

**IN THE COURT OF APPEALS
OF THE
STATE OF MISSISSIPPI
NO. 95-KA-01009 COA**

JERRY LOCKRIDGE

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND MAY NOT BE CITED,
PURSUANT TO M.R.A.P. 35-B

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| DATE OF JUDGMENT: | 08/31/95 |
| TRIAL JUDGE: | HON. FRANK ALLISON RUSSELL |
| COURT FROM WHICH APPEALED: | LEE COUNTY CIRCUIT COURT |
| ATTORNEYS FOR APPELLANT: | WAYNE HOUSLEY ROY J. FARRELL |
| ATTORNEY FOR APPELLEE: | OFFICE OF THE ATTORNEY GENERAL BY: DEIRDRE MCCRORY |
| DISTRICT ATTORNEY: | ROWLAND GEDDIE, JR. |
| NATURE OF THE CASE: | CRIMINAL - FELONY |
| TRIAL COURT DISPOSITION: | CT 1 BURGLARY & LARCENY: CT 3 AGGRAVATED ASSAULT; CT'S 4, 5 & 6 KIDNAPPING: CT 1 7 YRS; CT 3 20 YRS, 10 YRS SUSPENDED; CT'S 4, 5 & 6 30 YRS EACH CT; CT 3 CONSECUTIVE TO CT'S 4,5 & 6; CT 1 CONCURRENT TO CT 3 & CONSECUTIVE TO CT'S 4, 5 & 6 |
| DISPOSITION: | REVERSED AND REMANDED - 10/21/97 |
| MOTION FOR REHEARING FILED: | |
| CERTIORARI FILED: | |
| MANDATE ISSUED: | 11/12/97 |

BEFORE BRIDGES, C.J., DIAZ, HINKEBEIN, AND KING, JJ.

DIAZ, J., FOR THE COURT:

Jerry Lockridge was convicted of burglary and larceny, aggravated assault, and kidnapping. He appeals arguing (1) that the lower court erred in allowing Lockridge to represent himself, (2) that Lockridge's right to a speedy trial was violated, and (3) that the verdict was against the

overwhelming weight of the evidence. Finding that the lower court committed reversible error in failing to apprise Lockridge of the risks inherent in proceeding with his case pro se, we reverse and remand for a new trial in accordance with this opinion.

FACTS

On July 20, 1992, Reed's Jewelers in Tupelo was burglarized, and Jerry Lockridge was shortly thereafter arrested and charged with crimes arising from the incident. On August 24, 1995, Lockridge appeared before the court and informed the judge that he wished to represent himself at trial. On the day of trial, Lockridge decided to forego his previous request for self-representation by requesting that the court-appointed attorney represent him. The trial judge refused to grant Lockridge's request, stating that Lockridge's decision to go forward without counsel was already made at the hearing the previous week.

DISCUSSION

I. DID THE TRIAL COURT ERR IN ALLOWING LOCKRIDGE TO REPRESENT HIMSELF?

Lockridge argues that the trial court denied him his constitutional right to representation. Where an accused states his intention to proceed pro se, the United States Supreme Court has indicated that the trial judge should make the accused "aware of the dangers and disadvantages of self-representation, so that the record will establish that 'he knows what he is doing and his choice is made with eyes open.'" *Faretta v. California*, 422 U.S. 806, 835 (1975) (quoting *Adams v. United States ex rel. McCann*, 317 U.S. 269, 279 (1942)). Furthermore, Mississippi's Uniform Circuit and County Court Rule 8.05 places an affirmative duty on the lower court to determine whether the defendant knowingly and voluntarily desires to represent himself. The judge in the case at bar made no effort to inquire into Lockridge's understanding of the criminal justice system and to ascertain whether or not he fully understood the possible consequences from such a decision. Consequently, the judge's failure to thoroughly investigate Lockridge's decision to represent himself and to advise him of the likely repercussions resulted in reversible error.

II. WAS LOCKRIDGE'S RIGHT TO A SPEEDY TRIAL VIOLATED?

Lockridge also claims that he was tried in violation of his constitutional right to a speedy trial. On the day of trial, Lockridge filed a motion to dismiss the indictment against him, alleging that he had been prejudiced by the delay. The trial court gave Lockridge an opportunity to present proof in support of the motion; however, Lockridge simply made allegations concerning the merits of the case. He said nothing to apprise the trial court or the State of his Sixth Amendment speedy-trial claim. As a result, the trial judge overruled his motion. "Under Mississippi law, an appellant is not entitled to raise a new issue on appeal, since to do so prevents the trial court from having an opportunity to address the alleged error." *Dunn v. State*, 693 So. 2d 1333, 1339 (Miss. 1997) (quoting *Crowe v. Smith*, 603 So. 2d 301, 305 (Miss. 1992)). This Court will not place a trial judge in error when he was not given an opportunity to address the matter. *Robinson v. State*, 662 So. 2d 1100, 1104 (Miss. 1995). Of course, this is not to say that Lockridge is precluded from raising his Sixth Amendment speedy-trial claim on remand. If he chooses to make such an argument, the State must then show good reason for the alleged delay in proceedings.

Summary

We find that the lower court committed reversible error in failing to advise Lockridge of the consequences of representing himself at trial. Therefore, we need not address his remaining issues.

THE JUDGMENT OF THE LEE COUNTY CIRCUIT COURT IS REVERSED AND REMANDED. ALL COSTS OF THIS APPEAL ARE TAXED TO LEE COUNTY.

BRIDGES, C.J., McMILLIN AND THOMAS, P.JJ., COLEMAN, HERRING, HINKEBEIN, KING, PAYNE, AND SOUTHWICK, JJ., CONCUR.