

APPENDIX - A₍₁₎

FILED

Serial: 226868

IN THE SUPREME COURT OF MISSISSIPPI

JUL 30 2019

No. 2015-M-00654

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

JACKIE RAY PATRICK

Petitioner

v.

STATE OF MISSISSIPPI

Respondent

ORDER

Now before the panel of Randolph, C.J., Coleman and Beam, JJ., is Jackie Ray Patrick's Application for Leave to File Motion for Post-Conviction Relief.

Patrick's convictions and sentences were affirmed on appeal, and the mandate issued on February 3, 2000. *Patrick v. State*, 754 So. 2d 1194 (Miss. 2000). Patrick's third application for post-conviction relief is time-barred and barred as a successive writ. *See* Miss. Code Ann. §§ 99-39-5(2), 99-39-27(6); *see also* Order, *Patrick v. State*, 2015-M-00654 (Miss. May 27, 2015); Order, *Patrick v. State*, 2003-M-00828 (Miss. Aug. 14, 2003).

Now, Patrick argues that his indictment fails to include the grand jury foreman's signature and that the crime of armed robbery is not an offense under Mississippi law. The issues are without merit. *See Johnson v. State*, 196 So. 3d 1118, 1120-21 (Miss. Ct. App. 2016) (citing *Jones v. State*, 356 So. 2d 1182, 1183 (Miss. 1978) (failure to raise a nonjurisdictional defect waives the issue on appeal); *see also* Miss. Code Ann. § 99-7-9 (listing the essential elements of armed robbery). His claims also are not recognized as exceptions to the procedural bars. *See Rowland v. State*, 98 So. 3d 1032, 1036 (Miss. 2012), *overruled on other*

APPENDIX - A₍₂₎

grounds by *Carson v. State*, 212 So. 3d 22 (Miss. 2016) (recognizing double jeopardy, illegal sentence, and denial of due process at sentencing as fundamental-rights exceptions). After due consideration, we find Patrick's application should be denied.

IT, THEREFORE, IS ORDERED that Jackie Ray Patrick's Application for Leave to File Motion for Post-Conviction Relief is hereby denied.

SO ORDERED, this the 29 day of July, 2019.



MICHAEL K. RANDOLPH, CHIEF JUSTICE