

IN THE CIRCUIT COURT OF PONTOTOC COUNTY MISSISSIPPI

ERIC LAQUINNE BROWN

PETITIONER

V.

CAUSE NO. CV00-113-G-PO

STATE OF MISSISSIPPI

RESPONDENT

FILED

ORDER DENYING PETITIONER, ERIC LAQUINNE BROWN'S
PETITION FOR POST CONVICTION RELIEF

MAY 08 2017

Cindy J. Donna
CIRCUIT COURT
PONTOTOC COUNTY

THIS CAUSE comes before this Court on Petitioner's Petition for Post-Conviction Collateral Relief filed pursuant to Mississippi Code Annotated §99-39-1, *et seq.* On November 22, 1999, the Petitioner entered pleas of guilty in Pontotoc County Cause No. 99-100, Counts I and II. In Count I of Cause No. 99-100, Petitioner was charged with the offense of murder. Petitioner was sentenced to life in the custody of the Mississippi Department of Corrections. In Count II, the Petitioner was charged with the offense of manslaughter of an unborn male child. Petitioner was sentenced to twenty (20) years in the custody of the Mississippi Department of Corrections. The sentences imposed in Counts I and II were imposed to run concurrent with each other.

A second, and in this case fifth, Petition for Post-Conviction Relief is procedurally barred as a successive writ absent relevant exceptions as promulgated in *Miss. Code Ann.* §99-39-23(6). *Jones v. State*, 995 So.2d 822 (Miss. 2008). To be exempted from the three-year limitations period and successive-writ bar to post-conviction relief motions, a movant must show one of the following: (1) an intervening decision of the United States Supreme Court or the Mississippi Supreme Court adversely affecting the outcome of his conviction or

Ex. A.

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sentence; (2) new evidence, not reasonably discoverable at trial, which would have caused a different result in the conviction or sentence; or (3) that either his sentence has expired or his parole, probation, or conditional release has been unlawfully revoked. *Smith v. State*, 118 So.3d 180 (Miss. Ct. App. 2013).

The Petitioner has once again raised the issue of whether his due process rights were violated by the Court's failure to conduct a formal competency hearing prior to the acceptance of his plea of guilty. The Mississippi Court of Appeals has conclusively decided this issue. *Brown v. State*, 98 So. 3d 325 (Miss. Ct. App. 2015) (*Writ of Certiorari* denied August 30, 2016.) As such, even though this issue may not be subject to the procedural bar, it has been conclusively determined by the appellate courts. In so much, as it is excepted, the Court has reviewed the merits of the issue and finds that it should still be summarily dismissed.

THEREFORE, IT IS ORDERED AND ADJUDGED, that the Petition for Post-Conviction Relief is **DISMISSED**.

SO ORDERED AND ADJUDGED, this the 30 day of March, 2017.


THOMAS J. GARDNER, III
CIRCUIT JUDGE

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CIRCUIT COURT
PONTOTOC COUNTY
Cindy DiDonna, DC
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CIRCUIT COURT
PONTOTOC COUNTY

Cindy DiDonna, DC

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2017-CP-00620-COA

ERIC LAQUINNE BROWN A/K/A ERIC L.
BROWN A/K/A ERIC BROWN

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT: 04/10/2017
TRIAL JUDGE: HON. THOMAS J. GARDNER III
COURT FROM WHICH APPEALED: PONTOTOC COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT: ERIC LAQUINNE BROWN (PRO SE)
ATTORNEY FOR APPELLEE: OFFICE OF THE ATTORNEY GENERAL
BY: JOSEPH SCOTT HEMLEBEN
NATURE OF THE CASE: CIVIL - POST-CONVICTION RELIEF
DISPOSITION: AFFIRMED: 05/22/2018
MOTION FOR REHEARING FILED:
MANDATE ISSUED:

BEFORE LEE, C.J., CARLTON, FAIR AND WESTBROOKS, JJ.

FAIR, J., FOR THE COURT:

¶1. In 1999, Eric Brown pled guilty to killing his girlfriend and their unborn child. This is his fifth motion for post-conviction relief. Brown contends that under *Sanders v. State*, 9 So. 3d 1132, 1136 (¶16) (Miss. 2009), he should not have been allowed to plead guilty without an on-the-record competency hearing. He has raised this issue before, and we found Brown's claims time- and successive-writ barred because *Sanders* does not apply retroactively. *Brown v. State*, 198 So. 3d 325, 325 (¶1) (Miss. Ct. App. 2015). For the same reasons as before, we affirm the dismissal of this latest PCR motion.

¶2. AFFIRMED.

E. B.

E. B.

Serial: 222127

FILED

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IN THE SUPREME COURT OF MISSISSIPPI

No. 2017-CT-00620-SCT

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

**ERIC LAQUINNE BROWN A/K/A ERIC
L. BROWN A/K/A ERIC BROWN**

Appellant/Petitioner

v.

STATE OF MISSISSIPPI

Appellee/Respondent

ORDER

Before the Court is Eric Brown's Petition for Writ of Certiorari. After due consideration, the Court finds the petition should be denied.

IT IS THEREFORE ORDERED that Eric Brown's Petition for Writ of Certiorari is hereby denied.

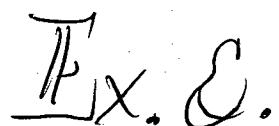
SO ORDERED, this the 31 day of October, 2018.



ROBERT P. CHAMBERLIN, JUSTICE

TO DENY: WALLER, C.J., RANDOLPH, P.J., KING, COLEMAN, MAXWELL, BEAM, CHAMBERLIN AND ISHEE, JJ.

TO GRANT: KITCHENS, P.J.



**Additional material
from this filing is
available in the
Clerk's Office.**