

## **Court of Appeals to visit Pearl River Community College, USM and MSU**

September 8, 2014

The Mississippi Court of Appeals will begin its fall schedule of college campus visits when it convenes on the campus of Pearl River Community College on Sept. 24. A three-judge panel will hear oral arguments in a criminal case at 1:30 p.m. at the Ethel Holden Brownstone Center for the Arts on the Poplarville campus.

The Court of Appeals also will convene on the campus of the University of Southern Mississippi to hear cases on Nov. 14, and on the campus of Mississippi State University on Nov. 18.

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

It will be the first time that the court will convene on the Pearl River Community College campus.

Court of Appeals Chief Judge L. Joseph Lee said the Court on the Road program helps educate students and the public about appeals court proceedings which they otherwise would have little opportunity to see. The program gives appellate judges an opportunity to talk about how the court operates. Judges take questions from the students after the oral arguments, although they don't talk about the pending cases.

Oral arguments will be heard Sept. 24 in the case of Clarence Dwayne Jefferson v. State of Mississippi, case number 2013-KA-02048-COA. Jefferson was stopped at a safety checkpoint on Mississippi Highway 13 in Columbia on Oct. 15, 2012. A Marion County Circuit Court jury convicted him on Oct. 17, 2013, of third offense driving under the influence of alcohol. Third offense DUI is a felony. Circuit Court Judge Prentiss G. Harrell sentenced Jefferson to four years to serve and one year suspended.

Jefferson is represented by Benjamin A. Suber of the Indigent Appeals Division of the Office of State Public Defender. Suber in the brief argues that evidence was insufficient to convict Jefferson of felony DUI, and pointed out discrepancies in the age and address information from two prior DUI convictions from Petal Municipal Court and Marion County Justice Court.

Special Assistant Attorney General Stephanie B. Wood, who will represent the state, argued in a brief that the name and Social Security number matched on all three charges. The two prior charges occurred one day apart – Jan. 17, 2010, in Petal, and Jan. 18, 2010, in Marion County.

Jefferson's appellant brief is available on the Mississippi Judiciary web site at this link: [http://courts.ms.gov/Images/Orders/dc00001\\_live.COA.13.KA.2048.12775.0.pdf](http://courts.ms.gov/Images/Orders/dc00001_live.COA.13.KA.2048.12775.0.pdf). The reply brief filed by the office of the Attorney General is available at this link: [http://courts.ms.gov/Images/Orders/dc00001\\_live.COA.13.KA.2048.15909.0.pdf](http://courts.ms.gov/Images/Orders/dc00001_live.COA.13.KA.2048.15909.0.pdf).

The Court of Appeals on May 13 affirmed a felony DUI conviction against Jefferson in a separate case. Jefferson was charged with felony DUI after attempting to avoid a safety checkpoint on U.S. Highway 98 on Dec. 10, 2011, according to court records. Jefferson was convicted April 12, 2013, in Marion County Circuit Court. The Court of Appeals affirmed a five-year sentence, \$1,000 fine and \$3,500 payment to the Marion County Public Defender's Fund.

The court opinion in that separate case can be viewed at this link: <http://courts.ms.gov/Images/Orders/CO93628.pdf>

The Sept. 24 oral arguments are expected to last approximately an hour. The appellant and appellee are each allowed 30 minutes.

The Court of Appeals will hear oral arguments in two criminal appeals on Nov. 18 starting

at 1:30 p.m. and 3 p.m. The court will convene at the Hunter Henry Center at Mississippi State University. Cases to be heard are Ryan Nicholas O'Donnell v. State, case number 2013-KA-1715, and Curtis Leslie v. State, 2013-KA-01790.

O'Donnell was arrested in a Biloxi hotel on Feb. 24, 2012, on a charge of possession of a controlled substance, less than 2 grams of methamphetamine. A Harrison County Circuit Court jury convicted O'Donnell, and Circuit Judge Roger T. Clark sentenced him on Aug. 7, 2013, to eight years in prison, without parole.

O'Donnell and Leslie are represented by third-year law students participating in the University of Mississippi School of Law Criminal Appeals Clinic under the supervision of Phil Broadhead, clinical professor and director. The cases are referred by the state Office of Indigent Appeals.

The appellant's brief filed on behalf of O'Donnell may be viewed at this link: [http://courts.ms.gov/Images/Orders/dc00001\\_live.COA.13.KA.1715.11617.0.pdf](http://courts.ms.gov/Images/Orders/dc00001_live.COA.13.KA.1715.11617.0.pdf). The Attorney General's brief is at this link: [http://courts.ms.gov/Images/Orders/dc00001\\_live.COA.13.KA.1715.15387.0.pdf](http://courts.ms.gov/Images/Orders/dc00001_live.COA.13.KA.1715.15387.0.pdf).

Leslie was convicted of armed carjacking involving an April 4, 2011, incident in Benoit in Bolivar County. Circuit Judge Charles Webster sentenced him to 15 years in prison on Oct. 8, 2013.

The appellant's brief filed on behalf of Leslie is at this link: [http://courts.ms.gov/Images/Orders/dc00001\\_live.COA.13.KA.1790.11611.0.pdf](http://courts.ms.gov/Images/Orders/dc00001_live.COA.13.KA.1790.11611.0.pdf). The Attorney General's brief is at this link: [http://courts.ms.gov/Images/Orders/dc00001\\_live.COA.13.KA.1790.15090.0.pdf](http://courts.ms.gov/Images/Orders/dc00001_live.COA.13.KA.1790.15090.0.pdf).

Cases to be heard by the court at the University of Southern Mississippi on Nov. 14 will be announced later.

People wishing to watch the proceedings are asked to be in their seats 15 minutes before the oral arguments are scheduled to begin.

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. Camera Coverage Notices should be directed to Clerk of the Courts Muriel Ellis, fax 601-359-2407, and to Assistant Court Administrator Katie Cassady, fax 601-576-4708. The Camera Coverage Notice form is at <http://www.mssc.state.ms.us/forms/camnotice.pdf> <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](http://courts.ms.gov/rules/msrulesofcourt/rules_electronicphotographic_coverage.pdf).

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