IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CP-01174-COA

CHARLES ISSAC FISHER, JR. A/K/A CHARLES I. FISHER, JR. A/K/A CHARLES FISHER — **APPELLANT**

v.

STATE OF MISSISSIPPI — **APPELLEE**

DATE OF JUDGMENT:	08/27/2025
TRIAL JUDGE:	HON. GRADY FRANKLIN TOLLISON III
COURT FROM WHICH APPEALED:	CALHOUN COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	CHARLES ISSAC FISHER JR. (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: ASHLEY LAUREN SULSER
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
DISPOSITION:	AFFIRMED - 10/27/2026
MOTION FOR REHEARING FILED:	

BEFORE CARLTON, P.J., McDONALD AND LAWRENCE, JJ.

CARLTON, P.J., FOR THE COURT:

¶1. Charles Fisher appeals from the Calhoun County Circuit Court's order denying his motion for post-conviction collateral relief (PCR). Finding no error, we affirm the circuit court's order.

FACTS

¶2. In 2022, Fisher entered an *Alford*[1] plea to three counts of kidnapping and three counts of aggravated assault. The transcript of the plea colloquy shows that the circuit court advised

[1] *North Carolina v. Alford*, 400 U.S. 25, 37-38 & n.10 (1970) (holding that a court may accept a guilty plea even if the defendant maintains his innocence, provided there is a factual basis for the plea, and the defendant voluntarily and intelligently concludes it is in his best interest to plead guilty).

Fisher of the charges against him, his constitutional rights, and the consequences of entering an *Alford* plea. Fisher responded that he understood. After determining that Fisher's plea was "freely, knowingly, and voluntarily" entered, the circuit court accepted the plea and sentenced Fisher to consecutive terms totaling fifty-one years to serve in the custody of the Mississippi Department of Corrections (MDOC).[2]

¶3. In May 2025, Fisher filed a PCR motion in the circuit court, asserting claims of a defective indictment, ineffective assistance of counsel, due process violations, an involuntary guilty plea, and newly discovered evidence. On August 27, 2025, the circuit court entered an order denying Fisher's PCR motion after finding that it "plainly appears from the face of the motion and prior proceedings that [Fisher] is not entitled to any relief."

¶4. Fisher now appeals the circuit court's denial of his PCR motion.[3] However, on

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[2] For his three kidnapping convictions, the circuit court sentenced Fisher to two ten-year terms and one fifteen-year term, all to be served consecutively in the custody of the MDOC. For his three aggravated assault convictions, the circuit court sentenced Fisher to one twelve-year term and two eight-year terms, all to be served consecutively in the custody of the MDOC. For the two eight-year aggravated assault sentences, the circuit court suspended six years of each sentence, with only two years to serve on each sentence.

[3] The record shows that Fisher filed his notice of appeal more than thirty days after the date of entry of the circuit court's August 27, 2025 order denying his PCR motion. *See* M.R.A.P. 4(a) ("[T]he notice of appeal . . . shall be filed with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from."); M.R.A.P. 2(a)(1) ("An appeal shall be dismissed if the notice of appeal was not timely filed pursuant to Rules 4 or 5."). The Mississippi Supreme Court Clerk entered a show-cause notice requiring Fisher to show cause as to why the appeal should not be dismissed as untimely filed. Fisher filed his response to the show-cause notice, and on November 4, 2025, this Court entered an order stating that "[a]fter consideration, we find that Fisher's appeal shall be allowed to proceed." *See* M.R.A.P. 2(c) (This Court may suspend the deadline to appeal in post-conviction appeals "[i]n the interest of expediting decision, or for other good cause shown . . . .").

appeal, Fisher abandons the claims he asserted in his PCR motion. Instead, he challenges the sufficiency and the weight of the evidence against him.

STANDARD OF REVIEW

¶5. When reviewing "a circuit court's dismissal or denial of a PCR motion, we decline to reverse unless the circuit court's decision is clearly erroneous. We review questions of law de novo." *Farris v. State*, 394 So. 3d 1028, 1030 (¶4) (Miss. Ct. App. 2024) (citations and internal quotation marks omitted).

DISCUSSION

¶6. On appeal, Fisher abandons the issues he originally raised in his PCR motion and instead raises new issues that he failed to bring before the circuit court. "Issues not raised in [a] motion for post-conviction relief are procedurally barred on appeal." *Bland v. State*, 312 So. 3d 417, 419 (¶11) (Miss. Ct. App. 2021). Additionally, "issues raised for the first time on appeal are procedurally barred from review as they have not first been addressed by the trial court." *Id*. "A trial judge will not be found in error on a matter not presented to him for decision." *Id*.

¶7. In his appellate brief, Fisher argues that the State failed to present sufficient evidence to establish the essential elements of kidnapping and aggravated assault and that the "verdict" is against the overwhelming weight of the evidence.[4] Even if Fisher's sufficiency and weight of the evidence claims were not procedurally barred due to his failure to raise them before the circuit court, we find that Fisher still waived these claims due to his entry of a valid guilty

[4] In his brief, Fisher references a jury and a trial; however, as stated, Fisher pleaded guilty to the charges at issue.

plea. *Grissom v. State*, 66 So. 3d 1280, 1282 (¶6) (Miss. Ct. App. 2011) ("A valid guilty plea waives the right to challenge the sufficiency of the State's evidence.").

¶8. After our review, we find that all of Fisher's arguments on appeal are procedurally barred. Fisher abandoned the issues he argued in his PCR motion and presented new issues that were not brought before the circuit court. Additionally, we find that "the record reflects [Fisher's] initial satisfaction with his guilty plea." *Bland*, 312 So. 3d at 420 (¶13). For these reasons, we affirm the circuit court's order denying Fisher's PCR motion.

¶9. **AFFIRMED.**

BARNES, C.J., WILSON, P.J., WESTBROOKS, McDONALD, LAWRENCE, McCARTY, EMFINGER, WEDDLE AND LASSITTER ST. PÉ, JJ., CONCUR.