

Serial: 173642

IN THE SUPREME COURT OF MISSISSIPPI

No. 2011-TS-00831

PAUL RICKS

Appellant

v.

STATE OF MISSISSIPPI

Appellee

ORDER

This matter came before the Court, *en banc*, on the Motion to Dismiss Appeal filed by the State of Mississippi. On April 6, 2011, a panel of this Court granted the Petition for Interlocutory Appeal filed by Paul Ricks, by which Ricks appealed an interlocutory order entered by the County Court of Rankin County in its case No. 2006-921, styled *State of Mississippi, Ex Rel. v. Sixty-Nine Thousand nine Hundred Seventy-Five Dollars (\$69,975.00) in United States Currency and Six Thousand Three Hundred Fifteen Dollars (\$6315.00) in United States Currency*. This Court assigned it case No. 2011-IA-00280. Subsequent to granting the interlocutory appeal, the county court entered a final judgment in its case No. 2006-921. On May 27, 2011, Ricks filed a Notice of Appeal with this court, seeking a direct appeal from the county court's final judgment. The State of Mississippi seeks to have this Court dismiss the direct appeal, arguing that it should have been filed with the Circuit Court of Rankin County. We agree the direct appeal should have been filed in the circuit court. Nonetheless, dismissal is not warranted. Rather, the Court finds that the interlocutory appeal (case No. 2011-IA-00280) should be consolidated with the direct appeal (case No. 2011-TS-

00831) and both remanded to the Circuit Court of Rankin County for consideration of all issues.

IT IS THEREFORE ORDERED that the Motion to Dismiss Appeal, filed by the State of Mississippi, is hereby denied.

IT IS FURTHER ORDERED that the interlocutory appeal currently pending before this Court in case No. 2011-IA-00280 shall be consolidated with the instant case.

IT IS FURTHER ORDERED that the consolidated cases shall be remanded to the Circuit Court of Rankin County for consideration of all issues.

SO ORDERED, this the 13th day of December, 2011.

/s/ Michael K. Randolph

MICHAEL K. RANDOLPH, JUSTICE
FOR THE COURT

AGREED: ALL JUSTICES.