION AND INVOKING SUCH RIGHTS PRESENTS THIS BRIEF IN SUPPORT OF PETITION FOR PCCR AS FOLLOWS HERETOFORE:

STATEMENT OF THE ISSUES

ISSUE ONE: FALSE ARREST FALSE IMPRISONMENT

ISSUE TWO: UNLAWFUL AMENDMENT OF INDICTMENT FOR VINDICTIVE MALICIOUS PROSECUTION SUPRISE

ISSUE THREE: DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL

ISSUE FOUR: ILLEGAL IMPOSITIONS OF CONVICTIONS AND SENTENCES DENYING DUE PROCESS AND EQUAL PROTECTIONS OF LAW INVOLUNTARY GUILTY PLEA

STATEMENT OF THE CASE

PETITIONER AVERS THIS CASE ARISES OUT OF 7 INDICTMENTS CHARGES WHERE FIVE 5 WERE DISMISSED AND HE WAS ILLEGALLY SEARCHED AND SEIZED FALSELY ARRESTED FALSELY IMPRISONED BY THREATS COERCION DENIAL OF DUE PROCESS AND EQUAL PROTECTIONS OF LAW DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL THE RECORDS DEPUTY REPORTS REVEAL ALLEGATIONS THAT EDWARDS BURGLARIZED SEVERAL HOUSES AND DEPUTIES FOUND AT ONE RESIDENCE PART OF A TRUCK FENDER AND WERE LOOKING FOR SUCH TRUCK IN CONNECTION TO THE BURGLARIES THEN THAT CHANGED TO SEARCH FOR A FORD FUSSION POSSIBLY SILVER IN COLOR, WHILE EDWARDS WAS PARKED IN A PARKING LOT OF A SNOW BALL STAND OFF HIGHWAY 13 IN HIS SILVER FORD FOCUS. THAT AUTOMOBILE WAS SEARCHED BY DEPUTIES WITHOUT A WARRANT OR PROBABLE CAUSE ILLEGALLY ARRESTED AND HIS SHOES CONFISCATED AND THEREUPON EVIDENCE MANUFACTURED FABRICATED THAT SUCH SHOE SOLES MATCHED SHOE PRINTS ON DOORS OF TWO BURGLARIZED RESIDENCES FALSELY ARRESTING EDWARDS

STATEMENT OF THE CASE

EDWARDS PLED GUILTY TO INDICTED CHARGE OF BREAK AND ENTER THE DWELLING HOUSE THE PROPERTY OF DAVID SPIERS CAUSE NO. K15-0223H SEE DATE OF ALLEGED CRIME THEREIN SEPTEMBER 8-2015 THE COURT HAD NO FACTUAL BASES TO ACCEPT SUCH PLEA BECAUSE IT WAS IMPOSSIBLE FOR EDWARDS TO HAVE COMMITTED SUCH CRIME FACTS REVEAL HE WAS ARRESTED SEPTEMBER 7-2015 AND DID NOT BOND OUT OF MARION COUNTY JAIL. SHIRLEY BALDWIN. APPOINTED DEFENSE COUNSEL NEVER INVESTIGATED SUCH FACTS MANIFESTING INCOMPETENCE AND DEFICIENT INEFFECTIVE ASSISTANCE MS. BALDWIN NEVER OBJECTED TO MOTION OF STATE TO AMEND THE INDICTMENT TO INCLUDE HABITUAL OFFENDER STATUS NOR EXAMINED ANY EVIDENCE TO SUPPORT SUCH NOTICE THE JANUARY 27-2017 ORDER OF CONVICTION AND SENTENCE HONORABLE JUDGE PRENTISS G. HARRELL. STATES THE COURT GRANTED THE STATES MOTION TO AMEND THE INDICTMENT TO CHARGE DEFENDANT AS A HABITUAL OFFENDER § 92-19-81. EDWARDS SOUGHT ACCESS TO SUCH SEPARATE ORDER GRANTING HABITUAL AMENDMENT FROM THE CLERK OF COURT SEE ATTACHED MEMO FROM MS. NOLAN. TO MR. EDWARDS. ON COST FOR TRANSCRIPT QUOTE: IN RESPONSE TO YOUR REQUEST FOR COPIES IN CAUSE NUMBER K15-0223H. I do NOW HAVE THE TRANSCRIPT ON FILE BUT I do NOT SEE AN ORDER AMENDING INDICTMENT UNQUOTE. NOTICE THE IN THE MATTER OF THE DEFENDANT'S GUILTY PLEA JANUARY 18-2017 TRANSCRIPT PAGE 14 LINES 4-THRU-19 Q. so You understand THAT I could GIVE YOU 50 YEARS. A. YES SIR, Q. IN ESSENCE, THAT WILL BE A DEATH--- A LIFE SENTENCE FOR YOU wouldn't IT? A. YES, SIR. Q AND IT WOULD. ALL RIGHT. MR. SWEAT! YOUR HONOR, MAY WE INTERJECT? -- MISTER -- SO THE RECORD IS CLEAR. MR. EDWARDS IS PLEADING TO THESE TWO CHARGES AS A HABITUAL OFFENDER UNDER 92-19-81. DAY FOR DAY. ON THE CHARGES. Q. THAT MEANS WHATEVER I GIVE YOU could BE HARD TIME. DO YOU understand THAT? (OFF THE RECORD.) THE COURT: THE PROSECUTOR. MR. MORRIS SWEATT. HAS MOTIONED THE COURT BACK ON JANUARY 6TH THEIR INTENT TO AMEND THE INDICTMENT. THE COURT WILL GRANT THIS MOTION. AND THE STATUS OF MR. JONATHAN EDWARDS WILL NOW BE AS A HABITUAL. AND HE UNDERSTANDS THAT THIS does MEAN HARD TIME. Q IS THIS NOT CORRECT MR. JONATHAN? A. YES, SIR. Q. ALL RIGHT. NO EVIDENCE OF PRIOR FELONIES WERE SUBMITTED INTO EVIDENCE THIS WAS SUPRISE TO EDWARDS REVIEW RECORD JANUARY 18-2017 PETITION TO ENTER PLEA OF GUILTY CONTAINS NO EVIDENCE NOR MENTIONS THAT EDWARDS AGREED TO PLEA GUILTY AS HABITUAL OFFENDER NOR WAS HE EVER SHOWN SAID AMENDMENT OF THE INDICTMENT NOR EVIDENCE SUBMITTED TO SUPPORT SUCH ALLEGATIONS AND MANIFESTATION OF INVOLUNTARY GUILTY PLEA BASE ON VINDICTIVE MALICIOUS PROSECUTION WITHOUT OBJECTION FROM DEFENSE COUNSEL SHIRLEE FAGER BALDWIN.

STATEMENT OF THE CASE

THE 9-16-2015 POLICE DEPUTY REPORTS OF JASON BREELAND AND ANDREW SCOTT PHILLIPS ARE BOTH IDENTICAL COLLUSIONS AND IMPLICATE OFFICER SINGLEY. THE 9-8-2015 DISPATCH REPORT OF JAMES ALLEN ALLDAY SHOW BURGLARY COMMITTED 911 CALL ON DAY AFTER EDWARDS ARREST AND AT 1072 SHILOH FIRETOWER RD FOXWORTH WHILE EDWARDS WAS INCARCERATED IN JAIL CLEAR PROOF OF FALSE ARREST FALSE IMPRISONMENT PROSECUTION KNOWINGLY USE OF FALSE TESTIMONY TO OBTAIN GUILTY PLEA CONVICTIONS.

"SUMMARY OF ARGUEMENT"

JONATHAN EDWARDS AVERS HE IS VICTIM OF ILLEGAL SEARCH AND SEIZURE FALSE ARREST FALSE IMPRISONMENT VINDICTIVE AND MALICIOUS PROSECUTION ILLEGALLY CONVICTED ON IMPOSSIBLE CRIME DUE TO INCARCERATION WITHOUT BOND ILLEGALLY SENTENCED WITHOUT FACTUAL BASES FOR SUCH PLEA ON ERRONEOUS ADVICE OF INCOMPETENCE DEFICIENT PERFORMANCE OF DEFENSE COUNSEL'S INEFFECTIVE ASSISTANCE UNDER DURESS ON THREAT OF DEATH PENALTY COERCED TO PLEA GUILTY TO CRIME EDWARDS DID NOT POSSIBLY COMMIT WHILE IN JAIL SUBJECTING HIM TO CRUEL UNUSUAL PUNISHMENT ON ILLEGALLY AMENDED HABITUAL OFFENDER STATUS INDICTMENT BY SURPRISE IN VIOLATIONS OF THE UNITED STATES CONSTITUTION LAWS AND TREATIES THE MISSOSSIPPI CONSTITUTION AND STATE LAWS THROUGH INVOLUNTARY GUILTY PLEA

ARGUEMENT ONE

FALSE ARREST, FALSE IMPRISONMENT:

IN PETTI V. STATE 666 So.2d 754 (Miss. 1995) COURT HELD FALSE ARREST IS AN ARREST WITHOUT PROBABLE CAUSE OR A WARRANT. COMPARE: REYNOLDS V. CITY OF WATER VALLEY 75 So.3d 592 (Miss. Ct. App. 2011) EMPHASIS OF EDWARDS ON CONTEXT IS DEPUTIES NEVER ARTICULATED ANY ILLEGAL ACTIVITY OR VIOLATION OF LAW SUFFICIENT CAUSE OR REASONABLE SUSPICION TO INITIATE A SEARCH OF EDWARDS FORD FOCUS IN THE SNOW BALL PARKING LOT THE TELEVISION OR VASE IN SUCH CAR WAS NEVER CONNECTED TO A BURGLARY VICTIM IN EITHER OF THE TWO INDICTMENTS HE PLED GUILTY ON IN THIS CASE.

IN STRICKLAND V. HOWELL 654 So.2d 1387 (Miss. 1995) Id AT [1-3] FALSE IMPRISONMENT IS THE CONFINEMENT OF THE PLAINTIFF WITHIN BOUNDARIES FIXED BY THE DEFENDANT WITHOUT LEGAL JUSTIFICATION BY AN ACT OR THE BREACH OF A DUTY INTENDED TO RESULT IN SUCH CONFINEMENT." "EDWARDS HAS SHOWN THIS COURT COURT HOW THE FRUITS OF THE POISON TREE WERE MANUFACTURED FABRICATED BY THE DEPUTIES VIOLATING CHESNEY V. STATE 165 So.3d 498 (Miss. Ct. App. 2015)

ARGUEMENT ONE

MISS. CONST. ART 3 SECTION 14 HOLDS: NO PERSON SHALL BE DEPRIVED OF LIFE LIBERTY. OR PROPERTY EXCEPT BY DUE PROCESS OF LAW: COMPARE TO U.S. CONST. 14. AMEND.

MISS. CONST. ART 3 SECTION 15. HOLDS: THERE SHALL BE NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE IN THIS STATE: OTHERWISE THAN AS PUNISHMENT FOR CRIME, WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED. EDWARDS EMPHASIS THIS COURT DID NOT HAVE ANY FACTUAL BASIS TO ACCEPT HIS GUILTY PLEA IMPOSING CONVICTION ON CAUSE NO. K15-0219H OR CAUSE NO. 0223H EDWARDS HAS PROVED TO THIS COURT THE PERJURY COMMITTED BY OFFICERS JASSON BREELAND. AND ANDREW SCOTT PHILLIPS IN COLLUSION WITH OFFICER SINGLEY VIOLATING M.C.A. § 97-7-35. AND § 47-7-10 SUBJECTING EDWARDS TO SLAVERY INVOLUNTARY SERVITUDE BY FRAUD.

MISS. CONST. ART 3 SECTION 23. HOLDS: THE PEOPLE SHALL BE SECURE IN IN THEIR PERSONS, HOUSES, AND POSSESSIONS FROM UNREASONABLE SEIZURE OR SEARCH: AND NO WARRANT SHALL BE ISSUED WITHOUT PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION. SPECIFICALLY DESIGNATING THE PLACE TO BE SEARCHED AND THE PERSON OR THING TO BE SEIZED. COMPARE U.S. CONST. 4TH AMEND AND BOYD V. STATE 206 MISS. 573. 40 So. 2d 303 (1949) CITED SUPRA IN MOTION TO EXPEDITE PROCEDURES. CONTEXT OF EDWARDS CONTENTIONS FACTS. EDWARDS HAS PROVEN VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS TO BE FREE OF ILLEGAL SEARCH AND SEIZURE WITHOUT WARRANT OR HONEST AFFIDAVIT OF OATH OR AFFIRMATION REQUIRED BY LAW.

ARGUEMENT TWO

UNLAWFUL AMENDMENT OF INDICTMENT FOR VINDICTIVE MALICIOUS PROSECUTION SUPRISE:

IN SALLIE V. STATE 155 So. 3d 760 (MISS. 2015) COURT HELD: DEFENDANT WAS NOT GIVEN ADEQUATE PRETRIAL NOTICE AS REQUIRE BY DUE PROCESS THAT HE WAS FACING A FIREARM SENTENCE ENHANCEMENT OVERULING MAYERS V. STATE 42 So. 3d 33. ALSO CITING GOWDY V. STATE 56 So. 3d 540 (MISS. 2010): JEFFERSON V. STATE 556 So. 2d 1016 (MISS. 1989): COMPARE SLADE V. BINGHAM 2014 WL 1050340 (MAR. 14. 2014) CITED SUPRA IN EDWARDS MOTION TO EXPEDITE PROCEDURES. EMPHASIS MR. SWEATT NEVER SUBMITTED ANY EVIDENCE OF PRIOR FELONIES AS EXHIBITS FOR PURPOSES ON SUPRISE INDICTMENT AMENDMENT TO INCLUDE M.C.A. § 99-19-81 NOR WAS EDWARDS EVER GIVEN ANY DISCOVERY OF SUCH AMENDED INDICTMENT OR EVIDENCE RELIED ON AS RECORDS PROVE DENIAL OF COUNSEL AND DUE PROCESS OF LAW VIOLATING EDWARDS CONSTITUTIONAL RIGHTS.

ARGUEMENT TWO

MISS. CONST. ART 3 SECTION 26. HOLDS IN PERTINENT PART: IN ALL CRIMINAL PROSECUTIONS THE ACCUSED SHALL HAVE A RIGHT TO BE HEARD BY HIMSELF OR COUNSEL OR BOTH TO DEMAND THE NATURE AND CAUSE OF THE ACCUSATION, TO BE CONFRONTED BY THE WITNESSES AGAINST HIM TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR AND IN ALL PROSECUTIONS BY INDICTMENT OR INFORMATION A SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY OF THE COUNTY WHERE THE OFFENSE WAS COMMITTED: AND HE SHALL NOT BE COMPELLED TO GIVE EVIDENCE AGAINST HIMSELF: COMPARE U.S. CONST. 6TH AMEND.

MISS. CONST. ART 3 SECTION 27, HOLDS: NO PERSON SHALL FOR ANY INDICTABLE OFFENSE BE PROCEEDING AGAINST CRIMINALLY BY INFORMATION EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR THE MILITARY WHEN IN ACTUAL SERVICE OR BY LEAVE OF THE COURT FOR MISDEMEANOR IN OFFICE: BUT THE LEGISLATURE IN CASES NOT PUNISHABLE BY DEATH OR BY IMPRISONMENT IN THE PENITENTIARY MAY DISPENSE WITH THE INQUEST OF THE GRAND JURY, AND MAY AUTHORIZE PROSECUTIONS BEFORE JUSTICES OF THE PEACE OR SUCH OTHER INFERIOR COURT OR COURTS AS MAY BE ESTABLISHED AND THE PROCEEDINGS IN SUCH CASES SHALL BE REGULATED BY LAW." EDWARDS AVERS, HE WAS ILLEGALLY PROCEEDED AGAINST BY FAULTY INFORMATION AS HE PROVEN HE WAS NEVER PROPERLY SERVED A COPY OF THE AMENDED INDICTMENT TO INCLUDE HABITUAL STATUS NOR GIVEN DISCOVERY OF EVIDENCE RELIED ON FOR SUCH AMENDMENT UNDER M.C.A. §99-19-81 THEREBY VIOLATING HIS RIGHTS TO THE DISCOVERY REQUIRED BY LAW SUCH SECTIONS 26,27 OF MISSISSIPPI CONSTITUTION.

IN CASTELLANO V. FRAGOZO 311 F.3d 689 (5th Cir. 2002) COURT CITES ELEMENTS OF MALICIOUS PROSECUTION AS (1) A CRIMINAL ACTION COMMENCED AGAINST THE PLAINTIFF (2) THE PROSECUTION WAS CAUSED BY THE DEFENDANTS OR WITH THEIR AID: (3) THE ACTION TERMINATED IN PLAINTIFFS FAVOR: (4) THE *700 PLAINTIFF WAS INNOCENT: (5) THE DEFENDANTS ACTED WITHOUT PROBABLE CAUSE: (6) THE DEFENDANTS ACTED WITH MALICE: AND (7) THE CRIMINAL PROCEEDING DAMAGED THE PLAINTIFF. COMPARE: LOCHRIDGE V. PIONEER 86 So.3d 942 (Miss. Ct. App. 2012) ELEMENTS ARE (1) INSTITUTION OF A PROCEEDING (2) BY OR AT THE INSISTANCE OF THE DEFENDANT (3) THE TERMINATION OF SUCH PROCEEDINGS IN THE PLAINTIFFS FAVOR. (4) MALICE IN INSTITUTING THE PROCEEDINGS (5) WANT OF PRABABLE CAUSE FOR THE PROCEEDINGS: (SEE FREEMAN CITED IN EDWARDS MOTION TO EXPEDITE THE SHOE PRINT INADMISSIBLE BOGUS AND FACT FIVE INDICTMENTS DISMISSED IN COERCION TO PLEA GUILTY TERMINATED IN EDWARDS FAVOR AS RECORDS PROVES EDWARDS CANNOT BE CONVICTED FOR CRIME CLAIMED TO HAVE BEEN COMMITTED WHILE HE WAS INCARCERATED 9-8-2015 ITS IMPOSSIBLE MANIFEST VINDICTIVE MALICE.

ARGUEMENT THREE

DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL

IN MCMANN V. RICHARDSON 397 U.S. 759 (1970) COURT HELD: DEFENDANT HAS A SIXTH AMENDMENT RIGHT TO COMPETENT ASSISTANCE OF COUNSEL COMPARE M.C.A. § 99-15-15

IN US V. DECOSTER 487 F.2d 1197 (D.C.C/A. 1973) COURT HELD: WHEN DEFENSE COUNSEL'S CHOICES ARE UNINFORMED BECAUSE OF INADEQUATE PREPARATION. DEFENDANT IS DENIED EFFECTIVE ASSISTANCE OF COUNSEL. DEFENDANT ACCUSED IS ENTITLED TO REASONABLY COMPETENT ASSISTANCE OF AN ATTORNEY ACTING AS ACCUSED'S DILIGENT CONSCIENTEOUS ADVOCATE. THE EFFECTIVE ASSISTANCE OF COUNSEL IS A DEFENDANTS MOST FUNDAMENTAL RIGHT "FOR IT EFFECTS HIS ABILITY TO ASSERT ANY OTHER RIGHT HE MAY HAVE THE SUPREME COURT HAS OBSERVED IF THE RIGHT TO COUNSEL GUARANTEED BY THE CONSTITUTION IS TO SERVE ITS PURPOSE DEFENDANTS CANNOT BE LEFT TO THE MERCIES OF INCOMPETENT COUNSEL.

IN FERRELL V. STATE 158 So.3d 1204 (MISS.Ct.APP. 2015) COURT REVERSED REMANDED PAUL'S DENIAL OF PETITION FOR PCCR ON GUILTY PLEA BY CITING READUS V. STATE 837 So.2d 209 (MISS.Ct.APP. 2003) BECAUSE HIS PLEA WAS NOT INTELLIGENTLY VOLUNTARYLY DUE TO FAULTY ADVISE OF INEFFECTIVE ASSISTANCE OF COUNSEL. FAILURE TO PROPERLY INVESTIGATE EXCULPATORY EVIDENCE HE DID NOT KIDNAP HIS OWN DAUGHTER. COMPARE VITITOE V. STATE 556 So.2d 1062 (MISS. 1990) WHERE COURT LACKED A FACTUAL BASES TO ACCEPT GUILTY PLEA. EDWARDS EMPHASIS IS SHIRLEE F. BALDWINS FAILURE TO CONDUCT INVESTIGATION OF FACT HE WAS INCARCERATED WHEN INDICTMENT STATES IN CAUSE NO. K15-0223H THAT HE BREAK AND ENTERED THE DWELLING HOUSE OF DAVID SPIERS ON 9-8-2015 IMPOSSIBILITY BECAUSE EDWARDS WAS JAILED 9-7-2015 AND THE BOGUS SHOE PRINT ALLEGATIONS OF PHILLIPS BREELAND AND SINGLEY WAS NOT IS NOT COMPETENT EVIDENCE UNRELIABLE HEARSAY. THEY DID NOT HAVE A WARRANT NOR PROBABLE CAUSE TO SEARCH OR SEIZE EDWARDS CAR IN THE SNOW BALL PARKING LOT. ITS IMPOSSIBLE FOR AN ATTORNEY TO BE FOUND COMPETENT WHO ALLOWS A INNOCENT DEFENDANT TO PLEA GUILTY TO A CRIME HE COULD NOT POSSIBLY HAVE COMMITTED SEE ALEXANDER V. STATE 605 So.2d 1170 (MISS. 1992) CITING BOYKIN V. ALABAMA 395 U.S. 238 (1969) UNINTELLIGENT GUILTY PLEA INVOLUNTARY. EDWARDS EMPHASIS AS RECORD PROVES DEPUTIES WERE SEARCHING FOR A TRUCK WITH MISSING PART OF A FENDER AND SILVER FORD FUSSION TOTALLY DIFFERENT SUSPECTS AND THE TELEVISION AND VASE IN EDWARDS FORD FOCUS WAS NEVER CONNECTED TO EITHER OF THE INDICTED BURGLARY VICTIMS AT ALL MS. SHIRLEE F. BALDWIN. NEVER OBJECTED AND ALLOWED HIM TO BE FALSE IMPRISONED ON CRIMES HE DID NOT COMMIT SHE NEVER EVEN OBJECTED TO VINDICTIVE AMENDMENT OF THE INDICTMENT.

ARGUEMENT FOUR

ILLEGAL IMPOSITIONS OF CONVICTIONS AND SENTENCES DENYING DUE PROCESS AND EQUAL PROTECTIONS OF LAW INVOLUNTARY GUILTY PLEA

MISS. URCCCP RULE 8.04 HOLDS IN PERTINENT PART:

A. ENTRY OF GUILTY PLEAS.

1. A DEFENDANT MAY PLEAD NOT GUILTY. OR GUILTY. OR WITH THE PERMISSION OF THE COURT. NOLO CONTENDERE

2. ENTRY OF GUILTY PLEA. A PERSON WHO IS CHARGED WITH COMMISSION OF A CRIMINAL OFFENSE IN COUNTY OR CIRCUIT COURT. AND IS REPRESENTED BY AN ATTORNEY MAY. AT HIS/HER OWN ELECTION. APPEAR BEFORE THE COURT AT ANY TIME THE JUDGE MAY FIX. AND BE ARRAIGNED AND ENTER A PLEA OF GUILTY TO THE OFFENSE CHARGED. AND MAY BE SENTENCED BY THE COURT AT THAT TIME OR SOME FUTURE TIME APPOINTED BY THE COURT.

3. VOLUNTARINESS. BEFORE THE TRIAL COURT MAY ACCEPT A PLEA OF GUILTY. THE COURT MUST DETERMINE THAT THE PLEA IS VOLUNTARY AND INTELLIGENTLY MADE AND THAT THERE IS A FACTUAL BASIS FOR THE PLEA. A PLEA OF GUILTY IS NOT VOLUNTARY IF INDUCED BY FEAR, VIOLENCE. DECEPTION, OR IMPROPER INDUCEMENTS. A SHOWING THAT THE PLEA OF GUILTY WAS VOLUNTARY AND INTELLIGENTLY MADE MUST APPEAR IN THE RECORD.

4. ADVICE TO THE DEFENDANT. WHEN THE DEFENDANT IS ARRAIGNED AND WISHES TO PLEAD GUILTY TO THE OFFENSE CHARGED, IT IS THE DUTY OF THE TRIAL COURT TO ADDRESS THE DEFENDANT PERSONALLY AND TO INQUIRE AND DETERMINE:

a. THAT THE ACCUSED IS COMPETENT TO UNDERSTAND THE NATURE OF THE CHARGE:

b. THAT THE ACCUSED UNDERSTANDS THE NATURE AND CONSEQUENCES OF THE PLEA. AND THE MAXIMUM AND MINIMUM PENALTIES PROVIDED BY LAW:

c. THAT THE ACCUSED UNDERSTANDS THAT BY PLEADING GUILTY (S)HE WAIVES HIS/HER CONSTITUTIONAL RIGHTS OF TRIAL BY JURY. THE RIGHT TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES. AND THE RIGHT AGAINST SELF-INCRIMINATION: IF THE ACCUSED IS NOT REPRESENTED BY AN ATTORNEY THAT (S)HE IS AWARE OF HIS/HER RIGHT TO AN ATTORNEY AT EVERY STAGE OF THE PROCEEDING AND THAT ONE WILL BE APPOINTED TO REPRESENT HIM/HER IF (S)HE IS INDIGENT.

5. WITHDRAWAL OF PLEA OF GUILTY. IT IS WITHIN THE DISCRETION OF THE COURT TO PERMIT OR DENY A MOTION FOR THE WITHDRAWAL OF A GUILTY PLEA.

6. SUFFICIENCY OF MOTION. IN ORDER TO BE SUFFICIENT A MOTION TO WITHDRAW A PLEA OF GUILTY MUST SHOW GOOD CAUSE

B. PLEA BARGAINING

ARGUEMENT FOUR

1. THE PROSECUTING ATTORNEY IS ENCOURAGED TO DISCUSS AND AGREE ON PLEAS WHICH MAY BE ENTERED BY THE DEFENDANT. ANY DISCUSSION OR AGREEMENTS MUST BE CONDUCTED WITH DEFENDANTS ATTORNEY. OR IF DEFENDANT IS UNREPRESENTED. THE DISCUSSION AND AGREEMENT MAY BE CONDUCTED WITH THE DEFENDANT.

2. THE PROSECUTING ATTORNEY. DEFENDANTS ATTORNEY. OR THE DEFENDANT ACTING PRO SE, MAY REACH AN AGREEMENT THAT UPON AN ENTRY OF A PLEA OF GUILTY TO THE OFFENSE CHARGED OR TO A LESSER OR RELATED OFFENSE, THE ATTORNEY FOR THE STATE MAY DO ANY OF THE FOLLOWING:

a. MOVE FOR A DISMISSAL OF OTHER CHARGES: OR

b. MAKE A RECOMMENDATION TO THE TRIAL COURT FOR A PARTICULAR SENTENCE, WITH THE UNDERSTANDING THAT SUCH RECOMMENDATION OR REQUEST WILL NOT BE BINDING UPON THE COURT.

3. DEFENSE ATTORNEYS SHALL NOT CONCLUDE ANY PLEA BARGAINING ON BEHALF OF THE DEFENDANT WITHOUT THE DEFENDANTS FULL AND COMPLETE CONSENT. BEING CERTAIN THAT THE DECISION TO PLEAD IS MADE BY DEFENDANT. DEFENSE ATTORNEYS MUST ADVISE DEFENDANT OF ALL PERTINENT MATTERS BEARING ON THE CHOICE OF PLEA, INCLUDING LIKELY RESULTS OR ALTERNATIVES.

4. THE TRIAL JUDGE SHALL NOT PARTICIPATE IN ANY PLEA DISCUSSION. THE COURT MAY DESIGNATE A CUT-OFF DATE FOR PLEA DISCUSSIONS AND MAY REFUSE TO CONSIDER THE RECOMMENDATION AFTER THAT DATE. AFTER A RECOMMENDED DISPOSITION ON THE PLEA HAS BEEN REACHED, IT MAY BE MADE KNOWN TO THE COURT. ALONG WITH THE REASONS FOR THE RECOMMENDATION, PRIOR TO THE ACCEPTANCE OF THE PLEA. THE COURT SHALL REQUIRE DISCLOSURE OF THE RECOMMENDATION IN OPEN COURT WITH THE TERMS OF THE RECOMMENDATION TO BE PLACED IN THE RECORD.

MISS. CONST. ART 3 SECTION 21. HOLDS IN PERTINENT PART:
THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED.

MISS. CONST. ART 3 SECTION 24. HOLDS: ALL COURTS SHALL BE OPEN: AND EVERY PERSON FOR AN INJURY DONE HIM IN HIS LANDS, GOODS, PERSON OR REPUTATION, SHALL HAVE REMEDY BY DUE COURSE OF LAW. AND RIGHT AND JUSTICE SHALL BE ADMINISTERED WITHOUT SALE, DENIAL, OR DELAY. COMPARE THE U.S. CONST. 14TH AMENDMENT EQUAL PROTECTION CLAUSE AND MISS. CONST. ART 3 SECTION 14 CITED SUPRA

MISS. CONST. ART 3 SECTION 25. HOLDS: NO PERSON SHALL BE DEBARRED FROM PROSECUTING OR DEFENDING ANY CIVIL CAUSE FOR OR AGAINST HIM OR HERSELF, BEFORE ANY TRIBUNAL IN THE STATE, BY HIM OR HERSELF OR COUNSEL OR BOTH.

MISS. CONST. ART 3 SECTION 28. HOLDS: CRUEL OR UNUSUAL PUNISHMENT SHALL NOT BE INFLICTED, NOR EXCESSIVE FINES IMPOSED.

ARGUEMENT FOUR

MISS. CONST. ART 3 SECTION: 32. HOLDS: THE ENUMERATION OF RIGHTS IN THIS CONSTITUTION SHALL NOT BE CONSTRUED TO DENY AND IMPAIR OTHERS RETAINED BY, AND INHERENT IN, THE PEOPLE.

JONATHAN EDWARDS PRESENTS THE FOLLOWING TRANSCRIPT EXCERPTS FROM THE PLEA ACCEPTANCE HEARING AS FOLLOWS:

TR. PG. 18 LINES 1-27 SWEATT: INVESTIGATED AND FOUND THAT THAT WAS PART OF A FORD FUSION. PICKUP. AND SO THEY BECAME AWARE AND LOOKED FOR THAT SORT OF PICKUP WITH THAT PART MISSING. IT WASN'T TOO LONG WHEN ONE OF THE OFFICERS SAW THAT THAT PARTICULAR PICK-UP -- AND MR. JONATHAN EDWARDS WAS DRIVING THE PICKUP. AND HE WAS -- ALSO HAD SOME -- PLAIN VIEW OF FLAT SCREEN TV AND A BOX WITH AN URN IN IT. THOSE ITEMS HAD BEEN REPORTED STOLEN IN THE BURGLARIES. MR. EDWARDS WAS TAKEN TO AN INVESTIGATIVE OFFICE AND MIRANDIZED AND SPOKE WITH THE LAWYERS OF -- THE INVESTI-GATORS WITHOUT AN ATTORNEY, AND HE CONFESSED TO MULTIPLE BURG LARIES OF DWELLINGS TO THOSE OFFICERS. AND CARRIED THEM TO THE SCENES WHERE THOSE BURGLARIES HAD HAPPENED. HIS "CONFESSION" MATCHED THE REPORTS OF BURGLARIES THAT HAD COME IN. BUT IT WAS CREDIBLE. SO HE WAS INDICTED THEN FOR SEVEN CHARGES OF BURGLARY SIX BURGLARIES AND ALL DWELLINGS AND ONE ATTEMPTED BURGLARY OF A DWELLING IN THIS CASE, YOUR HONOR. AND THAT WOULD HAVE HAPPENED AT MS. MOORE'S RESIDENCE AT 286 BRADFORD CHURCH ROAD IN MARION COUNTY YOUR HONOR. THE OTHER CHARGE THAT MR. EDWARDS IS PLEADING TO IS CAUSE NUMBER K15-0223H. IT HAPPENED IN MARION COUNTY ON SEPTEMBER 8-2015. AT THE HOME OF DAVID SPEARS.

TR. PG. 22 LINES 1-THRU-29 Q. DO YOU HAVE ANY QUESTIONS? A. YES, SIR. UH -- Q. NO. WAIT. WAIT. A. IM SORRY. Q. I STILL DON'T WANT YOU TO ANSWER YET. FIRST OFF, I WANT TO -- IS WHAT HE SAID RIGHT? A. NO, SIR. Q. IT'S NOT RIGHT? A. NO SIR. Q. WELL WHAT DO YOU WANT TO SAY? A. I OWNED AN 2012 FORD FOCUS, AND IT WASN'T A PICKUP TRUCK, AND WHEN I WAS ARRESTED. I WAS LEAVING MR. FLINT MORGAN'S HOME, AND I DID ATTEMPT TO BURGLARIZE IT. BUT WHAT HAD HAPPENED WAS HE HAD SHOWED UP, AND I HAD LEFT. SO WHEN I LEFT. I HAD ENDED UP AT THE SNOW BALL STAND, AND THEN --- MS. BALDWIN: YOUR HONOR -- THE COURT: HOLD ON. HOLD ON, LET ME ASK YOU A QUESTION OR TWO. A. YES, SIR. Q. HOLD ON. A. IM JUST TELLING THE TRUTH. Q. WELL I WANT YOU -- I FIGURE YOU ARE TELLING THE TRUTH. BUT THAT DON'T MATTER RIGHT NOW. I MEAN, IT DOES MATTER. ABSOLUTELY IT MATTERS. WHAT YOUR DISPUTING IS THAT THE FENDER THAT FELL OFF -- IT WASN'T A TRUCK. IT WAS A FORD -- YOU DIDN'T DRIVE A TRUCK?

TR. PAGE 23 - LINES 1-THRU-29 A. NO, SIR. Q. YOU DROVE A FOCUS? A. YES, SIR. Q. AND SO THAT FENDER DIDN'T COME OFF THAT FOCUS. DID IT? A. NO, SIR. Q. WELL, THAT'S FINE. IT MAY NOT HAVE NOW MY QUESTION TO YOU IS

ARGUEMENT FOUR

ARE YOU TAKING OWNERSHIP OF THESE TWO MATTERS THAT YOU PLED TO? A. YES --- Q. SIR? A. YES, SIR. Q. WELL, THAT'S FINE. SO THEY MADE A MISTAKE ON THE TRUCK VERSUS THE FOCUS? A. YES, SIR. Q. AND THAT CAN VERY WELL BE TRUE. BUT IF YOU STILL WANT TO TAKE OWNERSHIP OF THE TWO CHARGES THAT YOU'RE PLEADING TO ON -- I FORGOT THE NAMES, BUT IN KLS-0223 AND 46:16-CR-0 AND THEN THE OTHER FIVE WILL GO AWAY --. A. YES, SIR. Q. THAT'S WHAT I'M INTERESTED IN. I'M NOT INTERESTED IF THE FENDER CAME OFF THE WRONG VEHICLE. A. YES SIR. MR. SWEATT: YOUR HONOR, I THINK I MISSPOKE. I SAW A FOCUS. AND I JUST ERRONEOUSLY ASSUMED WE WERE TALKING ABOUT A PICKUP.

TR. PG. 24. LINES 1-THRU-25. THE COURT: NO. THEY'RE NOT. Q. WELL. GOOD. THAT'S GOOD OF YOU TO PICK IT UP THAT QUICK, I APPRECIATE IT. A. YES, SIR. Q. BUT YOU DO WANT TO TAKE OWNERSHIP? A. YES, SIR. Q. YOU DID BURGLARIZE IT. A. YES, SIR? Q. ALL RIGHT. THAT'S FINE. AND YOU UNDERSTAND HE'S KNOCKING OFF FIVE OF THAT? A. YES SIR. Q. ALL RIGHT. IF ALL OF THAT IS TRUE THEN, JONATHAN, I WILL ASK YOU -- IF THAT'S TRUE WHAT HE SAID WITH THE EXCEPTION OF THAT FENDER BEING OFF THE WRONG VEHICLE, THEN HOW DO YOU PLEAD TO BURGLARY OF A DWELLING IN THESE TWO CAUSE NUMBERS THAT I'VE ALREADY ENUMERATED? A. I PLEAD GUILTY. Q. THANK YOU. YOU'RE PLEADING GUILTY BECAUSE YOU ARE GUILTY? A. YES, SIR. Q. SO THE FACTS THAT ARE STATED IN THAT CHARGE WITH THESE EXCEPTIONS ARE TRUE AND CORRECT? A. YES, SIR.

JONATHAN EDWARDS AVERS, SWEATT LIED TO THIS COURT THERE NEVER WAS BEEN ANY RECORDED OR TRANSCRIBED OR SIGNED CONFESSION TO INVESTIGATORS OR LAWYERS. BEING UNDER THREAT OF 150 YEARS 25 ON 7 COUNTS EDWARDS WAS UNDER DURESS AT AGE 55 THIS COURT HAS IMPOSED DEATH BY INSTITUTIONALIZATION BECAUSE 4 YEARS WAS LEFT TO SERVE ON PRIOR 25 YEARS WHICH HE WAS ON PAROLE FOR ADD 25 MORE TO THAT AND EDWARDS IF HE LIVES THROUGH PRISON ENVIRONMENT HE'LL BE 84 YEARS OLD. BUT WHATS MORE TERRIBLE IS HE CANNOT VOLUNTARILY PLEA GUILTY OR TAKE OWNERSHIP OF A CRIME WHICH OCCURRED 9-8-2015 AFTER HE WAS INCARCERATED AND THE COURT LACKED A FACTUAL BASES FOR SUCH PLEA. ALSO FACT STILL REMAINS THE FENDER WAS NOT MISSING OFF HIS FORD FOCUS.

IN RE ESKAY 38 F. SUPP. 221 (D. NJ. 1941) COURT HELD: WHEN A WITNESS TAKES STAND IN ANY COURT, HE IS UNDER AN UNMISTAKABLE LEGAL DUTY TO TESTIFY TRUTHFULLY TO WHAT HE KNOWS, AND SUCH LEGAL DUTY SHOULD NOT NEED SPECIAL ADMONITION TO MAKE IT CLEAR OR INESCAPABLE AS RESPECTS POWER OF COURT TO PUNISH FOR CONTEMPT. ALSO WHERE OBSTRUCTION TO JUDICIAL POWER IS ONLY THAT INHERENT IN WRONG OF TESTIFYING FALSELY IT IS NOT ENOUGH TO AUTHORIZE PUNISHMENT FOR CONTEMPT. BUT RATHER THE REMEDY BY INDICTMENT FOR PERJURY IS APPROPRIATE AND ADEQUATE.

ARGUEMENT FOUR

IN CARREIRO V. STATE 550 3d 1170 (MISS. CT APP. 2009) COURT HELD: Id AT 719 ADDITIONALLY, OUR FEDERAL COUNTERPARTS ECHO THE IMPORT OF ESTABLISHING A FACTUAL BASIS FOR A DEFENDANTS GUILTY PLEA AS ESTABLISHED BY FEDERAL PRECEDENT AND RULE 11 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE SIMILAR TO RULE 8.04. RULE 11 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE REQUIRES A TRIAL JUDGE, BEFORE ENTERING A JUDGEMENT ON A GUILTY PLEA ... TO DETERMINE THAT THERE IS A FACTUAL BASES FOR THE PLEA" FED. R. CRIM. P. 11 (b) (3) IN LINE WITH RULE 11 THE FIFTH CIRCUIT COURT OF APPEALS STATED THAT IMPLICIT IN THE DISTRICT COURTS ACCEPTANCE OF A GUILTY PLEA IS ITS DETERMINATION THAT THE DEFENDANTS CONDUCT SATISFIED EVERY LEGAL ELEMENT OF THE CHARGED CRIME". UNITED STATES V. MAREK 238 F.3d 310, 315 (5TH CIR. 2001) IN KESSEE, THE DEFENDANT WAS CHARGED WITH CONSPIRACY TO DISTRIBUTE COCAINE AND EVENTUALLY PLED GUILTY. HOWEVER ON APPEAL KESSEE ARGUED THAT THERE WAS NO FACTUAL BASIS FOR HIS PLEA BECAUSE ALTHOUGH HE ADMITTED TO SELLING COCAINE AT SOME UNIDENTIFIED TIME TO SOME UNIDENTIFIED PERSON SUCH CONFESSION DID NOT SUPPORT HIS PLEA OR THE CHARGE OF CONSPIRACY IN HIS INDICTMENT Id AT 339. THE FIFTH CIRCUIT COURT OF APPEALS VACATED KESSEE'S GUILTY PLEA AND REMANDED THE DISTRICT COURTS THAT THEY SHOULD COMPARE (1) THE CONDUCT TO WHICH THE DEFENDANT ADMITS WITH (2) THE ELEMENTS OF THE OFFENSE CHARGED IN THE INDICTMENT" SO AS TO VINDICATE THE PURPOSE OF RULE 11. Id AT 340 (QUOTING MAREK 238 F.3d AT 315. THE SAME REASONING STANDS TRUE FOR OUR RULE 8.04 (A) (3) WITH THIS IN MIND WE MOVE TO OUR ANALYSIS OF CARREIRO'S PLEA. SEE * 1174 ¶ 12 AS SUCH WE FIND THAT IT IS AN IMPOSSIBILITY FOR SUCH A SET OF FACTS TO CONSTITUTE A VIOLATION OF 97-5-33 (2) AS SARA WAS NOT ENGAGING IN ANY CONDUCT LASCIVIOUS OR OTHERWISE OTHER THAN SLEEPING. REVERSED REMANDED.

JONATHAN EDWARDS, COULD NOT POSSIBLY HAVE COMMITTED A BURGLARY CITED IN CAUSE NO KLS-0223H WHILE INCARCERATED IN JAIL ON 9-8-2015 AND HE DID NOT DRIVE A TRUCK WITH A FENDER MISSING NOR DID HIS FORD FOCUS HAVE A FENDER MISSING EITHER FOR A CAUSE NO. KLS-0219H. THE STATE WAS PLAYING PIN THE TAIL ON THE DONKEY AND TRIED TO PIN EVERY BURGLARY IN MARION COUNTY ON EDWARDS. AND HE'S BEEN FALSE ARRESTED AND IMPRISONED ON SUCH FICTION.

IN ORTEGA V. DUNCAN 333 F.3d 102 (2ND CIR. 2003) COURT HELD Id AT 106 "FEW RULES ARE MORE CENTRAL TO AN ACCURATE DETERMINATION OF INNOCENCE OR GUILT THAN THE REQUIREMENT ... THAT ONE SHOULD NOT BE CONVICTED ON FALSE TESTIMONY." SEE SANDERS V. SULLIVAN 900 F.2d 601, 607 (2ND CIR. 1990) (SANDERS II). WE HOLD AS A MATTER OF LAW THAT ORTEGA'S CONVICTION IS IN VIOLATION OF HIS DUE PROCESS RIGHTS BECAUSE WITHOUT GARNER'S TESTIMONY THE JURY WOULD "PROBABLY NOT HAVE FOUND ORTEGA GUILTY. WE THEREFORE GRANT ORTEGA'S PETITION FOR HABEAS CORPUS.

ARGUEMENT FOUR

IN GILL V. STATE 962 So.2d 552 (Miss. 2007) COURT SAID Id AT [12] ¶ 12. HOWEVER THIS COURT HAS STATED "RULES ARE MADE TO SECURE JUSTICE NOT DEFEAT IT" BREWER V. BROWNING 115 MISS. 358, 366, 76 So. 267 (1917) MOREOVER ALL COURTS HAVE THE INHERENT POWER TO CORRECT AND MAKE THEIR JUDGEMENTS SPEAK THE TRUTH." TURNER V. STATE 212 MISS. 590, 594, 55 So.2d 228 (1951) THIS COURT HAS ADDITIONALLY HELD THAT THE POWER TO CORRECT AN ERROR IN THE RECORD OF A JUDGEMENT RENDERED BY IT AT A FORMER TERM IS INHERENT IN THE COURTS SYSTEM SEE CLAUGHTON V. FORD 202 MISS. 361, 30 So.2d 805 (1947).

IN A FOURTH AMENDMENT CASE OF ILLEGAL SEARCH AND SEIZURE SEE BROOKS V. STATE 209 MISS. 150, 46 So.2d 92 (MISS. 1950) COURT HELD: WHERE FUNDAMENTAL AND CONSTITUTIONAL RIGHTS ARE IGNORED DUE PROCESS OF LAW DOES NOT EXIST AND A FAIR TRIAL IN CONTEMPLATION OF LAW CANNOT BE HAD.

IN ZEIGLER V. JACKSON 638 F.2d 776 (5TH CIR. 1981) COURT HELD: THAT ALTHOUGH EQUAL PROTECTION CLAUSE DOES NOT REQUIRE THAT ALL PERSONS BE TREATED IDENTICALLY, IF DISTINCTIONS BETWEEN SIMILARLY SITUATED INDIVIDUALS ARE TO WITHSTAND EQUAL PROTECTION ANALYSIS, SUCH DISTINCTIONS MUST BE REASONABLE NOT ARBITRARY, AND MUST REST ON GROUNDS HAVING A FAIR AND SUBSTANTIAL RELATION TO OBJECT OF THE LEGISLATION. EMPHASIS OF EDWARDS, HE'S ENTITLED TO SAME TYPE JUDGEMENT PROTECTION AS BROOKS, INFRA, AND CHESNEY SUPRA, BECAUSE JAMIE SINGLEY ANDREW S. PHILLIPS, AND JASON BREELAND, HAD NO PROBABLE CAUSE NOR WARRANT TO SEARCH HIS FORD FOCUS AT SNOWBALL STAND PARKING LOT AND MANUFACTURED CLAIMS FALSE ARRESTING IMPRISONING HIM.

MCA § 99-39-5 (1) (A) (b) (d) (e) (F) (g) (h) (J) HOLDS IN PERTINENT PART:

(1) ANY PERSON SENTENCED BY A COURT OF RECORD OF THE STATE OF MISSISSIPPI INCLUDING A PERSON CURRENTLY INCARCERATED CIVILLY COMMITTED, MAY FILE A MOTION TO VACATE SET ASIDE OR CORRECT THE JUDGEMENT OR SENTENCE, A MOTION TO REQUEST BIOLOGICAL EVIDENCE TESTING OR IF HE CLAIMS:

(a) THAT THE CONVICTION OR THE SENTENCE WAS IMPOSED IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OR LAWS OF MISSISSIPPI:

(b) THAT THE TRIAL COURT WAS WITHOUT JURISDICTION TO IMPOSE SENTENCE:

(d) THAT THE SENTENCE EXCEEDS THE MAXIMUM AUTHORIZED BY LAW:

(e) THAT THERE EXIST EVIDENCE OF MATERIAL FACTS NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE:

ARGUEMENT FOUR

(F) THAT THERE EXISTS BIOLOGICAL EVIDENCE SECURED IN RELATION TO THE INVESTIGATION OR PROSECUTION ATTENDANT TO THE PETITIONER'S CONVICTION NOT TESTED, OR IF PREVIOUSLY TESTED, THAT CAN BE SUBJECTED TO ADDITIONAL TESTING THAT WOULD PROVIDE A REASONABLE LIKELIHOOD OF MORE PROBATIVE RESULTS, AND THAT TESTING WOULD DEMONSTRATE BY REASONABLE PROBABILITY THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED OR WOULD HAVE RECEIVED A LESSER SENTENCE IF FAVORABLE RESULTS HAD BEEN OBTAINED THROUGH SUCH FORENSIC TESTING AT THE TIME OF THE ORIGINAL PROSECUTION.

(G) THAT HIS PLEA WAS MADE INVOLUNTARILY;

(H) THAT HIS SENTENCE HAS EXPIRED; HIS PROBATION, PAROLE OR CONDITIONAL RELEASE UNLAWFULLY REVOKED; OR HE IS OTHERWISE UNLAWFULLY HELD IN CUSTODY;

(I) THAT THE CONVICTION OR SENTENCE IS OTHERWISE SUBJECT TO COLLATERAL ATTACK UPON ANY GROUNDS OF ALLEGED ERROR HERETOFORE AVAILABLE UNDER ANY COMMON LAW, STATUTORY OR OTHER WRIT, MOTION, PETITION, PROCEEDING OR REMEDY;

MISS. CONST. ART 3 SECTION 11. Holds: THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE AND PETITION THE GOVERNMENT ON ANY SUBJECT SHALL NEVER BE IMPAIRED.

CONCLUSION

THEREFORE WITH THESE PREMISES CONSIDERED THIS COURT SHOULD ACKNOWLEDGE JONATHAN EDWARDS FALSE ARREST IMPRISONMENT ON FABRICATED MANUFACTURED CLAIMS, VINDICTIVELY MALICIOUSLY PROSECUTED ON CRIMES HE did NOT COMMIT THROUGH ILLEGAL SEARCH AND SEIZURE WITHOUT WARRANT. SUPRESS THE FRUITS OF POISON TREE VACATE CONVICTIONS AND SENTENCES AND RENDER SUCH CHARGES NULL AND VOID AS A MATTER OF LAW REQUIRES IN THE INTEREST OF JUSTICE FOR VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS

SUBSCRIBED THIS THE 12 DAY OF April 2018

/s/ Jonathan Edwards

PETITIONER
JONATHAN EDWARDS #
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

TO: MS. MURIEL B. ELLIS (601) 359-3694
CLERK OF SUPREME COURT OF MISSISSIPPI
P.O. BOX 249
JACKSON, MS. 39205 DATE: May 24th 2018

IN RE: EDWARDS V. STATE NO. 2018-M-00770
CIRCUIT COURT NO. K15-0219H

"PETITION TO BE FILED"

DEAR MS. ELLIS, YOU SHALL FIND BELOW FOR FILING MY PETITION FOR AN ORDER TO SHOW CAUSE WITH UNDERLAYING RECORDS. PLEASE ACKNOWLEDGE RECEIPT BY RETURNING A STAMP. FILED COPY I'VE ENCLOSED EXTRA FOR SUCH PURPOSE DESIGNATE DOCKET NUMBER

YOUR ASSISTANCE IS GREATLY APPRECIATED

SINCERLY

/s/ Jonathan Edwards
PETITIONER
JONATHAN EDWARDS # 44510
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS 39451

IN THE SUPREME COURT OF MISSISSIPPI

JONATHAN EDWARDS — PETITIONER

V.

CASE NO. 2018-M-00770

CIRCUIT COURT NO. K15-0219H

STATE OF MISSISSIPPI — RESPONDENT

"PETITION FOR AN ORDER TO SHOW CAUSE"

COMES NOW PETITIONER PURSUANT TO M.C.A. §9-3-9 MRCP RULES 7-8 MISSISSIPPI CONSTITUTION ARTICLE 3 SECTIONS 11, 14, 21, 24, 25, 28, 32 WITH PETITION FOR AN ORDER TO SHOW CAUSE AS FOLLOWS HERETOFORE

"FACTS"

PETITIONER ON 9-6-2017 CAUSED TO BE FILED IN THE CIRCUIT COURT OF MARION COUNTY MISSISSIPPI A MOTION FOR POST CONVICTION COLLATERAL RELIEF DUE TO FALSE IMPRISONMENT SEE ATTACHED PHOTO COPIES OF SAME STAMP FILED

PETITIONER HAVING WAITED 6 MONTH'S FOR MARION COUNTY CIRCUIT COURT TO ACKNOWLEDGE THE MERITS OF HIS MOTION FOR PCCR CAUSED TO BE FILED 4-12-2018 MOTION TO EXPEDITE PROCEDURES WITH BRIEF IN SUPPORT OF PETITION FOR PCCR SEE ATTACHED PHOTO COPIES. NOTICE MOTION TO EXPEDITE RELIEF PORTION INFORMS COURT THAT THIS MOTION FOR AN ORDER TO SHOW CAUSE WILL BE FILED IF THE CIRCUIT COURT DOES NOT EXPEDITE PROCEDURALS IN 30 DAYS. THOSE DAYS HAVE ELAPSED AND SAID COURT REFUSES TO PERFORM ITS DUTY AS A MATTER OF LAW SEE. M.C.A. §99-11-37

THEREFORE DUE TO FALSE IMPRISONMENT CIRCUMSTANCES INVOLVED CONSTITUTIONAL FUNDAMENTAL RIGHTS VIOLATIONS PETITIONER RESPECTFULLY SEEKS ORDER FOR MARION COUNTY COUNTY CIRCUIT COURT TO SHOW CAUSE WHY IT REFUSES TO RESPOND TO MOTIONS FILED IN THE INTEREST OF JUSTICE

SUBSCRIBED THIS THE 24 DAY OF May 2018

/s/ Jonathon Edwards

PETITIONER

JONATHAN EDWARDS #44510
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

ORI: MS0460000

Marion County Sheriff's Office

Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201523991** Date Received: **9/8/2015 10:39**
Assigned to Case: **201523991**

Call Details

201523991 **BURGLARY**

Dispatcher: **LINK, CAD _____** Received: **9/8/2015 10:39** How Received: **911**

Dispatched: **9/8/2015 10:43** Arrived: **9/8/2015 10:51** Cleared: **9/8/2015 11:37**

Officer: **ALLDAY, JAMES ALLEN SO9**

Location: **1072 SHILOH FIRETOWER RD FOXWORTH**

Call Notes

201523991 ALLDAY, JAMES ALLEN SO9

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Case Number: 201523991

ORI #: MS0460000

Location of Occurrence: 1072 SHILOH FIRETOWER ROAD
FOXWORTH, MS 39483

Day / Date / Time (Reported): Tuesday, September 8, 2015 10:39 AM

Day / Date (of Occurrence): Tuesday, September 8, 2015 10:43 AM To: Tuesday, September 8, 2015 10:51 AM

Case Status: OPEN

Follow up ?:
- ☐ Yes
- ☐ No

Copies To:
- ☐ Folder
- ☐ Detective
- ☐ Juv. Prob.
- ☐ D. A.
- ☐ Other: _____

Highest Ranked Crime: 97-17-23 BURGLARY OF A DWELLING

VICTIM

1 Name - (Last, First, Middle)
SPIERS; DAVID ALAN
Victim of : 1: 97-17-23 BURGLARY OF A DWELLING

STATE OF MISSISSIPPI
MARION COUNTY
Clerk of the Circuit Court

JANETTE NOLAN
250 Broad Street, Suite 1
Columbia, MS 39429
(601) 736-5246

Jonathan Edwards, #44510
SMCI-2 D-1 B-Zone
P O Box 1419
Leakesville, MS 39451

Mr. Edwards,

In response to your request for copies in Cause Number K15-0219H, I do now have the transcript on file but I do not see an Order Amending Indictment.

COST BILL

K15-0219H

Plea Transcript	36 pages @ .50 = 18.00
Sentencing Transcript	9 pages @ .50 = 4.50
Docket Sheet	2 pages @ .50 = 1.00
Total	**23.50**

Sincerely,

Julie Nibert, D.C.

CIRCUIT COURT CLERK MARION COUNTY, MS IN GOD WE TRUST

7/27/2015

A burglary was reported at 286 Bethel Church Road. Victim, Sherry Moore, stated she came home and found her house broke into and found that numerous items were stolen including but not limited to two .38 revolvers, a 42 inch TV, and jewelry.

7/30/2015

A burglary was reported at 505 Rocky Branch Road. Victim, Justin Bennett, stated he came home to his house being broke into and a Glock 35 .40 cal pistol was stolen. Also a Stihl chainsaw and numerous other items. A fenderwell was found in the yard of this residence and recovered by Deputy TJ Vaughan. This was taken to Hitts Body Shop where they were able to look up the part number and identified as a part to a Ford Fusion.

8/30/2015

A burglary was reported at 402 Good Hope Road. Victim, Jewel Morgan, noticed her house had been broke into. The only thing missing was a small container of pills.

9/6/2015

A burglary was reported at 2982 Hwy 44. Victim, Justin Pace, found his house broke into with numerous electronics missing.

9/7/2015

A burglary was reported at 238 Gates Road. Ronnie Flynt saw someone trying to break into his daughter, Morgan Flynt's, house. He tried to block them in and the suspect went around him. Mr. Flynt got a partial tag number of M75. He stated nothing was taken but the back door had damage to it.

Investigator Singley later received a call from a concerned citizen stating they saw a silver Ford Fusion missing the front fenderwell. The vehicle matching the description was later found and the driver was identified as Jonathan Edwards. In plain view in the vehicle was a flat screen TV and a box with an urn in it. After being Mirandized, Jonathan Edwards agreed to speak without an attorney present. He stated that he did break into several houses but couldn't remember how many or the locations. He advised he could take us to the locations tho. So, myself and Investigator Singley transported him around various places in the county with him giving us directions. He took us to all the residences listed and identified the items took out of each house. We had to terminate the search for burglarized residences due to it being dark but continued the next day, 9/8.

9/8/2015

A burglary was reported at 1072 Shiloh Firetower Road and also 1064 Shiloh Firetower Road. The victim, David Spiers, stated he came home from vacation and found his house broken into.Cash was missing. There was a shoe print found on the back door. He decided to check his mother in law's residence next door to his. It also had forced entry and a more visible shoe print on that back door. It appeared that a .357 pistol and numerous electronics were missing.

After Jonathan Edwards was taken into custody, the shoes he was wearing that day matched the shoe prints from these residences.

9/19/2015

A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

Narrative(s)

Assigned: 9/8/2015 14:53 to officer: ALLDAY, JAMES ALLEN
Approved: 9/11/2015 09:17 by: BROWN, KARLA RATLIFF

On around 09/08/2015 Mr. David Spiers came in from vacation and found his home had been burglarized . He found that numerous items and three hundred dollars in cash were missing from the residence. It appeared that the suspects made entry through a rear door of the residence by kicking it in due to what appeared to be a partial shoe print on the back door, however there was no defining details of the print. His mother-in-law's residence is next door and he decided to check it as well and found that the right side door had forced entry on it as well, however it did not appear that anything was missing. A shoe print was more visible on that door and it was photographed by Investigator Jamie Singley. A list of the items will be supplied at a later time by the home owners and attached to this report. At the time of this report it appears the items missing are a .357 Smith & Wesson pistol, a television, a camera with various equipment and accessories, and the three hundred dollars in cash. The television and camera with accessories was taken from the living room area, the cash was taken from a hand bag in the dining room, and the pistol was in the master bedroom. Investigator Jamie Singley was on scene for further investigation. A complete list of the missing items and values will be attached when the list is provided by the home owners. End of report.

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Was cutter found where? (question)

9/8/2015

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9/19/2015

A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

Narrative(s)

Assigned: 8/12/2015 11:01 to officer: LOWERY, GLENN ALTON
Approved: 8/18/2015 09:06 by: BROWN, KARLA RATLIFF

Victim stated that she came home and observed that someone had broken in to her residence by busting the side door jamb. Once inside, Suspect(s) stolen misc items. I advised the Victim to make a list of items taken and to bring the list to the Sheriff's Office. This case is still open due to no arrests. End of Report.

CERTIFICATE OF SERVICE

This is to certify that I, the undersigned, have this date as reflected below, caused to be mailed, via United States Postal Service, postage pre-paid, by placing a true and correct coy of the foregoing pleading and/or instrument in the United States mail addressed to the following person(s):

MORRIS SWEATT
DISTRICT ATTORNEY
500 COURTHOUSE SQUARE STE 3
[redacted]
COLUMBIA, MS. 39429

Muriel B. Ellis
Clerk, Miss Supreme Court
P.O. Box 249
Jackson, Ms, 39205

Jeanette Nolan
Clerk Circuit Court Marion County
250 Board St. Ste. #1
Columbia, MS 39429

Signed this the 24 day of May, 2018

Jonathan Edwards
Signature JONATHAN EDWARDS
44510
MDOC Number
SMCI AREA II
P.O. BOX 1419
Address

LEAKESVILLE, MS. 39451
Address

46:17CV303PH

TO: MS. JEANETTE NOLAN (601) 736-8246
CLERK OF MARION COUNTY CIRCUIT COURT
250 BROAD STREET SUITE 1
COLUMBIA, MS. 39429 DATE: 4-12-18

IN RE: EDWARDS V. STATE NO. K15-0219-H

"MOTION AND BRIEF TO FILE"

DEAR MS. NOLAN MADAM YOU SHALL FIND BELOW FOR FILING MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF PETITION FOR POST CONVICTION COLLATERAL RELIEF. PLEASE RETURN STAMP FILED COPY TO ACKNOWLEDGE RECEIPT AND BRING SUCH MATTERS TO THE ATTENTION OF THE JUDGE PRESIDING AS SOON AS POSSIBLE

YOUR ASSISTANCE IS GREATLY APPRECIATED

SINCERELY

/s/ Jonathan Edwards
PETITIONER
JONATHAN EDWARDS # 44515
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

FILED
APR 16 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

46:17CV303PH

IN THE CIRCUIT COURT OF MARION COUNTY MISSISSIPPI

JONATHAN EDWARDS PETITIONER

V. CAUSE NO. K15-0219-H

STATE OF MISSISSIPPI RESPONDENT

FILED
APR 16 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF POST CONVICTION COLLATERAL RELIEF

COMES NOW PETITIONER PURSUANT TO M.C.A.§ 99-39-5 (1) (a) (b)(d) (e)(F)(g)(h)(J) THE MISSISSIPPI CONSTITUTION ARTICLE 3 SECTIONS 11.14.15.21.23.24.25.26.27.28.32 COMPARE U.S.CONSTITUTION HEREBY INVOKING SUCH RIGHTS IN MOTION TO EXPEDITE PROCEDURES AND BRIEF IN SUPPORT OF POST CONVICTION COLLATERAL RELIEF AS FOLLOWS HERETOFORE:

"MOTION TO EXPEDITE PROCEDURES"

PETITIONER AVERS THAT HE HAS PRESENTED SUBSTANTIAL EVIDENCE TO THIS COURT PROVING FUNDAMENTAL MISCARRIAGE OF JUSTICE BY DENIAL OF HIS CONSTITUTIONAL RIGHTS THROUGH FALSE ARREST AND PERJURY OF ARRESTING OFFICERS COLLUSION BREACH OF DUTIES AND FALSE IMPRISONMENT THEREBY SUBJECTED EDWARDS TO SLAVERY AND CRUEL UNUSUAL PUNISHMENT. ALSO PROOF OF VINDICTIVE MALICIOUS PROSECUTION BY DISTRICT ATTORNEY THROUGH ILLEGAL AMENDMENT OF INDICTMENT TO UNLAWFULLY INCLUDE HABITUAL STATUS THROUGH SURPRIZE TACTICS AS RECORDS REVEAL.

FIRST AND FOREMOST THEIR EXIST NO RECORD OF A LABORATORY TEST RESULT SHOWING THAT EDWARDS SHOES THAT THE DEPUTY CAME TO JAIL AND CONFISCATED FROM HIM THE DAY OF ON HIS ARREST MATCHED ANY SUCH PRINT ON TWO RESIDENCES BACK DOORS AS CLAIMED BY THE DEPUTIES IN THEIR FABRICATED REPORTS. ADDITIONALLY NEITHER DO THE ARRESTING OFFICERS QUALIFY AS EXPERTS IN THE FIELD OF FORENSIC TESTING OF LATENT SHOE SOLE PRINTS.

IN FREEMAN V. STATE 121 SO.3d 888 (MISS. 2013) COURT HELD: POLICE OFFICER DID NOT QUALIFY TO AUTHENTICATE A RADAR UNIT CERTIFICATION CITING BOWER V. BOWER 758 SO.2d 405 Id AT 414-15 (MISS. 2000): AND BRADY V. MARYLAND 373 U.S. 83 (1963). STATE ALSO VIOLATED EDWARDS DISCOVERY RIGHTS TO CHAIN OF CUSTODY ON SHOE PRINT REMOVAL FROM BURGLARIZED RESIDENCES DOORS WHEN WHERE HOW TESTED. SEE M.R.E. RULE 901(a)

MOTION TO EXPEDITE PROCEDURES

JONATHAN EDWARDS AVERS OFFICERS LACKED ADEQUATE PROBABLE CAUSE TO SEARCH HIS VEHICLE IN THE PARKING LOT WHERE HE WAS ARRESTED THEY'VE SAID THEY WERE LOOKING FOR A TRUCK, AND HAD NO WARRANT AS REQUIRED BY MISS. CONST. ART 3 SECTION 23

IN BOYD V. STATE 206 MISS. 573, 40 SO. 2d 303 (1949) COURT HELD: THE CORRECTNESS OF THIS RULING OF THE TRIAL COURT IS DEPENDENT (1) ON WHETHER OR NOT THE PROOF DISCLOSES THAT THE SHERIFF HAD PROBABLE CAUSE FOR SEARCHING THE AUTOMOBILE WITHOUT A WARRANT WITHIN THE MEANING OF THE PREVIOUS *585 DECISIONS OF THIS COURT IN THAT BEHALF, OR (2) WHETHER OR NOT THE RIGHT TO SEARCH AN AUTOMOBILE ON PROBABLE CAUSE FOR DOING SO WOULD ENTITLED THE OFFICER TO INVADE THE PRIVATE PREMISES AND POSSESSIONS OF THE DEFENDANT WITHOUT A SEARCH WARRANT AFTER THE AUTOMOBILE HAS LEFT THE HIGHWAY, COMPLETED ITS JOURNEY, AND COME TO REST IN A GARAGE BUILT ONTO THE RESIDENCE AND STORE BUILDING OF THE DEFENDANT. Id AT [5] SEE IT IS THEREFORE, THE OPINION OF THE COURT THAT THE EVIDENCE UPON WHICH THE CONVICTION IS BASED IN THE INSTANT CASE WAS ILLEGALLY OBTAINED AND WAS THEREFORE, INADMISSIBLE BEFORE THE JURY.

"HABITUAL STATUS"

PETITIONER AVERS THAT THIS COURTS GRANT OF THE STATES MOTION TO AMEND THE INDICTMENT TO ENHANCE PUNISHMENT AS HABITUAL OFFENDER STATUS IMPOSED ILLEGAL SENTENCE WITHOUT PROCEDURAL SAFEGUARDS TO ENSURE THE STATE MET ITS BURDEN OF PROOF OF HABITUAL STATUS BEYOND A REASONABLE DOUBT, BY SUBMISSION OF EVIDENCE CERTIFIED RECORDS OF PRIOR CONVICTIONS AND THE SENTENCES THROUGH CUSTODIAN OF SUCH RECORDS. ADDITIONALLY EGREGIOUS FALSE IMPRISONMENT ON A CHARGE EDWARDS COULD NOT POSSIBLY COMMIT ON THE DAY AFTER HIS ARREST BECAUSE HE WAS INCARCERATED AT SUCH TIME IT WAS CLAIMED HE COMMITTED SUCH CRIME DEPRIVING THE COURT OF FACTUAL BASIS TO ACCEPT THE GUILTY PLEA AND IMPOSITION OF SENTENCES.

IN SLADE V. BINGHAM 2014 WL 1050340 (S.D. MISS. MAR-14-2014) GRANTING HABEAS RELIEF VACATING HABITUAL SENTENCE Id AT FN 14 AND 15 COURT SAID: 14 RESPONDENTS ARGUES THAT PETITIONERS SENTENCE WAS NOT UNCONSTITUTIONALLY DISPROPORTIONATE. THE COURT HOWEVER, DOES NOT READ PETITIONER'S CHALLENGE TO BE ONE OF PROPORTIONALITY "BUT PROOF." IN HIS BRIEF PETITIONER PLAINLY STATED THAT THE "STATE FAILED TO CARRY ITS BURDEN OF PROOF TO SHOW SLADE'S PRIOR CONVICTIONS. WHERE NO DOCUMENTS WERE SUBMITTED THEREFORE, DID NOT PROVE BEYOND REASONABLE DOUBT." BRIEF (3) AT (23).

MOTION TO EXPEDITE PROCEDURES

FN 15 Id PARA 3 AND 4 SLADE SUPRA, SAID IN PERTINENT PART BELOW: AFTER THOROUGHLY SEARCHING THE RECORD, THE UNDERSIGNED DID NOT FIND WHERE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS DOCUMENTS WERE ACCEPTED INTO EVIDENCE OR MADE A PART OF THE RECORD. PARA 4 IN PART "AN INDICTMENT HOWEVER IS NOT EVIDENCE" CITING CASE UNITED STATES V. ROSS 58 F.3d 154, 160 (5TH CIR. 1995). EMPHASIS OF EDWARDS HE'S ENTITLED TO EQUAL PROTECTION OF SUCH LAWS AND STATE FAILED TO CERTIFY AND SUBMITT EVIDENCE OF HABITUAL OFFENDER RECORDS FOR EDWARDS SENTENCE IMPOSED ILLEGALLY.

EXPEDITE PROCEDURES

IN SOULIOTES V. EVANS 622 F.3d 1173 (9TH CIR. 2010) COURT ON ISSUE OF BIOLOGICAL TESTING OF RESIDUE ON SHOES. SIMILAR TO EDWARDS CLAIM OF MANUFACTURED EVIDENCE OF SHOE PRINTS FALSEHOOD. ORDERED STATE COURT TO EXPEDITE PROCEDURES TO RESOLVE SUCH SHOE EVIDENCE ISSUES.

IN UNRUH V. PUCKETT 716 So.2d 636 (MISS. 1998) COURT ORDERED DUE TO UNRUH'S CLAIMS OF CRUEL UNUSUAL PUNISHMENT PART III AND CITING BILBO V. THIGPEN 647 So.2d 678, 691 (MISS. 1994); YIZAR V. AULT 265 GA. 708, 462 S.E.2d 341 (1995). FARMER V. BRENNAN 511 U.S. 825 114 S.Ct. 1970, 128 LED.2d 811 (1994). NOTICE ALSO COURT ORDERED APPOINTMENT OF COUNSEL.

"CONCLUSION"

THEREFORE WITH THESE PREMISES CONSIDERED PETITIONER HAS NO CHOICE BUT TO FILE A PETITION FOR AN ORDER TO SHOW CAUSE IN THE MISSISSIPPI SUPREME COURT WITHIN 30 DAYS IF THIS COURT REFUSES TO HOLD A HEARING ON HIS PETITION FOR PCCR WHICH WAS STAMP FILED SEP-8-2017 HAS BEEN ON DOCKET NOW FOR 7 SEVEN MONTH'S WITHOUT RELIEF REQUIRED BY LAW SO EDWARDS HEREBY DUE TO ILLEGAL INCARCERATION ASK THIS COURT TO EXPEDITE PROCEDURES FOR A HEARING WITHIN 30 DAYS AND VACATE HIS CONVICTIONS AND SENTENCES AS A MATTER OF LAW REQUIRES IN SUCH CASES IN INTEREST OF JUSTICE

SUBSCRIBED THIS THE 12 DAY OF April 2018

/s/ Jonathan Edwards

PETITIONER

JONATHAN EDWARDS #44510
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

IN THE CIRCUIT COURT OF MARION COUNTY MISSISSIPPI

FILED
APR 16 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

JONATHAN EDWARDS PETITIONER

V. CAUSE NO. K15-0219-H

STATE OF MISSISSIPPI RESPONDENT

BRIEF IN SUPPORT OF PETITION FOR PCCR

COMES NOW PETITIONER PURSUANT TO M.C.A. §99-39-5 (1) (A) (6) (d) (e) (F) (g) (h) (J) THE MISSISSIPPI CONSTITUTION ARTICLE 3 SECTIONS 11, 14, 15, 21, 23, 24, 25, 26, 27, 28, 32, COMPARE U.S. CONSTITUTION AND INVOKING SUCH RIGHTS PRESENTS THIS BRIEF IN SUPPORT OF PETITION FOR PCCR AS FOLLOWS HERETOFORE:

STATEMENT OF THE ISSUES

ISSUE ONE: FALSE ARREST FALSE IMPRISONMENT

ISSUE TWO: UNLAWFUL AMENDMENT OF INDICTMENT FOR VINDICTIVE MALICIOUS PROSECUTION SUPRISE

ISSUE THREE: DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL

ISSUE FOUR: ILLEGAL IMPOSITIONS OF CONVICTIONS AND SENTENCES DENYING DUE PROCESS AND EQUAL PROTECTIONS OF LAW INVOLUNTARY GUILTY PLEA

STATEMENT OF THE CASE

PETITIONER AVERS THIS CASE ARISES OUT OF 7 INDICTMENTS CHARGES WHERE FIVE 5 WERE DISMISSED AND HE WAS ILLEGALLY SEARCHED AND SEIZED FALSELY ARRESTED FALSELY IMPRISONED BY THREATS COERCION DENIAL OF DUE PROCESS AND EQUAL PROTECTIONS OF LAW DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL THE RECORDS DEPUTY REPORTS REVEAL ALLEGATIONS THAT EDWARDS BURGLARIZED SEVERAL HOUSES AND DEPUTIES FOUND AT ONE RESIDENCE PART OF A TRUCK FENDER AND WERE LOOKING FOR SUCH TRUCK IN CONNECTION TO THE BURGLARIES THEN THAT CHANGED TO SEARCH FOR A FORD FUSSION POSSIBLY SILVER IN COLOR. WHILE EDWARDS WAS PARKED IN A PARKING LOT OF A SNOW BALL STAND OFF HIGHWAY 13 IN HIS SILVER FORD FOCUS. THAT AUTOMOBILE WAS SEARCHED BY DEPUTIES WITHOUT A WARRANT OR PROBABLE CAUSE ILLEGALLY ARRESTED AND HIS SHOES CONFISCATED AND THEREUPON EVIDENCE MANUFACTURED FABRICATED THAT SUCH SHOE SOLES MATCHED SHOE PRINTS ON DOORS OF TWO BURGLARIZED RESIDENCES FALSELY ARRESTING EDWARDS

STATEMENT OF THE CASE

EDWARDS PLED GUILTY TO INDICTED CHARGE OF BREAK AND ENTER THE DWELLING HOUSE THE PROPERTY OF DAVID SPIERS CAUSE NO. K15-0223H SEE DATE OF ALLEGED CRIME THEREIN SEPTEMBER 8-2015 THE COURT HAD NO FACTUAL BASES TO ACCEPT SUCH PLEA BECAUSE IT WAS IMPOSSIBLE FOR EDWARDS TO HAVE COMMITTED SUCH CRIME FACTS REVEAL HE WAS ARRESTED SEPTEMBER 7-2015 AND DID NOT BOND OUT OF MARION COUNTY JAIL. SHIRLEY BALDWIN. APPOINTED DEFENSE COUNSEL NEVER INVESTIGATED SUCH FACTS MANIFESTING INCOMPETENCE AND DEFICIENT INEFFECTIVE ASSISTANCE MS. BALDWIN NEVER OBJECTED TO MOTION OF STATE TO AMEND THE INDICTMENT TO INCLUDE HABITUAL OFFENDER STATUS NOR EXAMINED ANY EVIDENCE TO SUPPORT SUCH NOTICE THE JANUARY 27-2017 ORDER OF CONVICTION AND SENTENCE HONORABLE JUDGE PRENTISS G. HARRELL. STATES THE COURT GRANTED THE STATES MOTION TO AMEND THE INDICTMENT TO CHARGE DEFENDANT AS A HABITUAL OFFENDER § 99-19-81. EDWARDS SOUGHT ACCESS TO SUCH SEPARATE ORDER GRANTING HABITUAL AMENDMENT FROM THE CLERK OF COURT SEE ATTACHED MEMO FROM MS. NOLAN. TO MR. EDWARDS. ON COST FOR TRANSCRIPT QUOTE: IN RESPONSE TO YOUR REQUEST FOR COPIES IN CAUSE NUMBER K15-0223H. I do NOW HAVE THE TRANSCRIPT ON FILE BUT I do NOT SEE AN ORDER AMENDING INDICTMENT UNQUOTE. NOTICE THE IN THE MATTER OF THE DEFENDANT'S GUILTY PLEA JANUARY 18-2017 TRANSCRIPT PAGE 14 LINES 4-THRU-19 Q. SO YOU UNDERSTAND THAT I COULD GIVE YOU 50 YEARS. A. YES SIR, Q. IN ESSENCE, THAT WILL BE A DEATH--- A LIFE SENTENCE FOR YOU WOULDN'T IT? A. YES. SIR. Q AND IT WOULD. ALL RIGHT. MR. SWEAT! YOUR HONOR, MAY WE INTERJECT? -- MISTER -- SO THE RECORD IS CLEAR. MR. EDWARDS IS PLEADING TO THESE TWO CHARGES AS A HABITUAL OFFENDER UNDER 99-19-81. DAY FOR DAY. ON THE CHARGES. Q. THAT MEANS WHATEVER I GIVE YOU COULD BE HARD TIME. DO YOU UNDERSTAND THAT? (OFF THE RECORD.) THE COURT: THE PROSECUTOR, MR. MORRIS SWEATT, HAS MOTIONED THE COURT BACK ON JANUARY 6TH THEIR INTENT TO AMEND THE INDICTMENT. THE COURT WILL GRANT THIS MOTION. AND THE STATUS OF MR. JONATHAN EDWARDS WILL NOW BE AS A HABITUAL. AND HE UNDERSTANDS THAT THIS DOES MEAN HARD TIME. Q IS THIS NOT CORRECT. MR. JONATHAN? A. YES. SIR. Q. ALL RIGHT. No EVIDENCE OF PRIOR FELONIES WERE SUBMITTED INTO EVIDENCE THIS WAS SUPRISE TO EDWARDS REVIEW RECORD JANUARY 18-2017 PETITION TO ENTER PLEA OF GUILTY CONTAINS NO EVIDENCE NOR MENTIONS THAT EDWARDS AGREED TO PLEA GUILTY AS HABITUAL OFFENDER NOR WAS HE EVER SHOWN SAID AMENDMENT OF THE INDICTMENT NOR EVIDENCE SUBMITTED TO SUPPORT SUCH ALLEGATIONS AND MANIFESTATION OF INVOLUNTARY GUILTY PLEA BASE ON VINDICTIVE MALICIOUS PROSECUTION WITHOUT OBJECTION FROM DEFENSE COUNSEL SHIRLEE FAGER BALDWIN.

STATEMENT OF THE CASE

THE 9-16-2015 POLICE DEPUTY REPORTS OF JASON BREELAND AND ANDREW SCOTT PHILLIPS ARE BOTH IDENTICAL COLLUSIONS AND IMPLICATE OFFICER SINGLEY. THE 9-8-2015 DISPATCH REPORT OF JAMES ALLEN ALLDAY SHOW BURGLARY COMMITTED 911 CALL ON DAY AFTER EDWARDS ARREST AND AT 1072 SHILOH FIRETOWER RD FOXWORTH WHILE EDWARDS WAS INCARCERATED IN JAIL CLEAR PROOF OF FALSE ARREST FALSE IMPRISONMENT PROSECUTION KNOWINGLY USE OF FALSE TESTIMONY TO OBTAIN GUILTY PLEA CONVICTIONS.

"SUMMARY OF ARGUEMENT"

JONATHAN EDWARDS AVERS HE IS VICTIM OF ILLEGAL SEARCH AND SEIZURE FALSE ARREST FALSE IMPRISONMENT VINDICTIVE AND MALICIOUS PROSECUTION ILLEGALLY CONVICTED ON IMPOSSIBLE CRIME DUE TO INCARCERATION WITHOUT BOND ILLEGALLY SENTENCED WITHOUT FACTUAL BASES FOR SUCH PLEA ON ERRONEOUS ADVICE OF INCOMPETENCE DEFICIENT PERFORMANCE OF DEFENSE COUNSEL'S INEFFECTIVE ASSISTANCE UNDER DURESS ON THREAT OF DEATH PENALTY COERCED TO PLEA GUILTY TO CRIME EDWARDS did NOT POSSIBLY COMMIT WHILE IN JAIL SUBJECTING HIM TO CRUEL UNUSUAL PUNISHMENT ON ILLEGALLY AMENDED HABITUAL OFFENDER STATUS INDICTMENT BY SUPRISE IN VIOLATIONS OF THE UNITED STATES CONSTITUTION LAWS AND TREATIES THE MISSISSIPPI CONSTITUTION AND STATE LAWS THROUGH INVOLUNTARY GUILTY PLEA

ARGUEMENT ONE

FALSE ARREST. FALSE IMPRISONMENT:

IN PETTI V. STATE 666 So.2d 754 (Miss. 1995) COURT HELD FALSE ARREST IS AN ARREST WITHOUT PROBABLE CAUSE OR A WARRANT. COMPARE: REYNOLDS V. CITY OF WATER VALLEY 75 So.3d 597 (Miss. Ct. App. 2011) EMPHASIS OF EDWARDS ON CONTEXT IS DEPUTIES NEVER ARTICULATED ANY ILLEGAL ACTIVITY OR VIOLATION OF LAW SUFFICIENT CAUSE OR REASONABLE SUSPICION TO INITIATE A SEARCH OF EDWARDS FORD FOCUS IN THE SNOW BALL PARKING LOT THE TELEVISION OR VASE IN SUCH CAR WAS NEVER CONNECTED TO A BURGLARY VICTIM IN EITHER OF THE TWO INDICTMENTS HE PLED GUILTY ON IN THIS CASE.

IN STRICKLAND V. HOWELL 654 So.2d 1387 (Miss. 1995) Id AT [1-3] FALSE IMPRISONMENT IS THE CONFINEMENT OF THE PLAINTIFF WITHIN BOUNDARIES FIXED BY THE DEFENDANT WITHOUT LEGAL JUSTIFICATION BY AN ACT OR THE BREACH OF A DUTY INTENDED TO RESULT IN SUCH CONFINEMENT." "EDWARDS HAS SHOWN THIS COURT COURT HOW THE FRUITS OF THE POISON TREE WERE MANUFACTURED FABRICATED BY THE DEPUTIES VIOLATING CHESNEY V. STATE 165 So.3d 498 (Miss. Ct. App. 2015)

ARGUEMENT ONE

MISS. CONST. ART 3 SECTION 14 Holds: No PERSON SHALL BE DEPRIVED OF LIFE LIBERTY. OR PROPERTY EXCEPT BY DUE PROCESS OF LAW: COMPARE TO U.S. CONST. 14. AMEND.

MISS. CONST. ART 3 SECTION 15. Holds: THERE SHALL BE NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE IN THIS STATE: OTHERWISE THAN AS PUNISHMENT FOR CRIME. WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED. EDWARDS EMPHASIS THIS COURT DID NOT HAVE ANY FACTUAL BASIS TO ACCEPT HIS GUILTY PLEA IMPOSING CONVICTION ON CAUSE NO. KLS-0219H OR CAUSE NO. 0223H EDWARDS HAS PROVED TO THIS COURT THE PERJURY COMMITTED BY OFFICERS JASSON BREELAND. AND ANDREW SCOTT PHILLIPS IN COLLUSION WITH OFFICER SINGLEY VIOLATING M.C.A. § 97-7-35, AND § 97-7-10 SUBJECTING EDWARDS TO SLAVERY INVOLUNTARY SERVITUDE BY FRAUD.

MISS. CONST. ART 3 SECTION 23. Holds: THE PEOPLE SHALL BE SECURE IN IN THEIR PERSONS. HOUSES. AND POSSESSIONS FROM UNREASONABLE SEIZURE OR SEARCH: AND NO WARRANT SHALL BE ISSUED WITHOUT PROBABLE CAUSE. SUPPORTED BY OATH OR AFFIRMATION. SPECIFICALLY DESIGNATING THE PLACE TO BE SEARCHED AND THE PERSON OR THING TO BE SEIZED. COMPARE U.S. CONST. 4TH AMEND AND BOYD V. STATE 206 MISS. 573. 40 So. 2d 303 (1949) CITED SUPRA IN MOTION TO EXPEDITE PROCEDURES. CONTEXT OF EDWARDS CONTENTIONS FACTS. EDWARDS HAS PROVEN VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS TO BE FREE OF ILLEGAL SEARCH AND SEIZURE WITHOUT WARRANT OR HONEST AFFIDAVIT OF OATH OR AFFIRMATION REQUIRED BY LAW.

ARGUEMENT TWO

UNLAWFUL AMENDMENT OF INDICTMENT FOR VINDICTIVE MALICIOUS PROSECUTION SUPRISE:

IN SALLIE V. STATE 155 So. 3d 760 (MISS. 2015) COURT HELD: DEFENDANT WAS NOT GIVEN ADEQUATE PRETRIAL NOTICE AS REQUIRE BY DUE PROCESS THAT HE WAS FACING A FIREARM SENTENCE ENHANCEMENT OVERULING MAYERS V. STATE 42 So. 3d 33. ALSO CITING GOWDY V. STATE 56 So. 3d 540 (MISS. 2010): JEFFERSON V. STATE 556 So. 2d 1016 (MISS. 1989): COMPARE SLADE V. BINGHAM 2014 WL 1050340 (MAR. 14. 2014) CITED SUPRA IN EDWARDS MOTION TO EXPEDITE PROCEDURES. EMPHASIS MR. SWEATT NEVER SUBMITTED ANY EVIDENCE OF PRIOR FELONIES AS EXHIBITS FOR PURPOSES ON SUPRISE INDICTMENT AMENDMENT TO INCLUDE M.C.A. § 99-19-81 NOR WAS EDWARDS EVER GIVEN ANY DISCOVERY OF SUCH AMENDED INDICTMENT OR EVIDENCE RELIED ON AS RECORDS PROVE DENIAL OF COUNSEL AND DUE PROCESS OF LAW VIOLATING EDWARDS CONSTITUTIONAL RIGHTS.

ARGUEMENT TWO

MISS. CONST. ART 3 SECTION 26. HOLDS IN PERTINENT PART: IN ALL CRIMINAL PROSECUTIONS THE ACCUSED SHALL HAVE A RIGHT TO BE HEARD BY HIMSELF OR COUNSEL OR BOTH TO DEMAND THE NATURE AND CAUSE OF THE ACCUSATION, TO BE CONFRONTED BY THE WITNESSES AGAINST HIM TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR AND IN ALL PROSECUTIONS BY INDICTMENT OR INFORMATION A SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY OF THE COUNTY WHERE THE OFFENSE WAS COMMITTED: AND HE SHALL NOT BE COMPELLED TO GIVE EVIDENCE AGAINST HIMSELF. COMPARE U.S. CONST. 6TH AMEND.

MISS. CONST. ART 3 SECTION 27, HOLDS: NO PERSON SHALL FOR ANY INDICTABLE OFFENSE BE PROCEEDED AGAINST CRIMINALLY BY INFORMATION EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR THE MILITARY WHEN IN ACTUAL SERVICE OR BY LEAVE OF THE COURT FOR MISDEMEANOR IN OFFICE: BUT THE LEGISLATURE IN CASES NOT PUNISHABLE BY DEATH OR BY IMPRISONMENT IN THE PENITENTIARY MAY DISPENSE WITH THE INQUEST OF THE GRAND JURY, AND MAY AUTHORIZE PROSECUTIONS BEFORE JUSTICES OF THE PEACE OR SUCH OTHER INFERIOR COURT OR COURTS AS MAY BE ESTABLISHED AND THE PROCEEDINGS IN SUCH CASES SHALL BE REGULATED BY LAW." EDWARDS AVERS, HE WAS ILLEGALLY PROCEEDED AGAINST BY FAULTY INFORMATION AS HE PROVEN HE WAS NEVER PROPERLY SERVED A COPY OF THE AMENDED INDICTMENT TO INCLUDE HABITUAL STATUS NOR GIVEN DISCOVERY OF EVIDENCE RELIED ON FOR SUCH AMENDMENT UNDER M.C.A. §99-19-81 THEREBY VIOLATING HIS RIGHTS TO THE DISCOVERY REQUIRED BY LAW SUCH SECTIONS 26, 27 OF MISSISSIPPI CONSTITUTION.

IN CASTELLANO V. FRAGOZO 311 F.3d 689 (5TH CIR. 2002) COURT CITES ELEMENTS OF MALICIOUS PROSECUTION AS (1) A CRIMINAL ACTION COMMENCED AGAINST THE PLAINTIFF (2) THE PROSECUTION WAS CAUSED BY THE DEFENDANTS OR WITH THEIR AID: (3) THE ACTION TERMINATED IN PLAINTIFFS FAVOR: (4) THE *700 PLAINTIFF WAS INNOCENT: (5) THE DEFENDANTS ACTED WITHOUT PROBABLE CAUSE: (6) THE DEFENDANTS ACTED WITH MALICE: AND (7) THE CRIMINAL PROCEEDING DAMAGED THE PLAINTIFF. COMPARE: LOCHRIDGE V. PIONEER 86 SO.3d 942 (MISS. CT. APP. 2012) ELEMENTS ARE (1) INSTITUTION OF A PROCEEDING (2) BY OR AT THE INSISTANCE OF THE DEFENDANT (3) THE TERMINATION OF SUCH PROCEEDINGS IN THE PLAINTIFFS FAVOR. (4) MALICE IN INSTITUTING THE PROCEEDINGS (5) WANT OF PRABABLE CAUSE FOR THE PROCEEDINGS: (SEE FREEMAN CITED IN EDWARDS MOTION TO EXPEDITE THE SHOE PRINT INADMISSIBLE BOGUS AND FACT FIVE INDICTMENTS DISMISSED IN COERCION TO PLEA GUILTY TERMINATED IN EDWARDS FAVOR AS RECORDS PROVES EDWARDS CANNOT BE CONVICTED FOR CRIME CLAIMED TO HAVE BEEN COMMITTED WHILE HE WAS INCARCERATED 9-8-2015 ITS IMPOSSIBLE MANIFEST VINDICTIVE MALICE.

ARGUEMENT THREE

DENIAL OF COMPETENT EFFECTIVE ASSISTANCE OF COUNSEL

IN McMANN V. RICHARDSON 397 U.S. 759 (1970) COURT HELD: DEFENDANT HAS A SIXTH AMENDMENT RIGHT TO COMPETENT ASSISTANCE OF COUNSEL COMPARE M.C.A. § 99-15-15

IN US V. DECOSTER 487 F.2d 1197 (D.C.CIR. 1973) COURT HELD: WHEN DEFENSE COUNSEL'S CHOICES ARE UNINFORMED BECAUSE OF INADEQUATE PREPARATION. DEFENDANT IS DENIED EFFECTIVE ASSISTANCE OF COUNSEL. DEFENDANT ACCUSED IS ENTITLED TO REASONABLY COMPETENT ASSISTANCE OF AN ATTORNEY ACTING AS ACCUSED'S DILIGENT CONSCIENTEOUS ADVOCATE. THE EFFECTIVE ASSISTANCE OF COUNSEL IS A DEFENDANTS MOST FUNDAMENTAL RIGHT "FOR IT EFFECTS HIS ABILITY TO ASSERT ANY OTHER RIGHT HE MAY HAVE THE SUPREME COURT HAS OBSERVED IF THE RIGHT TO COUNSEL GUARANTEED BY THE CONSTITUTION IS TO SERVE ITS PURPOSE DEFENDANTS CANNOT BE LEFT TO THE MERCIES OF INCOMPETENT COUNSEL.

IN FERRELL V. STATE 158 So.3d 1204 (MISS. Ct. APP. 2015) COURT REVERSED REMANDED PAUL'S DENIAL OF PETITION FOR PCCR ON GUILTY PLEA BY CITING READUS V. STATE 837 So.2d 209 (MISS. Ct. APP. 2003) BECAUSE HIS PLEA WAS NOT INTELLIGENTLY VOLUNTARYLY DUE TO FAULTY ADVISE OF INEFFECTIVE ASSISTANCE OF COUNSEL. FAILURE TO PROPERLY INVESTIGATE EXCULPATORY EVIDENCE HE did NOT KIDNAP HIS OWN DAUGHTER. COMPARE VITITOE V. STATE 556 So.2d 1062 (MISS. 1990) WHERE COURT LACKED A FACTUAL BASES TO ACCEPT GUILTY PLEA. EDWARDS EMPHASIS IS SHIRLEE F. BALDWINS FAILURE TO CONDUCT INVESTIGATION OF FACT HE WAS INCARCERATED WHEN INDICTMENT STATES IN CAUSE NO. K15-0223H THAT HE BREAK AND ENTERED THE DWELLING HOUSE OF DAVid SPIERS ON 9-8-2015 IMPOSSIBILITY BECAUSE EDWARDS WAS JAILED 9-7-2015 AND THE BOGUS SHOE PRINT ALLEGATIONS OF PHILLIPS. BREELAND. AND SINGLEY WAS NOT IS NOT COMPETENT EVIDENCE UNRELIABLE HEARSAY. THEY did NOT HAVE A WARRANT NOR PROBABLE CAUSE TO SEARCH OR SEIZE EDWARDS CAR IN THE SNOW BALL PARKING LOT. ITS IMPOSSIBLE FOR AN ATTORNEY TO BE FOUND COMPETENT WHO ALLOWS A INNOCENT DEFENDANT TO PLEA GUILTY TO A CRIME HE COULD NOT POSSIBLY HAVE COMMITTED SEE ALEXANDER V. STATE 605 So.2d 1120 (MISS. 1992) CITING BOYKIN V. ALABAMA 395 U.S. 238 (1969) UNINTELLIGENT GUILTY PLEA INVOLUNTARY. EDWARDS EMPHASIS AS RECORD PROVES DEPUTIES WERE SEARCHING FOR A TRUCK WITH MISSING PART OF A FENDER AND SILVER FORD FUSSION TOTALLY DIFFERENT SUSPECTS AND THE TELEVISION AND VASE IN EDWARDS Ford FOCUS WAS NEVER CONNECTED TO EITHER OF THE INDICTED BURGLARY VICTIMS AT ALL MS. SHIRLEE F. BALDWIN. NEVER OBJECTED AND ALLOWED HIM TO BE FALSE IMPRISONED ON CRIMES HE did NOT COMMIT SHE NEVER EVEN OBJECTED TO VINDICTIVE AMENDMENT OF THE INDICTMENT.

ARGUEMENT FOUR

ILLEGAL IMPOSITIONS OF CONVICTIONS AND SENTENCES DENYING DUE PROCESS AND EQUAL PROTECTIONS OF LAW INVOLUNTARY GUILTY PLEA

MISS. URCCCP RULE 8.04 Holds IN PERTINENT PART:

A. ENTRY OF GUILTY PLEAS.

1. A DEFENDANT MAY PLEAD NOT GUILTY. OR GUILTY. OR WITH THE PERMISSION OF THE COURT. NOLO CONTENDERE

2. ENTRY OF GUILTY PLEA. A PERSON WHO IS CHARGED WITH COMMISSION OF A CRIMINAL OFFENSE IN COUNTY OR CIRCUIT COURT. AND IS REPRESENTED BY AN ATTORNEY MAY. AT HIS/HER OWN ELECTION. APPEAR BEFORE THE COURT AT ANY TIME THE JUDGE MAY FIX. AND BE ARRAIGNED AND ENTER A PLEA OF GUILTY TO THE OFFENSE CHARGED. AND MAY BE SENTENCED BY THE COURT AT THAT TIME OR SOME FUTURE TIME APPOINTED BY THE COURT.

3. VOLUNTARINESS. BEFORE THE TRIAL COURT MAY ACCEPT A PLEA OF GUILTY. THE COURT MUST DETERMINE THAT THE PLEA IS VOLUNTARY AND INTELLIGENTLY MADE AND THAT THERE IS A FACTUAL BASIS FOR THE PLEA. A PLEA OF GUILTY IS NOT VOLUNTARY IF INDUCED BY FEAR. VIOLENCE. DECEPTION. OR IMPROPER INDUCEMENTS. A SHOWING THAT THE PLEA OF GUILTY WAS VOLUNTARY AND INTELLIGENTLY MADE MUST APPEAR IN THE RECORD.

4. ADVICE TO THE DEFENDANT. WHEN THE DEFENDANT IS ARRAIGNED AND WISHES TO PLEAD GUILTY TO THE OFFENSE CHARGED. IT IS THE DUTY OF THE TRIAL COURT TO ADDRESS THE DEFENDANT PERSONALLY AND TO INQUIRE AND DETERMINE:

a. THAT THE ACCUSED IS COMPETENT TO UNDERSTAND THE NATURE OF THE CHARGE:

b. THAT THE ACCUSED UNDERSTANDS THE NATURE AND CONSEQUENCES OF THE PLEA. AND THE MAXIMUM AND MINIMUM PENALTIES PROVIDED BY LAW:

c. THAT THE ACCUSED UNDERSTANDS THAT BY PLEADING GUILTY (S)HE WAIVES HIS/HER CONSTITUTIONAL RIGHTS OF TRIAL BY JURY. THE RIGHT TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES. AND THE RIGHT AGAINST SELF-INCRIMINATION: IF THE ACCUSED IS NOT REPRESENTED BY AN ATTORNEY THAT (S)HE IS AWARE OF HIS/HER RIGHT TO AN ATTORNEY AT EVERY STAGE OF THE PROCEEDING AND THAT ONE WILL BE APPOINTED TO REPRESENT HIM/HER IF (S)HE IS INDIGENT.

5. WITHDRAWAL OF PLEA OF GUILTY. IT IS WITHIN THE DISCRETION OF THE COURT TO PERMIT OR DENY A MOTION FOR THE WITHDRAWAL OF A GUILTY PLEA.

6. SUFFICIENCY OF MOTION. IN ORDER TO BE SUFFICIENT A MOTION TO WITHDRAW A PLEA OF GUILTY MUST SHOW GOOD CAUSE

B. PLEA BARGAINING

ARGUEMENT FOUR

1. THE PROSECUTING ATTORNEY IS ENCOURAGED TO DISCUSS AND AGREE ON PLEAS WHICH MAY BE ENTERED BY THE DEFENDANT. ANY DISCUSSION OR AGREEMENTS MUST BE CONDUCTED WITH DEFENDANT'S ATTORNEY. OR IF DEFENDANT IS UNREPRESENTED, THE DISCUSSION AND AGREEMENT MAY BE CONDUCTED WITH THE DEFENDANT.

2. THE PROSECUTING ATTORNEY, DEFENDANT'S ATTORNEY, OR THE DEFENDANT ACTING PRO SE, MAY REACH AN AGREEMENT THAT UPON AN ENTRY OF A PLEA OF GUILTY TO THE OFFENSE CHARGED OR TO A LESSER OR RELATED OFFENSE, THE ATTORNEY FOR THE STATE MAY DO ANY OF THE FOLLOWING:

a. MOVE FOR A DISMISSAL OF OTHER CHARGES; OR

b. MAKE A RECOMMENDATION TO THE TRIAL COURT FOR A PARTICULAR SENTENCE, WITH THE UNDERSTANDING THAT SUCH RECOMMENDATION OR REQUEST WILL NOT BE BINDING UPON THE COURT.

3. DEFENSE ATTORNEYS SHALL NOT CONCLUDE ANY PLEA BARGAINING ON BEHALF OF THE DEFENDANT WITHOUT THE DEFENDANTS FULL AND COMPLETE CONSENT. BEING CERTAIN THAT THE DECISION TO PLEAD IS MADE BY DEFENDANT. DEFENSE ATTORNEYS MUST ADVISE DEFENDANT OF ALL PERTINENT MATTERS BEARING ON THE CHOICE OF PLEA, INCLUDING LIKELY RESULTS OR ALTERNATIVES.

4. THE TRIAL JUDGE SHALL NOT PARTICIPATE IN ANY PLEA DISCUSSION. THE COURT MAY DESIGNATE A CUT-OFF DATE FOR PLEA DISCUSSIONS AND MAY REFUSE TO CONSIDER THE RECOMMENDATION AFTER THAT DATE. AFTER A RECOMMENDED DISPOSITION ON THE PLEA HAS BEEN REACHED, IT MAY BE MADE KNOWN TO THE COURT ALONG WITH THE REASONS FOR THE RECOMMENDATION, PRIOR TO THE ACCEPTANCE OF THE PLEA. THE COURT SHALL REQUIRE DISCLOSURE OF THE RECOMMENDATION IN OPEN COURT WITH THE TERMS OF THE RECOMMENDATION TO BE PLACED IN THE RECORD.

MISS. CONST. ART 3 SECTION 21. HOLDS IN PERTINENT PART:
THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED.

MISS. CONST. ART 3 SECTION 24. HOLDS: ALL COURTS SHALL BE OPEN: AND EVERY PERSON FOR AN INJURY DONE HIM IN HIS LANDS, GOODS, PERSON OR REPUTATION, SHALL HAVE REMEDY BY DUE COURSE OF LAW. AND RIGHT AND JUSTICE SHALL BE ADMINISTERED WITHOUT SALE, DENIAL, OR DELAY. COMPARE THE U.S. CONST. 14TH AMENDMENT EQUAL PROTECTION CLAUSE AND MISS. CONST. ART 3 SECTION 14 CITED SUPRA

MISS. CONST. ART 3 SECTION 25. HOLDS: NO PERSON SHALL BE DEBARRED FROM PROSECUTING OR DEFENDING ANY CIVIL CAUSE FOR OR AGAINST HIM OR HERSELF, BEFORE ANY TRIBUNAL IN THE STATE, BY HIM OR HERSELF OR COUNSEL OR BOTH.

MISS. CONST. ART 3 SECTION 28. HOLDS: CRUEL OR UNUSUAL PUNISHMENT SHALL NOT BE INFLICTED, NOR EXCESSIVE FINES IMPOSED.

ARGUEMENT FOUR

MISS. CONST. ART 3 SECTION: 32. HOLDS: THE ENUMERATION OF RIGHTS IN THIS CONSTITUTION SHALL NOT BE CONSTRUED TO DENY AND IMPAIR OTHERS RETAINED BY, AND INHERENT IN, THE PEOPLE.

JONATHAN EDWARDS PRESENTS THE FOLLOWING TRANSCRIPT EXCERPTS FROM THE PLEA ACCEPTANCE HEARING AS FOLLOWS:

TR. PG. 18 LINES 1-27 SWEATT: INVESTIGATED and FOUND THAT THAT WAS PART OF A FORD FUSION, PICKUP, AND SO THEY BECAME AWARE AND LOOKED FOR THAT SORT OF PICKUP WITH THAT PART MISSING. IT WASN'T TOO LONG WHEN ONE OF THE OFFICERS SAW THAT THAT PARTICULAR PICK-UP -- AND MR. JONATHAN EDWARDS WAS DRIVING THE PICKUP, AND HE WAS -- ALSO HAD SOME -- PLAIN VIEW OF FLAT SCREEN TV AND A BOX WITH AN URN IN IT. THOSE ITEMS HAD BEEN REPORTED STOLEN IN THE BURGLARIES. MR. EDWARDS WAS TAKEN TO AN INVESTIGATIVE OFFICE AND MIRANDIZED AND SPOKE WITH THE LAWYERS OF -- THE INVESTI-GATORS WITHOUT AN ATTORNEY. AND HE CONFESSED TO MULTIPLE BURG LARIES OF DWELLINGS TO THOSE OFFICERS. AND CARRIED THEM TO THE SCENES WHERE THOSE BURGLARIES HAD HAPPENED. HIS "CONFESSION" MATCHED THE REPORTS OF BURGLARIES THAT HAD COME IN. BUT IT WAS CREDIBLE, SO HE WAS INDICTED THEN FOR SEVEN CHARGES OF BURGLARY SIX BURGLARIES AND ALL DWELLINGS AND ONE ATTEMPTED BURGLARY OF A DWELLING IN THIS CASE, YOUR HONOR, AND THAT WOULD HAVE HAPPENED AT MS. MOORE'S RESIDENCE AT 286 BRADFORD CHURCH ROAD IN MARION COUNTY YOUR HONOR. THE OTHER CHARGE THAT MR. EDWARDS IS PLEADING TO IS CAUSE NUMBER K15-0223H. IT HAPPENED IN MARION COUNTY ON SEPTEMBER 8-2015. AT THE HOME OF DAVID SPEARS.

TR. PG. 22 LINES 1-THRU-29 Q. DO YOU HAVE ANY QUESTIONS? A. YES, SIR. WAIT -- Q. NO. WAIT. WAIT. A. IM SORRY. Q. I STILL DON'T WANT YOU TO ANSWER YET. FIRST OFF, I WANT TO -- IS WHAT HE SAID RIGHT? A. NO. SIR. Q. IT'S NOT RIGHT? A. NO SIR. Q. WELL WHAT DO YOU WANT TO SAY? A. I OWNED AN 2012 FORD FOCUS. AND IT WASN'T A PICKUP TRUCK, AND WHEN I WAS ARRESTED. I WAS LEAVING MR. FLINT MORGAN'S HOME, AND I DID ATTEMPT TO BURGLARIZE IT. BUT WHAT HAD HAPPENED WAS HE HAD SHOWED UP, AND I HAD LEFT. SO WHEN I LEFT, I HAD ENDED UP AT THE SNOW BALL STAND. AND THEN --- MS. BALDWIN: YOUR HONOR -- THE COURT: HOLD ON. HOLD ON. LET ME ASK YOU A QUESTION OR TWO. A. YES. SIR. Q. HOLD ON. A. IM JUST TELLING THE TRUTH. Q. WELL I WANT YOU -- I FIGURE YOU ARE TELLING THE TRUTH. BUT THAT DON'T MATTER RIGHT NOW. I MEAN, IT DOES MATTER. ABSOLUTELY IT MATTERS. WHAT YOUR DISPUTING IS THAT THE FENDER THAT FELL OFF -- IT WASN'T A TRUCK. IT WAS A FORD -- YOU DIDN'T DRIVE A TRUCK?

TR. PAGE 23 - LINES 1-THRU-29 A. NO. SIR. Q. YOU DROVE A FOCUS? A. YES, SIR. Q. AND SO THAT FENDER DIDN'T COME OFF THAT FOCUS. DID IT? A. NO. SIR. Q. WELL, THAT'S FINE. IT MAY NOT HAVE NOW MY QUESTION TO YOU IS

ARGUEMENT FOUR

ARE YOU TAKING OWNERSHIP OF THESE TWO MATTERS THAT YOU PLED TO? A. YES--- Q. SIR? A. YES, SIR. Q. WELL, THAT'S FINE. SO THEY MADE A MISTAKE ON THE TRUCK VERSUS THE FOCUS? A. YES, SIR. Q. AND THAT CAN VERY WELL BE TRUE. BUT IF YOU STILL WANT TO TAKE OWNERSHIP OF THE TWO CHARGES THAT YOU'RE PLEADING TO ON -- I FORGOT THE NAMES. BUT IN KLS-0223 AND 46:16-CR-0 AND THEN THE OTHER FIVE WILL GO AWAY--. A. YES, SIR. Q. THAT'S WHAT I'M INTERESTED IN. I'M NOT INTERESTED IF THE FENDER CAME OFF THE WRONG VEHICLE. A. YES SIR. MR. SWEATT: YOUR HONOR, I THINK I MISSPOKE. I SAW A FOCUS. AND I JUST ERRONEOUSLY ASSUMED WE WERE TALKING ABOUT A PICKUP.

TR. PG. 24. LINES 1-THRU-25. THE COURT: NO. THEY'RE NOT. Q. WELL. GOOD. THAT'S GOOD OF YOU TO PICK IT UP THAT QUICK. I APPRECIATE IT. A. YES, SIR. Q. BUT YOU DO WANT TO TAKE OWNERSHIP? A. YES, SIR. Q. YOU DID BURGLARIZE IT. A. YES, SIR? Q. ALL RIGHT. THAT'S FINE. AND YOU UNDERSTAND HE'S KNOCKING OFF FIVE OF THAT? A. YES SIR. Q. ALL RIGHT. IF ALL OF THAT IS TRUE THEN. JONATHAN. I WILL ASK YOU -- IF THAT'S TRUE WHAT HE SAID WITH THE EXCEPTION OF THAT FENDER BEING OFF THE WRONG VEHICLE. THEN HOW DO YOU PLEAD TO BURGLARY OF A DWELLING IN THESE TWO CAUSE NUMBERS THAT I'VE ALREADY ENUMERATED? A. I PLEAD GUILTY Q. THANK YOU. YOU'RE PLEADING GUILTY BECAUSE YOU ARE GUILTY? A. YES, SIR. Q. SO THE FACTS THAT ARE STATED IN THAT CHARGE WITH THESE EXCEPTIONS ARE TRUE AND CORRECT? A. YES, SIR.

JONATHAN EDWARDS. AVERS. SWEATT LIED TO THIS COURT THERE NEVER HAS BEEN ANY RECORDED OR TRANSCRIBED OR SIGNED CONFESSION TO INVESTIGATORS OR LAWYERS. BEING UNDER THREAT OF 150 YEARS 25 ON 7 COUNTS EDWARDS WAS UNDER DURESS AT AGE 55 THIS COURT HAS IMPOSED DEATH BY INSTITUTIONALIZATION BECAUSE 4 YEARS WAS LEFT TO SERVE ON PRIOR 25 YEARS WHICH HE WAS ON PAROLE FOR ADD 25 MORE TO THAT AND EDWARDS IF HE LIVES THROUGH PRISON ENVIRONMENT HE'LL BE 84 YEARS OLD. BUT WHATS MORE TERRIBLE IS HE CANNOT VOLUNTARILY PLEA GUILTY OR TAKE OWNERSHIP OF A CRIME WHICH OCCURRED 9-8-2015 AFTER HE WAS INCARCERATED AND THE COURT LACKED A FACTUAL BASES FOR SUCH PLEA. ALSO FACT STILL REMAINS THE FENDER WAS NOT MISSING OFF HIS Ford FOCUS.

<u>IN RE ESKAY</u> 38 F. SUPP. 221 (D. NJ. 1941) COURT HELD: WHEN A WITNESS TAKES STAND IN ANY COURT, HE IS UNDER AN UNMISTAKABLE LEGAL DUTY TO TESTIFY TRUTHFULLY TO WHAT HE KNOWS. AND SUCH LEGAL DUTY SHOULD NOT NEED SPECIAL ADMONITION TO MAKE IT CLEAR OR INESCAPABLE AS RESPECTS POWER OF COURT TO PUNISH FOR CONTEMPT. ALSO WHERE OBSTRUCTION TO JUDICIAL POWER IS ONLY THAT INHERENT IN WRONG OF TESTIFYING FALSELY IT IS NOT ENOUGH TO AUTHORIZE PUNISHMENT FOR CONTEMPT. BUT RATHER THE REMEDY BY INDICTMENT FOR PERJURY IS APPROPRIATE AND ADEQUATE.

ARGUEMENT FOUR

IN CARREIRO V. STATE 550.3d 1170 (MISS. CT. APP. 2009) COURT HELD: Id AT 719 ADDITIONALLY, OUR FEDERAL COUNTERPARTS ECHO THE IMPORT OF ESTABLISHING A FACTUAL BASIS FOR A DEFENDANTS GUILTY PLEA AS ESTABLISHED BY FEDERAL PRECEDENT AND RULE 11 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE SIMILAR TO RULE 8.04. RULE 11 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE REQUIRES A TRIAL JUDGE, BEFORE ENTERING A JUDGEMENT ON A GUILTY PLEA ... TO DETERMINE THAT THERE IS A FACTUAL BASES FOR THE PLEA" FED. R. CRIM. P. 11 (b)(3) IN LINE WITH RULE 11 THE FIFTH CIRCUIT COURT OF APPEALS STATED THAT IMPLICIT IN THE DISTRICT COURTS ACCEPTANCE OF A GUILTY PLEA IS ITS DETERMINATION THAT THE DEFENDANTS CONDUCT SATISFIED EVERY LEGAL ELEMENT OF THE CHARGED CRIME". UNITED STATES V. MAREK 238 F.3d 310, 315 (5TH CIR. 2001) IN KESSEE, THE DEFENDANT WAS CHARGED WITH CONSPIRACY TO DISTRIBUTE COCAINE AND EVENTUALLY PLED GUILTY. HOWEVER ON APPEAL KESSEE ARGUED THAT THERE WAS NO FACTUAL BASIS FOR HIS PLEA BECAUSE ALTHOUGH HE ADMITTED TO SELLING COCAINE AT SOME UNIDENTIFIED TIME TO SOME UNIDENTIFIED PERSON SUCH CONFESSION DID NOT SUPPORT HIS PLEA OR THE CHARGE OF CONSPIRACY IN HIS INDICTMENT Id AT 339. THE FIFTH CIRCUIT COURT OF APPEALS VACATED KESSEE'S GUILTY PLEA AND REMANDED THE DISTRICT COURTS THAT THEY SHOULD COMPARE (1) THE CONDUCT TO WHICH THE DEFENDANT ADMITS WITH (2) THE ELEMENTS OF THE OFFENSE CHARGED IN THE INDICTMENT "SO AS TO VINDICATE THE PURPOSE OF RULE 11. Id AT 340 (QUOTING MAREK 238 F.3d AT 315. THE SAME REASONING STANDS TRUE FOR OUR RULE 8.04 (A)(3) WITH THIS IN MIND WE MOVE TO OUR ANALYSIS OF CARREIRO'S PLEA. SEE * 1174 91 12 AS SUCH WE FIND THAT IT IS AN IMPOSSIBILITY FOR SUCH A SET OF FACTS TO CONSTITUTE A VIOLATION OF 97-5-33(2) AS SARA WAS NOT ENGAGING IN ANY CONDUCT LASCIVIOUS OR OTHERWISE OTHER THAN SLEEPING. REVERSED REMANDED.

JONATHAN EDWARDS, COULD NOT POSSIBLY HAVE COMMITTED A BURGLARY CITED IN CAUSE NO K15-0223H WHILE INCARCERATED IN JAIL ON 9-8-2015 AND HE DID NOT DRIVE A TRUCK WITH A FENDER MISSING NOR DID HIS FORD FOCUS HAVE A FENDER MISSING EITHER FOR CAUSE NO. K15-0219H. THE STATE WAS PLAYING PIN THE TAIL ON THE DONKEY AND TRIED TO PIN EVERY BURGLARY IN MARION COUNTY ON EDWARDS, AND HE'S BEEN FALSE ARRESTED AND IMPRISONED ON SUCH FICTION.

IN ORTEGA V. DUNCAN 333 F.3d 102 (2ND CIR. 2003) COURT HELD Id AT 106 "FEW RULES ARE MORE CENTRAL TO AN ACCURATE DETERMINATION OF INNOCENCE OR GUILT THAN THE REQUIREMENT ... THAT ONE SHOULD NOT BE CONVICTED ON FALSE TESTIMONY." SEE SANDERS V. SULLIVAN 900 F.2d 601, 607 (2ND CIR. 1990) (SANDERS II). WE HOLD AS A MATTER OF LAW THAT ORTEGA'S CONVICTION IS IN VIOLATION OF HIS DUE PROCESS RIGHTS BECAUSE WITHOUT GARNER'S TESTIMONY THE JURY WOULD "PROBABLY NOT HAVE FOUND ORTEGA GUILTY. WE THEREFORE GRANT ORTEGA'S PETITION FOR HABEAS CORPUS.

ARGUEMENT FOUR

IN GILL V. STATE 962 So.2d 552 (Miss. 2007) COURT SAID Id AT [12] ¶ 12. HOWEVER THIS COURT HAS STATED "RULES ARE MADE TO SECURE JUSTICE NOT DEFEAT IT" BREWER V. BROWNING 115 MISS. 358, 366, 76 So. 267 (1917) MOREOVER ALL COURTS HAVE THE INHERENT POWER TO CORRECT AND MAKE THEIR JUDGEMENTS SPEAK THE TRUTH." TURNER V. STATE 212 MISS. 590, 594, 55 So 2d 228 (1951) THIS COURT HAS ADDITIONALLY HELD THAT THE POWER TO CORRECT AN ERROR IN THE RECORD OF A JUDGEMENT RENDERED BY IT AT A FORMER TERM IS INHERENT IN THE COURTS SYSTEM SEE CLAUGHTON V. FORD 202 MISS. 361, 30 So. 2d 805 (1947).

IN A FOURTH AMENDMENT CASE OF ILLEGAL SEARCH AND SEIZURE SEE BROOKS V. STATE 209 MISS. 150, 46 So. 2d 94 (MISS. 1950) COURT HELD: WHERE FUNDAMENTAL AND CONSTITUTIONAL RIGHTS ARE IGNORED DUE PROCESS OF LAW DOES NOT EXIST AND A FAIR TRIAL IN CONTEMPLATION OF LAW CANNOT BE HAD.

IN ZEIGLER V. JACKSON 638 F.2d 776 (5TH CIR. 1981) COURT HELD: THAT ALTHOUGH EQUAL PROTECTION CLAUSE DOES NOT REQUIRE THAT ALL PERSONS BE TREATED IDENTICALLY, IF DISTINCTIONS BETWEEN SIMILARLY SITUATED INDIVIDUALS ARE TO WITHSTAND EQUAL PROTECTION ANALYSIS, SUCH DISTINCTIONS MUST BE REASONABLE NOT ARBITRARY, AND MUST REST ON GROUNDS HAVING A FAIR AND SUBSTANTIAL RELATION TO OBJECT OF THE LEGISLATION. EMPHASIS OF EDWARDS, HE'S ENTITLED TO SAME TYPE JUDGEMENT PROTECTION AS BROOKS, INFRA. AND CHESNEY SUPRA, BECAUSE JAMIE SINGLEY ANDREW S. PHILLIPS, AND JASON BREELAND, HAD NO PROBABLE CAUSE NOR WARRANT TO SEARCH HIS FORD FOCUS AT SNOWBALL STAND PARKING LOT AND MANUFACTURED CLAIMS FALSE ARRESTING IMPRISONING HIM.

M.C.A. § 99-39-5 (1) (A) (b) (d) (e) (f) (g) (h) (J) HOLDS IN PERTINENT PART:

(1) ANY PERSON SENTENCED BY A COURT OF RECORD OF THE STATE OF MISSISSIPPI INCLUDING A PERSON CURRENTLY INCARCERATED CIVILLY COMMITTED, MAY FILE A MOTION TO VACATE SET ASIDE OR CORRECT THE JUDGEMENT OR SENTENCE, A MOTION TO REQUEST BIOLOGICAL EVIDENCE TESTING OR IF HE CLAIMS:

(a) THAT THE CONVICTION OR THE SENTENCE WAS IMPOSED IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OR LAWS OF MISSISSIPPI:

(b) THAT THE TRIAL COURT WAS WITHOUT JURISDICTION TO IMPOSE SENTENCE:

(d) THAT THE SENTENCE EXCEEDS THE MAXIMUM AUTHORIZED BY LAW:

(e) THAT THERE EXIST EVIDENCE OF MATERIAL FACTS NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE:

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(F) THAT THERE EXISTS BIOLOGICAL EVIDENCE SECURED IN RELATION TO THE INVESTIGATION OR PROSECUTION ATTENDANT TO THE PETITIONER'S CONVICTION NOT TESTED OR IF PREVIOUSLY TESTED. THAT CAN BE SUBJECTED TO ADDITIONAL TESTING THAT WOULD PROVIDE A REASONABLE LIKELIHOOD OF MORE PROBATIVE RESULTS. AND THAT TESTING WOULD DEMONSTRATE BY REASONABLE PROBABILITY THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED OR WOULD HAVE RECEIVED A LESSER SENTENCE IF FAVORABLE RESULTS HAD BEEN OBTAINED THROUGH SUCH FORENSIC TESTING AT THE TIME OF THE ORIGINAL PROSECUTION.

(G) THAT HIS PLEA WAS MADE INVOLUNTARILY;

(H) THAT HIS SENTENCE HAS EXPIRED; HIS PROBATION, PAROLE OR CONDITIONAL RELEASE UNLAWFULLY REVOKED; OR HE IS OTHERWISE UNLAWFULLY HELD IN CUSTODY;

(I) THAT THE CONVICTION OR SENTENCE IS OTHERWISE SUBJECT TO COLLATERAL ATTACK UPON ANY GROUNDS OF ALLEGED ERROR HERETOFORE AVAILABLE UNDER ANY COMMON LAW, STATUTORY OR OTHER WRIT, MOTION, PETITION, PROCEEDING OR REMEDY;

MISS. CONST. ART 3 SECTION 11. HOLDS: THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE AND PETITION THE GOVERNMENT ON ANY SUBJECT SHALL NEVER BE IMPAIRED.

CONCLUSION

THEREFORE WITH THESE PREMISES CONSIDERED THIS COURT SHOULD ACKNOWLEDGE JONATHAN EDWARDS FALSE ARREST IMPRISONMENT ON FABRICATED MANUFACTURED CLAIMS, VINDICTIVELY MALICIOUSLY PROSECUTED ON CRIMES HE DID NOT COMMIT THROUGH ILLEGAL SEARCH AND SEIZURE WITHOUT WARRANT. SUPRESS THE FRUITS OF POISON TREE VACATE CONVICTIONS AND SENTENCES AND RENDER SUCH CHARGES NULL AND VOID AS A MATTER OF LAW REQUIRES IN THE INTEREST OF JUSTICE FOR VIOLATIONS OF HIS CONSTITUTIONAL RIGHTS

SUBSCRIBED THIS THE 12 DAY OF April 2018

/s/ Jonathan Edwards

PETITIONER
JONATHAN EDWARDS #
SMCI AREA 2
P.O. BOX 1419
LEAKESVILLE, MS. 39451

ORI: MS0460000

Marion County Sheriff's Office

Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201523991** Date Received: **9/8/2015 10:39**
Assigned to Case: **201523991**

Call Details

201523991 BURGLARY

Dispatcher: **LINK, CAD _____** Received: **9/8/2015 10:39** How Received: **911**

Dispatched: **9/8/2015 10:43** Arrived: **9/8/2015 10:51** Cleared: **9/8/2015 11:37**

Officer: **ALLDAY, JAMES ALLEN SO9**

Location: **1072 SHILOH FIRETOWER RD FOXWORTH**

Call Notes

201523991 ALLDAY, JAMES ALLEN SO9

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Case Number: 201523991

ORI #: MS0460000

Location of Occurrence: 1072 SHILOH FIRETOWER ROAD
FOXWORTH, MS 39483

Day / Date / Time (Reported)
Tuesday, September 8, 2015 10:39 AM

Day / Date (of Occurrence)
Tuesday, September 8, 2015 10:43 AM To: Tuesday, September 8, 2015 10:51 AM

Case Status: OPEN

Follow up ?:
☐ Yes
☐ No

Copies To:
☐ Folder
☐ Detective
☐ Juv. Prob.
☐ D. A.
☐ Other: _____

Highest Ranked Crime: 97-17-23 BURGLARY OF A DWELLING

VICTIM

1 Name - (Last, First, Middle)
SPIERS, DAVID ALAN
Victim of : 1: 97-17-23 BURGLARY OF A DWELLING

7/27/2015

A burglary was reported at 286 Bethel Church Road. Victim, Sherry Moore, stated she came home and found her house broke into and found that numerous items were stolen including but not limited to two .38 revolvers, a 42 inch TV, and jewelry.

7/30/2015

A burglary was reported at 505 Rocky Branch Road. Victim, Justin Bennett, stated he came home to his house being broke into and a Glock 35 .40 cal pistol was stolen. Also a Stihl chainsaw and numerous other items. A fenderwell was found in the yard of this residence and recovered by Deputy TJ Vaughan. This was taken to Hitts Body Shop where they were able to look up the part number and identified as a part to a Ford Fusion.

8/30/2015

A burglary was reported at 402 Good Hope Road. Victim, Jewel Morgan, noticed her house had been broke into. The only thing missing was a small container of pills.

9/6/2015

A burglary was reported at 2982 Hwy 44. Victim, Justin Pace, found his house broke into with numerous electronics missing.

9/7/2015

A burglary was reported at 238 Gates Road. Ronnie Flynt saw someone trying to break into his daughter, Morgan Flynt's, house. He tried to block them in and the suspect went around him. Mr. Flynt got a partial tag number of M75. He stated nothing was taken but the back door had damage to it.

Investigator Singley later received a call from a concerned citizen stating they saw a silver Ford Fusion missing the front fenderwell. The vehicle matching the description was later found and the driver was identified as Jonathan Edwards. In plain view in the vehicle was a flat screen TV and a box with an urn in it. After being Mirandized, Jonathan Edwards agreed to speak without an attorney present. He stated that he did break into several houses but couldn't remember how many or the locations. He advised he could take us to the locations tho. So, myself and Investigator Singley transported him around various places in the county with him giving us directions. He took us to all the residences listed and identified the items took out of each house. We had to terminate the search for burglarized residences due to it being dark but continued the next day, 9/8.

9/8/2015

A burglary was reported at 1072 Shiloh Firetower Road and also 1064 Shiloh Firetower Road. The victim, David Spiers, stated he came home from vacation and found his house broken into.Cash was missing. There was a shoe print found on the back door. He decided to check his mother in law's residence next door to his. It also had forced entry and a more visible shoe print on that back door. It appeared that a .357 pistol and numerous electronics were missing.

After Jonathan Edwards was taken into custody, the shoes he was wearing that day matched the shoe prints from these residences.

9/19/2015

A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

Narrative(s)

Assigned: 9/8/2015 14:53 to officer: ALLDAY, JAMES ALLEN
Approved: 9/11/2015 09:17 by: BROWN, KARLA RATLIFF

On around 09/08/2015 Mr. David Spiers came in from vacation and found his home had been burglarized . He found that numerous items and three hundred dollars in cash were missing from the residence. It appeared that the suspects made entry through a rear door of the residence by kicking it in due to what appeared to be a partial shoe print on the back door, however there was no defining details of the print. His mother-in-law's residence is next door and he decided to check it as well and found that the right side door had forced entry on it as well, however it did not appear that anything was missing. A shoe print was more visible on that door and it was photographed by Investigator Jamie Singley. A list of the items will be supplied at a later time by the home owners and attached to this report. At the time of this report it appears the items missing are a .357 Smith & Wesson pistol, a television, a camera with various equipment and accessories, and the three hundred dollars in cash. The television and camera with accessories was taken from the living room area, the cash was taken from a hand bag in the dining room, and the pistol was in the master bedroom. Investigator Jamie Singley was on scene for further investigation. A complete list of the missing items and values will be attached when the list is provided by the home owners. End of report.

STATE OF MISSISSIPPI
MARION COUNTY
Clerk of the Circuit Court

JANETTE NOLAN
250 Broad Street, Suite 1
Columbia, MS 39429
(601) 736-8246

Jonathan Edwards, #44510
SMCI-2 D-1 B-Zone
P O Box 1419
Leakesville, MS 39451

Mr. Edwards,

In response to your request for copies in Cause Number K15-0219H, I do now have the transcript on file but I do not see an Order Amending Indictment.

COST BILL

K15-0219H

Plea Transcript	36 pages @ .50 = 18.00
Sentencing Transcript	9 pages @ .50 = 4.50
Docket Sheet	2 pages @ .50 = 1.00
Total	**23.50**

Sincerely,

Julie Nibert, D.C.

7/27/2015

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Was cotton found where? (question)

9/8/2015

A burglary was reported at 1072 Shiloh Firetower Road and also 1064 Shiloh Firetower Road. The victim, David Spiers, stated he came home from vacation and found his house broken into.Cash was missing. There was a shoe print found on the back door. He decided to check his mother in law's residence next door to his. It also had forced entry and a more visible shoe print on that back door. It appeared that a .357 pistol and numerous electronics were missing.

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9/19/2015

A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

Case Number: 201519790 ORI #: MS0460000

Narrative(s)

Assigned: 8/12/2015 11:01 to officer: LOWERY, GLENN ALTON
Approved: 8/18/2015 09:06 by: BROWN, KARLA RATLIFF

Victim stated that she came home and observed that someone had broken in to her residence by busting the side door jamb. Once inside, Suspect(s) stolen misc items. I advised the Victim to make a list of items taken and to bring the list to the Sheriff's Office. This case is still open due to no arrests. End of Report.

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 and attached instruments to the following:

Morris Sweatt
District Attorney
250 Broad St Ste #1
Columbia, Ms. 39429

This the 12 day of April, 2018.

Jonathan Edwards
PETITIONER JONATHAN EDWARDS
MDOC# 44510
S.M.C.I, Area #2
P.O. Box 1419
Address

Leakesville, Ms. 39451
Address

APPENDIX "C"

COPY:	CONSIST OF THE FOLLOWING	PAGES
#1.	MARION COUNTY SHERIFF'S OFFICE 9-16-2015 REPORT OF ANDREW SCOTT PHILLIPS	2
#2.	FELONY CASE COVER SHEET OF JASON BREELAND	6
#3.	MARION COUNTY SHERIFF'S OFFICE 7-28-15 STATEMENT OF SHERRY LEE MOORE	1
#4.	MARION COUNTY SHERIFF'S OFFICE 9-7-15 MIRANDA WARNING	1
#5.	CAPIAS INSTANTER NO. K15-0219H CIRCUIT COURT 6-8-15 ORDER SETTING BOND	2
#6.	STATE V. EDWARDS NO. K15-0219H INDICTMENT	2
#7.	MARION COUNTY SHERIFF'S OFFICE NO. 2015(9790 VICTIM SHERRY MOORE DOOR PHOTO'S REPORT 9-16-2015	2
#8.	MARION COUNTY SHERIFF'S OFFICE 7-27-2015 DISPATCH REPORT GLENALTON LOWERY 911 CALL	2
#9.	MARION COUNTY SHERIFF'S OFFICE 9-9-2015 REPORT OF JASON BREELAND	2
#10.	MARION COUNTY SHERIFF'S OFFICE 9-8-15 REPORT ON REVERSE JAMES ALLEN ALLDAY OF BREELAND REPORT ITEM 9	1
#11.	MARION COUNTY SHERIFF'S OFFICE 9-7-2015 DISPATCH REPORT JAMES ALLEN ALLDAY 911 CALL	1
#12.	MARION COUNTY SHERIFF'S OFFICE NO. 2015238600 COMPLAINANT MORGAN FLYNT	1
#13.	MARION COUNTY SHERIFF'S OFFICE 8-7-2015 STATEMENT RONNIE FLYNT	1
#14.	CRIMINAL AFFIDAVIT 9-16-2015 ANDREW PHILLIPS	1
#15.	JUSTICE COURT WARRANT 9-16-2015 GWEN W. BROOM	1

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9/19/2015

A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

had forced entry. Several items were missing including a TV and an urn.

Additional	PHOTOS		
Description:	DAMAGE DONE TO THE DOOR	Filename/URL:	
Description:	SIDE DOOR POINT OF ENTRY	Filename/URL:	
Additional	LINKED DOCUMENTS		
Description:	Victim Statement	Filename/URL:	\\10.46.1.19\rmsdocs\2015 FELONY CASE FILES\2015197

Car Part was found...

[redacted]

1

FELONY CASE COVER SHEET

Type or neatly print and complete each section before submitting to the District Attorney's Office. Failure to properly submit a felony case, including the Cover Sheet, may result in the case being returned for more information, thus hindering prosecution of the individual(s) charged in this crime.

1. Case Information

Case Number 2015197901 Agency MCSO Officer/Investigator Jason Breeland

Number of Defendants in this Case 1

2. Defendant Information

First Name Jonathan Middle Name _____ Last Name Edwards

Alias Name (s) _____

Date of Birth 12-18-1961 Social Security Number 433-29-0102 Sex M Race B

Physical Address 1102 Gates Rd City Columbia State MS Zip Code _____

Offense(s) and Statute(s) 97-17-23 Burglary

Offense Date _____ Offense Time _____ Report Date _____

Defendant Arrested? (Yes) or No If arrested, Date of Arrest _____

(For additional defendants, complete Page 3)

3. Victim Information

First Name Sherma Middle Name _____ Last name Moore,

Physical Address 2816 Bethel Ch Rd City Columbia State MS Zip Code _____

Phone Number 601-606-3599 Alternate Phone Number _____

Date of Birth 6-22-63 Social Security Number 428-13-8654 Sex F Race W

(For additional victims & contact information, complete Page 4. If victim is a juvenile, complete the parent/guardian section on Page 4.)

4. Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

(For additional witnesses & contact information, complete Page 5.)

5. Agency Information

Officer/Investigator Name Inv Andrew Phillips Agency MCSO

Officer/Investigator Name Deputy Glenn Lowery Agency MCSO

(Any Law Enforcement Officer who was affiliated with this case and/or produced a statement or report. For additional Law Enforcement Officers, completed page 6.)

6. Forfeiture Information

Did a seizure of property occur during this offense or at the time of arrest? Yes or (No)

If a seizure of property did occur, attach a separate forfeiture file to this case.

7. Crime Lab Information

Is there a Crime Lab associated with this case? Yes or (No) Is the report pending? Yes or No

What is the Crime Lab Case Number? _____ Was an autopsy performed? Yes or No

Who performed the autopsy? _____

8. Video/Photograph Information

Are there any audio, video, or photographs pertaining to this case? Yes or (No)

If yes, who has possession of said audio, video, or photographs? _____

Who produced the audio, video, or photographs? _____

9. Comments and Notes

Additional Defendant Information

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Additional Victim Information

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
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Victim Information
First Name _____ Middle Name _____ Last name _____
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Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Parent/Guardian Information

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Additional Witness Information

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

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Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Additional Agency Information

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

FELONY CASE CHECK LIST

Check all of the documents that are being submitted in this case.

- ☑ Completed Felony Case Cover Sheet
- ☑ Incident Report
- ☑ Investigative Report
- ☐ Supplemental Report
- ☑ 911/Dispatch Report
- ☑ Victim Statement
- ☐ Witness Statement
- ☐ Suspect Statement
- ☑ Affidavit
- ☐ Arrest Warrant
- ☐ Search Warrant
- ☐ Return for Warrant
- ☐ Consent to Search
- ☑ NCIC III Report
- ☐ Fingerprint Card
- ☐ Booking/Jail Sheet
- ☐ Make, Model and Serial number of weapon
- ☐ Chain of Custody
- ☐ Crime Lab Submission Report
- ☐ Crime Lab Report
- ☐ Abstract from prior charges
- ☐ Autopsy Report
- ☐ All photographs, audio and video recordings
- ☐ All medical records
- ☐ Investigative audit, bank statements, copy of checks, and other financial records
- ☐ Forfeiture paperwork
- ☐ Other: _____

MARION COUNTY SHERIFF'S OFFICE
BERKLEY HALL, SHERIFF

219 BROAD STREET
COLUMBIA, MS 39429
PHONE (601) 736-5051 FAX (601) 731-3780

STATEMENT

Date: 7/28/15 Time: 12:30 PM Location: _____

Name: Sherry Lee Moore
Address: 2860 Bethel Church Rd Columbia MS 39429
Phone: 601-606-3599 SS Number: 428-13-8654
DOB: 6/22/1963 Education: LPN
Case Number: [illegible]

(1) Kodak EasyShare Z710 $450.00
Serial # KCXGG64209180

(1) Sony Bravia 42" Color TV & Remote $400.00
Serial # 46.7115.003

(2) - .38 Revolvers (1 black 38 Special loaded
1 older rusted 38 loaded)

(2) check books - Hancock Bank ACT # 0066-1994
(Reported & cancelled to Bank 7-27-15)

(1) Old Improve High School Class Ring @ 1955?
(1) Mason Ring (older)

(1) pearl earrings & neck $300.00
(1) pearl necklace $300.00
(3) gold bracelets - 2 with silver gold & diamonds
(1) Timex watch - $50.00 (Stolen)
(Loose change in containers @ $200.00

Door facing broken down.

I have read the above statement consisting of 1 pages and attest it is a true and accurate account of the events which took place on 7-27-15. It was given by me freely and voluntarily, without fear of threat or promise of reward.

Witnessed by: [signature] Signature: Sherry Moore

Witnessed by: _____ Page 1 of 1 Pages

Marion County Sheriff's Office
Berkley Hall, Sheriff

219 Broad Street
Columbia, MS 39429
Phone: (601) 736-5051 Fax: (601) 731-3780

MIRANDA WARNING

Date: 9-7-15 Time: 1820 Location: MCSO

Name: Jonathan Edwards
Address: 1662 Gates Rd
Phone: 310 446 6439
SS Number: 433-29-0602
D.O.B: 12-18-61
Education: 7th
Case Number: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

B

You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Jonathan Edwards
Signature

Read by: _____

Witnessed by: _____

9-7-15 1823
Date Time

Rev. 01/01/2012

No Arrest

CAPIAS INSTANTER - CIRCUIT COURT CAUSE NO. K15-0219H

THE STATE OF MISSISSIPPI

STATE OF MISSISSIPPI

COUNTY OF MARION

To The Sheriff Of Said County -- Greetings:

We command you forthwith to take the body of **JONATHAN EDWARDS** if to be found in your county, and safely keep, so that you have said body before the Judge of our Circuit Court, Instanter, at the Courthouse thereof, in the City of Columbia, there to answer the State of Mississippi upon a charge exhibited against Him-Her by the Grand Jury of said County, for BURGLARY OF A DWELLING, Section 97-17-23, Miss. Code of 1972, as amended.

Herein fail not, and have you then and there this writ with your endorsement thereon, showing how you have executed the same.

Witness my hand as Clerk, with the seal of said Court hereto affixed this the 17th day of December A.D., 2015.

Janette Nolan, Circuit Clerk

by _____, D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

SHERIFF'S RETURN

I have this day executed the within writ personally, by Jonathan Edwards

This the 8 day of June, A.D., 2015.

Bobby Hall, Sheriff

by _____, D.C.

This is a True Copy
Dec. 17 2015
JANETTE NOLAN
CIRCUIT CLERK

CIRCUIT COURT MARION COUNTY MISSISSIPPI

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI
FIFTEENTH DISTRICT

STATE OF MISSISSIPPI

VERSUS CRIMINAL CASE NO. K15-0219H

JONATHAN EDWARDS, DEFENDANT

ORDER SETTING DEFENDANT'S BOND

THIS DAY into open Court came the matter of setting the amount of bail bond for the defendant in this case, and the Court, based upon all matters proffered finds and orders as follows:

1. That the defendant has been indicted on the charge of BURGLARY OF A DWELLING, Section 97-17-23, Miss. Code of 1972, as amended.

2. That the Court has considered all matters relevant to the amount of bail for this defendant and finds that the amount of bail at this time should be set at $ No bond.

3. That the defendant, through his attorney, can request a reduction and change of the amount of bail in the event the defendant feels aggrieved, by requesting a hearing and noticing the prosecuting attorneys of said hearing sufficiently in advance of the hearing to allow the State an opportunity to be present and ready for said hearing, but in no event longer than three working days after receiving notice.

4. The Sheriff of Marion County, Mississippi, is hereby authorized to approve the bond as set for this defendant.

SO ORDERED AND ADJUDGED this, the 17th day of December 2015.

This is a True Copy
Dec. 17 20 15
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

Patricia Harrell
CIRCUIT JUDGE

INDICTMENT | **CAUSE NUMBER K15-0219H**

STATE OF MISSISSIPPI | CHARGE: **BURGLARY OF A DWELLING**
Section 97-17-23, Miss. Code of 1972, as amended

COUNTY OF MARION

In the Circuit Court in and for the said County and State at the September 2015 TERM, the Grand Jurors for the State of Mississippi, elected, impaneled, sworn and charged, in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath, present that in said county and state, on or about July 27, 2015, in Marion County, Mississippi,

JONATHAN EDWARDS

did willfully, unlawfully, feloniously and burglariously break and enter the dwelling house, the property of SHERRY MOORE, located in Marion County, with intent to commit a crime therein, to-wit: to take, steal, and carry away personal property contained therein, contrary to and in violation of Section 97-17-23 of the Mississippi Code of 1972, as amended; against the peace and dignity of the State of Mississippi.

ENDORSED: A TRUE BILL

Kim Hamlin
Assistant District Attorney

Johnny L. Broom
Foreman of the Grand Jury

Filed and recorded the 17th day of December, 2015.

Janette Nolan, CIRCUIT CLERK

By: _____, DEPUTY CLERK

ITEM # MCSO 2015-19790

JONATHAN EDWARDS- DOB 12-18-1961 SSN 4xx-xx-0602 or SSN 4XX-XX-0642 Black / Male

This is a True Copy
Dec. 17 20 15
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

AFFIDAVIT

BEFORE ME, the undersigned authority in and for said County and State shown on reverse side hereof, this day personally came and appeared the undersigned AFFIANT, who, after being by me first duly sworn as the law directs says on oath that at the Term of Court referred to on reverse side hereof, in said County and State aforesaid, the undersigned Affiant was then and there selected to serve as Foreman of the Grand Jury for said County and that Affiant has served in such capacity for the period of the entire Grand Jury.

AFFIANT further states on oath that all indictments which were found to be true bills were concurred in by twelve (12) or more members of the Grand Jury and that at least fifteen (15) members of the Grand Jury were present during all deliberations thereof.

Johnny L. Broom
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 17th day of December 20 15

CIRCUIT COURT MARION COUNTY MISSISSIPPI

Janette Nolan
CIRCUIT CLERK

BY:
DEPUTY CLERK

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Case Number: 201519790

ORI #: MS0460000

To protect confidential personal information of any witness or victim in this report, this printed document including, but not limited to, an address, telephone number, driver's license or identification Card number, social security number, date of birth, etc..., is to be destroyed when valueless.

VICTIM

1

Name - (Last, First, Middle)
MOORE, SHERRY

Occupation

Social Security #
428-13-8654

Address
286 BETHEL CHURCH ROAD
COLUMBIA, MS 39429

Phone
HOME: 1-(601) 606-3599

Drivers License Info. (State / # / Class)

Hair:

Race: WHITE

Height: -

Age: 52

D. O. B.: 6/22/1963

Eyes:

Sex: F

Weight:

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Photos for Case #201519790

DAMAGE DONE TO THE DOOR

SIDE DOOR POINT OF ENTRY

ORI: MS0460000

Marion County Sheriff's Office

Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201519790** Date Received: **7/27/2015 17:24**
Assigned to Case: **201519790**

Call Details

201519790 BURGLARY

Dispatcher: **LINK, CAD _____** Received: **7/27/2015 17:24** How Received: **911**

Dispatched: **7/27/2015 17:25** Arrived: **7/27/2015 17:51** Cleared: **7/27/2015 18:01**

Officer: **DEPUTY LOWERY, GLENN ALTON SO7**

Location: **286 BETHEL CHURCH ROAD, COLUMBIA MS 39429 (286 BETHEL CHURCH RD**

Complainant/Contact	Role
MOORE, SHERRY	COMPLAINANT

Call Notes

201519790 DEPUTY LOWERY, GLENN ALTON SO7

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Case Number: 201519790

ORI #: MS0460000

Location of Occurrence: 286 BETHEL CHURCH ROAD
COLUMBIA, MS 39429

Day / Date / Time (Reported)
Monday, July 27, 2015 05:24 PM

Day / Date (of Occurrence)
Monday, July 27, 2015 07:00 AM

To: Monday, July 27, 2015 05:25 PM

Case Status: OPEN

Follow up ?:
☐ Yes
☐ No

Copies To:
☐ Folder
☐ Detective
☐ Juv. Prob.
☐ D. A.
☐ Other: _____

Highest Ranked Crime: 97-17-23 BURGLARY OF A DWELLING

VICTIM

1 Name - (Last, First, Middle)
MOORE, SHERRY
Victim of : 1: 97-17-23 BURGLARY OF A DWELLING

Case Number: 201523860 ORI #: MS0460000

Assigned: 9/9/2015 08:45 to officer: BREELAND, JASON
Approved: by: ,

7/27/2015
A burglary was reported at 286 Bethel Church Road. Victim, Sherry Moore, stated she came home and found her house broke into and found that numerous items were stolen including but not limited to two .38 revolvers, a 42 inch TV, and jewelry.

7/30/2015
A burglary was reported at 505 Rocky Branch Road. Victim, Justin Bennett, stated he came home to his house being broke into and a Glock 35 .40 cal pistol was stolen. Also a Stihl chainsaw and numerous other items. A fenderwell was found in the yard of this residence and recovered by Deputy TJ Vaughan. This was taken to Hitts Body Shop where they were able to look up the part number and identified as a part to a Ford Fusion.

8/30/2015
A burglary was reported at 402 Good Hope Road. Victim, Jewel Morgan, noticed her house had been broke into. The only thing missing was a small container of pills.

9/6/2015
A burglary was reported at 2982 Hwy 44. Victim, Justin Pace, found his house broke into with numerous electronics missing.

9/7/2015
A burglary was reported at 238 Gates Road. Ronnie Flynt saw someone trying to break into his daughter, Morgan Flynt's, house. He tried to block them in and the suspect went around him. Mr. Flynt got a partial tag number of M75. He stated nothing was taken but the back door had damage to it.

Investigator Singley later received a call from a concerned citizen stating they saw a silver Ford Fusion missing the front fenderwell. The vehicle matching the description was later found and the driver was identified as Jonathan Edwards. In plain view in the vehicle was a flat screen TV and a box with an urn in it. After being Mirandized, Jonathan Edwards agreed to speak without an attorney present. He stated that he did break into several houses but couldn't remember how many or the locations. He advised he could take us to the locations tho. So, myself and Investigator Singley transported him around various places in the county with him giving us directions. He took us to all the residences listed and identified the items took out of each house. We had to terminate the search for burglarized residences due to it being dark but continued the next day, 9/8.

9/8/2015
A burglary was reported at 1072 Shiloh Firetower Road and also 1064 Shiloh Firetower Road. The victim, David Spiers, stated he came home from vacation and found his house broken into.Cash was missing. There was a shoe print found on the back door. He decided to check his mother in law's residence next door to his. It also had forced entry and a more visible shoe print on that back door. It appeared that a .357 pistol and numerous electronics were missing.

After Jonathan Edwards was taken into custody, the shoes he was wearing that day matched the shoe prints from these residences.

9/19/2015
A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

Narrative(s)

Assigned: 9/8/2015 08:55 to officer: ALLDAY, JAMES ALLEN
Approved: 9/9/2015 08:45 by: BROWN, KARLA RATLIFF

On 09/07/2015 mr Ronnie flynt called to 911 and stated that someone was trying to break in to his daughter home at 238 gates road . Also mr Ronnie flynt stated that he tried to block auto in to his drive way but suspect went around him and he tried to catch him but failed . also mr flynt stated he gotten part of the tag # m 7 5 something was the first and last # of tag . also see statement attached to report . also stated that nothing was taken from home that the only damage was to back door of his mobile home the damage was heavy and was possible re place . end of report

had forced entry. Several items were missing including a TV and an urn.

Additional	LINKED DOCUMENTS		
Description:	201523860	Filename/URL:	\\10.46.1.19\rmsdocs\2015 ATTACHMENTS\201523860.pd

MS04F0000

Marion County Sheriff's Office
Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201523860** Date Received: **9/7/2015 13:44**
Assigned to Case: **201523860**

Call Details

201523860 **BURGLARY**

Dispatcher: **LINK, CAD _____** Received: **9/7/2015 13:44** How Received: **911**

Dispatched: **9/7/2015 13:44** Arrived: **9/7/2015 13:54** Cleared: **9/7/2015 14:40**

Officer: **ALLDAY, JAMES ALLEN SO9**

Location: **238 GATES RD COLUMBIA**

Call Notes

201523860 ALLDAY, JAMES ALLEN SO9

9-7-15

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Case Number: 201523860

ORI #: MS0460000

To protect confidential personal information of any witness or victim in this report, this printed document including, but not limited to, an address, telephone number, driver's license or identification Card number, social security number, date of birth, etc..., is to be destroyed when valueless.

COMPLAINANT

1

Name - (Last, First, Middle)
FLYNT, MORGAN

Occupation

Social Security #
426-79-3960

Address

Phone

Drivers License Info. (State / # / Class)

Hair:

Race: WHITE

Height: -

Age: 20 D. O. B.: 4/7/1995

Eyes:

Sex: F

Weight:

MARION COUNTY SHERIFF'S OFFICE

BERKLEY HALL, SHERIFF

219 BROAD STREET
COLUMBIA, MS 39429
PHONE (601) 736-5051 FAX (601) 731-3780

STATEMENT

Date: 8-7-2015 Time: 2:12 PM Location: 238 GATES RD #10

Name: RONNIE FLYNT Address: _____

Phone: 736-2716 Case Number: 23860

Statement

RETURNED HOME FOUND SILVER 16FT
CAR UNDER GARAGE, BLACK MALE SAW LEAVING
AREA TAG # - 755 TRIED TO BLOCK ROAD
BUT MISSED CALLED POLICE

I have read the above statement consisting of _____ pages and attest it is a true and accurate account of the events which took place on _____. It was given by me freely and voluntarily, without fear of threat or promise of reward.

Witnessed by: _____ Signature: _____

Witnessed by: _____ Page _____ of _____ Pages

CRIMINAL AFFIDAVIT - JUSTICE COURT

STATE OF MISSISSIPPI
COUNTY OF MARION

AFFIDAVIT IN STATE CASES

Before me, Gwen W. Broom, Justice Court clerk or Judge of said county, Investigator Andrew Phillips makes sworn affidavit that Jonathan Edwards, on or about the 8th day of September, 2015, in the county aforesaid;

did willfully, unlawfully, feloniously and burglariously break and enter the dwelling house of Janette Holmes located at 1064 Shiloh Firetower Road, Marion County, Mississippi, with intent to commit a crime therein, to wit: to take, steal and carry away miscellaneous items from the residence.

BURGLARY OF A DWELLING HOUSE

97-17-23

AGAINST THE PEACE AND DIGNITY OF THE STATE OF MISSISSIPPI.

This allegation is based upon the following underlying facts and circumstances:

On September 8, 2015, deputies responded to a burglary at 1072 Shiloh Firetower Road and spoke with David Spiers. He stated his home had been broken into and numerous items were taken. He decided to check his mother in law's home next door at 1064 Shiloh Firetower and found it to be burglarized also but nothing appeared to be missing from that residence.

On the date of July 30, 2015 there was a fender well found at 505 Rocky Branch Road after a burglary. A local dealership advised us that car part came from a Ford Fusion. On 9/7/2015, Investigator Singley got a call from a concerned citizen who said they saw a vehicle missing the front driver side fender well. The vehicle was stopped by deputies and the subject, later identified as Jonathan Edwards, was brought in for questioning. He was read his Miranda Rights and agreed to talk without an attorney present. Edwards confessed to breaking into numerous houses. He couldn't remember which ones exactly but could take us to majority and point them out. He did so. He didn't point out this residence. However, the shoe print taken from the scene at 1072 Shiloh Firetower matched the size and detail of the shoes taken off Edwards the day he was taken into custody.

X_____
Investigator Andrew Phillips

_____

_____, _____

(____) _____-_____

Sworn to and subscribed before me, on the 16th **day of** September, 2015.

Gwen W. Broom
Justice Court Judge or Clerk

201523991
Case Number

23-9-11

ATTN: Jamie Singley

NIKON PRODUCT SERIAL NUMBERS

17 - 35 MM NIKON LENSE - 420531
70 - 200 MM NIKON LENSE - 444698
50 MM NIKON LENSE - 615673
100 MM MACRO LENSE SIGMA - NO SER. #
150 - 500 MM SIGMA LENSE - NO SERIAL #

NIKON D700 35MM CAMERA - 2189320

NIKON FLASH SB900 - 2215187

PANASONIC 42" PLASMA TV

Smith & Wesson 686 Revolver 357 mag.
4" Barrel

Medicine

↳ topamax	100 ml	
Tegretol	400 ml	
"	100 ml	
Prinadon	250 mg.	(2 full bottles) of 100 ea.

$300.00 cash

David Coffee

Marion County Sheriff's Office
Berkley Hall, Sheriff

219 Broad Street
Columbia, MS 39429
Phone: (601) 736-5051 Fax: (601) 731-3780

MIRANDA WARNING

Date: 9-7-15 Time: 1820 Location: MCSO

Name: Jonathan Edwards
Address: 1662 Gates Rd
Phone: 310 446-6439
SS Number: 433-29-0602
D.O.B: 12-18-61
Education: 7th
Case Number: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Jonathan Edwards
Signature

Read by: _____

Witnessed by: _____

9-7-15 1823
Date Time

JUSTICE COURT WARRANT

FELONY

THE STATE OF MISSISSIPPI,
TO ANY LAWFUL OFFICER OF MARION COUNTY

WE COMMAND YOU TO TAKE THE BODY OF: Jonathan Edwards
DOB 12/18/1961 SSN 433-29-0602

As to be found in your county, and him/her safely keep, so that you have him/her before the undersigned, a Justice Court Judge of Marion County, Mississippi, to be holden at the office of the undersigned, in Marion County, then and there to answer unto the State of Mississippi on a charge of:

BURGLARY OF A DWELLING HOUSE

97-17-23

By Affidavit.

Herein Fail Not, and have been there this writ, with the manner you have execute the same.

Given under my hand and seal and issued this 16th **day of** September, 2015.

Gwen W. Broom

Justice Court Judge

I have this day executed the within writ by arresting the within named defendant:

Jonathan Edwards	1662 Gates Road Columbia, MS	12/18/1961
Suspect Name	**Suspect Address**	**Suspect DOB**

433-29-0602	B	M	( ) 310-446-6439
Suspect Social Security Number	**Race**	**Sex**	**Suspect Phone**

This the _____ **day of** _____, _____.

_____

Officer

201523991

Case Number

STATE OF MISSISSIPPI
MARION COUNTY

Clerk of the Circuit Court

July 18, 2018

Muriel B. Ellis
MS Supreme Court Clerk
PO Box 249
Jackson, MS 39205-0249

Re: Notice of Appeal – Jonathan Edwards 46:17CV303PH

Dear Ms. Ellis:

Enclosed you will find the copies of the following in connection with the above referenced Marion County Circuit Court Case, to wit:

1. Notice of Appeal
    a) Memorandum Opinion and Order
2. Civil Docket Sheet
3. Designation of Records
4. Certificate of Compliance
5. Affidavit of Poverty

JANETTE NOLAN, CIRCUIT CLERK
MARION COUNTY, MISSISSIPPI

By: Julie Davis, D.C.
Julie Davis, Deputy Clerk

Cc: Honorable Prentiss Harrell
Honorable Kim Harlin
Kimme Roberts (Court Reporter)
Jonathan Edwards

APPEAL, Pending_Fee

Mississippi Electronic Courts
Fifteenth Circuit Court District (Marion Circuit Court)
CIVIL DOCKET FOR CASE #: 46CI1:17-cv-00303-PH
Internal Use Only

Edwards v. State of Mississippi
Assigned to: Prentiss G. Harrell

Date Filed: 09/08/2017
Date Terminated: 06/26/2018
Total Case Age: 291
Jury Demand: None
Nature of Suit: 173 Post Conviction Relief/Prisoner

Plaintiff

Jonathan Edwards

represented by **Jonathan Edwards**
44510
SMCI
Area 2, D-1, B-Zone
P O Box 1419
Leakesville, MS 39451
PRO SE

V.

Defendant

State of Mississippi

represented by **Kimberly Harlin**
15th District Attorney's Office
500 Courthouse Square, Suite 3
COLUMBIA, MS 39429
601-731-1476
Fax: 601-731-1489
Email: kharlin@da15thdistrict.org
ATTORNEY TO BE NOTICED

Date Filed	#	Select All / Clear	Sort Order	Docket Text
07/18/2018	12	(2 pages)		FINANCIAL AFFIDAVIT by Jonathan Edwards. (Davis, Julie) (Entered: 07/18/2018)
07/18/2018	11	(2 pages)		CERTIFICATE OF COMPLIANCE by Jonathan Edwards (Davis, Julie) (Entered: 07/18/2018)
07/18/2018	10	(2 pages)		DESIGNATION of Record on Appeal by Jonathan Edwards (Davis, Julie) (Entered: 07/18/2018)

This Is a True Copy
JANETTE NOLAN
CIRCUIT CLERK
D.C.

07/18/2018	9	(14 pages) Attachments(+/-)		NOTICE OF APPEAL as to 8 Memorandum & Opinion,, by Jonathan Edwards. Filing fee $ 200. (Davis, Julie) (Additional attachment(s) added on 7/18/2018: # 1 Supplement Memorandum Opinion and Order) (Davis, Julie). (Entered: 07/18/2018)
06/26/2018				(Court only) ***Civil Case Terminated. (Davis, Julie) (Entered: 06/27/2018)
06/26/2018	8	(73 pages) Attachments(+/-)		MEMORANDUM AND OPINION and Order. Signed by Prentiss G. Harrell on 06/26/2018. (Davis, Julie) (Additional attachment(s) added on 6/27/2018: # 1 Exhibit Indictment) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 2 Exhibit PleaPetition) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 3 Exhibit Plea Transcript) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 4 Exhibit Sentencing Transcript) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 5 Exhibit Order of Conviction and Sentence) (Davis, Julie). (Entered: 06/27/2018)
05/29/2018	7	(56 pages) Attachments(+/-)		Motion to Expedite Procedures and Brief in Support of Post Conviction Collateral Relief by Jonathan Edwards. (Nibert, Julie) (Additional attachment(s) added on 5/31/2018: # 1 Cover Letter) (Nibert, Julie). Modified on 5/31/2018 (Nibert, Julie). (Entered: 05/31/2018)
05/29/2018	6	(2 pages) Attachments(+/-)		Petition to MS Supreme Court for An Order to Show Cause by Jonathan Edwards. (Nibert, Julie) (Additional attachment(s) added on 5/31/2018: # 1 Cover Letter) (Nibert, Julie). Modified on 5/31/2018 (Nibert, Julie). (Entered: 05/31/2018)
04/16/2018	5	(21 pages)		Brief in Support of Petition for PCCR. by Jonathan Edwards. (Nibert, Julie) (Entered: 04/16/2018)
04/16/2018	4	(4 pages) Attachments(+/-)		MOTION to Expedite Procedures by Plaintiff Jonathan Edwards (Nibert, Julie) (Additional attachment(s) added on 4/16/2018: # 1 Cover Letter) (Nibert, Julie). (Entered: 04/16/2018)
09/14/2017	3	(4 pages)		AFFIDAVIT by Jonathan Edwards. (Nibert, Julie) (Entered: 09/14/2017)
09/08/2017	2	(18 pages)		MISCELLANEOUS DOCUMENT: Petition to Proceed In Forma Pauperis in the Courts

				of the State of Mississippi by Jonathan Edwards. (Nibert, Julie) (Entered: 09/08/2017)
09/08/2017	1	(15 pages)		Motion for Post-Conviction Collateral Relief against State of Mississippi, filed by Jonathan Edwards. (Nibert, Julie) (Entered: 09/08/2017)

Footer format: Clerk Papers <pagenum>
(Numbers, letters, spaces, and <pagenum> only)

Include full docket sheet
Include abridged docket sheet

Selected Pages: 0

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STATE OF MISSISSIPPI
MARION COUNTY

Clerk of the Circuit Court

July 18, 2018

Muriel B. Ellis
MS Supreme Court Clerk
PO Box 249
Jackson, MS 39205-0249

Re: Notice of Appeal – Jonathan Edwards 46:17CV304PH

Dear Ms. Ellis:

Enclosed you will find the copies of the following in connection with the above referenced Marion County Circuit Court Case, to wit:

1. Notice of Appeal
    a) Memorandum Opinion and Order
2. Civil Docket Sheet
3. Designation of Records
4. Certificate of Compliance
5. Affidavit of Poverty

JANETTE NOLAN, CIRCUIT CLERK
MARION COUNTY, MISSISSIPPI

By: Julie Davis, DC.
Julie Davis, Deputy Clerk

Cc: Honorable Prentiss Harrell
Honorable Kim Harlin
Kimme Roberts (Court Reporter)
Jonathan Edwards

APPEAL, Pending_Fee

Mississippi Electronic Courts
Fifteenth Circuit Court District (Marion Circuit Court)
CIVIL DOCKET FOR CASE #: 46CI1:17-cv-00304-PH
Internal Use Only

Edwards v. State of Mississippi
Assigned to: Prentiss G. Harrell

Date Filed: 09/08/2017
Date Terminated: 06/26/2018
Total Case Age: 291
Jury Demand: None
Nature of Suit: 173 Post Conviction Relief/Prisoner

Plaintiff

Jonathan Edwards

represented by **Jonathan Edwards**
44510
P O Box 1419
Leakesville, MS 39451
PRO SE

V.

Defendant

State of Mississippi

represented by **Kimberly Harlin**
15th District Attorney's Office
500 Courthouse Square, Suite 3
COLUMBIA, MS 39429
601-731-1476
Fax: 601-731-1489
Email: kharlin@da15thdistrict.org
ATTORNEY TO BE NOTICED

This is a True Copy
JANETTE NOLAN
CIRCUIT CLERK
D.C.

Date Filed	#	Select All / Clear	Sort Order	Docket Text
07/18/2018	9	(2 pages)		FINANCIAL AFFIDAVIT by Jonathan Edwards. (Davis, Julie) (Entered: 07/18/2018)
07/18/2018	8	(2 pages)		CERTIFICATE OF COMPLIANCE by Jonathan Edwards (Davis, Julie) (Entered: 07/18/2018)
07/18/2018	7	(2 pages)		DESIGNATION of Record on Appeal by Jonathan Edwards (Davis, Julie) (Entered: 07/18/2018)
07/18/2018	6	(14 pages) Attachments(+/-)		NOTICE OF APPEAL as to 5 Memorandum & Opinion,, by Jonathan Edwards. Filing fee $ 200. (Davis, Julie) (Additional

				attachment(s) added on 7/18/2018: # 1 Supplement Memorandum Opinion and Order) (Davis, Julie). (Entered: 07/18/2018)
06/26/2018				(Court only) ***Civil Case Terminated. (Davis, Julie) (Entered: 06/27/2018)
06/26/2018	5	(73 pages) Attachments(+/-)		MEMORANDUM AND OPINION and Order. Signed by Prentiss G. Harrell on 0/26/2018. (Davis, Julie) (Additional attachment(s) added on 6/27/2018: # 1 Exhibit Indictment) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 2 Exhibit PleaTranscript) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 3 Exhibit Sentencing Transcript) (Davis, Julie). (Additional attachment(s) added on 6/27/2018: # 4 Exhibit Plea Petition) (Davis, Julie). (Additional attachment(s) addedon 6/27/2018: # 5 Exhibit Order of Conviction and Sentence) (Davis, Julie). (Entered: 06/27/2018)
10/03/2017	4	(3 pages)		Letter to Edwards from Clerk's office.. (Nibert, Julie) (Entered: 10/03/2017)
10/03/2017	3	(9 pages) Attachments(+/-)		MOTION: Motion to amend Pro-Se supplement brief to original (P.C.R.) under Miss. St. 99-39-1-5 by Plaintiff Jonathan Edwards (Nibert, Julie) (Additional attachment(s) added on 10/3/2017: # 1 Cover Letter) (Nibert, Julie). (Entered: 10/03/2017)
09/08/2017	2	(24 pages)		MISCELLANEOUS DOCUMENT: Application to Proceed In Forma Pauperis in the Courts of the State of Mississippi by Jonathan Edwards. (Nibert, Julie) (Entered: 09/08/2017)
09/08/2017	1	(14 pages)		Motion For Post-Conviction Collateral Relief against State of Mississippi, filed by Jonathan Edwards. (Nibert, Julie) (Nibert, Julie). (Entered: 09/08/2017)

Footer format: Clerk Papers <pagenum>
(Numbers, letters, spaces, and <pagenum> only)

◉ Include full docket sheet
○ Include abridged docket sheet

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IN THE CIRCUIT COURT OF Marion COUNTY, MISSISSIPPI

FILED
JUL 18 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

Jonathan Edwards — PETITIONER

VS. — CAUSE NO. 46:17-CV-00303 PH / 46:17-CV-00304 PH

State of Mississippi — RESPONDENT(S)

NOTICE OF APPEAL

Comes now, Jonathan Edwards, Pro Se, being aggrieved by the Order of this Court entered on 7/5/, 2018, in the above numbered cause and does desire to appeal this decision to the Mississippi Supreme Court.

The clerk of this Court is hereby requested to send up to the Mississippi Supreme Court the complete record in this cause.

In Lieu of Appeal Bond petitioner attaches hereto an Affidavit of Poverty as provided by Mississippi Code Annotated, Section 11-53-17.

Jonathan Edwards
PETITIONER
MDOC# 44510
S.M.C.I. area 2, D-1, B-Zone
P.O. Box 1419
Address

Leakesville, Ms, 39451
Address

Certificate of Service

This is to Certify that I have this date to be mailed via United State Mail, Postage Pre Paid a true and correct Copy of the above and foregoing Pleading to:

Marion County Circuit Clerk
250 Board St Suit-1
Columbia, MS 39429

Miss Attorney General
Jim Hood
P.O. Box 220
Jackson, MS 39205

Muriel Ellis "Clerk"
Miss. Supreme and Court of Appeal
P.O. Box 249
Jackson, MS 39205

So certified this the 12 day of 7.
20 18

(S) Jonathon Edwards
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Leakesville, MS 39451

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

FILED
JUN 26 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

JONATHAN EDWARDS

VS. CAUSE NOS. 46:17-CV-00303PH-
46:17-CV-00304PH-

STATE OF MISSISSIPPI

MEMORANDUM OPINION AND ORDER

BEFORE THIS COURT are the two motions for post conviction collateral relief filed by the Petitioner, JONATHAN EDWARDS ("Edwards") *pro se* **Motion for Post Conviction Collateral Relief** pursuant to § 99-39-1 *et seq.*, of the Post-Conviction Collateral Relief provisions. In rendering its decision, the Court has thoroughly examined the Petitioner's motions and accompanying memoranda and exhibits, along with the following documents from Marion County Circuit Court Criminal Cause Nos. K15-0219H and K15-0223: Indictments, Motions to Amend Indictment, Petitions to Enter Plea of Guilty, Transcript of Plea Colloquy, Transcript of Sentencing Hearing, and Sentencing Orders. The Court finds that it plainly appears from the face of the Petitioner's Motion, the annexed exhibits, and record of prior proceedings that the claims are without merit. Therefore, pursuant to Miss. Code Ann. § 99-39-11(2), the Court SUMMARILY DISMISSES the Petitioner's motion for the following reasons to-wit:

PROCEDURAL BACKGROUND

A Marion County grand jury indicted Edwards on or about December 17, 2015, on six charges of burglary of a dwelling and one charge of attempted burglary: Cause Nos. K15-219H, K15-220H, K15-221H, K15-222H, K15-223H, K15-224H, and K15-

225H. On January 6, 2017, the State filed a Motion to Amend Indictment in each of those causes to charge Edwards as a habitual offender under § 99-19-81 of the Mississippi Code (1972, as amended).

On January 18, 2017, Edwards filed a Petition to Enter Plea of Guilty in Cause No. K15-219H for the charge of burglary of a dwelling, and Cause No. K15-223H for the charge of burglary of a dwelling. Edwards pleaded guilty to both charges the same day. The Court obtained and reviewed a Presentence Investigation Report and, on January 27, 2017, sentenced Edwards on each charge to twenty-five years as a habitual offender and ran the sentences concurrently with one another.

On September 8, 2017, Edwards filed his motions for post conviction relief from these convictions, followed by a motion to expedite. In his motion, Edwards raises the following claims:

I. His guilty plea was not knowingly and intelligently made and was involuntary because he did not have a clear understanding of the consequences of his pleading guilty; and

II. There was no factual basis for accepting his plea of guilty;

III. Ineffective Assistance of Counsel

LAW AND ANALYSIS

I. Edwards plea of guilty was valid

In his motions, Edwards sets forth several reasons as to why he did not knowingly enter his plea. Most of these reasons are centered around his contentions that the State amended the indictment to charge him as a habitual offender after he had already pleaded guilty; the Court failed to advise him – before he entered his plea

of guilty – that he was being charged as a habitual offender; no one informed him that his sentences would run consecutive to the revoked sentence he was already serving at the time of his pleas; and no one explained to which of the seven indicted charges he was pleading guilty.

MRCrP Rule 15.3(c) tells the court what it must do before accepting a plea of guilty:

> (c) Voluntariness. Before the trial court may accept a plea of guilty, the court must determine that the plea is voluntarily and intelligently made and that there is a factual basis for the plea. A plea is not voluntary if induced by fear, violence deception, or improper inducements. A showing that the plea of guilty was voluntarily and intelligently made must appear in the record.

The Court finds that, after a thorough review of the documents identified above, Edwards' plea was knowingly and intelligently made. The State gave him notice of the amendment to the indictment before he entered a plea of guilty, and the Court advised him of the consequences of pleading.

a. **Edwards was informed of the amendment charging him as a habitual offender and was advised of the consequences of entering a plea of guilty**

The State filed its motion to charge Edwards as a habitual offender on January 6, 2017, and noticed it for hearing on January 9, 2017, or the first available date suitable to the court. And while the Mississippi Rules of Criminal Procedure require the State to provide a minimum of thirty days advance notice of such an amendment unless waived in writing by the defendant,[1] these rules did not go into effect until July 1, 2017. Rule 7.09 of the Uniform Rules of Circuit and County Court ("URCCC"), was

[1]MRCrP Rule 14.1(b)(2)

applicable at the time Edwards entered his plea of guilty on January 18, 2017. URCCC Rule 7.09 allowed amendments as to the form of an indictment "if the defendant is afforded a fair opportunity to present a defense and is not unfairly surprised." *Ibid.*

In *Williams v. State*[2], the Mississippi Supreme Court stated that "adequate notice is achieved through formal pleadings which include the specific amendment to be offered and which are filed sufficiently in advance of trial to ensure that a defendant will have a 'fair opportunity to present a defense' and will not be 'unfairly surprised.' *Id.*, at 1177. [citations omitted].

And, in *Whitfield v. State*[3], the Mississippi Court of Appeals affirmed the trial court's denial of Whitfield's PCR. Whitfield claimed that he did not knowingly enter his plea because he was "unfairly surprised by the amendment of his indictment." Specifically, Whitfield decided to enter a plea of guilty on the day before he was scheduled to go to trial. On the morning of the plea, the State moved to amend the indictment to charge Whitfield as a habitual offender and the trial court granted the motion. Holding that Whitfield was not "unfairly surprised" and was "fully aware of the State's proposed amendment ... and its effect on his sentence," the Court of Appeals found that: (1) the evidence showed that the State and Defense were conducting plea negotiations which involved a habitual offender amendment; (2) Whitfield's plea petition contained wording that he was pleading as a habitual offender; and (3) the trial judge had informed Whitfield at the beginning of his plea of the consequences of pleading guilty as a habitual offender. *Id.*, at 388.

---

[2]Williams v. State, 131 So. 3d 1174 (Miss. 2014).

[3]Whitfield v. State, 105 So. 3d 385 (Miss. Ct. App. 2012).

The Court sees no outcome determinative factual distinction between *Whitfield* and Edwards. In this instance, Edwards claims he did not have notice of the intent to amend indictment or of the consequences of a habitual offender sentence until after he had pleaded guilty. The record does not support these contentions.

First, Edwards acknowledges in paragraph 10 of his plea petitions "I understand that if my parole or probation is revoked, my sentence in this present case may be imposed consecutively to or in addition to any sentence I may receive if my prior case is revoked." And, in paragraph 17(a) he acknowledges that he may be sentenced to the maximum term of imprisonment if he has two or more prior felony convictions.

Second, the plea transcript shows (1) Edwards was given notice about the amendment before he entered his plea, (2) neither Edwards nor his attorney objected to or contested the amendment, and (3) the Court had informed Edwards of the consequences of pleading guilty as a habitual offender. In one portion of the plea, the following exchange occurs between the Court and Edwards:

Q: How long have you been in jail?
A: Excuse me, sir.
Q: How long have you been locked up?
A: Since September 7, 2015.
Q: Since September of 2015? On these charges, or did these revoke something else? Have you had another prior charge?
A: Yes, sir.
Q: Okay. Well, I'm going to go ahead and tell you right now then. These are two separate charges.
A: Yes, sir.
Q: If you plead to these two, and you are pleading to them, and you have already had a first one, that could get your hard time. Do you understand that?
A: Yes, sir.
Q: And you know what hard time means, don't you?
A: Yes, sir.

And, later in the plea colloquy, the following exchange:

Q [Court]: And I'm going to ask you, Jonathan, do you know what I can give you for burglary of a dwelling?
A: Yes, sir.
Q: How much?
A: 3 to 25 years.
Q: That's right. And how many do you have?
A: 2, sir.
Q: So what – how much are both of them together?
A: The maximum.
Q: Yes, sir. They're 25 a piece, aren't they?
A: Yes, sir.

***

Q: So you understand that I could give you 50 years.
A: Yes, sir.

***

State: Your Honor, may we interject...so the record is clear, Mr. Edwards is pleading to these two charges as a habitual offender under 99-19-81, day for day, on the charges.
Q: That means whatever I give you could be hard time. Do you understand that?

(Off the record)

Q: The prosecutor, Mr. Morris Sweatt, had motioned the Court back on January 6th their intent to amend the indictment. The Court will grant this motion, and the status of Mr. Jonathan Edwards will now be as a habitual, and he understands that this does mean hard time.
Q: Is this not correct, Mr. Jonathan?
A: Yes, sir.

***

State: Your Honor, we filed a motion in all of his cases that are pending, so both of the cases that he's pleading to will be habitual.

Based on the foregoing, the Court finds that Edwards' did know – before he entered his plea – about the amendment charging him as a habitual offender and of the consequences of pleading guilty.

b. The Court did not opine that Edwards would not have to serve the remainder of his revoked sentence

Edwards also asserts that he did not knowingly enter his plea because no one informed him that he would still have to serve time on his revoked sentence. In fact, he asserts in his PCR motions that the Court told him "the remainder of the time from the charge for which his parole was violated would not add any additional time to the twenty-five years sentences." (PCR Motion, 46:17-cv-303PH). And, in PCR motion filed in Cause No. 46:17-cv-00304, he claims the Court told him "he would not have to do any additional time on the sentence for which his parole was violated."

In addition to the Court's discussion, *supra*, on paragraphs 10 and 17 of Edwards' petitions to enter plea of guilty, Edwards fails to cite any authority to support his claim that a plea is not knowingly made if the defendant is not first advised that his new sentence will run consecutively to a sentence already being served. Secondly, the sentencing transcript reveals that the Court not only did not state, but it did not insinuate or imply, that Edwards would not have to serve any more time on his revoked sentence:

A: [Edwards] Yes, sir. Can I say one thing?
Q: Sure. Say anything you want.
A: I was already serving time before you once, and I don't have no understanding. I would like to know how that will go on with my sentence.
Q: You got out early because of the early release matters, and you weren't on hard time then, and you got out, and then you committed this error while you were out?
A: Yes, sir.
Q: And I'm not — I'm not going to bring that up into consideration. Don't worry about it.
A: Yes, sir.
Q: And you have two, and I'm going to let them run together.
A: Yes, sir.
Q: So I'm not going to put them on top of each other. I'm not going to stack them. Do you understand that?
A: Yes, sir.
Q: All right.

A: I just — I don't have no idea of what's really going on with this situation.
Q: Well, I'm about to tell you.
A: Yes, sir.
Q: I'm about to sentence you to 25 and 25 for the different causes – different cause numbers. I'm going to let them run concurrent and not consecutive. That means they will run together, but I will have to give you 25; that's to serve.

The plea transcript reveals that the Court did not tell Edwards he would not have to serve any more time on his revoked sentence. It is also clear that the comments about "sentences running concurrently or consecutively" pertained to Edwards' two burglary pleas and not to his revoked sentence time. Ultimately, however, the Court's responses on this matter during the sentencing hearing are irrelevant to the question of whether they influenced Edwards' decision to enter a plea, as Edwards had entered his plea nine days earlier.

II. There was a factual basis supporting the pleas; Edwards knew which two of the seven charges he was pleading guilty to

Edwards also claims there was no factual basis to accept his plea of guilty and that he had no knowledge of which of the seven charges to which he was pleading guilty. Again, the record does not support his claims. In addition to the information contained in each of his indictments and in his plea petitions, the State's proffer provided a factual basis for the pleas and identified to which two of the seven charges Edwards was pleading:

Court: Okay. Before I ask for your plea, I'm going to ask the district attorney's office read me a basic statement of the underlying facts of what happened, and then I'm going to ask you is that right. If it is right, then I will ask for your plea. If it's not right, we will talk about it. Fair enough?

A: Yes, sir.

State: Please the Court. In Cause No. K15-0219H, Jonathan Edwards is the defendant in a charge that arose out of Marion County. The indictment has charged him with burglary of a dwelling that occurred on or about July 27, 2015, at the residence — property of Sherry Moore in Marion County, Mississippi. *** [W]e would present investigators from the Marion County Sheriff's Office. They will tell the Court and the jury that the burglary happened with Sherry Moore when she came home and discovered that her house had been broken into and property was missing.

State: Two or three days later, another burglary was reported at 505 Rocky Branch Road. The victim would be Justin Bennett. Several burglaries were reported during this span of time. *** It wasn't too long when one of the officers saw that that particular pickup – and Mr. Jonathan Edwards was driving the pickup, and he was – also had some – plain view of flat screen TV and a box with an urn in it. Those items had been reported stolen in the burglaries. Mr. Edwards was taken to an investigative office and Mirandized and spoke with the ... investigators without an attorney, and he confessed to multiple burglaries of dwellings ... and carried them to the scenes where those burglaries had happened. His confession matched the reports of burglaries that had come in, but it was very credible, so he was indicted then for seven charges of burglary. Six burglaries and all dwellings and one attempted burglary of a dwelling in this case, your Honor, and that would have happened at Ms. Moore's residence at 286 Bedford Church Road in Marion County....

State: The other charge that Mr. Edwards is pleading to is Cause No. K15-0223H. It happened in Marion County on September 8, 2015, at the home of David Spears.

***

State: Mr. Spears was on vacation. He came home and discovered his house had been burglarized and property was missing. He made a list of the property items and so forth, and ... the investigation was the same for Mr. Spears' burglary...and Mr. Edwards confessed to that one as well.

Edwards' only challenge to the State's proffer was that his vehicle was a car, not a pickup. In admitting that the State's proffer was true and correct, Edwards specifically

admitted that he took law enforcement to the homes he had burgled, and that he had burgled the homes identified in the charges against him.

The Court also notes Edwards' claim that he pleaded guilty to a burglary that he could not have committed because he was in jail on the date cited. In Cause No. K15-0223, Edwards pleaded guilty to burglarizing the home of David Spiers (sp?). The indictment recites that this burglary occurred on or about September 8, 2015. [emphasis added]. During its proffer the State only recited "September 8, 2015," and did not use the words "on or about." This argument fails because our courts of appeal have previously rejected it.

In *Shinall v. State*[4], Shinall had pleaded guilty to the charge of armed robbery which, according to the indictment, was committed on or about August 8, 1998. He subsequently filed a motion for post conviction relief, which the trial court summarily denied. He argued on appeal that the indictment was defective because he was in jail on the date the alleged crime was committed. Rejecting this argument, the Mississippi Court of Appeals stated as follows:

> Shinall urges that his indictment was defective because it stated that the crime was committed on or about the 8th day of August, 1998-a time that Shinall claims he was already incarcerated and, therefore, he could not have been guilty of committing the offense. In actuality, this claim cannot be viewed as a defect in the indictment. Rather, the assertion that Shinall was in custody of law enforcement officers on August 8, 1998, would, at best, provide him with a viable defense to the charge in the indictment. Nevertheless, there is ample authority for the proposition that erroneous assertions of the date where time is not of the essence of the offense are matters of form and not of substance and may be cured by amendment. Baine v. State, 604 So.2d 258, 261 (Miss.1992). Such alleged defects in the indictment are waived by a valid plea of guilty. Brooks v. State, 573 So.2d 1350, 1352 (Miss.1990). Shinall admitted as a part of the process

[4]Shinall v. State, 832 So. 2d 1291 (Miss. Ct. App. 2002)

> of entering a guilty plea to committing the essential elements of the crime. Any discrepancy as to the exact date of the offense was waived in that process.

Id., at 1293.

III. Ineffective Assistance of Counsel

Edwards argues that his attorney provided ineffective assistance of counsel because she: (1) failed to advise him about the amendment to charge him as a habitual offender; (2) failed to object to the amendment; (3) failed to discuss defense options; and (4) failed to advise him of the potential consequences of pleading guilty and that he would still have time to serve on his revoked sentence.

Ineffective assistance of counsel claims are analyzed under *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The test requires a finding of each of the following elements: (1) that counsel's performance was deficient, and (2) the deficiency in fact prejudiced the defendant. The burden of proving that both prongs have been met is on Edwards, and he has to overcome a rebuttable presumption that his counsel's performance fell within the broad spectrum of competent assistance. *See, Moody v. State*, 644 So.2d 451 (Miss. 1994). The Court finds that Edwards does not satisfy the *Strickland* prongs.

In addition to the affirmations or confirmations in his plea petition on knowledge of the charges against him and of the minimum and maximum sentence he could receive, Edwards also responded throughout the plea colloquy that he was satisfied with his attorney and her representation of him. In the Court's opinion, the most persuasive factor that motivated Edwards to enter a plea of guilty, regardless of when

he first became aware that he was charged as a habitual offender, may be found in the statement he makes in his PCR, Cause 46:17-cv-303, to-wit:

> Edwards lawyer never objected to or challenged the amendment and nothing was said by her about the prior convictions used for the enhancement. When asked about this by Edwards, Baldwin said there was nothing she could do. Confused, not wanting to get 150 years, Edwards never protested to the court. [emphasis added].

In other words, Edwards knowingly, willingly, and voluntarily elected to accept a plea arrangement in which he would plead to two charges carrying twenty-five years each as a habitual offender, rather than take the chance on seven charges that could net him one hundred and fifty years as a habitual offender. Edwards' claims that he would not have pleaded guilty had he known about the habitual offender amendment and that he would not have pleaded guilty if he had known he would still have to serve time on his revoked sentence, ring false. Edwards fails to prove even one of the two *Strickland* prongs, (1) that counsel's performance was deficient, and (2) the deficiency in fact prejudiced the defendant.

IT IS, THEREFORE, ORDERED AND ADJUDGED, for the foregoing reasons, that JONATHAN EDWARDS's Motion for Post Conviction Collateral Relief is hereby SUMMARILY DISMISSED pursuant to Miss. Code Ann. § 99-39-11(2). The Circuit Clerk of Marion County, Mississippi, shall mail a copy of the Court's Opinion and Order to the Petitioner via certified First Class U.S. Mail, return receipt requested.

SO ORDERED AND ADJUDGED on this 26th day of June, A.D., 2018.

PRENTISS HARRELL,
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

Jonathan Edwards — PETITIONER

VS.

CAUSE NO. 46:17-CV-00303 P/ 46:17-CV-00304 P/

STATE OF MISSISSIPPI — RESPONDENT(S)

FILED
JUL 18 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

DESIGNATION OF RECORDS

I, Jonathan Edwards, 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 26 day of Jun, denying Petitioner Post Conviction Motion.

This the 4 day of July, 2018

Respectfully Submitted,

Jonathan Edwards
PETITIONER
MDOC# 44510
S.M.C.I. Area 2, D-1, B-Zone
P.O. Box 1419
Address

Lenkville, Ms. 39451
Address

Certificate of Service

This is to Certify that I have this date To be mailed via United States Mail, Postage PrePaid a true and Correct Copy of the above and foregoing Pleading To:

Marion County Circuit Clerk
250 Board St Suite-1
Columbia, MS 39429

Miss Attorney General
Jim Hood
P.O. Box 220
Jackson, MS, 39205

Muriel Ellis "Clerk"
Miss. Supreme and Court of Appeal
P.O. Box 249
Jackson, Ms 39205

So Certified, this the 12 day of 7
2018.

Jonathon Edwards
#44570
S.M.C.I.(2) D-1, B-zone
P.O. Box 1419
Leakesville, MS
39451

IN THE CIRCUIT COURT OF Marion COUNTY, MISSISSIPPI

Jonathan Edwards — PETITIONER

NO. 46:17-CV-00303 P
NO. 46:17-CV-00304 P

VERSUS

State of Mississippi — RESPONDENT(S)

FILED
JUL 18 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

CERTIFICATE OF COMPLIANCE

I, Jonathan Edwards, 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 $_____.

This the 12 day of 7, 20 18

Jonathan Edwards
PETITIONER
MDOC# 44510
S.M.C.I. Area 2, D-1, B-Zone
P.O. Box 1419
Address
Leakesville, MS, 39451
Address

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Miss. Attorney General
Jim Hood
P.O. Box 220
Jackson, MS 39205

Muriel Ellis "Clerk"
Miss. Supreme and Court of Appeal
P.O. Box 249
Jackson, Ms, 39205

So Certified, this the 11 day of 7 2018.

Jonathan Edwards
#44510
S.M.C.I. area 2, D-1, B Zon
P.O. Box 1419
Leakesville, Ms 39451

STATE OF MISSISSIPPI
COUNTY OF Greene

FILED
JUL 18 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

AFFIDAVIT OF POVERTY

Personally appeared before me the undersigned authority in and for the aforesaid jurisdiction, Jonathan Edwards, M.D.O.C.# 44570, who, being duly sworn on his/her oath, does depose and sayeth:

I, Jonathan Edwards, do solemnly swear/affirm that I am a citizen of the State Of Mississippi, and because of my poverty I am not able to pay the same in the suits, Edwards V. State which I am (or has been commenced) about to commence, and that, to the best of my belief, I am entitled to the redress which I seek by such sort.

Respectfully Submitted,
Jonathan Edwards

SWORN TO AND SUBSCRIBED BEFORE ME, this the 12 day of July, 2018.

Notary Public

My commission expires: 03.19.21

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 119550 MICHEL BOLGER Commission Expires March 19, 2021 STONE COUNTY

Certificate of Service

This is to Certify that I have this date to be mailed via United State Mail, Postage Pre Paid, a true and Correct Copy of the above and foregoing Pleading to:

Marion County Circuit Clerk
250 Board St. Suit-1
Columbia, Ms, 39429

Miss. Attorney General
Jim Hood
P.O. Box 220
Jackson, Ms, 39205

Muriel Ellis "Clerk"
Miss. Supreme and Court of Appeal
P.O. Box 249
Jackson, Ms 39205

So certified this the 11 day of 7
2018.

(S) Jonathon Edwards

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FILED
JUN 27 2018
OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

FILED
JUN 26 2018
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

JONATHAN EDWARDS

VS.

STATE OF MISSISSIPPI

CAUSE NOS. 46:17-CV-00303PH
46:17-CV-00304PH

2018-M-770

MEMORANDUM OPINION AND ORDER

BEFORE THIS COURT are the two motions for post conviction collateral relief filed by the Petitioner, JONATHAN EDWARDS ("Edwards") *pro se* **Motion for Post Conviction Collateral Relief** pursuant to § 99-39-1 *et seq.*, of the Post-Conviction Collateral Relief provisions. In rendering its decision, the Court has thoroughly examined the Petitioner's motions and accompanying memoranda and exhibits, along with the following documents from Marion County Circuit Court Criminal Cause Nos. K15-0219H and K15-0223: Indictments, Motions to Amend Indictment, Petitions to Enter Plea of Guilty, Transcript of Plea Colloquy, Transcript of Sentencing Hearing, and Sentencing Orders. The Court finds that it plainly appears from the face of the Petitioner's Motion, the annexed exhibits, and record of prior proceedings that the claims are without merit. Therefore, pursuant to Miss. Code Ann. § 99-39-11(2), the Court SUMMARILY DISMISSES the Petitioner's motion for the following reasons to-wit:

PROCEDURAL BACKGROUND

A Marion County grand jury indicted Edwards on or about December 17, 2015, on six charges of burglary of a dwelling and one charge of attempted burglary: Cause Nos. K15-219H, K15-220H, K15-221H, K15-222H, K15-223H, K15-224H, and K15-

MOTION# 2018 2104

EXHIBIT A

225H. On January 6, 2017, the State filed a Motion to Amend Indictment in each of those causes to charge Edwards as a habitual offender under § 99-19-81 of the Mississippi Code (1972, as amended).

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I. His guilty plea was not knowingly and intelligently made and was involuntary because he did not have a clear understanding of the consequences of his pleading guilty; and

II. There was no factual basis for accepting his plea of guilty;

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LAW AND ANALYSIS

I. **Edwards plea of guilty was valid**

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EXHIBIT A

of guilty – that he was being charged as a habitual offender; no one informed him that his sentences would run consecutive to the revoked sentence he was already serving at the time of his pleas; and no one explained to which of the seven indicted charges he was pleading guilty.

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The Court finds that, after a thorough review of the documents identified above, Edwards' plea was knowingly and intelligently made. The State gave him notice of the amendment to the indictment before he entered a plea of guilty, and the Court advised him of the consequences of pleading.

a. **Edwards was informed of the amendment charging him as a habitual offender and was advised of the consequences of entering a plea of guilty**

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[1]MRCrP Rule 14.1(b)(2)

EXHIBIT A

applicable at the time Edwards entered his plea of guilty on January 18, 2017. URCCC Rule 7.09 allowed amendments as to the form of an indictment "if the defendant is afforded a fair opportunity to present a defense and is not unfairly surprised." *Ibid.*

In *Williams v. State*[2], the Mississippi Supreme Court stated that "adequate notice is achieved through formal pleadings which include the specific amendment to be offered and which are filed sufficiently in advance of trial to ensure that a defendant will have a 'fair opportunity to present a defense' and will not be 'unfairly surprised.' *Id.*, at 1177. [citations omitted].

And, in *Whitfield v. State*[3], the Mississippi Court of Appeals affirmed the trial court's denial of Whitfield's PCR. Whitfield claimed that he did not knowingly enter his plea because he was "unfairly surprised by the amendment of his indictment." Specifically, Whitfield decided to enter a plea of guilty on the day before he was scheduled to go to trial. On the morning of the plea, the State moved to amend the indictment to charge Whitfield as a habitual offender and the trial court granted the motion. Holding that Whitfield was not "unfairly surprised" and was "fully aware of the State's proposed amendment ... and its effect on his sentence," the Court of Appeals found that: (1) the evidence showed that the State and Defense were conducting plea negotiations which involved a habitual offender amendment; (2) Whitfield's plea petition contained wording that he was pleading as a habitual offender; and (3) the trial judge had informed Whitfield at the beginning of his plea of the consequences of pleading guilty as a habitual offender. *Id.*, at 388.

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[2]Williams v. State, 131 So. 3d 1174 (Miss. 2014).

[3]Whitfield v. State, 105 So. 3d 385 (Miss. Ct. App. 2012).

EXHIBIT A

The Court sees no outcome determinative factual distinction between *Whitfield* and Edwards. In this instance, Edwards claims he did not have notice of the intent to amend indictment or of the consequences of a habitual offender sentence until after he had pleaded guilty. The record does not support these contentions.

First, Edwards acknowledges in paragraph 10 of his plea petitions "I understand that if my parole or probation is revoked, my sentence in this present case may be imposed consecutively to or in addition to any sentence I may receive if my prior case is revoked." And, in paragraph 17(a) he acknowledges that he may be sentenced to the maximum term of imprisonment if he has two or more prior felony convictions.

Second, the plea transcript shows (1) Edwards was given notice about the amendment before he entered his plea, (2) neither Edwards nor his attorney objected to or contested the amendment, and (3) the Court had informed Edwards of the consequences of pleading guilty as a habitual offender. In one portion of the plea, the following exchange occurs between the Court and Edwards:

Q: How long have you been in jail?
A: Excuse me, sir.
Q: How long have you been locked up?
A: Since September 7, 2015.
Q: Since September of 2015? On these charges, or did these revoke something else? Have you had another prior charge?
A: Yes, sir.
Q: Okay. Well, I'm going to go ahead and tell you right now then. These are two separate charges.
A: Yes, sir.
Q: If you plead to these two, and you are pleading to them, and you have already had a first one, that could get your hard time. Do you understand that?
A: Yes, sir.
Q: And you know what hard time means, don't you?
A: Yes, sir.

EXHIBIT A

And, later in the plea colloquy, the following exchange:

Q [Court]: And I'm going to ask you, Jonathan, do you know what I can give you for burglary of a dwelling?
A: Yes, sir.
Q: How much?
A: 3 to 25 years.
Q: That's right. And how many do you have?
A: 2, sir.
Q: So what – how much are both of them together?
A: The maximum.
Q: Yes, sir. They're 25 a piece, aren't they?
A: Yes, sir.

***

Q: So you understand that I could give you 50 years.
A: Yes, sir.

***

State: Your Honor, may we interject...so the record is clear, Mr. Edwards is pleading to these two charges as a habitual offender under 99-19-81, day for day, on the charges.
Q: That means whatever I give you could be hard time. Do you understand that?

(Off the record)

Q: The prosecutor, Mr. Morris Sweatt, had motioned the Court back on January 6th their intent to amend the indictment. The Court will grant this motion, and the status of Mr. Jonathan Edwards will now be as a habitual, and he understands that this does mean hard time.
Q: Is this not correct, Mr. Jonathan?
A: Yes, sir.

***

State: Your Honor, we filed a motion in all of his cases that are pending, so both of the cases that he's pleading to will be habitual.

Based on the foregoing, the Court finds that Edwards' did know – before he entered his plea – about the amendment charging him as a habitual offender and of the consequences of pleading guilty.

b. **The Court did not opine that Edwards would not have to serve the remainder of his revoked sentence**

EXHIBIT A

Edwards also asserts that he did not knowingly enter his plea because no one informed him that he would still have to serve time on his revoked sentence. In fact, he asserts in his PCR motions that the Court told him "the remainder of the time from the charge for which his parole was violated would not add any additional time to the twenty-five years sentences." (PCR Motion, 46:17-cv-303PH). And, in PCR motion filed in Cause No. 46:17-cv-00304, he claims the Court told him "he would not have to do any additional time on the sentence for which his parole was violated."

In addition to the Court's discussion, *supra*, on paragraphs 10 and 17 of Edwards' petitions to enter plea of guilty, Edwards fails to cite any authority to support his claim that a plea is not knowingly made if the defendant is not first advised that his new sentence will run consecutively to a sentence already being served. Secondly, the sentencing transcript reveals that the Court not only did not state, but it did not insinuate or imply, that Edwards would not have to serve any more time on his revoked sentence:

A: {Edwards} Yes, sir. Can I say one thing?
Q: Sure. Say anything you want.
A: I was already serving time before you once, and I don't have no understanding. I would like to know how that will go on with my sentence.
Q: You got out early because of the early release matters, and you weren't on hard time then, and you got out, and then you committed this error while you were out?
A: Yes, sir.
Q: And I'm not — I'm not going to bring that up into consideration. Don't worry about it.
A: Yes, sir.
Q: And you have two, and I'm going to let them run together.
A: Yes, sir.
Q: So I'm not going to put them on top of each other. I'm not going to stack them. Do you understand that?
A: Yes, sir.
Q: All right.

EXHIBIT A

A: I just — I don't have no idea of what's really going on with this situation.
Q: Well, I'm about to tell you.
A: Yes, sir.
Q: I'm about to sentence you to 25 and 25 for the different causes – different cause numbers. I'm going to let them run concurrent and not consecutive. That means they will run together, but I will have to give you 25; that's to serve.

The plea transcript reveals that the Court did not tell Edwards he would not have to serve any more time on his revoked sentence. It is also clear that the comments about "sentences running concurrently or consecutively" pertained to Edwards' two burglary pleas and not to his revoked sentence time. Ultimately, however, the Court's responses on this matter during the sentencing hearing are irrelevant to the question of whether they influenced Edwards' decision to enter a plea, as Edwards had entered his plea nine days earlier.

II. There was a factual basis supporting the pleas; Edwards knew which two of the seven charges he was pleading guilty to

Edwards also claims there was no factual basis to accept his plea of guilty and that he had no knowledge of which of the seven charges to which he was pleading guilty. Again, the record does not support his claims. In addition to the information contained in each of his indictments and in his plea petitions, the State's proffer provided a factual basis for the pleas and identified to which two of the seven charges Edwards was pleading:

Court: Okay. Before I ask for your plea, I'm going to ask the district attorney's office read me a basic statement of the underlying facts of what happened, and then I'm going to ask you is that right. If it is right, then I will ask for your plea. If it's not right, we will talk about it. Fair enough?

A: Yes, sir.

EXHIBIT A

State: Please the Court. In Cause No. K15-0219H, Jonathan Edwards is the defendant in a charge that arose out of Marion County. The indictment has charged him with burglary of a dwelling that occurred on or about July 27, 2015, at the residence — property of Sherry Moore in Marion County, Mississippi. *** [W]e would present investigators from the Marion County Sheriff's Office. They will tell the Court and the jury that the burglary happened with Sherry Moore when she came home and discovered that her house had been broken into and property was missing.

State: Two or three days later, another burglary was reported at 505 Rocky Branch Road. The victim would be Justin Bennett. Several burglaries were reported during this span of time. *** It wasn't too long when one of the officers saw that that particular pickup – and Mr. Jonathan Edwards was driving the pickup, and he was – also had some – plain view of flat screen TV and a box with an urn in it. Those items had been reported stolen in the burglaries. Mr. Edwards was taken to an investigative office and Mirandized and spoke with the ... investigators without an attorney, and he confessed to multiple burglaries of dwellings ... and carried them to the scenes where those burglaries had happened. His confession matched the reports of burglaries that had come in, but it was very credible, so he was indicted then for seven charges of burglary. Six burglaries and all dwellings and one attempted burglary of a dwelling in this case, your Honor, and that would have happened at Ms. Moore's residence at 286 Bedford Church Road in Marion County....

State: The other charge that Mr. Edwards is pleading to is Cause No. K15-0223H. It happened in Marion County on September 8, 2015, at the home of David Spears.

***

State: Mr. Spears was on vacation. He came home and discovered his house had been burglarized and property was missing. He made a list of the property items and so forth, and ... the investigation was the same for Mr. Spears' burglary...and Mr. Edwards confessed to that one as well.

Edwards' only challenge to the State's proffer was that his vehicle was a car, not a pickup. In admitting that the State's proffer was true and correct, Edwards specifically

EXHIBIT A

admitted that he took law enforcement to the homes he had burgled, and that he had burgled the homes identified in the charges against him.

The Court also notes Edwards' claim that he pleaded guilty to a burglary that he could not have committed because he was in jail on the date cited. In Cause No. K15-0223, Edwards pleaded guilty to burglarizing the home of David Spiers (sp?). The indictment recites that this burglary occurred **on or about** September 8, 2015. [emphasis added]. During its proffer the State only recited "September 8, 2015," and did not use the words "on or about." This argument fails because our courts of appeal have previously rejected it.

In *Shinall v. State*[1], Shinall had pleaded guilty to the charge of armed robbery which, according to the indictment, was committed on or about August 8, 1998. He subsequently filed a motion for post conviction relief, which the trial court summarily denied. He argued on appeal that the indictment was defective because he was in jail on the date the alleged crime was committed. Rejecting this argument, the Mississippi Court of Appeals stated as follows:

> Shinall urges that his indictment was defective because it stated that the crime was committed on or about the 8th day of August, 1998-a time that Shinall claims he was already incarcerated and, therefore, he could not have been guilty of committing the offense. In actuality, this claim cannot be viewed as a defect in the indictment. Rather, the assertion that Shinall was in custody of law enforcement officers on August 8, 1998, would, at best, provide him with a viable defense to the charge in the indictment. Nevertheless, there is ample authority for the proposition that erroneous assertions of the date where time is not of the essence of the offense are matters of form and not of substance and may be cured by amendment. Baine v. State, 604 So.2d 258, 261 (Miss.1992). Such alleged defects in the indictment are waived by a valid plea of guilty. Brooks v. State, 573 So.2d 1350, 1352 (Miss.1990). Shinall admitted as a part of the process

[1]Shinall v. State, 832 So. 2d 1291 (Miss. Ct. App. 2002)

EXHIBIT A

> of entering a guilty plea to committing the essential elements of the crime. Any discrepancy as to the exact date of the offense was waived in that process.

Id., at 1293.

III. Ineffective Assistance of Counsel

Edwards argues that his attorney provided ineffective assistance of counsel because she: (1) failed to advise him about the amendment to charge him as a habitual offender; (2) failed to object to the amendment; (3) failed to discuss defense options; and (4) failed to advise him of the potential consequences of pleading guilty and that he would still have time to serve on his revoked sentence.

Ineffective assistance of counsel claims are analyzed under *Strickland v. Washington*, 466 U.S. 668, 687 (1984). The test requires a finding of each of the following elements: (1) that counsel's performance was deficient, and (2) the deficiency in fact prejudiced the defendant. The burden of proving that both prongs have been met is on Edwards, and he has to overcome a rebuttable presumption that his counsel's performance fell within the broad spectrum of competent assistance. *See, Moody v. State*, 644 So.2d 451 (Miss. 1994). The Court finds that Edwards does not satisfy the *Strickland* prongs.

In addition to the affirmations or confirmations in his plea petition on knowledge of the charges against him and of the minimum and maximum sentence he could receive, Edwards also responded throughout the plea colloquy that he was satisfied with his attorney and her representation of him. In the Court's opinion, the most persuasive factor that motivated Edwards to enter a plea of guilty, regardless of when

EXHIBIT A

he first became aware that he was charged as a habitual offender, may be found in the statement he makes in his PCR, Cause 46:17-cv-303, to-wit:

> Edwards lawyer never objected to or challenged the amendment and nothing was said by her about the prior convictions used for the enhancement. When asked about this by Edwards, Baldwin said there was nothing she could do. **Confused, not wanting to get 150 years, Edwards never protested to the court.** [emphasis added].

In other words, Edwards knowingly, willingly, and voluntarily elected to accept a plea arrangement in which he would plead to two charges carrying twenty-five years each as a habitual offender, rather than take the chance on seven charges that could net him one hundred and fifty years as a habitual offender. Edwards' claims that he would not have pleaded guilty had he known about the habitual offender amendment and that he would not have pleaded guilty if he had known he would still have to serve time on his revoked sentence, ring false. Edwards fails to prove even one of the two *Strickland* prongs, (1) that counsel's performance was deficient, and (2) the deficiency in fact prejudiced the defendant.

IT IS, THEREFORE, ORDERED AND ADJUDGED, for the foregoing reasons, that JONATHAN EDWARDS's Motion for Post Conviction Collateral Relief is hereby SUMMARILY DISMISSED pursuant to Miss. Code Ann. § 99-39-11(2). The Circuit Clerk of Marion County, Mississippi, shall mail a copy of the Court's Opinion and Order to the Petitioner via certified First Class U.S. Mail, return receipt requested.

SO ORDERED AND ADJUDGED on this 26th day of June, A.D., 2018.

PRENTISS HARRELL,
CIRCUIT JUDGE

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JONATHAN EDWARDS, #44510 **PETITIONER**

VS. **CIVIL ACTION NO. 2:17cv206-KS-RHW**

JACQUELYN BANKS **RESPONDENT**

NOTICE OF APPEARANCE

To: The Clerk of Court and all parties of record

I am admitted to practice in this Court, and I appear in this case as counsel for the Respondent in the above-styled and numbered cause.

RESPECTFULLY SUBMITTED, this the 17th day of July, 2018.

BY: ***/s/ Erin E. Rutherford***
ERIN E. RUTHERFORD
SPECIAL ASSISTANT ATTORNEY GENERAL
MS BAR NO. 104256

Office of the Attorney General
Post Office Box 220
Jackson, Mississippi 39205
Telephone: (601) 359-3811
Telefax: (601) 359-3796
Email: eruth@ago.state.ms.us

CERTIFICATE OF SERVICE

This is to certify that I, **Erin E. Rutherford,** a Special Assistant Attorney General for the State of Mississippi, have electronically filed the foregoing **Notice of Appearance** with the Clerk of the Court using the ECF system which sent notification of such filing to the following: **United States Magistrate Judge Robert H. Walker**.

I further certify that I have caused to be mailed this date via United States Postal Service, first-class postage prepaid, a true and correct copy of the foregoing to the following:

Jonathan Edwards, #44510
SMCI, Unit 2
P.O. Box 1419
Leakesville, MS 39451

THIS, the 17th day of July, 2018.

/s/ Erin E. Rutherford
ERIN E. RUTHERFORD
MS BAR NO. 104256

Office of the Attorney General
Post Office Box 220
Jackson, Mississippi 39205
Telephone: (601) 359-3811
Telefax: (601) 359-3796
Email: eruth@ago.state.ms.us

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JONATHAN EDWARDS, #44510 **PETITIONER**

VS. **CIVIL ACTION NO. 2:17cv206-KS-RHW**

JACQUELYN BANKS **RESPONDENT**

RESPONSE TO PETITIONER'S
OBJECTIONS TO REPORT AND RECOMMENDATION

COMES NOW, the Respondent in the above-styled and numbered cause, by and through counsel, pursuant to Rule 72(a)(1)(A) of the Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi, and files this Response to Petitioner's "Opposition and Objections to Magistrate's Report" (ECF doc. 14), and in support thereof, would show unto the Court the following:

I.

Respondent agrees with the findings of fact and conclusions of law made by Magistrate Judge Walker in his well-reasoned Report and Recommendation filed June 25, 2018. ECF doc. 12. In his Objections, Petitioner fails to make an argument to overcome the Magistrate Judge's finding that the Petition should be dismissed for failure to exhaust state remedies. Accordingly, Respondent submits that such findings should be adopted as the Opinion and Final Judgment of this Court. Respondent files this brief response to Petitioner's Objections in order to address the arguments Petitioner raised in his Objections and to update this Court regarding Edwards's post-conviction matter in Marion County Circuit Court.

II.

In his Objections, Petitioner recites facts related to his post-conviction relief proceedings in Marion County Circuit Court, Cause No. 46CI1:17-cv-00303-PH, and attaches numerous copies of additional filings he made in said proceedings, as well as in his mandamus action in the Mississippi Supreme Court, Cause No. 2018-M-00770. *See* ECF docs 14-1, 14-2, 14-3, and 14-4; *see also* ECF doc. 11 (Respondent's Motion to Dismiss, incorporated herein by reference) and 11-3 (Motion for Post-Conviction Relief and Docket). Respondent submits that on June 26, 2018, the day following the filing of the Magistrate's Report and Recommendation in this matter, the Marion County Circuit Court entered a *Memorandum Opinion and Order* finding Edwards's claims in his Motion for Post-Conviction Relief to be without merit and dismissing said motion. *See* **Exhibit A** (Memorandum Opinion and Order filed in Edwards's Mississippi Supreme Court matter on June 27, 2018, Cause No. 2018-M-00770).[1] Respondent submits that, since Petitioner now has the opportunity to appeal the trial court's order denying post-conviction relief, the claims raised in his instant federal *habeas corpus* petition nonetheless remain unexhausted. As argued in Respondent's Motion to Dismiss (ECF doc. 11), it is only after Edwards pursues his state court remedies fully that he can be said to have fairly presented his claims to the state's highest court in a procedurally proper manner in satisfaction of the exhaustion requirements of the AEDPA. As found by the Magistrate Judge, Edwards has "not exhausted available state court remedies, and he cannot be granted federal habeas relief under 28 U.S.C. § 2254." ECF doc. 12, p. 3.

[1] Pursuant to the Order of the Marion County Circuit Court, Edwards filed two motions for post-conviction relief, and both of these motions were dismissed by said order, including the motion related to the burglary charge in Cause No. K15-0219H, which is the subject of Petitioner's federal *habeas corpus* petition in the instant matter. *See* **Exhibit A**. As noted in Respondent's Motion to Dismiss, Edwards had other charges against him in Cause No. K15-223, Marion County Circuit Court, which is the subject of a separate federal *habeas corpus* petition filed in Cause No. 2:17CV205-KS-MTP. *See* ECF doc. 11, n. 2.

III.

Petitioner argues that he is entitled to equitable tolling; however, Respondent submits that equitable tolling is not applicable in this matter as Respondent has not asserted that Petitioner's federal *habeas corpus* petition is untimely. Petitioner also argues that "exceptional circumstances" exist to hold his federal *habeas corpus* petition in abeyance and stay the proceedings. ECF doc. 14, p. 2. As recognized in Respondent's Motion to Dismiss (ECF doc. 11), this Court has the discretion to hold a federal habeas petition in abeyance for a limited time while a petitioner exhausts his claims in state court. *See Rhines v. Weber*, 544 U.S. 269 (2005). However, the Supreme Court cautioned that "stay and abeyance should be available only in limited circumstances" and is only appropriate when the petitioner can show good cause for failure to exhaust his claims in state court first. *Id.* at 277. Petitioner cites no good cause to support his argument for stay and abeyance of the instant petition, and as such, Respondent submits that no "limited circumstances," or "exceptional circumstances," exist in the instant case. Morever, stay and abeyance is particularly considered when dismissal of the petition might result in the petitioner losing his opportunity for federal review of his claims because a second petition, filed after the claims had been presented to the state court, would be barred under the AEDPA's statute of limitations provision. *Id.* at 274-77. Assuming *arguendo* that Edwards's aforementioned motion for post-conviction relief was properly filed and he timely appeals that denial, the limitations period would be tolled during the pending of such an appeal; therefore, Edwards arguably has the ability to file a timely federal *habeas corpus* petition in the future. Therefore, Respondent submits that stay and abeyance in this matter is inappropriate.

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully requests that this Court overrule the Objections filed by Petitioner in this cause and adopt the Report and

Recommendation of the Magistrate Judge dismissing the Petition.

RESPECTFULLY SUBMITTED this 17th day of July, 2018.

JIM HOOD
ATTORNEY GENERAL OF MISSISSIPPI

ERIN E. RUTHERFORD
SPECIAL ASSISTANT ATTORNEY GENERAL

BY: ***s/ Erin E. Rutherford***
ERIN E. RUTHERFORD
MS BAR NO. 104256

Mississippi Attorney General's Office
Post Office Box 220
Jackson, Mississippi 39205
Telephone: 601.359.3811
Fax: 601.359.3796
Email: eruth@ago.state.ms.us

CERTIFICATE OF SERVICE

This is to certify that I, Erin E. Rutherford, Special Assistant Attorney General for the State of Mississippi, have electronically filed the foregoing **Response to Petitioner's Objections to Report and Recommendation** with the Clerk of the Court by using the ECF system which sent notification of such filing to the following: **United States District Judge Keith Starrett;** and **United States Magistrate Judge Robert H. Walker**.

I further certify that I have caused to be mailed this date via United States Postal Service, first-class postage prepaid, a true and correct copy of the foregoing to the following:

Jonathan Edwards, #44510
SMCI, Unit 2
P.O. Box 1419
Leakesville, MS 39451

THIS, the 17th day of July, 2018.

s/ *Erin E. Rutherford*
ERIN E. RUTHERFORD
MS BAR NO. 104256

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Date 9-6-17

Circuit Court Clerk Marion County
250 Broad St - Suite - 1
Columbia, Mississippi 39429

FILED
SEP - 8 2017
JANETTE NOLAN, CIRCUIT CLERK
BY D.C.

Dear Circuit Court Clerk:

Enclosed please find for filing Petition for Post Conviction Relief. I am without funds to pay the filing fee evidenced by my attached Application for In Forma Pauperis status and ask that you waive any required fees.

By copy of this letter, I am forwarding a copy of said Petition to the District Attorney.

Thanking you in advance for your time and assistance in this matter.

Sincerely,

Jonathan Edwards
Petitioner

In the Circuit Court of Marion County,
Mississippi

Jonathan Edwards Petitioner

vs. Cause No. K15-0223H

State of Mississippi Respondent

FILED
SEP - 8 2017
JANETTE NOLAN, CIRCUIT CLERK
BY D.C

Motion For Post-Conviction Collateral Relief

Comes Now Jonathan Edwards, Petitioner, Pro Se, and files this his Motion For Post-Conviction Collateral Relief pursuant to Mississippi Code Annotated Section 99-39-1 et. seq.. and in Support thereof would Show unto this Honorable Court the following, to-wit:

I.
Identity Of Proceeding in which Petitioner was Convicted

Petitioner was indicted by the Grand Jury of this said County on or about the 17th day of Dec, 2015, on the Charge of Burglary Of Dwelling, in violation of Miss-Code Ann, Section 97-17-23, thereafter, Petitioner entered a guilty plea on said charges and was Sentenced by the Honorable Judge Prentiss G. Harrell, to serve a term of 25 years under Habitual, in the Custody of the Mississippi Department Of Corrections & Entry of Judgment of Conviction and Sentence was imposed

on the 18th day of January, 2017.

Petitioner has not previously sought Post-Conviction Relief in any State or federal Court, although he has sought preduction of Records.

II.

Concise State of the Claims or Grounds upon Which motion is based

Petitioner Edwards contends his conviction was obtained in violation of the Rights and privileges guaranteed him by the Sixth and fourteeth Amendments to the United States Constitutions. Specially, Edwards alleges the following:

A. Edwards guilty plea was not knowingly and intelligently made and was involuntary as a matter of law because he did not have an understanding of the direct consequences of pleading guilty. More specially:

1. Prior to accepting his guilty plea, Neither the Court or Edwards attorney explained to him that any sentence he got would be consecutive to the sentence for which his Parole was violated. Edwards was under the impression that all the time he would have to do was for the charge he was pleading guilty to and the Judge had told him as much.

2. The trial Court failed to explain to Edwards prior to his guilty plea that He Was

being charged as a habitual offender. It was only after he plead guilty and was sentence that the State moved to amend the indictment. The trial Judge reluctantly allowed the amendment and added the habitual status to the 25 years sentences.

3. It was never explained by the trial Court to Edwards which of the seven (7) Charges he was pleading guilty to. As it turned out, one of the Charges Edwards plead guilty to was cause number K15-0223H which was for a burglary that was Committed on September 8, 2015. Edwards has been Continuously confined since September 7, 2015, and could not possibly have Committed the crime. (See attached Exhibits A-E)

4. The trial Court failed to Establish a factual basis to accept Edwards' guilty plea.

B. Petitioner's guilty plea was not Knowingly and intelligently made because he was denied his Sixth and fourteeth Amendment Right to effective assistance of Counsel. He Submits attorney Baldwin was INEFFECTIVE in the following ways:

1. Attorney Baldwin did not explain to Edwards that any sentence he got by pleading guilty was going to be served Consecutive to the sentence for which he was

violated, nor did she advise him he was going to be charged as a habitual offender.

2. Attorney failed to object to or challeage an amendment to this indictment after Edwards had already plead guilty and was sentence.

3. Attorney Baldwin failed to explain the facts of the charges Edwards was pleading guilty to and allowed him to plead guilty to a charge he did not and could not have committed.

4. Attorney Baldwin did not discuss other passible options with Edwards or a defence to any of the charges.

5. Attorney Baldwin did not make and informed assessment of Edwards situation, nor did she advise him of the potential consquences of pleading guilty.

III.
Specific Facts Within Petitioner's Personal Knowledge

On September 7, 2015, Jonathan Edwards (thereinafter Edwards) was parked at a Snow Ball Stand on highway 13 in Columbia Mississippi when a police car pulled in behind him and parked. The Police officer got out of his car and approched Edwards vehicle, which was a 2012 Silver Ford Focus, and told him

that the police department had received a Call about a Silver FORD Fussion driving erratically. The officer said the description fit Edwards car. He subsequently had Edwards blow into a hand held device testing for alcohol, which came back negative. The officer then told Edwards, that he has been informed by the Marion County Sheriff's department that they had gotton a 911 call concerning a burglary and to detain him for questioning (see attached Exhibit A). Edward was hand cuffed and placed in back of the police car until the Sheriff department arrived.

Once on the scene, the Sheriff's department searched Edwards car without a search warrant and then took custody of Edwards, without an arrest warrant, and transported him to the Marion County jail. It wasn't until September 16, 2015 that an arrest warrant was issued for the September 9th burglary. (See attached Exhibit B).

At this time of his arrest, Edwards was on Parole so shortly after the arrest warrant was issued, Edwards Parole was revoked for the aforementioned burglary. (See attached Exhibit C).

On October 15, 2015, Edwards was sent back to PRISON in Rankin County For the Parole violation. He remained there until June 8, 2016, when he was court ORDERED back to Marion County to Face burglary Charges. During the time Edwards was back in PRISON, he had been indicted on Cause number K15-0220H For attempted burglary. (See attached Exhibit D). This was the same burglary charge he was ORIGENally arrested For.

In addition to the above mention burglary, Edwards was also indicted for another Burglary in Cause number K-15-0223H, as well as five(5) other burglaries. (See attached Exhibit E).

The Court appointed Shirley Baldwin as Counsel to represent Edwards on the Charges. She spoke to Edwards briefly that day, only to tell him she would be by the jail To talk To him at a later date. The Next time Edwards saw her was on Jan 25, 2017 at the Marion County Courthouse. On that occasion, Attorney Baldwin told Edwards that he was there to consider a plea offer. She said she thought she could get him ten (10) years, that that's what she would seek From the PROSEQUTOR in a few minutes. She left the COURTROOM for about ten minutes

and when she returned she advised Edwards that the Judge wanted a pre-sentence investigation/report done.

Two day's later, on Jan 27, 2017, Edwards was back in court. His lawyer told him that the prosecutor was not making a recommendation and that if he was going to plead guilty it would have to be an open plea. She did not explain anything concerning the substance of the charges or even which charges he would be pleading guilty to, or how many. All Edwards knew is that he was pleading in the blind.

When it came time for Edwards to formally enter his plea, the Judge explained to ~~him~~ that if he decided to go to trial on charges, he would be facing at least one-hundred and Fifty (150) years in prison. Edwards acknowledged this, confused as he was, and ended up pleading guilty to two (2) burglaries, cause numbers K15-0223H and K15-0219H. The Five(5) remaining burglary charges were dropped.

The Judge sentenced Edwards to twenty five years on each charge concurrent with each other. He told Edwards that the remainder of the time from the charge for which his parole was violated, would not add any additional time to the twenty-Five (25) years sentences.

At that point in the proceedings, the prosecutor advised the Judge that He was seeking to amend the indictment to show that Edwards was a habitual offender. The Judge asked the prosecutor why he waited so late in the proceedings, that he had more then enough time previously to move for the habitual stauts in this case. The prosecutor tried to explain date's and the Judge Responded. What are the date's? Out of frustraeion the Judge stated, This time I'll accept but for the future, things must be inoreder. The Judge relented and added the habitual offender designation to Edwards' Sentence.

Edwards lawyer never objected to or Challenged the amendment and nothing was said by her about the prior convictions used for the enhancment. When asked about this by Edwards, Baldwin said there was nothing She could do. Confused, not wanting to get 150 years, Edwards never protuted to the court.

Prior to being sentence, Edwards had Reviewed all seven(7) of the indictments. He noticed the indictment in Cause Number K15-0223H was for a burglary that occurred on September 8, 2015. (See attached Exhibit E) Edwards knew it was impossible for him to have committed

that Burglary because he was in jail From the 7th For the Burglary in cause Number K15-02201H-(See aforementioned Exhibits A-E) in Fact, Edwards has been continuously Confined since September 7, 2015 to this very day.

Because Edwards was arrested and violated For the burglary in Cause Number K15-0220H, he assumed that was the Burglary he had pled guilty to. It was only after Edwards got back to prison, that He noticed on his prison time Sheet that the cause Number did not match the Charge that he thought he was convicted of. It was Clear to him that he had pled guilty to a Charge he could not have committed, that being Cause number K15-0223H. (See Exhibit E, indictment and supporting documents Showing the crime was committed on September 8th, 2015).

Had it been Explained to Edwards by the Court or his attorney, Shirley Baldwin, that he would have to do the Remainder of the Sentence his Parole was violated For, in addition to the twenty-Five (25) years Sentence he Received, he would not have pled guilty but would have gone to trial. (See attached Exhibit F, time sheet indicating

he has a 40 year Sentence) Had it been explained to Edwards before he Pled guilty that He was being Charged as a habitual Offender he would Not have pled guilty, but would have gone to trial, had it been explained to Edwards that he was Pleading guilty to a burglary that was committed on September 8, 2015, on offense that occured while he was in jail, he would Not have pleaded guilty, but would have gone to trial.

For all the above Reason, this action Follow.

Facts Not Within Petitioner's Personal Knowledge

It is Not within Petitioner's Knowledge why the trial Court advised him he would Not have to do any additional time on the Sentence ~~for~~ which his parole was violated.

It is Not within petitioner's Knowledge why the trial Court allowed the prosecution to wait to amend his indictment to Reflect habitual offender designation until he plead guilty and was Sentenced.

It is Not within petitioner's Knowledge why the Court failed to try to establish a factual basis for his guilty plea.

It is Not within Petitioner's Knowledge

Why his attarney, Shirley Baldwin, completely failed in her role an advocate for him, i.e., did not attempt to adirse him of the consequence of pleading guilty, or allow him to make an informed assessment of his situation. (See Grounds for Relief).

Petitioner has attempted on (3) occasions to obtain from the Marion County Circuit Clerk's office, the guilty plea and sentencing transcript, but his requests was denied each time. He, therefake, Requests this Court to excuse his inability to produce said documents to support his claims.

He suggests he has now made a significant showing of the need for the production of said documents.

Relief Sought

1. Pursuant to Mississippi Code annotated Section 99-39-15, Petitioner Edwards request leave of this court to invoke the processes of discovery. Specifically, he seeks a copy of the guilty Plea transcript and habitual offender amendment to indictment, as well as a copy of the documents used to support the States contention that Edwards qualified to be a habitual offender.

2. Should this Court find discovery unnecessary. Edwards moves this Court to

Vacate and set aside the conviction found against him on January 27, 2017 in Cause Number K15-0223H, and for any such other relief as this Court deems just and proper.

3. Should this Court deem an evidentiary hearing necessary, Edwards requests that counsel be appointed to represent him in this Cause.

Conclusion

Petitioner Edwards has established facts which entitle him to relief as a matter of law.

Wherefore, premises considered, Petitioner submits the relief requested should be granted.

Respectfully Submitted.
Jonathon Edwards

Verification OF Petitioner

I Jonathan Edwards, the above Pro Se Petitioner in the Foregoing Petition, do hereby affirm and ~~state~~ the Following, to-wit:

I.

I am the Petitioner in the Foregoing original motion styled as "Motion For Post-Conviction Relief."

II.

I have read the Foregoing motion and all statements and other readings herein attached are true and correct to the best of my knowledge, information and belief.

III.

I believe that I am entitled to the Relief as requested in said motion.

Jonathan Edwards
Petitioner

State OF Mississippi
County OF ~~Marion~~

Personally Appeared Before me, the undersigned authority in and For said jurisdiction, the within named Petitioner, who, after first being by me duly Sworn, deposed 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 12 day of September, 2017

Notary Public

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 285563
GIA NICOLE McLEOD
Commission Expires
Oct. 10, 2019
LAMAR COUNTY

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

Jonathan Edwards PETITIONER

VS. CAUSE NO. K15-0223H

STATE OF MISSISSIPPI RESPONDENT

FILED
SEP - 8 2017
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

I, Jonathan Edwards, 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 _____.

3. List all other assets such as real estate, bonds, notes, etc.

   a. 0

   b. 0

   c. 0

STATE OF MISSISSIPPI
COUNTY OF ~~Marion~~ Greene

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said jurisdiction, the within named Petitioner, who, after first being by me duly sworn, 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 6 day of September, 2017.

Gia Nicole McLeod
NOTARY PUBLIC

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 28563 GIA NICOLE McLEOD Commission Expires Oct. 10, 2019 HINDS COUNTY

Exhibit-A

Add 911 Call for
9/7/18

Replace back
" Attn "

Exhibit-B

OVER →

JUSTICE COURT WARRANT

FELONY

THE STATE OF MISSISSIPPI,
TO ANY LAWFUL OFFICER OF MARION COUNTY

WE COMMAND YOU TO TAKE THE BODY OF: Jonathan Edwards
DOB 12/18/1961 SSN 433-29-0602

As to be found in your county, and him/her safely keep, so that you have him/her before the undersigned, a Justice Court Judge of Marion County, Mississippi, to be holden at the office of the undersigned, in Marion County, then and there to answer unto the State of Mississippi on a charge of:

BURGLARY OF A DWELLING HOUSE

97-17-23

By Affidavit.

Herein Fail Not, and have been there this writ, with the manner you have execute the same.

Given under my hand and seal and issued this 16th **day of** September, 2015.

Given W. Broom

Justice Court Judge

I have this day executed the within writ by arresting the within named defendant:

Jonathan Edwards	1662 Gates Road Columbia, MS	12/18/1961
Suspect Name	**Suspect Address**	**Suspect DOB**

433-29-0602	B	M	( )	310-446-6439
Suspect Social Security Number	**Race**	**Sex**		**Suspect Phone**

This the 16th **day of** Sept., 2015.

Officer

201519790

Case Number

Exhibit C

COPY

NCIC ENTRY ☒ YES ☐ NO RACE: Black DOB: 12/18/1961 HT: 5'6" WT.: 147

Mississippi Department of Corrections

SCARS/MARKS

WARRANT FOR ARREST OF PAROLED PRISONER

TO ANY FIELD OFFICER OR ANY OFFICER authorized to serve criminal process:

WHEREAS, JONATHAN EDWARDS, MDOC# 44510 , was sentenced on October 08, 2012, to serve a term of 25 years in the custody of the Department of Corrections, said sentence being in the County of Marion, State of Mississippi, for the crime of Burglary Of A Dwelling and said JONATHAN EDWARDS was on September 2, 2014, granted a conditional parole by the Parole Board, and WHEREAS, having reasonable cause to believe that JONATHAN EDWARDS MDOC# 44510, a prisoner of the State of Mississippi, conditionally paroled from the Department of Corrections, and now in the legal custody of the Community Services Division of the Department of Corrections, has violated his/her parole agreement in that:

9. Law And Immediate Notification: The offender was arrested on September 07, 2015 by the Marion County Sheriff's Department and was charged with Burglary Of A Dwelling x 5.

NOW, THEREFORE, by the authority vested in me by the Mississippi Code 1972, Annotated, Section 47-7-27, I hereby order the said JONATHAN EDWARDS to be arrested and I hereby authorize you to so arrest him/her and for doing, this shall be your sufficient warrant.

GIVEN under my hand and seal, this the 22day of September, 2015.

MISSISSIPPI DEPARTMENT OF CORRECTIONS

C.N. BRUMFIELD C. N. Brumfield

(Field Officer)

cc: Records Office, Parchman (Original)
Deputy Commissioner of Community Corrections
Offender's File
Holding Authority

Exhibit-D

INDICTMENT | **CAUSE NUMBER K15-0220H**

STATE OF MISSISSIPPI | CHARGE: **ATTEMPTED BURGLARY OF DWELLING, Section 97-1-7, Miss. Code of 1972, as amended**

COUNTY OF MARION

In the Circuit Court in and for the said County and State at the SEPTEMBER 2015 TERM, the Grand Jurors for the State of Mississippi, elected, impaneled, sworn and charged, in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath, present that in said county and state, on or about September 7, 2015, in Marion County, Mississippi,

JONATHAN EDWARDS

did willfully, unlawfully, feloniously and burglariously attempt to break and enter the dwelling house, the property of Morgan Flynt, located in Marion County, by trying to break open the backdoor by was thwarted by Ronnie Flynt driving his vehicle up the road, with the intent to commit a crime therein, to-wit: to take, steal, and carry away personal property contained therein, contrary to and in violation of 97-17-23 and 97-1-7 of the Mississippi Code of 1972 as amended; and against the peace and dignity of the State of Mississippi.

ENDORSED: A TRUE BILL

Kim Hamlin
Assistant District Attorney

Johnny L. Broom
Foreman of the Grand Jury

Filed and recorded the 17th day of December 2015.

Janette Nolan, CIRCUIT CLERK

By: _____, DEPUTY CLERK

ITEM # MCSO 2015-23860

JONATHAN EDWARDS- DOB 12-18-1961 SSN 4XX-XX-0602 Black / Male

This is a True Copy
Dec. 17 20 15
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

Exhibit-E

INDICTMENT	CAUSE NUMBER K15-0223H
STATE OF MISSISSIPPI	CHARGE: BURGLARY OF A DWELLING Section 97-17-23, Miss. Code of 1972, as amended

COUNTY OF MARION

In the Circuit Court in and for the said County and State at the SEPTEMBER 2015 TERM, the Grand Jurors for the State of Mississippi, elected, impaneled, sworn and charged, in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath, present that in said county and state, on or about September 8, 2015, in Marion County, Mississippi,

JONATHAN EDWARDS

did willfully, unlawfully, feloniously and burglariously break and enter the dwelling house, the property of DAVID SPIERS, located in Marion County, with intent to commit a crime therein, to-wit: to take, steal, and carry away personal property contained therein, contrary to and in violation of Section 97-17-23 of the Mississippi Code of 1972, as amended; against the peace and dignity of the State of Mississippi.

ENDORSED: A TRUE BILL

Assistant District Attorney

Johnny L. Broom
Foreman of the Grand Jury

Filed and recorded the 17th day of December, 2015.

Janette Nolan, CIRCUIT CLERK

By: _____, DEPUTY CLERK

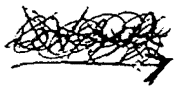
ITEM # MCSO 2015-23991

JONATHAN EDWARDS- DOB 12-18-1961 SSN 4XX-XX-0602 or SSN 4XX-XX-0642 Black / Male

This is a True Copy
Dec. 17 2015
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

ORI: MS0460000



Marion County Sheriff's Office
Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201523991**
Assigned to Case: **201523991**

Date Received: **9/8/2015 10:39**

Call Details

201523991 **BURGLARY**

Dispatcher: **LINK, CAD _____**
Received: **9/8/2015 10:39**
How Received: **911**

Dispatched: **9/8/2015 10:43**
Arrived: **9/8/2015 10:51**
Cleared: **9/8/2015 11:37**

Officer: **ALLDAY, JAMES ALLEN SO9**

Location: **1072 SHILOH FIRETOWER RD FOXWORTH**

Call Notes

201523991 ALLDAY, JAMES ALLEN SO9

OVER →

CRIMINAL AFFIDAVIT – JUSTICE COURT

STATE OF MISSISSIPPI
COUNTY OF MARION

AFFIDAVIT IN STATE CASES

Before me, Gwen W. Broom, Justice Court clerk or Judge of said county, Investigator Andrew Phillips makes sworn affidavit that Jonathan Edwards, on or about the 8th day of September, 2015, in the county aforesaid;

did willfully, unlawfully, feloniously and burglariously break and enter the dwelling house of David & Judy Spiers located at 1072 Shiloh Firetower Road, Marion County, Mississippi, with intent to commit a crime therein, to wit: to take, steal and carry away a 357 revolver, a 42 inch TV, Nikon digital camera with bag and numerous attachments, and $300 cash.

BURGLARY OF A DWELLING HOUSE

97-17-23

AGAINST THE PEACE AND DIGNITY OF THE STATE OF MISSISSIPPI.

This allegation is based upon the following underlying facts and circumstances:

On September 8, 2015, deputies responded to a burglary at 1072 Shiloh Firetower Road and spoke with David Spiers. He stated his home had been broken into and the items listed above were taken.

On the date of July 30, 2015 there was a fender well found at 505 Rocky Branch Road after a burglary. A local dealership advised us that car part came from a Ford Fusion. On 9/7/2015, Investigator Singley got a call from a concerned citizen who said they saw a vehicle missing the front driver side fender well. The vehicle was stopped by deputies and the subject, later identified as Jonathan Edwards, was brought in for questioning. He was read his Miranda Rights and agreed to talk without an attorney present. Edwards confessed to breaking into numerous houses. He couldn't remember which ones exactly but could take us to majority and point them out. He did so. He didn't point out this residence. However, the shoe print taken from the scene at 1072 Shiloh Firetower matched the size and detail of the shoes taken off Edwards the day he was taken into custody.

X_____
Investigator Andrew Phillips

_____

_____, _____

(____) _____-_____

Sworn to and subscribed before me, on the 16th **day of** September, 2015.

Gwen W. Broom
Justice Court Judge or Clerk

201523991
Case Number

Exhibit-F

Mississippi Department of Corrections

Inmate Time Sheet

Offender: EDWARDS, JONATHAN 44510 **Housing:** CMCF, CMCF 720, BLD C, ZONE D, BED 0335T

Computation Date: 03/08/2017 15:45 **Date Printed:** 03/21/2017 10:40

Sentences:

DATE	CAUSE/COUNT	OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION	HAB	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
10/08/12	K12-0053H/1	2256:BURGLARY LARCENY-UNOCCUPIED DWELLING	05/30/11	Marion	15Y		10Y	N				
01/27/17	K15-219H/1	2202:BURGLARY-RESIDENTIAL	07/27/15	Marion	25Y			Y				K12-0053H/1
01/27/17	K15-0223H/1	2202:BURGLARY-RESIDENTIAL	09/08/15	Marion	25Y			Y			K15-219H/1	

☐ First Time Offender

Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
06/02/11	10/08/12	494

Total Jail Time: 494 Override:

Computation Details:

DATE	DESCRIPTION
10/08/12	K12-0053H/1 2256:BURGLARY LARCENY-UNOCCUPIED DWELLING 15Y
01/02/13	Into Trusty Status 11/20/12 IN T/S - COMMON LABOR
01/03/13	Trusty Earned Time 11/20/12 to 12/20/12 : 30D
01/19/13	Trusty Earned Time 12/20/12 to 01/19/13 : 30D
02/18/13	Trusty Earned Time 01/19/13 to 02/18/13 : 30D
03/20/13	Trusty Earned Time 02/18/13 to 03/20/13 : 30D
04/15/13	Met-Discipleship Program 01/02/13 to 03/31/13 : 29D 1
04/19/13	Trusty Earned Time 03/20/13 to 04/19/13 : 30D
05/19/13	Trusty Earned Time 04/19/13 to 05/19/13 : 30D
06/18/13	Trusty Earned Time 05/19/13 to 06/18/13 : 30D
07/18/13	Trusty Earned Time 06/18/13 to 07/18/13 : 30D
07/29/13	Met-Discipleship Program 04/01/13 to 06/30/13 : 30D I
08/17/13	Trusty Earned Time 07/18/13 to 08/17/13 : 30D
09/16/13	Trusty Earned Time 08/17/13 to 09/16/13 : 30D
10/16/13	Trusty Earned Time 09/16/13 to 10/16/13 : 30D
10/16/13	Met-Discipleship Program 07/01/13 to 09/30/13 : 30D I
11/15/13	Trusty Earned Time 10/16/13 to 11/15/13 : 30D
12/15/13	Trusty Earned Time 11/15/13 to 12/15/13 : 30D
01/14/14	Trusty Earned Time 12/15/13 to 01/14/14 : 30D
02/13/14	Trusty Earned Time 01/14/14 to 02/13/14 : 30D
02/18/14	Met-Discipleship Program 10/01/13 to 12/31/13 : 30D I
03/15/14	Trusty Earned Time 02/13/14 to 03/15/14 : 30D
04/14/14	Trusty Earned Time 03/15/14 to 04/14/14 : 30D
04/14/14	Met-Discipleship Program 01/01/14 to 03/31/14 : 30D I
05/12/14	Met-Discipleship Program 04/01/14 to 04/30/14 : 10D 1
05/14/14	Trusty Earned Time 04/14/14 to 05/14/14 : 30D

DATE	DESCRIPTION
06/13/14	Trusty Earned Time 05/14/14 to 06/13/14 : 30D
07/13/14	Trusty Earned Time 06/13/14 to 07/13/14 : 30D
07/14/14	Met-Discipleship Program 05/01/14 to 05/31/14 : 10D I
07/14/14	Met-Pre Release Program 06/01/14 to 06/30/14 : 10D LIFESKILLS
08/11/14	Met-Discipleship Program 07/01/14 to 07/31/14 : 10D I
08/12/14	Trusty Earned Time 07/13/14 to 08/12/14 : 30D
09/04/14	Out Of Trusty Status 09/03/14
09/04/14	Released On Parole 09/03/14
01/23/15	Into Earned Discharge Status 12/01/14
01/24/15	Earned Discharge Credit 12/01/14 to 12/31/14 : 31D
02/12/15	Earned Discharge Credit 01/01/15 to 01/31/15 : 31D
03/10/15	Earned Discharge Credit 02/01/15 to 02/28/15 : 28D
04/10/15	Earned Discharge Credit 03/01/15 to 03/31/15 : 31D
05/10/15	Earned Discharge Credit 04/01/15 to 04/30/15 : 30D
06/10/15	Earned Discharge Credit 05/01/15 to 05/31/15 : 31D
07/10/15	Earned Discharge Credit 06/01/15 to 06/30/15 : 30D
08/10/15	Earned Discharge Credit 07/01/15 to 07/31/15 : 31D
09/10/15	Earned Discharge Credit 08/01/15 to 08/31/15 : 31D
09/22/15	Earned Discharge Violation 09/22/15
09/30/15	Released On Parole 09/28/15 Parole revoked until elig.
11/16/15	Into Trusty Status 11/02/15 IN T/S - COMMON LABOR
12/02/15	Trusty Earned Time 11/02/15 to 12/02/15 : 30D
01/01/16	Trusty Earned Time 12/02/15 to 01/01/16 : 30D
01/31/16	Trusty Earned Time 01/01/16 to 01/31/16 : 30D
03/01/16	Trusty Earned Time 01/31/16 to 03/01/16 : 30D
03/31/16	Trusty Earned Time 03/01/16 to 03/31/16 : 30D
04/28/16	Met-A&D Treatment 02/11/16 to 04/21/16 : 23D
04/30/16	Trusty Earned Time 03/31/16 to 04/30/16 : 30D
05/11/16	Met-A&D Treatment 04/22/16 to 05/11/16 : 6D
05/30/16	Trusty Earned Time 04/30/16 to 05/30/16 : 30D
06/01/16	Met-Abe/GED 04/22/16 to 05/31/16 : 13D BUILDING TRADES
06/29/16	Trusty Earned Time 05/30/16 to 06/29/16 : 30D
06/30/16	Met-Pre Release Program 06/01/16 to 06/07/16 : 2D BUILDING TRADES
07/29/16	Trusty Earned Time 06/29/16 to 07/29/16 : 30D
08/28/16	Trusty Earned Time 07/29/16 to 08/28/16 : 30D
09/27/16	Trusty Earned Time 08/28/16 to 09/27/16 : 30D
10/27/16	Trusty Earned Time 09/27/16 to 10/27/16 : 30D
11/26/16	Trusty Earned Time 10/27/16 to 11/26/16 : 30D
12/26/16	Trusty Earned Time 11/26/16 to 12/26/16 : 30D
01/25/17	Trusty Earned Time 12/26/16 to 01/25/17 : 30D
01/27/17	K15-219H/1 2202:BURGLARY-RESIDENTIAL 25Y CS to K12-0053H/1
01/27/17	K15-0223H/1 2202:BURGLARY-RESIDENTIAL 25Y CC with K15-219H/1
02/02/17	Text ENTRY k15-219 will run CC to k15-223
02/24/17	Trusty Earned Time 01/25/17 to 02/24/17 : 30D

Summary:

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
06/02/2011				12/18/2046	05/23/2051	

Total Term To Serve: 40Y Total Earned Time: 2Y 17D Earned Time Lost: 0D Total MET Earned: 233D Total Trusty Time Earned: 3Y 15D

Certificate of Service

This is to Certify that I have this date, caused to be mailed, via United States Mail, Postage Pre-Paid, a true and correct copy of the above and foregoing Pleading To:

Circuit Court Clerk
Janette Nolan
250 Broad St Suite-1
Columbia, Ms 39429

District Attorney
Morris Sweatt
250 Broad St Suite-1
Columbia Ms, 39429

So Certified, this the 6 day of Sept, 20 17.

Jonathan Edwards
Petitioner
#44510
S.M.C.I. area(2) D-1 Bzone
P.O. Box 1419
Leakesville, MS, 39451

Marion County Sheriff's Office
Berkley Hall, Sheriff

219 Broad Street
Columbia, MS 39429
Phone: (601) 736-5051 Fax: (601) 731-3780

MIRANDA WARNING

Date: 9-8-15 Time: 1116 Location: MCSO

Name: Jonathan Edwards
Address: 1662 Gates Rd.
Phone: 310 446 6439
SS Number: 433-29-0602
D.O.B: 12-18-61
Education: 7th
Case Number: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Jonathan Edwards
Signature

Read by: _____ 9.8.15 1118
Date Time

Witnessed by: _____

Rev. 01/01/2012

Reference: 04G7000029
Msg ID : 04G7000029
Msg Key : DR
Date/Time: 20151016161813
Ent Agy :
Requester:
User :
ORI : LALSP0099
Source : NLET
Dest : MS0460000
Control :
Summary : DQOLN: LA

TXT: IMQ/N

CLS/I (NEW) OLN/ 10405123 DISC/03
EDWARDS JONATHAN
1101 CANVASBACK ST
LAKE CHARLES 70615
DOB 19611218 RAC/B SEX/M EYE/BRN WGT/150 HGT/507 MIR/IM
RES 00,00,00 EXP 20140609 SSN 433-29-0642 ENDR NONE
PERS STATUS:

WLF/ NONE
* NOT A LA OPERATOR LICENSE - ID ONLY *
N/R

DRIVER IMAGE:
OLN/010405123.NAM/EDWARDS,JONATHAN

IMR/

OK! Main Indictment (2)

FELONY CASE COVER SHEET

Type or neatly print and complete each section before submitting to the District Attorney's Office. Failure to properly submit a felony case, including the Cover Sheet, may result in the case being returned for more information, thus hindering prosecution of the individual(s) charged in this crime.

1. Case Information

Case Number 20152386(2) Agency MCSO Officer/Investigator Jason Breeland

Number of Defendants in this Case 1

2. Defendant Information

First Name Jonathan Middle Name _____ Last Name Edwards

Alias Name (s) _____

Date of Birth 12-18-1961 Social Security Number 433-29-0002 Sex M Race B

Physical Address 1662 Gates Rd City Columbia State MS Zip Code _____

Offense(s) and Statute(s) 97-17-23 Burglary

Offense Date _____ Offense Time _____ Report Date _____

Defendant Arrested? (Yes) or No If arrested, Date of Arrest _____

(For additional defendants, complete Page 3)

3. Victim Information

First Name Morgan Middle Name _____ Last name Flynt

Physical Address 230 Gates Rd City Columbia State MS Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth 4-7-1995 Social Security Number 426-79-3960 Sex F Race W

(For additional victims & contact information, complete Page 4. If victim is a juvenile, complete the parent/guardian section on Page 4.)

4. Witness Information

First Name Ronnie Middle Name _____ Last name Flynt

Physical Address 230 Gates Rd City Columbia State MS Zip Code _____

Phone Number 601-736-2716 Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

(For additional witnesses & contact information, complete Page 5.)

5. Agency Information

Officer/Investigator Name Inv Andrew Phillips Agency MCSO

Officer/Investigator Name Deputy Allen Audley Agency MCSO

(Any Law Enforcement Officer who was affiliated with this case and/or produced a statement or report. For additional Law Enforcement Officers, completed page 6.)

6. Forfeiture Information

Did a seizure of property occur during this offense or at the time of arrest? Yes or (No)

If a seizure of property did occur, attach a separate forfeiture file to this case.

7. Crime Lab Information

Is there a Crime Lab associated with this case? Yes or (No) Is the report pending? Yes or No

What is the Crime Lab Case Number? _____ Was an autopsy performed? Yes or No

Who performed the autopsy? _____

8. Video/Photograph Information

Are there any audio, video, or photographs pertaining to this case? Yes or (No)

If yes, who has possession of said audio, video, or photographs? _____

Who produced the audio, video, or photographs? _____

9. Comments and Notes

_____

_____

Additional Defendant Information

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

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Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
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Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
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Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Additional Victim Information

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Parent/Guardian Information

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Additional Witness Information

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

FELONY CASE CHECK LIST

Check all of the documents that are being submitted in this case.

- [x] Completed Felony Case Cover Sheet
- [x] Incident Report
- [x] Investigative Report
- [ ] Supplemental Report
- [x] 911/Dispatch Report
- [ ] Victim Statement
- [x] Witness Statement
- [ ] Suspect Statement
- [x] Affidavit
- [x] Arrest Warrant
- [ ] Search Warrant
- [ ] Return for Warrant
- [ ] Consent to Search
- [x] NCIC III Report
- [ ] Fingerprint Card
- [ ] Booking/Jail Sheet
- [ ] Make, Model and Serial number of weapon
- [ ] Chain of Custody
- [ ] Crime Lab Submission Report
- [ ] Crime Lab Report
- [ ] Abstract from prior charges
- [ ] Autopsy Report
- [ ] All photographs, audio and video recordings
- [ ] All medical records
- [ ] Investigative audit, bank statements, copy of checks, and other financial records
- [ ] Forfeiture paperwork
- [ ] Other: _____

Additional Agency Information

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Drop (2)

CAPIAS INSTANTER - CIRCUIT COURT **CAUSE NO. K15-0220H**

THE STATE OF MISSISSIPPI

STATE OF MISSISSIPPI

COUNTY OF MARION

To The Sheriff Of Said County -- Greetings:

We command you forthwith to take the body of **JONATHAN EDWARDS** if to be found in your county, and safely keep, so that you have said body before the Judge of our Circuit Court, Instanter, at the Courthouse thereof, in the City of Columbia, there to answer the State of Mississippi upon a charge exhibited against Him-Her by the Grand Jury of said County, for ATTEMPTED BURGLARY OF DWELLING, Section 97-1-7 and 97-17-23, Miss. Code of 1972, as amended.

Herein fail not, and have you then and there this writ with your endorsement thereon, showing how you have executed the same.

Witness my hand as Clerk, with the seal of said Court hereto affixed this the 17th day of December A.D., 2015.

Janette Nolan, Circuit Clerk

by _____, D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

SHERIFF'S RETURN

I have this day executed the within writ personally, by Jonathan Edwards

This the 8 day of Jan, A.D. 2016.

Berkley Hall, Sheriff

by _____, D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

This is a True Copy
Dec. 17 2015
JANETTE NOLAN
CIRCUIT CLERK
D.C.

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI
FIFTEENTH DISTRICT

STATE OF MISSISSIPPI

VERSUS **CRIMINAL CASE NO. K15-0220H**

JONATHAN EDWARDS, DEFENDANT

ORDER SETTING DEFENDANT'S BOND

THIS DAY into open Court came the matter of setting the amount of bail bond for the defendant in this case, and the Court, based upon all matters proffered finds and orders as follows:

1. That the defendant has been indicted on the charge of ATTEMPTED BURGLARY OF DWELLING, Section 97-1-7 and 97-17-23, Miss. Code of 1972, as amended.

2. That the Court has considered all matters relevant to the amount of bail for this defendant and finds that the amount of bail at this time should be set at $ No bond.

3. That the defendant, through his attorney, can request a reduction and change of the amount of bail in the event the defendant feels aggrieved, by requesting a hearing and noticing the prosecuting attorneys of said hearing sufficiently in advance of the hearing to allow the State an opportunity to be present and ready for said hearing, but in no event longer than three working days after receiving notice.

4. The Sheriff of Marion County, Mississippi, is hereby authorized to approve the bond as set for this defendant.

SO ORDERED AND ADJUDGED this, the 17th day of December 2015.

This is a True Copy
Dec. 17 20
JANETTE NOLAN
CIRCUIT CLERK

CIRCUIT COURT MARION COUNTY MISSISSIPPI

Prentiss Harrell

CIRCUIT JUDGE

INDICTMENT | **CAUSE NUMBER K15-0220H**

STATE OF MISSISSIPPI

CHARGE: **ATTEMPTED BURGLARY OF DWELLING, Section 97-1-7, Miss. Code of 1972, as amended**

COUNTY OF MARION

In the Circuit Court in and for the said County and State at the SEPTEMBER 2015 TERM, the Grand Jurors for the State of Mississippi, elected, impaneled, sworn and charged, in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath, present that in said county and state, on or about September 7, 2015, in Marion County, Mississippi,

JONATHAN EDWARDS

did willfully, unlawfully, feloniously and burglariously attempt to break and enter the dwelling house, the property of Morgan Flynt, located in Marion County, by trying to break open the backdoor by was thwarted by Ronnie Flynt driving his vehicle up the road, with the intent to commit a crime therein, to-wit: to take, steal, and carry away personal property contained therein, contrary to and in violation of 97-17-23 and 97-1-7 of the Mississippi Code of 1972 as amended; and against the peace and dignity of the State of Mississippi.

ENDORSED: A TRUE BILL

Kim Hamlin
Assistant District Attorney

Johnny L. Broom
Foreman of the Grand Jury

Filed and recorded the 17th day of December 2015.

Janette Nolan, CIRCUIT CLERK

By: _____, DEPUTY CLERK

ITEM # MCSO 2015-23860

JONATHAN EDWARDS- DOB 12-18-1961 SSN 4XX-XX-0602 Black / Male

This is a True Copy
Dec. 17 20 15
JANETTE NOLAN
CIRCUIT CLERK
_____ D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

AFFIDAVIT

BEFORE ME, the undersigned authority in and for said County and State shown on reverse side hereof, this day personally came and appeared the undersigned AFFIANT, who, after being by me first duly sworn as the law directs says on oath that at the Term of Court referred to on reverse side hereof, in said County and State aforesaid, the undersigned Affiant was then and there selected to serve as Foreman of the Grand Jury for said County and that Affiant has served in such capacity for the period of the entire Grand Jury.

AFFIANT further states on oath that all indictments which were found to be true bills were concurred in by twelve (12) or more members of the Grand Jury and that at least fifteen (15) members of the Grand Jury were present during all deliberations thereof.

Johnny L. Broom

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 17th day of December, 20 15

CIRCUIT COURT MARION COUNTY MISSISSIPPI BY

Janette Nolan

CIRCUIT CLERK

DEPUTY CLERK

Marion County Sheriff's Office
Berkley Hall, Sheriff

219 Broad Street
Columbia, MS 39429
Phone: (601) 736-5051 Fax: (601) 731-3780

MIRANDA WARNING

Date: 9-7-15 Time: 1820 Location: MCSO

Name: Jonathan Edwards
Address: 1662 Gates Rd
Phone: 310 446-6439
SS Number: 433-29-0602
D.O.B: 12-18-61
Education: 7th
Case Number: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

3. You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Jonathan Edwards
Signature

Read by: _____ 9-7-15 1823
Date Time

Witnessed by: _____

Rev. 01/01/2012

Marion County Sheriff's Office
Berkley Hall, Sheriff

219 Broad Street
Columbia, MS 39429
Phone: (601) 736-5051 Fax: (601) 731-3780

MIRANDA WARNING

Date: 9-8-15 Time: 1116 Location: MCSO

Name: Jonathan Edwards
Address: 1662 Gates Rd.
Phone: 318 446 6439
SS Number: 433-29-0602
D.O.B: 12-18-61
Education: 7th
Case Number: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Jonathan Edwards
Signature

Read by: _____ 9.8.15 1118
Date Time

Witnessed by: _____

Rev. 01/01/2012

incarcerated

FELONY CASE COVER SHEET

Type or neatly print and complete each section before submitting to the District Attorney's Office. Failure to properly submit a felony case, including the Cover Sheet, may result in the case being returned for more information, thus hindering prosecution of the individual(s) charged in this crime.

1. Case Information
Case Number 2015123991 Agency MCSO Officer/Investigator Jason Breelard
Number of Defendants in this Case 1

2. Defendant Information
First Name Jonathan Middle Name _____ Last Name Edwards
Alias Name (s) _____
Date of Birth 12-18-101 Social Security Number 433-29-0002 Sex M Race B
Physical Address 11002 Gates Rd City Columbia State MS Zip Code _____
Offense(s) and Statute(s) 97-17-23 Burglary
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? (Yes) or No If arrested, Date of Arrest _____
(For additional defendants, complete Page 3)

3. Victim Information
First Name David Middle Name _____ Last name Spiers
Physical Address 1072 Shiloh Hvetower City Foxworth State MS Zip Code _____
Phone Number 1601-736-7203 Alternate Phone Number _____
Date of Birth 12-13-53 Social Security Number 438-92-9710 Sex M Race W
(For additional victims & contact information, complete Page 4. If victim is a juvenile, complete the parent/guardian section on Page 4.)

4. Witness Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
(For additional witnesses & contact information, complete Page 5.)

5. Agency Information
Officer/Investigator Name Inv Andrew Phillips Agency MCSO
Officer/Investigator Name Deputy Allen Allday Agency MCSO
(Any Law Enforcement Officer who was affiliated with this case and/or produced a statement or report. For additional Law Enforcement Officers, completed page 6.)

6. Forfeiture Information
Did a seizure of property occur during this offense or at the time of arrest? Yes or (No)
If a seizure of property did occur, attach a separate forfeiture file to this case.

7. Crime Lab Information
Is there a Crime Lab associated with this case? Yes or (No) Is the report pending? Yes or No
What is the Crime Lab Case Number? _____ Was an autopsy performed? Yes or No
Who performed the autopsy? _____

8. Video/Photograph Information
Are there any audio, video, or photographs pertaining to this case? Yes or (No)
If yes, who has possession of said audio, video, or photographs? _____
Who produced the audio, video, or photographs? _____

9. Comments and Notes

Additional Defendant Information

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Defendant Information

First Name _____ Middle Name _____ Last Name _____
Alias Name (s) _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
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First Name _____ Middle Name _____ Last Name _____
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Physical Address _____ City _____ State _____ Zip Code _____
Offense(s) and Statute(s) _____
_____
Offense Date _____ Offense Time _____ Report Date _____
Defendant Arrested? Yes or No If arrested, Date of Arrest _____

Additional Victim Information

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Victim Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Parent/Guardian Information

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Parent/Guardian Information
First Name _____ Middle Name _____ Last name _____
Physical Address _____ City _____ State _____ Zip Code _____
Phone Number _____ Alternate Phone Number _____
Date of Birth _____ Social Security Number _____ Sex _____ Race _____
Relationship to Victim _____

Additional Witness Information

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Witness Information

First Name _____ Middle Name _____ Last name _____

Physical Address _____ City _____ State _____ Zip Code _____

Phone Number _____ Alternate Phone Number _____

Date of Birth _____ Social Security Number _____ Sex _____ Race _____

Additional Agency Information

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

Officer/Investigator Name _____ Agency _____

FELONY CASE CHECK LIST

Check all of the documents that are being submitted in this case.

- [x] Completed Felony Case Cover Sheet
- [x] Incident Report
- [x] Investigative Report
- [ ] Supplemental Report
- [x] 911/Dispatch Report
- [ ] Victim Statement
- [x] Witness Statement
- [ ] Suspect Statement
- [x] Affidavit
- [x] Arrest Warrant
- [ ] Search Warrant
- [ ] Return for Warrant
- [ ] Consent to Search
- [x] NCIC III Report
- [ ] Fingerprint Card
- [ ] Booking/Jail Sheet
- [ ] Make, Model and Serial number of weapon
- [ ] Chain of Custody
- [ ] Crime Lab Submission Report
- [ ] Crime Lab Report
- [ ] Abstract from prior charges
- [ ] Autopsy Report
- [ ] All photographs, audio and video recordings
- [ ] All medical records
- [ ] Investigative audit, bank statements, copy of checks, and other financial records
- [ ] Forfeiture paperwork
- [ ] Other: _____

7/27/2015

A burglary was reported at 286 Bethel Church Road. Victim, Sherry Moore, stated she came home and found her house broke into and found that numerous items were stolen including but not limited to two .38 revolvers, a 42 inch TV, and jewelry.

7/30/2015

A burglary was reported at 505 Rocky Branch Road. Victim, Justin Bennett, stated he came home to his house being broke into and a Glock 35 .40 cal pistol was stolen. Also a Stihl chainsaw and numerous other items. A fenderwell was found in the yard of this residence and recovered by Deputy TJ Vaughan. This was taken to Hitts Body Shop where they were able to look up the part number and identified as a part to a Ford Fusion.

8/30/2015

A burglary was reported at 402 Good Hope Road. Victim, Jewel Morgan, noticed her house had been broke into. The only thing missing was a small container of pills.

9/6/2015

A burglary was reported at 2982 Hwy 44. Victim, Justin Pace, found his house broke into with numerous electronics missing.

9/7/2015

A burglary was reported at 238 Gates Road. Ronnie Flynt saw someone trying to break into his daughter, Morgan Flynt's, house. He tried to block them in and the suspect went around him. Mr. Flynt got a partial tag number of M75. He stated nothing was taken but the back door had damage to it.

Investigator Singley later received a call from a concerned citizen stating they saw a silver Ford Fusion missing the front fenderwell. The vehicle matching the description was later found and the driver was identified as Jonathan Edwards. In plain view in the vehicle was a flat screen TV and a box with an urn in it. After being Mirandized, Jonathan Edwards agreed to speak without an attorney present. He stated that he did break into several houses but couldn't remember how many or the locations. He advised he could take us to the locations tho. So, myself and Investigator Singley transported him around various places in the county with him giving us directions. He took us to all the residences listed and identified the items took out of each house. We had to terminate the search for burglarized residences due to it being dark but continued the next day, 9/8.

9/8/2015

A burglary was reported at 1072 Shiloh Firetower Road and also 1064 Shiloh Firetower Road. The victim, David Spiers, stated he came home from vacation and found his house broken into.Cash was missing. There was a shoe print found on the back door. He decided to check his mother in law's residence next door to his. It also had forced entry and a more visible shoe print on that back door. It appeared that a .357 pistol and numerous electronics were missing.

After Jonathan Edwards was taken into custody, the shoes he was wearing that day matched the shoe prints from these residences.

9/19/2015

A burglary was reported at 2429 Hwy 98 East. Wes Holmes advised he checks on this residence ever so often. He had been out of town for a couple of weeks. When he stopped to check on the house he found the back door

ELEMENTS CROSS EX -3

CAPIAS INSTANTER - CIRCUIT COURT **CAUSE NO. K15-0223H**

THE STATE OF MISSISSIPPI

STATE OF MISSISSIPPI

COUNTY OF MARION

To The Sheriff Of Said County -- Greetings:

We command you forthwith to take the body of **JONATHAN EDWARDS** if to be found in your county, and safely keep, so that you have said body before the Judge of our Circuit Court, Instanter, at the Courthouse thereof, in the City of Columbia, there to answer the State of Mississippi upon a charge exhibited against Him-Her by the Grand Jury of said County, for BURGLARY OF A DWELLING, Section 97-17-23, Miss. Code of 1972, as amended.

Herein fail not, and have you then and there this writ with your endorsement thereon, showing how you have executed the same.

Witness my hand as Clerk, with the seal of said Court hereto affixed this the 17th day of December A.D., 2015.

Janette Nolan, Circuit Clerk

by _____, D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

SHERIFF'S RETURN

I have this day executed the within writ personally, by Jonathan Edwards

This the 4 day of June, A.D., 2015.

Buckley Hall, Sheriff

by _____, D.C.

This is a True Copy
Dec. 17 2015
JANETTE NOLAN
CIRCUIT CLERK
_____ D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI
FIFTEENTH DISTRICT

STATE OF MISSISSIPPI

VERSUS CRIMINAL CASE NO. K15-0223H

JONATHAN EDWARDS, DEFENDANT

ORDER SETTING DEFENDANT'S BOND

THIS DAY into open Court came the matter of setting the amount of bail bond for the defendant in this case, and the Court, based upon all matters proffered finds and orders as follows:

1. That the defendant has been indicted on the charge of BURGLARY OF A DWELLING, Section 97-17-23, Miss. Code of 1972, as amended.

2. That the Court has considered all matters relevant to the amount of bail for this defendant and finds that the amount of bail at this time should be set at $ No bond.

3. That the defendant, through his attorney, can request a reduction and change of the amount of bail in the event the defendant feels aggrieved, by requesting a hearing and noticing the prosecuting attorneys of said hearing sufficiently in advance of the hearing to allow the State an opportunity to be present and ready for said hearing, but in no event longer than three working days after receiving notice.

4. The Sheriff of Marion County, Mississippi, is hereby authorized to approve the bond as set for this defendant.

SO ORDERED AND ADJUDGED this, the 17th day of December 2015.

This is a True Copy
Dec. 17 20 15
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

CIRCUIT JUDGE

INDICTMENT | **CAUSE NUMBER K15-0223H**

STATE OF MISSISSIPPI | CHARGE: **BURGLARY OF A DWELLING**
Section 97-17-23, Miss. Code of 1972, as amended

COUNTY OF MARION

In the Circuit Court in and for the said County and State at the SEPTEMBER 2015 TERM, the Grand Jurors for the State of Mississippi, elected, impaneled, sworn and charged, in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oath, present that in said county and state, on or about September 8, 2015, in Marion County, Mississippi,

JONATHAN EDWARDS

did willfully, unlawfully, feloniously and burglariously break and enter the dwelling house, the property of DAVID SPIERS, located in Marion County, with intent to commit a crime therein, to-wit: to take, steal, and carry away personal property contained therein, contrary to and in violation of Section 97-17-23 of the Mississippi Code of 1972, as amended; against the peace and dignity of the State of Mississippi.

ENDORSED: A TRUE BILL

Kim Hanlin
Assistant District Attorney

Johnny L. Broom
Foreman of the Grand Jury

Filed and recorded the 17th day of December, 2015.

Janette Nolan, CIRCUIT CLERK

By: _____, DEPUTY CLERK

ITEM # MCSO 2015-23991

JONATHAN EDWARDS- DOB 12-18-1961 SSN 4XX-XX-0602 or SSN 4XX-XX-0642 Black / Male

This is a True Copy
Dec. 17 2015
JANETTE NOLAN
CIRCUIT CLERK
D.C.

CIRCUIT COURT MARION COUNTY MISSISSIPPI

AFFIDAVIT

BEFORE ME, the undersigned authority in and for said County and State shown on reverse side hereof, this day personally came and appeared the undersigned AFFIANT, who, after being by me first duly sworn as the law directs says on oath that at the Term of Court referred to on reverse side hereof, in said County and State aforesaid, the undersigned Affiant was then and there selected to serve as Foreman of the Grand Jury for said County and that Affiant has served in such capacity for the period of the entire Grand Jury.

AFFIANT further states on oath that all indictments which were found to be true bills were concurred in by twelve (12) or more members of the Grand Jury and that at least fifteen (15) members of the Grand Jury were present during all deliberations thereof.

Johnny L. Broom
AFFIANT

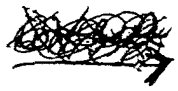
SWORN TO AND SUBSCRIBED BEFORE ME, on this the 17th day of December 20 15

CIRCUIT COURT MARION COUNTY MISSISSIPPI

CIRCUIT CLERK

BY: _____
DEPUTY CLERK

ORI: MS0460000



Marion County Sheriff's Office
Berkley Hall, Sheriff 219 Broad Street
Columbia, MS 39429
601-736-5051

Dispatch Report

Dispatch Number: **201523991** Date Received: **9/8/2015 10:39**
Assigned to Case: **201523991**

Call Details

201523991 **BURGLARY**

Dispatcher: **LINK, CAD _____** Received: **9/8/2015 10:39** How Received: **911**

Dispatched: **9/8/2015 10:43** Arrived: **9/8/2015 10:51** Cleared: **9/8/2015 11:37**

Officer: **ALLDAY, JAMES ALLEN SO9**

Location: **1072 SHILOH FIRETOWER RD FOXWORTH**

Call Notes

201523991 ALLDAY, JAMES ALLEN SO9

Marion County Sheriff's Office

Berkley Hall, Sheriff
219 Broad Street
Columbia MS, 39429
601-736-5051

Case Number: 201523991

ORI #: MS0460000

To protect confidential personal information of any witness or victim in this report, this printed document including, but not limited to, an address, telephone number, driver's license or Identification Card number, social security number, date of birth, etc..., is to be destroyed when valueless.

VICTIM

1

Name - (Last, First, Middle)
SPIERS, DAVID ALAN

Occupation

Social Security #
438-92-9710

Address
1072 SHILOH FIRETOWER ROAD
FOXWORTH, MS 39483

Phone
HOME: 1-(601) 736-7203

Drivers License Info. (State / # / Class)

Hair: BROWN
Race: WHITE
Height: 6-02

Age: 61
D. O. B.: 12/13/1953
Eyes: BROWN
Sex: M
Weight: 190

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS **CASE NO. K15-223H**

JONATHAN EDWARDS

FILED
JAN 27 2017
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C.

ORDER OF CONVICTION AND SENTENCE

INTO OPEN COURT on January 18, 2017, came the Assistant District Attorney, Morris Sweatt, who prosecutes for the State of Mississippi and the Defendant, **JONATHAN EDWARDS**, personally and represented by counsel, Honorable Shirlee Fager-Baldwin. The Defendant was indicted with **Burglary of a Dwelling §97-17-23.** The Court granted the State's Motion to amend the indictment to charge Defendant as a Habitual Offender §99-19-81. The Defendant pled guilty to **Burglary of a Dwelling §97-17-23, Habitual Offender §99-19-81.** The Court, after full inquiry, determined that Defendant's plea of guilty complied with all the requirements of Rule 8.04 of the Uniform Rules of Circuit Court, and satisfied all of Defendant's additional legal and constitutional rights. The plea was accepted and the Court found Defendant guilty of said charge.

On January 27, 2017, the Court entered the sentencing phase of the plea. For said offense and upon plea of guilty, and after reviewing a pre-sentence investigation report, it is by the Court ORDERED AND ADJUDGED that **JONATHAN EDWARDS** is hereby sentenced to the charge of **Burglary of a Dwelling §97-17-23, Habitual Offender §99-19-81** to serve a term of to serve a term of **TWENTY-FIVE (25) YEARS** in the custody of the Mississippi State Department of Corrections, with **TWENTY-FIVE (25) YEARS** to be served at the Mississippi Department of Corrections. Said sentence shall run **CONCURRENT** with the sentence in Marion County Cause

number K15-219. Defendant shall pay a **fine of $1000.00, an assessment of $1000.00 to the Public Defender's Office** and all cost of court.

Any period of incarceration is to be served under the provisions of Mississippi Code Section 47-5-138, and any portion of said sentence that is served under Post-Release Supervision is to be served under the provisions of Mississippi Code Section 47-7-34.

The suspension of any portion of said sentence, whether under Post-Release Supervision, probation or otherwise, shall be subject to the following conditions:

Defendant shall:

(a) Commit no offense against the laws of this or any other state of the United States, or the laws of the United States;

(b) Avoid injurious or vicious habits and persons and places of disreputable or harmful character;

(c) Report to the field Officer as directed;

(d) Permit the Field Supervisor (Probation officer) to visit Defendant at home or elsewhere;

(e) Work faithfully at suitable employment so far as possible;

(f) Remain within a specified area, to-wit: State of Mississippi;

(g) Support any dependents;

(h) Possess or consume no alcoholic beverages or mood altering drugs, and possess no firearm or other deadly weapon;

(i) Pay required fee during each month of probation, by money order, to the Mississippi Department of Corrections;

(j) Submit, as provided in Section 47-5-603 of the Mississippi Code of 1972, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or substance prohibited or controlled by any law of the State of Mississippi or the United States, or to tests recommended by Defendant's Field Officer;

(k) Participate in any recognized program available and recommended by Defendant's Field Officer;

(l) Defendant shall pay his fine, assessment, restitution and costs at the rate of $50.00 per month beginning one (1) month after his release on Post-Release Supervision.

The violation of any one of the above enumerated conditions shall violate the terms and conditions of Defendant's Post-Release Supervision and the Court shall have the authority to revoke Defendant from Post-Release Supervision and remand him back into the custody of the Mississippi Department of Corrections.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant shall be given credit for time served in the county jail, as allowed by law.

SO ORDERED AND ADJUDGED on this the 27th day of January, 2017.

PRENTISS G. HARRELL
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI — PLAINTIFF

VERSUS — CAUSE NO. K15-0223H

JOHNATHAN EDWARDS — DEFENDANT

CHARGE: BURGLARY OF A DWELLING

****

IN THE MATTER OF THE DEFENDANT'S GUILTY PLEA
JANUARY 18, 2017

****

FILED
AUG 16 2017
JANETTE NOLAN, CIRCUIT CLERK
BY _____ D.C

A P P E A R A N C E S:

FOR THE STATE:

MORRIS SWEATT, ESQUIRE
FIFTEENTH JUDICIAL DISTRICT
ASSISTANT DISTRICT ATTORNEYS

FOR THE DEFENDANT:

SHIRLEE FAGER BALDWIN, ESQUIRE
Attorney at Law
610 West Pine Street
Hattiesburg, Mississippi 39401

PRENTISS G. HARRELL, CIRCUIT COURT JUDGE

JANETTE NOLAN, CIRCUIT CLERK

BERKLEY HALL, SHERIFF

KIMME ROBERTS, CCR, 1884

(IN OPEN COURT, JANUARY 18, 2017)
(DEFENDANT ARYNN ROSS STUCKEY MARTIN, CAUSE NUMBER 46:16-CR-011H; JOHNATHAN EDWARDS, CAUSE NUMBER K15-0223 AND CAUSE NUMBER K15-0219H; ROXANNE H. SMITH, CAUSE NUMBER K15-0071H; SHIRLEE FAGER BALDWIN, ESQUIRE; AND MICHAEL KUYKENDALL, ESQUIRE BEFORE THE BENCH)

THE COURT: The Circuit Court of Marion County is back in session on this 18th day of January. We're entering what is commonly called plea colloquies. As I call your name, kindly come before the bench. Johnathan Edwards, if you will come up please. Mr. Edwards is in cause K15-0219H, represented by Ms. Shirlee Fager Baldwin desiring to plea to the charge of burglary of a dwelling. Johnathan Edwards is also here pleading in cause K15-0223, also represented by Ms. Shirlee Baldwin and also pleading to burglary of a dwelling. They're separate counts, but for the same charge.

Thirdly, I will call before the bench Arynn Ross Stuckey Martin in cause 46:16-CR-011 represented by Mr. Mike Kuykendall, desiring to plea to the fraudulent use of identity.

I have a third one that I will call before the bench. Ms. Roxanne Smith in cause K15-0071, desiring to plea to the charge of possession of a controlled substance and also represented by Mr. Mike Kuykendall.

I realize all three of you may be somewhat nervous, but don't be. We're going to get through this just fine. Now, what I have to do is satisfy myself that you know what you're doing, and you're doing it because you want to, and nobody is forcing you to do it. Is that right?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. All three of you have to speak up because that young lady is typing everything down, and she can't type it down if you just nod your head, so please say yes or no or give me a verbal answer, okay?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. There you go. Do you hear me okay?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Okay. Are any of you under the influence of any drugs or alcohol as we speak?

A. (DEFENDANTS RESPONDED NEGATIVELY)

Q. All right. Are any of you have any emotional problems that will prohibit you from understanding what I'm talking about?

A. (DEFENDANTS RESPONDED NEGATIVELY)

Q. All right. Don't be nervous now. I know you are, young lady, but just chill out and answer me yes or no, okay? We have a lot of rights in our great country. When you plea to a felony charge though, you could give some rights up. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Okay. We are in a formality, and that we're in open court. You're under oath. You've signed your petition under oath because I want to do it right. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. You have to speak up. You're not speaking up. Say yes or no.

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Fair enough? I don't bite. So you just say yes or no.

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. There you go. Just say it louder. I want to impress on you also even though it is formal that you can interrupt me any time you want to. You can talk to me, and say, Judge, I have a question. I'm not so sure that I understand. Well, that's fine. Ask me. Interrupt me. I don't mind. Do you understand?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. But I do want you to tell the truth because you are under oath, and you need to tell the truth. If you did tell the truth, I could give you some time, so tell me the truth, okay.

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Johnathan Edwards?

A. (DEFENDANT JOHNATHAN EDWARDS) Yes, sir.

Q. How old are you?

A. I'm 55, sir.

Q. 55?
A. Yes, sir.
Q. How long have you been in jail?
A. Excuse me, sir.
Q. How long you have been locked up?
A. Since September 7th of 2015.
Q. Since September of '15? On these charges, or did these revoke something else? Have you had another prior charge?
A. Yes, sir.
Q. Okay. Well, I'm going to go ahead and tell you right now then. These are two separate charges.
A. Yes, sir.
Q. If you plead to these two, and you're pleading to them, and you've already had a first one, that could get you hard time. Do you understand that?
A. Yes, sir.
Q. And you know what hard time means, don't you?
A. Yes, sir.
Q. Okay. Did you grow up around here, Johnathan?
A. No, sir.
Q. Where did you grow up?
A. In New Orleans, Louisiana.
Q. What brought you up here?
A. My father.

Q. Your father?
A. Yes, sir.
Q. Okay. When you were outside, what kind of work did you do?
A. I worked for Red River Waste Management and Kentucky Fried Chicken.
Q. Good. What's your education? Did you finish high school?
A. No, sir.
Q. How far did you go?
A. The sixth grade -- well, the seventh.
Q. 7th. Do you read and write okay?
A. Yes, sir.
Q. You do?
A. Yes, sir.
Q. Now, you promise now. You read and write okay?
A. Yes, sir.
Q. Did you read and understand your petition and your charge?
A. Yes, sir.
Q. Good. Well, if you worked for waste management and Kentucky, you had to do some reading in that job, didn't you?
A. Yes, sir.
Q. And you got through just fine. You seem fine.
A. Yes, sir.
Q. Are you married?

A. No, sir.
Q. Do you have any small children?
A. Yes, sir. I have a -- I have a daughter in San Antonio, and my oldest daughter is in Detroit, Michigan.
Q. But they're grown?
A. Yes, sir.
Q. Good. Good. All right.
A. Your Honor?
Q. Yes, sir.
A. Excuse me for a minute.
Q. Sure.
A. I would like to express how I feel about this whole situation.
Q. I'm going to tell you -- I will give you a chance in a minute to say what you want, but wait a few minutes if you don't mind.
A. Yes, sir.
Q. Because I'm going to give you the chance if you want to say something.
A. Yes, sir.
Q. Arynn?
A. (DEFENDANT ARYNN ROSS STUCKEY MARTIN) Yes, sir.
Q. Am I pronouncing it right?
A. You are.
Q. You don't mind me calling you Arynn?
A. No, sir.
Q. Is that what you go by?

A. I do.
Q. Young lady, I hate to ask a girl her age, but I have to. How old are you?
A. Yes, sir. 31.
Q. You don't look it.
A. Thank you.
Q. Where did you grow up?
A. Here in Columbia.
Q. How much schooling did you get?
A. Up until the 11th.
Q. Why didn't you finish?
A. Sir?
Q. Why didn't you finish?
A. I went -- I home schooled the rest of my last year.
Q. Did you get a GED --
A. I did.
Q. -- or the equivalent?
A. I did.
Q. Good. So you read and write just fine?
A. I did.
Q. And you've read and understood your petition and your plea?
A. Yes, sir.
Q. Good. Do you have small children?
A. I do.
Q. How many?
A. Three boys.
Q. Well, lucky you. How old are they?

A. 11, 10, and 7.
Q. Well, you're busy, aren't you?
A. Very. Very.
Q. Do you work?
A. I stay home with them.
Q. That's all right. And you live here in Columbia?
A. In Bunkerhill, yes, sir.
Q. In Bunkerhill?
A. (Nods affirmatively)
Q. Roxanne? Do you mind if I call you Roxanne?
A. That's fine.
Q. How old are you?
A. 51.
Q. 51. Do you live here in around this neighborhood? This area? Do you live in Columbia?
A. I have. I live in Silver Creek now.
Q. That's close enough. Did you grow up in South Mississippi?
A. No, sir.
Q. Where did you grow up?
A. Louisiana.
Q. Did you? How far did you get in school?
A. To the eighth.
Q. 8th. Well, that's all right. Do you read and write okay? I understand you don't have your glasses. And without your glasses, it's a

little difficult to read, isn't it?

A. Yes, sir.

Q. But if you had your glasses, you can read okay?

A. Yes, sir.

Q. But since you didn't have your glasses, I'm sure that your lawyer, Mr. Kuykendall, went over everything with you very thoroughly, didn't he?

A. Yes, sir.

Q. So you understand what you're doing?

A. Yes, sir.

Q. Good. Do you work?

A. No, sir.

Q. Well, that's all right. Do you have small children?

A. I got a bunch of grandbabies.

Q. You have a bunch of -- you take care of them?

A. I do help.

Q. Well, that's pretty important.

A. Yes, sir.

Q. All right. We have a lot of rights in our great country. One of the fundamental rights we have is to have a lawyer that we believe has done a good job for us. Do you believe that about your lawyer?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. So you're satisfied with what they've

done for you?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Good. Have you told them everything they need to know?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Good. If we didn't finish this plea, you would have the right to a jury trial, and it would be a fair trial. You would be presumed innocent. It would be up to the -- the prosecution has to prove you guilty beyond a reasonable doubt. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. And at the trial, you have the right to confront whoever it is that is accusing you. You have the right to put your own defense on. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Speak up. In putting your own defense on, if you need somebody to testify for you, and they don't want to come, your lawyer can subpoena them and make them come. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. At the trial, you have the right against self-incrimination, and that means you don't have to testify at the trial if you don't want to, and I will instruct the jury not to hold it against you. So as a matter of fact, I even instruct them not to hold it against you that you've been charged until you go into the deliberation room.

Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. In a criminal matter for the 12 members of the jury to make up their mind, all 12 have to agree before they reach a verdict. If they find you guilty, you can still appeal it to a higher court. That court has to hear your appeal to make sure that I do things right down here. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. A jury trial -- in a jury trial, the jury can always find you not guilty. And if they do, you can walk out that back door, and a trial -- the charge can never be brought up again under your rights of double jeopardy. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. Okay. Now if you plead guilty, there won't be a trial; therefore, there won't be anything to appeal. I will sentence you just as if a jury says -- I mean, I'm sorry. Just as if the jury were to find you guilty of the charge that you're pleading to. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. And our sentencing procedure is the same. I always go into conference and listen to Ms. Baldwin, listen to Mr. Kuykendall, listen to the district attorney's office, and then I familiarize with your status, and then I try or I

have to make the final decision. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. In effect, you're entering a blind plea. Do you understand that?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. I will expect you to know what you could get though, so I will ask you. The only restriction I have is I can't give you more than the max, so I expect you to know what I'm going to give you. And I'm going to ask you, Johnathan, do you know what I can give you for burglary of a dwelling?

A. (DEFENDANT JOHNATHAN EDWARDS) Yes, sir.

Q. How much?

A. 3 to 25 years.

Q. That's right. And how many do you have?

A. 2, sir.

Q. So what -- how much are both of them together?

A. The maximum.

Q. Yes, sir. They're 25 a piece, aren't they?

A. Yes, sir.

Q. You understand that I can make them run consecutively if I thought it was necessary, don't you?

A. Yes, sir.

Q. Do you understand that?

A. Yes, sir.
Q. And how much is 25 and 25?
A. 50.
Q. So you understand that I could give you 50 years.
A. Yes, sir.
Q. In essence, that will be a death -- a life sentence for you, wouldn't it?
A. Yes, sir.
Q. And it would. All right.
MR. SWEATT: Your Honor, may we interject? Mister -- so the record is clear, Mr. Edwards is pleading to these two charges as a habitual offender under 99-19-81, day for day, on the charges.
Q. That means whatever I give you could be hard time. Do you understand that?
(Off the record.)
THE COURT: The prosecutor, Mr. Morris Sweatt, has motioned the Court back on January 6th their intent to amend the indictment. The Court will grant this motion, and the status of Mr. Johnathan Edwards will now be as a habitual, and he understands that this does mean hard time.
Q. Is this not correct, Mr. Johnathan?
A. Yes, sir.
Q. All right.
MR. SWEATT: Your Honor, we filed a motion in all of his cases that are pending, so

both of the cases that he's pleading to will be habitual.

THE COURT: Yes, sir. It reflects that in the cause numbers.

MR. SWEATT: Yes, sir.

Q. Johnathan, I hate to say this, but I might as well go ahead and tell you. If I gave you 50 years, which is going to be discretionary with me, and I may -- whether I do or don't, you understand? But if I did give you -- whatever I give you is going to be day for day. Do you understand that?

A. Yes, sir.

Q. Arynn?

A. (DEFENDANT ARYNN ROSS STUCKEY MARTIN) Yes, sir.

Q. Do you know what you can get for fraudulent use of identity?

A. Yes, sir. 0 to 5 years.

Q. That would be a long time away from those boys, wouldn't it?

A. (Nods affirmatively)

Q. I don't know what you did on this, but I will find out, but it wasn't worth it, was it?

A. No, sir.

Q. Roxanne, do you know what I can give you for you for possession of a controlled substance?

A. (DEFENDANT ROXANNE SMITH) Up to three years.

Q. That's right. All right. Since you've been arrested, has anybody mistreated you in any way to get you to plead guilty?

A. (DEFENDANTS RESPONDED NEGATIVELY)

Q. Has anybody pressured you or threatened you in any way?

A. (DEFENDANTS RESPONDED NEGATIVELY)

Q. Has anybody promised you anything about how it would be served?

A. (DEFENDANTS RESPONDED NEGATIVELY)

Q. All right. Good. Do anybody have any questions about what I've talked about?

A. (DEFENDANTS RESPONDED NEGATIVELY)

Q. All right. I can read your formal charge to you, or if you understand it, you can waive it.

THE COURT: Somebody give her a Kleenex please. Let the record reflect that Arynn Martin is emotionally upset.

A. (DEFENDANT ARYNN ROSS STUCKEY MARTIN) I'm okay.

Q. You're okay?

A. Yes, sir.

Q. All right. If you wish to waive the formal reading of the charges, is that right?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

THE COURT: And you lawyers agree to it.

ATTORNEYS: (RESPONDED THAT THEY AGREE TO WAIVE)

Q. Okay. Before I ask for your plea, I'm going to ask the district attorney's office to read me a basic statement of the underlying facts of what happened, and then I'm going to ask you is that right. If it is right, then I will ask for your plea. If it's not right, we will talk about it. Fair enough?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

MR. SWEATT: Please, the Court. In cause number K15-0219H, Johnathan Edwards is the defendant in a charge that arose out of Marion County. The indictment has charged him with burglary of a dwelling that occurred on or about July 27, 2015, at the residence -- property of Sherry Moore in Marion County, Mississippi. This burglary of a dwelling under Section 97-17-23, and what happened in this case -- we would present investigators from the Marion County Sheriff's Office. They will tell the Court and the jury that the burglary happened with Sherry Moore when she came home and discovered that her house had been broken into and property was missing.

2 or 3 days later, another burglary was report ed at 505 Rocky Branch Road. The victim would be Justin Bennett. Several burglaries were reported during this span of time. And one of the burglaries a Ford -- a fender -- well, part of the car was discovered in the driveway of the yard that didn't belong there, and the officers

investigated and found that that was part of a Ford Fusion, pickup, and so they became aware and looked for that sort of pickup with that part missing. It wasn't too long when one of the officers saw that that particular pickup -- and Mr. Johnathan Edwards was driving the pickup, and he was -- also had some -- plain view of flat screen TV and a box with an urn in it. Those items had been reported stolen in the burglaries. Mr. Edwards was taken to an investigative office and Mirandized and spoke with the lawyers of -- the investigators without an attorney, and he confessed to multiple burglaries of dwellings to those officers and carried them to the scenes where those burglaries had happened. His confession matched the reports of burglaries that had come in, but it was very credible, so he was indicted then for seven charges of burglary. Six burglaries and all dwellings and one attempted burglary of a dwelling in this case, Your Honor, and that would have happened at Ms. Moore's residence at 286 Bedford Church Road in Marion County, Your Honor.

The other charge that Mr. Edwards is pleading to is cause number K15-0223H. It happened in Marion County on September 8, 2015, at the home of David Spears.

THE COURT: Mr. Sweatt, I hate to interrupt you, but my causes don't match with the

one you just enumerated. I've got K15-0223 and K15-0219.

MS. SWEATT: I meant to say 223 on the one I'm talking about, and the one before it is 209.

THE COURT: Okay. Thank you.

MR. SWEATT: I just misspoke.

THE COURT: That's all right. I just want to clarify.

MR. SWEATT: Mr. Spears was on vacation. He came home and discovered his house had been burglarized and property was missing. He made a list of the property items and so forth, and Mr. Spears -- the investigation was the same for Mr. Spears' burglary as the one on the other case, and Mr. Edwards confessed to that one as well. We would ask for restitution in all the cases that Mr. Edwards is charged in, Your Honor.

THE COURT: How much are they -- is it?

MR. SWEATT: We have a -- we have filed a victim's statement. In K15-219, Sherry Moore is the victim and the restitution is $3,500. In K15-220 --

THE COURT: 223.

MR. SWEATT: Well, he's got restitution in seven different --

THE COURT: Okay. In 220.

MR. SWEATT: Actually, five different cases I think. Two of the burglaries didn't have

restitution.

THE COURT: Okay.

MR. SWEATT: K15-220, Morgan Flint was a victim and no restitution. K15-221, Lisa Brown was a victim and no restitution requested. K15-222, Justin Pace was the victim, and his restitution pay would be $750. In K15-223, David and Julia Spears were the victims, and their restitution would be $10,466.74. In K15-224, Horrace English is the victim, and his restitution would be $200. In K15-225, Justin Bennett is the victim, and his restitution would be $2,000. The total restitution of those figures would be $16,916.74.

THE COURT: He is pleading to two of these. You indicated that there were a total of seven.

MR. SWEATT: Seven different cases.

THE COURT: What has happened to the other five?

MR. SWEATT: One of them was an attempted burglary, and apparently one of them didn't report losses or some sort of -- or didn't ask for restitution.

THE COURT: What is the district attorney's office going to do as far as prosecution? Will these be nolle prossed or what?

MR. SWEATT: If Mr. Edwards completes this plea colloquy today, we will dismiss the five

charges that he is not pleading to and expect the Court to sentence him as a habitual offender in the other two.

Q. Mr. Edwards, you understand what he just said? Let me clear it up. There is about seven of these matters. Five of them are going away. You are pleading to two of them. Do you understand?

A. Yes, sir.

Q. And if we finish this plea on two of them, five will be gone -- they will go away.

A. Yes, sir.

Q. But he wants me -- and that's up to me, but he's asking me to give you restitution on the other five also. Now, I have discretion. I can or can't. But if I did do it, and I'm going to -- we will talk about that later on. But if I did do it, you could have a liability up to $16,916. Do you understand that?

A. Yes, sir.

Q. You can be liable for that much if I did it.

A. Yes, sir.

Q. I may or may not do it, but I want you to know before we finish this plea that you could be liable for it?

A. Yes, sir.

Q. Do you understand that?

A. Yes, sir.

Q. Do you have any questions?
A. Yes, sir. Uh --
Q. No. Wait. Wait.
A. I'm sorry.
Q. I still don't want you to answer yet. First off, I want to -- is what he said right?
A. No, sir.
Q. It's not right?
A. No, sir.
Q. Well, what do you want to say?
A. I owned an 2012 Ford Focus, and it wasn't a pickup truck. And when I was arrested, I was leaving Mr. Flint Morgan's home, and I did attempt to burglarize it. But what had happened was he had showed up, and I had left. So when I left, I had ended up at a snowball stand, and then --

MS. BALDWIN: Your Honor --

THE COURT: Hold on. Hold on. Let me ask you a question or two.

A. Yes, sir.
Q. Hold on.
A. I'm just telling the truth.
Q. Well, I want you -- I figure you are telling the truth, but that don't matter right now. I mean, it does matter. Absolutely it matters. What you're disputing is that the fender that fell off -- it wasn't a truck. It was a Ford -- you didn't drive a truck?

A. No, sir.
Q. You drove a Focus?
A. Yes, sir.
Q. And so that fender didn't come off that Focus, did it?
A. No, sir.
Q. Well, that's fine. It may not have. Now, my question to you is, are you taking ownership of these two matters that you pled to?
A. Yes --
Q. Sir?
A. Yes, sir.
Q. Well, that's fine. So they made a mistake on the truck versus the Focus?
A. Yes, sir.
Q. And that can very well be true. But if you still want to take ownership of the two charges that you're pleading to on -- I forgot the names, but in K15-0223 and 46:16-CR-0 and then the other five will go away --
A. Yes, sir.
Q. That's what I'm interested in. I'm not interested if the fender came off the wrong vehicle.
A. Yes, sir.
MR. SWEATT: Your Honor, I think I misspoke. I saw a Ford Focus, and I just erroneously assumed we were talking about a pickup.

THE COURT: No. They're not.

Q. Well, good. That's good of you to pick it up that quick. I appreciate it.

A. Yes, sir.

Q. But you do want to take ownership?

A. Yes, sir.

Q. You did burglarize it?

A. Yes, sir.

Q. All right. That's fine. And you understand he's knocking off five of that?

A. Yes, sir.

Q. All right. If all of that is true then, Johnathan, I will ask you -- if that's true what he said with the exception of that fender being off the wrong vehicle, then how do you plead to burglary of a dwelling in these two cause numbers that I've already enumerated?

A. I plead guilty.

Q. Thank you. You're pleading guilty because you are guilty?

A. Yes, sir.

Q. So the facts that are stated in that charge with these exceptions are true and correct?

A. Yes, sir.

Q. Thanks. All right. Your turn, Arynn.

MR. SWEATT: Your Honor, Ms. Arynn Stuckey Martin was charged in 16:CR-0011 and 46:16-0011 with --

THE COURT: One zero. One Zero.

MR. SWEATT: With credit card fraud. Some how she came in possession of Arvin McGrew's debit card.

THE COURT: Marvin McGrew?

MR. SWEATT: Yes, sir.

A. Arvin, with an A, Arvin.

Q. M-a-r-v-i-n?

MR. KUYKENDALL: A-r-v-i-n.

THE COURT: Arvin.

MR. SWEATT: Last name M-c-G-r-e-w.

THE COURT: She came into his credit card.

MR. SWEATT: She charged multiple items on that debit card of Mr. McGrew, and the total that she ran up was $1,151.39. That's restitution for that.

Q. Arynn?

A. Yes, sir.

Q. Do you understand that I could hold you liable for $1,151.39 if I thought it was necessary?

A. Yes, sir.

MR. SWEATT: Your Honor, may I add, the same defendant, Arynn Ross Stuckey Martin is a defendant in another case, which the case number is K13-261H. For some reason, we don't know or understand how she was never served with that indictment, so it's not on the docket, but it's out there, and so we wanted to dismiss -- nolle

pros that particular case if she pleads successfully today to the other charge, but we would ask for restitution coming out of that case in the amount of -- what we have -- a VIS that we can put in the file, but its total is $1,264.52. That was in a similar -- sort of -- I think it was forged checks in that incidence, and it was four counts. We will dismiss that.

Q. Do you understand what he said?

A. Yes, sir.

Q. Now, first question is, is it right? What he said?

A. Yes, sir.

Q. If it is right, then I will ask you for your plea, but before I ask for your plea, I want you to understand if I decide to, it's my discretion, but if I decide to, I can hold you liable for $1,264.50 of the other matter.

A. Yes, sir.

Q. Do you understand that?

A. I do.

Q. And the factual basis of what he said on charging $1,151.39 to Arvin McGrew, which I can also hold you liable if I deemed it necessary. That's true as to what he said?

A. Yes, sir.

Q. All right. If it's true, then how do you plead to the charge of fraudulent use of identity?

A. Guilty.

Q. And you're pleading guilty because you're guilty?

A. Yes, sir.

Q. Roxanne, your turn. Is that your daughter sitting in the jury box behind you?

A. That's my girl.

Q. Your girl. Well, good. I'm glad to see that. I always like to see somebody supportive of their family member, and she's your daughter. Good. I may ask her a question in a minute, and I may put her under oath to answer it, but I think you can. All right, young lady, you've heard me do the same thing with the other two, I'm going to ask you -- Mr. Sweatt, to tell me what your issues are, and then I'm going to say, is that right. If it is right, you tell me. If it's not right, tell me. Fair enough?

A. Yes, sir.

MR. SWEATT: Your Honor, this case -- Ms. Roxanne H. Smith is charged in K15-71H from an incident that occurred on August 16, 2014, in Marion County. Officers were called to a disturbance at a residence on Arthur B. Johnson Lane in Marion County. I think the landlord had called the officers. When they arrived there, they saw the defendant, Ms. Smith, and an individual named Paul Durden apparently arguing about something, which was the essence of the call

to begin with. Ms. Smith was arguing with Mr. Durden about possession of the keys of an automobile. Officers noticed that Ms. Smith seemed to be impaired from her behavior and her demeanor, and they talked to her, and she showed them where some methamphetamine was in her shoe in a night stand in her bedroom. It was in a shoe. She tried to blame Mr. Durden, and he denied any involvement in the methamphetamine. Officers carried both Ms. Smith and Mr. Durden to the Marion County jail and apparently they consented to drug tests. Ms. Smith turned up hot for methamphetamine, and Mr. Durden had no controlled substances, so he was not charged, and Ms. Smith was charged. So the substance was sent to the crime lab, and it came back as 0.7 grams of methamphetamine.

Q. Roxanne, you heard that. Is that right?

A. Yes, sir.

Q. If it is right, then I'm going to ask you, how do you plead to possession of a controlled substance?

A. Guilty.

Q. And you're pleading guilty because you're guilty?

A. Yes, sir.

Q. So the facts that are stated in your charge are true and correct?

A. Yes, sir.

Q. All right.

THE COURT: Daughter, would you come up front please a little bit. You've been here through the entire plea colloquy; have you not?

DEFENDANT'S DAUGHTER: Yes, sir.

THE COURT: Would you tell the Court your name.

DEFENDANT'S DAUGHTER: Ashley Osorio.

THE COURT: Did you get that?

COURT REPORTER: No, sir.

THE COURT: Spell it.

DEFENDANT'S DAUGHTER: O-s-o-r-i-o, Ashley Osorio.

THE COURT: That's a pretty name.

DEFENDANT'S DAUGHTER: Thank you.

THE COURT: You've heard everything that's been said to your mother. Now, your mother does not have the most formal education in the world, and she's been very nervous throughout this. But in your opinion -- well, first off, raise your right hand.

(DEFENDANT'S DAUGHTER WAS SWORN IN)

THE COURT: You're a nurse, are you not?

DEFENDANT'S DAUGHTER: Yes, sir.

THE COURT: So you're a well, educated young lady, and you got a good -- you're a nurse. A registered nurse?

DEFENDANT'S DAUGHTER: Yes, sir.

THE COURT: You see your mother on a

regular basis; do you not?

DEFENDANT'S DAUGHTER: Yes, sir.

THE COURT: Do you believe she's understood everything that I've asked her today?

DEFENDANT'S DAUGHTER: She's aware, yes, sir.

THE COURT: She's aware of this situation and all of the severity and the seriousness of what we've talked about?

DEFENDANT'S DAUGHTER: Yes, sir.

THE COURT: All right. Good. That's all I needed to that you say that as a registered nurse, and I do believe you got a full awareness of your mother, and so you're telling the Court that she knows what she's doing.

DEFENDANT'S MOTHER: Yes, sir.

THE COURT: All right. Thank you.

Q. All right. Roxanne, you've pled guilty, and I've accepted it. Arynn, same with you, and same with you, Johnathan.

A. (DEFENDANT JOHNATHAN EDWARDS) Yes, sir.

Q. No. I'm sorry. Let me correct that. I have not accepted it. You've all three offered your plea to the Court, but I haven't accepted it. Once I accept it, it's a done deal. You can't back out then. Now, you can back out. But once I do it, it's a done deal. It's the end of the ball game. It's the fourth quarter. Do you understand?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)
Q. Any one of you three want to back out?
A. (DEFENDANTS RESPONDED NEGATIVELY)
Q. All three of you want to go forward?
A. (DEFENDANTS RESPONDED AFFIRMATIVELY)
Q. Johnathan, based on what you've told me, I will accept your plea on two different charges that we have previously identified of burglary of a dwelling.

Arynn Martin, based on what you've told me, I will accept your plea of guilt to the charge of fraudulent use of identity?

A. (DEFENDANT ARYNN ROSS STUCKEY MARTIN) Yes, sir.

Q. Roxanne Smith, based on what you've told me, I will accept your plea to the charge of possession of a controlled substance.

A. (DEFENDANT ROXANNE SMITH) Yes, sir.

Q. For the record, I will recite that each of your individual pleas has been your voluntary and intelligent decision to enter this plea. It has been your decision and your decision only, and you understand the rights that I've talked about, and you knowingly and intelligently have given up any potential rights for this plea. Is this correct?

A. (DEFENDANTS RESPONDED AFFIRMATIVELY)

Q. All right. And the next big question is when do you want me to sentence you? I can do

them today if you would like for me to in the interest of finality if you want me to, or I can put it off to a later date. Whatever you all want me to. What do you desire, Mr. Johnathan?

A. (DEFENDANT JOHNATHAN EDWARDS) I prefer today, sir.

Q. What about you?

A. (DEFENDANT ARYNN ROSS STUCKEY MARTIN) today please.

Q. You?

A. (DEFENDANT ROXANNE SMITH) Today.

Q. All right. You all go sit down, and I'm going to visit with your lawyer like I told you I would, and then I will come back and do it.

MR. KUYKENDALL: Your Honor, on the record, with regard to Ms. Smith, I wanted to bring the attention that Morris is standing in for Kim on this. Morris's in-laws have some relationship to Ms. Smith's in-laws -- her family.

MR. SWEATT: My wife's brother was married to Ms. Smith, and they had three children together.

MR. KUYKENDALL: Yes, sir. And we don't recognize that as a conflict, and waive any claim of a conflict in that or happy to have Morris stand in for Ms. Harlin.

Q. And you -- you agree to that?

A. (DEFENDANT ROXANNE SMITH) Yes, sir.

THE COURT: And you agree to that

daughter?

DEFENDANT'S DAUGHTER: Yes, sir.

THE COURT: All right. Good.

Q. You all go sit down. I'm going to conference with your lawyer.

(OFF THE RECORD)

THE COURT: The Court is entering sentencing phases. First, I'm going to take Roxanne Smith. If you will come before the bench, and you can bring your daughter with you if you would like. In cause K15-0071H, Ms. Roxanne Smith has pled guilty in this court, this date, to the charge of possession of a controlled substance, where she was represented by Mr. Michael Kuykendall, who is accompanying her at the sentencing phase. The Court has reviewed her case, has had a conversation with Mr. Kuykendall, and respectfully listened to his recommendations as well as listened to the recommendations of the district attorney's office through Mr. Morris Sweatt. Ms. Smith did enter a blind plea, and the Court is prepared to impose what it believes is appropriate and necessary.

Q. Before I do so, Roxanne, do you want to say anything?

A. No, sir.

Q. All right. After careful review, and let the record reflect that she is accompanied by her daughter, who was with her at the plea

colloquy also, who is also a registered nurse and the Court also had a couple of queries for her after putting her under oath, and she substantiated that Ms. Roxanne was competent and knew exactly what she was doing, thus, the Court, after careful review will adjudicate her guilty of the charge of possession of a controlled substance. I will give her three years with the Mississippi Department of Corrections, but I will only require that she serve one of those, and I'm going to let her do that on house arrest so that means you get to go home. That means that you better stay out of trouble for a year. Do you hear me?

A. Yes, sir.

Q. You better not be using no meth while you have that bracelet on your ankle?

A. I ain't getting in no trouble.

Q. That means you better -- you have to stay home most of the time. Do you understand that?

A. Yes, sir.

Q. You have to do what the probation officer tells you as long as that bracelet is on your foot. Do you understand?

A. Yes, sir.

Q. You can't be running off to Louisiana. You can't be running anywhere.

A. I won't.

Q. Do you hear me?
A. Yes, sir.
Q. $1,000 fine, $1,000 public defender fee and cost of court, and you will have three years to pay that over time, but I expect you to pay it. Do you hear me?
A. Yes, sir.
Q. All right. Do you understand your sentence?
A. Yes, sir.
Q. All right.
MR. KUYKENDALL: Thank you, Your Honor.
Q. Now, that's a good sentence for you, young lady. Don't you mess up and get in any more trouble.
A. I'm not. I won't.
Q. Do you hear me?
A. Yes, sir.
Q. All right. Go on. I will call before the Court Arynn Ross Stuckey Martin, who pled guilty this in this court this date in cause 46:16-CR-011H to the fraudulent use of identity. Arynn, I've also reviewed your case, and I believe that I stated that you pled in this court this date where you were represented by Mr. Kuykendall, who was accompanying you at the sentencing phase. After careful review and listening to the recommendation of the district attorneys; however, yours also was a blind plea. And after review and

listening to their recommendations, I'm prepared to impose sentence.

A. (DEFENDANT ARYNN ROSS STUCKEY MARTIN) Yes, sir.

Q. Before I do so, do you want to say anything?

A. No, sir.

Q. Roxanne, you're a young lady. Only 31. You have three small children that depends on you. You need to further your education is what you need to do. In today's world, you can get a degree online and maintain keeping those kids, because those kids will grow up, and you will need a better -- you will need an education to be a productive member of society so you don't have to depend on some ole male to take care of you.

A. Yes, sir.

Q. You know that.

A. I do.

Q. Well, then you need to do something about it, and you could because I'm going to allow you the opportunity.

A. Thank you.

Q. You said you did finish high school?

A. I got my GED.

Q. You got your GED. You're a smart girl. I'm going to withhold adjudication of guilt on you first thing. That's a major bullet. That means I'm not giving you a felony record.

A. Thank you.
Q. Do you know what it means to have a felony record in the State of Mississippi?
A. I do.
Q. Tell me some of it.
A. You can't get a job -- well, it's hard to get a job.
Q. Very hard. I tell you what I'm going to do. I'm going to make you write me a three-page paper minimum.
A. Okay.
Q. I want it typed.
A. Okay.
Q. I want it typed, and you can get over to the library if you have to, but I want you to tell me what it means to have a felony record in the State of Mississippi.
A. Yes, sir.
Q. I can tell you. You can't get a passport. You can't go to foreign -- you can't go to Canada. You couldn't get any student loans. I can tell you -- I can go and on and on, and every time I read it letter, I learn more about the hardships. You couldn't get housing. You can't be on my grand jury that's for sure or my jury. You write me a letter, and I want it within two weeks. If you don't have it in the clerk's office with -- if we don't have it in the clerk's office within two weeks, I may violate you.

A. Yes, sir.
Q. Two weeks.
A. You will have it.
Q. I'm going to assess you $1,000 fine, $1,000 public defender fund and $600 restitution.
A. Yes, sir.
Q. Only 600. I'm light on you.
A. Thank you.
Q. You better pay it. That's roughly about $3,000 you're going to have to pay.
A. Yes, sir.
Q. If you don't pay it, I can violate you. In addition, I'm not going to just let you walk out the door. I'm going to put you on 200 hours community service.
A. Yes, sir.
Q. You see that lady over there.
THE COURT: Hold your hand up, Crystal.
Q. Do you know Crystal? She's not going to make you pick up trash on the side of the road unless it's necessary. You may go to a nursing home, and help -- sit with old people. You may be doing a lot of things. She will tell you, but you're going to do 200 hours, and you're going to be on non-reporting to DHS, but you are going to pay $75 a month for the privilege of being in community service.
A. Yes, sir.
Q. And you're going to pay all these fines

and fees before you finish it.

A. Yes, sir.

Q. Do you hear me?

A. I do.

Q. All right. I hope you make it. I know you will make it.

A. I will.

Q. And I hope you see about going online to get -- further your education while you're taking care of those boys, because you can do that.

MS. BRINKLEY: Judge Harrell, did you say how many years of probation?

THE COURT: 3. 3 non-reporting.

Q. Do you understand?

A. Yes, sir.

Q. Do you understand your sentence?

A. 200 hours community service, and then the restitution and --

Q. $600. $1,000 public defender. Somebody has got to pay Mr. Kuykendall.

A. Yes, sir. I understand.

Q. You're going to have to pay the county back for me paying him. Do you understand?

A. It's only fair, yes, sir.

Q. It's only fair. All right. Go on.

A. Thank you, sir.

MR. KUYKENDALL: Thank you, Your Honor.

Q. I'm going to sentence you later on after looking at your case further. Do you understand,

Mr. Johnathan?

A. (DEFENDANT JOHNATHAN EDWARDS) Yes, sir.

Q. All right.

MR. O'QUAIN: Did you give a date, Judge, for the sentencing?

THE COURT: I didn't, but I think we will do it on the last day of term, which is the 27th.

MS. BRINKLEY: Yes, sir. We're doing other sentencings.

THE COURT: I'll do it on the 27th. Bring him back, and then I'm going to look at then. I'm going to decide what I'm going to finally do because yours was a little bit important, and I do want a PSI on him.

MR. SWEATT: Your Honor, on Mr. Edwards we never got to the point of entering the pen pack and so forth, and we can do that on the 27th.

THE COURT: You can, yes, sir, but I don't think it will be necessary since you've already filed this, and probably all the pen pack will be would -- would be listed in your motion. I believe it would be. I don't -- I did not thoroughly read it.

MR. SWEATT: We need to --

THE COURT: If you do, you're certainly are welcome. All right. Any other business to come before this court? If not, we will stand in recess.

CERTIFICATE OF COURT REPORTER

I, KIMME ROBERTS, CCR, #1884, in and for the Fifteenth Circuit Court District of the State of Mississippi, do hereby certify that the foregoing constitutes a true and accurate transcription of my stenographic notes taken in the matter of GUILTY PLEA hearing in the:

STATE OF MISSISSIPPI VERSUS JOHNATHAN EDWARDS

BEING CAUSE NUMBER K15-0223H

ON THE DOCKET OF MARION COUNTY, MISSISSIPPI

This the 16th day of August, 2017

Kimme Roberts, CCR 1884

STATE OF MISSISSIPPI NOTARY PUBLIC ID [illegible] KIMME ROBERTS Commission Expires Nov 25, 2018 MARION COUNTY