

Court of Appeals to convene at Mississippi State University Nov. 13

November 9, 2012

The Mississippi Court of Appeals will hear oral arguments on the campus of Mississippi State University at 10:30 a.m. and 1:30 p.m. Nov. 13. A three-judge panel of the court will convene at the Hunter Henry Center on the Starkville campus.

Judges will hear a criminal appeal from Neshoba County and a civil appeal from DeSoto County.

The Court of Appeals periodically schedules oral arguments on college campuses and occasionally at other locations as a teaching tool for students. It is known as the Court on the Road program.

Judge Larry Roberts noted that the Mississippi Court of Appeals has statutory authority to hear cases in locations other than its Jackson courtrooms. The court uses that authority to convene in places which present educational opportunities. The oral arguments are open to students and the general public.

Judge Roberts said, "This gives students an opportunity to witness oral arguments in pending cases. It gives students and the general public an opportunity to better understand the judicial system and the function of the appellate courts."

Judges will answer questions from students after each oral argument, but will not talk about the cases.

The Court of Appeals began the Court on the Road program as a part of its regular calendar for oral arguments in 2005. The trip to MSU is an annual event for the court.

Chief Judge Joe Lee this year increased the number of college campus and county courthouse visits. The Court of Appeals convened at Mississippi College School of Law and the University of Mississippi School of Law this past April, at the Adams County Courthouse in Natchez on Aug. 8, and at Jones County Junior College on Sept. 11. The court heard arguments at the University of Southern Mississippi on Oct. 4 and at Mississippi Valley State University on Oct. 9.

Oral arguments will be heard at 10:30 a.m. Nov. 13 in the appeal of Christopher Lamar Smith v. State of Mississippi, Case No. 2011-KA-1485. Oral arguments are scheduled at 1:30 p.m. in the case of Murphy & Sons Inc. and Panola Construction Co. Inc. v. DeSoto County Board of Supervisors, Case No. 2011-CA-1899.

People wishing to watch the oral arguments are asked to be in their seats 15 minutes before the arguments are scheduled to begin. Each oral argument is expected to last approximately an hour. The appellant and appellee are each allowed 30 minutes.

Smith was convicted by a Neshoba County Circuit Court jury on charges of aggravated assault and possession of a firearm by a convicted felon. Testimony showed that Smith shot his girlfriend's 60-year-old grandmother at her home on Feb. 16, 2010. Circuit Judge Marcus Gordon at a July 8, 2010, sentencing hearing ordered Smith to serve 35 years in prison, including 20 years for aggravated assault, a sentencing enhancement of 10 years for use of a firearm while being a convicted felon, and five years for possession of a firearm

by a convicted felon. The 10-year sentencing enhancement was based on Smith's Feb. 13, 2001, Scott County conviction of aggravated assault with a firearm.

Attorney Edmund J. Phillips Jr. of Newton represents Smith. Special Assistant Attorney General Billy L. Gore represents the Attorney General's office.

The civil case of Murphy & Sons Inc. and Panola Construction Co. Inc. v. DeSoto County Board of Supervisors involves the awarding of a contract to build a jail. The Board of Supervisors on June 6, 2011, awarded the contract to the third-lowest bidder. The Board rejected the two lowest bids as having failed to comply with all requirements of the bid specifications. The two lowest bidders, Murphy & Sons and Panola Construction, appealed. Circuit Judge Gerald W. Chatham Sr. ruled in favor of the Board. The appeal by Murphy and Panola is now before the Court of Appeals

Attorney E. Stephen Williams of Jackson is expected to argue on behalf of Murphy and Panola. Attorney Anthony Nowak of Hernando is expected to present oral arguments on behalf of the DeSoto County Board of Supervisors.

The oral arguments will not be broadcast via the court's Internet web site, since the Court of Appeals is convening a special session away from its camera-equipped courtroom.

Any media organization which may wish to photograph or videotape the arguments must file a Camera Coverage Notice at least 48 hours prior to the commencement of the proceedings. Camera Coverage Notices should be directed to Clerk of the Court Kathy Gillis, fax 601-359-2407, and to Assistant Court Administrator Katie Cassady, fax 601-576-4708. The Camera Coverage Notice form is at <http://courts.ms.gov/forms/camnotice.pdf>.

Photographers and videographers should be familiar with and follow the Rules for Electronic and Photographic Coverage of Judicial Proceedings. The camera coverage rules are available on the Mississippi Judiciary web site at http://courts.ms.gov/rules/msrulesofcourt/rules_electronicphotographic_coverage.pdf.

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