

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

**NO. 2013-CP-01825-COA**

**ALBERT LEE NORWOOD A/K/A ALBERT  
NORWOOD**

**APPELLANT**

**v.**

**STATE OF MISSISSIPPI**

**APPELLEE**

DATE OF JUDGMENT:	11/22/2013
TRIAL JUDGE:	HON. JOHN C. GARGIULO
COURT FROM WHICH APPEALED:	HARRISON COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	ALBERT LEE NORWOOD (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: SCOTT STUART
NATURE OF THE CASE:	CIVIL - OTHER
TRIAL COURT DISPOSITION:	MOTION FOR RECORDS AND TRANSCRIPT DENIED
DISPOSITION:	APPEAL DISMISSED – 03/03/2015
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

**BEFORE LEE, C.J., BARNES AND MAXWELL, JJ.**

**MAXWELL, J., FOR THE COURT:**

¶1. Albert Norwood appeals the circuit court’s denial of his request for documents from his guilty plea. Because his document request was not part of a direct appeal or motion for post-conviction relief, we lack jurisdiction. We thus dismiss.

**Facts and Procedural History**

¶2. On April 9, 2012, Norwood pled guilty to failing to re-register as a convicted sex

offender.<sup>1</sup> The judge sentenced him to serve four years, with credit for time served.

¶3. On October 15, 2013, Norwood mailed a letter to the circuit court asking for various documents from his failure-to-register case. The court treated Norwood's letter as a motion and denied his request, noting he failed to show good cause for free documents. Norwood appealed.<sup>2</sup>

### Discussion

¶4. “Jurisdiction is a question of law[,] which this Court reviews de novo.” *Bullock v. State*, 1 So. 3d 941, 942 (¶4) (Miss. Ct. App. 2009) (quoting *Trustmark Nat'l Bank v. Johnson*, 865 So. 2d 1148, 1150 (¶8) (Miss. 2004)). There are two avenues of appeal for a criminal defendant—(1) a direct appeal from the conviction and (2) an appeal from a post-conviction relief (PCR) motion. *Shanks v. State*, 906 So. 2d 760, 761 (¶3) (Miss. Ct. App. 2004). Norwood forfeited his right to a direct appeal when he pled guilty. Miss. Code Ann. § 99-35-101 (Supp. 2014). So his only available avenue was to bring a PCR motion. *Bullock*, 1 So. 3d at 943 (¶5). But he failed to do so.

¶5. What he was really doing here was fishing for documents. However, the Uniform Post-Conviction Collateral Relief Act (UPCCRA) does not give a prisoner “the right to

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<sup>1</sup> Norwood was previously convicted of sexual battery. As a sex offender, Norwood had to register with the responsible agency and the Mississippi Department of Public Safety. *See* Miss. Code Ann. § 45-33-25(1)(a) (Supp. 2014). Norwood was also required to re-register every ninety days. *See* Miss. Code Ann. § 45-33-31 (Supp. 2014).

<sup>2</sup> Norwood raises several issues on appeal that were not raised below, which we decline to address.

institute an independent, original action for a free transcript or other documents, and then if dissatisfied with the trial court’s ruling, to directly appeal that ruling to the appellate court as a separate and independent action.” *Id.* at (¶7).

¶6. But Norwood does have the option of requesting documents as part of a PCR motion. *Id.* at (¶6). If Norwood files a proper and timely PCR motion—and it withstands summary dismissal under Mississippi Code Annotated section 99-39-11(2) (Supp. 2014)—he then “may be entitled to trial transcripts or other relevant documents under the discovery provisions of [section] 99-39-15, upon good cause shown and in the discretion of the trial judge.” *Bullock*, 1 So. 3d at 943 (¶6).

¶7. We thus dismiss for lack of appellate jurisdiction.

**¶8. THIS APPEAL IS DISMISSED WITHOUT PREJUDICE DUE TO LACK OF JURISDICTION. ALL COSTS OF THIS APPEAL ARE ASSESSED TO HARRISON COUNTY.**

**LEE, C.J., IRVING AND GRIFFIS, P.JJ., BARNES, ISHEE, ROBERTS, CARLTON, FAIR AND JAMES, JJ., CONCUR.**