

In the  
Supreme court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

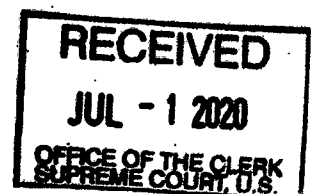
Certificate  
OF  
unrelated Party  
Rule 44.2

To: Scott S. Harris, Clerk,

This is to certify that Mr. Darek Antonio Chester, D.O.C. Number R-2129, have been helping Victor Dewayne Jones, D.O.C. Number 81756 with his Legal Proceedings, Because of his mental state, and that Mr. Jones' grounds are limited to intervening circumstances (subject to change), and Mr. Jones' Petition has been Presented to this court in Good Faith and not delayed, And that Mr. Jones' M.D.C.'s Legal assistance is very limited, as to Proper documents as using a Certiorari Petition to File his Rehearing. And ask for the Supreme Court's indulgence in this matter.

Signed this, the 18th day of June, 2020

By Darek A. Chester  
M.D.C. NO. R-2129



**IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI**

**VICTOR D. JONES**

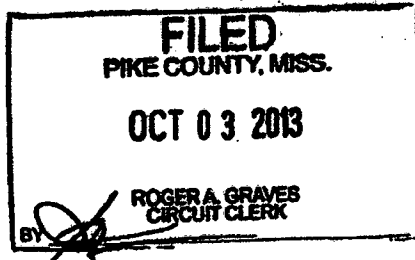
**PETITIONER**

**v.**

**CAUSE NO. 11-084-PCS**

**STATE OF MISSISSIPPI**

**RESPONDENT**



**ORDER**

This cause is before the Court on petitioner's Motion for Post-Conviction Relief filed *pro se* by Victor D. Jones, August 30, 2013, pursuant to section 99-39-1 et. seq. (Miss. Code Annotated).

In his motion, Jones claims that his right to due process was violated, that his guilty plea was involuntarily entered, and that defense counsel rendered ineffective assistance, all based on the premise that he was mentally incompetent to enter a guilty plea to the crime of sexual battery in underlying Pike County criminal causes, 04-198-KB and 04-199-KB.

The motion is substantively identical to three previously filed motions which have all been denied. In 2011 this court denied a motion for post-conviction relief, enumerating the same issues Mr. Jones raises in the motion at bar. The Mississippi Court of Appeals affirmed, and the Mississippi Supreme Court affirmed in part, and reversed in part. The Supreme Court found that the issues were procedurally barred due to the doctrine of res judicata, and the statute of limitations, and reversed this court's ruling that it did not have jurisdiction.

*Approved A*

Accordingly, this court finds that it has jurisdiction to hear the subject motion, that said motion is procedurally barred as a successive writ, and that said motion is time barred. For the foregoing reasons the motion should be, and is hereby denied.

This order shall be placed in the court file of the above styled case and a stamped "filed" copy of this order shall be forwarded to all parties and attorneys of record by the Clerk of this Court.

SO ORDERED AND ADJUDGED this the 2 day of Oct  
2013.

  
CIRCUIT COURT JUDGE

DAVID H. STRONG  
Circuit Court Judge  
Post Office Drawer 1387  
McComb, Mississippi 39649  
Phone: (601) 684-3400  
Facsimile: (601) 684-2700  
Mississippi Bar Number: 9664

**Supreme Court of Mississippi**  
**Court of Appeals of the State of Mississippi**  
*Office of the Clerk*

Kathy Gillis  
Post Office Box 249  
Jackson, Mississippi 39205-0249  
Telephone: (601) 359-3694  
Facsimile: (601) 359-2407

(Street Address)  
450 High Street  
Jackson, Mississippi 39201-1082  
e-mail: [sctclerk@mssc.state.ms.us](mailto:sctclerk@mssc.state.ms.us)

April 2, 2013

This is to advise you that the Mississippi Court of Appeals rendered the following decision on the 2nd day of April, 2013.

Court of Appeals Case # 2011-CP-01254-COA  
Trial Court Case # 11-084-PCS

Victor D. Jones a/k/a Victor Dewayne Jones v. State of Mississippi

The motion for rehearing is denied. James, J., not participating. Order entered.

**\* NOTICE TO CHANCERY/CIRCUIT/COUNTY COURT CLERKS \***

If an original of any exhibit other than photos was sent to the Supreme Court Clerk and should now be returned to you, please advise this office in writing immediately.

**Please note: Pursuant to MRAP 45(c), amended effective July, 1, 2010, copies of opinions will not be mailed. Any opinion rendered may be found at [www.mssc.state.ms.us](http://www.mssc.state.ms.us) under the Quick Links/Supreme Court/Decision for the date of the decision or the Quick Links/Court of Appeals/Decision for the date of the decision.**

Appendix B

**Orders on Motions**

**5:19-cv-00066-DCB-LRA Jones v. Arrington CASE CLOSED  
on 08/16/2019**

**CLOSED,APPEAL,HABEAS,ADMINISTRATIVE,CASREF,LRA**

**U.S. District Court**

**Southern District of Mississippi**

**Notice of Electronic Filing**

The following transaction was entered on 10/25/2019 at 4:46 PM CDT and filed on 10/25/2019

**Case Name:** Jones v. Arrington

**Case Number:** 5:19-cv-00066-DCB-LRA

**Filer:**

**WARNING: CASE CLOSED on 08/16/2019**

**Document Number: 8**

**Docket Text:**

**ORDER denying [7] Motion for Leave to Appeal in forma pauperis. Signed by District Judge David C. Bramlette, III on October 25, 2019. (lda)**

**5:19-cv-00066-DCB-LRA Notice has been electronically mailed to:**

Jim Hood-State Gov agcivillit@ago.state.ms.us

**5:19-cv-00066-DCB-LRA Notice has been delivered by other means to:**

Victor Dewayne Jones

#81756

S.M.C.I.

P.O. Box 1419

Leakesville, MS 39451

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1081288797 [Date=10/25/2019] [FileNumber=5412778-0] [30c4bbf4d6ca7972b1444bb56547c1b4fa2188e0ff89981a11acdce90ee4ed136043238b61cfd37be314ffbfeda5997804fa9be57d5c75842486b4f3cd9873c]]

Appendix C

**United States Court of Appeals**

**FIFTH CIRCUIT  
OFFICE OF THE CLERK**

**LYLE W. CAYCE  
CLERK**

**TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130**

January 27, 2020

#81756

Mr. Victor Dewayne Jones  
South Mississippi Correctional Facility  
22689 Highway 63 N., P.O. Box 1419  
Leakesville, MS 39451-0000

No. 19-60792 Victor Jones v. Joe Errington  
USDC No. 5:19-CV-66

Dear Mr. Jones,

We will take no action on your document entitled "Petition for Rehearing Fifth Circuit Rule 40" viewed as a motion for reconsideration because it is untimely. The time for filing a motion for reconsideration under 5<sup>th</sup> CIR. R. 27 has expired.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Monica R. Washington, Deputy Clerk  
504-310-7705

cc: Mr. Jim Hood

Appendix

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**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris  
Clerk of the Court  
(202) 479-3011**

**April 27, 2020**

**Mr. Victor Dewayne Jones  
Prisoner ID 81756  
South MS Correctional Institution  
P.O. Box 1419  
Leakesville, MS 39451**

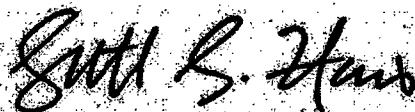
**Re: Victor Dewayne Jones  
v. Joe Errington  
No. 19-7840**

**Dear Mr. Jones:**

**The Court today entered the following order in the above-entitled case:**

**The petition for a writ of certiorari is denied.**

**Sincerely,**



**Scott S. Harris, Clerk**

*Appendix E*

Grade <u>9<sup>th</sup></u> 19 <u>86</u> 19 <u>87</u>										Grade <u>11</u> 19 <u>88</u> 19 <u>89</u>										Grade _____ 19____ 19____										Grade _____ 19____ 19____									
Passing Marks <u>70-100 (SLD)</u>										Passing Marks <u>70-100 + D-A</u>										Passing Marks _____										Passing Marks _____									
Length of Session <u>175</u> Days										Length of Session <u>175</u> Days										Length of Session _____ Days										Length of Session _____ Days									
Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr	Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr	Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr	Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr								
Math		Smylie		D	70	70	1	sp. Ed.		Bullock		I	I	I																									
Philo/Eng		Smylie		D	72	72	1	sp. Ed.		Bullock		I	I	I																									
MS History		Smith		50				0 sp. Ed.		Bullock		I	I	I																									
Civics		Smith			70			1/2 sp. Ed.		Bullock		I	I	I																									
Sci.		Smylie		D	C+	C	1																																
Edg.		Smylie		C	C	C	1																																
School <u>N.P.M.S.</u>										School <u>N.P.H.S.</u>										School _____										School _____									
Grade _____ 19____ 19____										Grade _____ 19____ 19____										Grade _____ 19____ 19____										Grade _____ 19____ 19____									
Passing Marks _____										Passing Marks _____										Passing Marks _____										Passing Marks _____									
Length of Session _____ Days										Length of Session _____ Days										Length of Session _____ Days										Length of Session _____ Days									
Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr	Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr	Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr	Subjects		Teachers		1 Sem	2 Sem	Yr Av	Cr								



Form 2

Certified Birth Certificate File No.: 121-71-177147 or Reg. No.: Verified By: JM (Initials)

Place of Birth: Detroit (City) Mich (State) Date of Birth: 9 18 21 (Mo.) (Day) (Yr.) Race: W Sex: M Pupil's Name: Jones DeWayne Victor (Last) (First) (Middle)

Address: 81, Summit, Miss 384-4493 Phone: Address: Phone: Address: Phone: Father's Name: Mother's Maiden Name: Brenda Jones Guardian's Name:

ENTRANCE RECORD

Date	Gr.	Name & Address of School
9-25-78	1	North Pike Elem, Summit, Ms

TRANSFER - WITHDRAWAL RECORD

Date	Gr.	Transferred to: or Reason for Withdrawal:
------	-----	---

ATTENDANCE RECORD

Gr.	Days Abs.	Gr.	Days Abs.
1	8	8	7
2	14	9	5
3	3		
4	6		
5	9		
6	11		
7	9		

ELEMENTARY SCHOOL PROGRESS

Year	1978	1979	1980	1981	1982	1983	1984	1985	1986	19	19
Grade	1	2	3	4	5	6	7	8			
Subjects	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	Yr. Av.	
Math	3	C	E	B	C	C+	D	D			
Art	2										
Reading	3	C	E	C	C	C	C	C			
Writing	3	D	U	S-							
Musical	2	B	S	S							
Science	2	F	D	B	F	F	F	D-			
Soc. Stud.	2	F	E	E	D	C	F	D			
Lang. Arts				C	English D	Eng. D	Eng. D	C			
Spelling				B	D						
Health				A							
Passing Marks	1, 2	A, B, C, D	A, B, C, D	A-E	A-D	A-D	A-D	A-A			
Promoted	YES	Exceeding	Special	Yes	Yes	Yes	Yes	Yes			
Teacher	Singletary	Anderson	Educator	Shaw	White	Upton	Fuller	Moore			
School	N.P.E.	N.P.E.	N.P.E.	N.P.E.	N.P.M.S.	N.P.M.S.	N.P.M.S.	N.P.M.S.			

SUMMARY OF HI-SCH. UNITS

Subjects	Years					
	1	2	3	4	5	Total
English						
Mathematics						
Science						
Soc. Studies						
Vocational						
Total						

GRADUATION FACTS

Graduated:	Years		
	(Mo.)	(Day)	(Year)
Ranked	of In Class		
Rank in	4-Highest 1/4 ( )		
Quartiles	3-High average ( )		
	2-Low average ( )		
	1-Lowest 1/4 ( )		

Principal:

SECONDARY SCHOOL PROGRESS

Gr.	1986	1987	Gr.	19	19	Gr.	19	19	Gr.	19	19	Gr.	19	19	Gr.	19	19
Passing Marks	70-100 (SLD)		Passing Marks			Passing Marks			Passing Marks			Passing Marks			Passing Marks		
Length of Session	175	Days	Length of Session		Days	Length of Session		Days	Length of Session		Days	Length of Session		Days	Length of Session		Days
Subjects	Sum. Av. Cr.		Subjects	Sum. Av. Cr.		Subjects	Sum. Av. Cr.		Subjects	Sum. Av. Cr.		Subjects	Sum. Av. Cr.		Subjects	Sum. Av. Cr.	
Math	D 70 70 1																
Spelling / Eng	D 72 72 1																
MS Math	50	0															
Curric	70	1/2															
Sci.	D-C-C 1																
Rdg.	C-C-C 1																
School	N.P.M.S.		School			School			School			School			School		

ACTIVITIES (Major activities for which school credit is not given)

Activity	7	8	9	10	11	12
----------	---	---	---	----	----	----

WORK EXPERIENCES

Activity	7	8	9	10	11	12
----------	---	---	---	----	----	----

PUPIL RE-ASSESSMENT  
FOR LOCAL SURVEY COMMITTEE USE

Name Deuraine Jones ID Number 121711-71-26  
School North Pine Middle School Exceptionality Specific Learning Disability  
Date 9/5/84 Projected Date 5/23/85  
of Reassessment

Time spent in SPED program three hours daily

Regular class participation, (list subjects and grades received)

Science F Social Studies C

Academic functioning level prior to class placement: (PIAT or BRIGANCE)

Mathematics 4.5

Reading Recognition 2.2

Reading Comprehension 1.0

Total Test \_\_\_\_\_

Spelling 0

General Information \_\_\_\_\_

Other \_\_\_\_\_

Current academic functioning level: (PIAT or BRIGANCE)

Mathematics 4.7

Reading Recognition 2.6

Reading Comprehension 2.0

Total Test \_\_\_\_\_

Spelling 1.0

General Information \_\_\_\_\_

Other \_\_\_\_\_

Based on the BRIGANCE, AAMD, PIAT scores, and personal observation and individual work with this student, I recommend that this student

remain in the Specific Learning Disability  
program for the 1984-85 school year.

Mary Ann Boyle  
Teacher Signature

(over)

After reviewing this student's progress this year, the committee makes the following recommendation for this child:

☒ continue SPED placement

☐ return to regular classroom

☐ Other \_\_\_\_\_

Chairman John Pope, Sp. Ed. Coordinator

Member May Ann Smylie / SLD teacher

Member Shirley Guy - G-2 teacher

Member Norethy Neal / SLD teacher

Member \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

## North Pike Consolidated District

ROUTE 4

SUMMIT, MISSISSIPPI 39666

## I.E.P. CONFERENCE

Student Dewayne Jones Type of Special Education  
 I.D. No. \_\_\_\_\_ Program Specific Learning Disability  
 School North Pike Middle School

This will certify that I have had a follow-up conference concerning my child's recent evaluation or reassessment and an interpretation of those results. We have discussed the possible placement that is in the best interest of my child and I have given North Pike Schools permission

\_\_\_\_\_ for initial placement of my child in the program stated above.

☒ for continued placement of my child in the program stated above.

I further certify that I have received Written Prior Notice concerning this conference, that I have had an active part in the planning of this I.E.P., and that I concur with the individual educational plan developed for my child.

I have received a complete interpretation of my rights and those of my child and I understand that I may exercise those rights at any time. I understand that I may withdraw my child from the program stated above at any time or that I can refuse to allow my child to be placed in the program.

Also, I give permission for the Special Education teacher to evaluate my child in the areas she will be teaching. This evaluation will be in the form of checklists or other tests constructed by the teacher to enable her to know more about my child and what his/her needs are.

5/6/87  
 Date

\_\_\_\_\_  
 Parent or Legal Guardian

Local Survey Committee Members Present

Mary Ann Smylie  
Dorothy L. Neale  
Raymond Smith

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# OFFICE OF THE DISTRICT ATTORNEY

FOURTEENTH CIRCUIT COURT DISTRICT



LINCOLN, PIKE & WALTHALL COUNTIES

**DEE BATES**

DISTRICT ATTORNEY--

**ROBERT W. BYRD**

*First Assistant District Attorney  
Pike County*

**RODNEY G. TIDWELL**

*First Assistant District Attorney  
Walthall County*

284 East Bay Street, Magnolia, MS 39652  
Phone (601) 783-6677 - Fax (601) 783-5646

301 S. First Street Room 207, Brookhaven, MS 39601  
Phone (601) 833-3811 - Fax (601) 835-2942

**DIANE Y. JONES**

*First Assistant District Attorney  
Lincoln County*

**TIMOTHY O. JONES**

*Assistant District Attorney  
Drug Crimes Prosecutor*

October 6, 2005

Victor D. Jones, #81756  
E.M.C.F.  
10641 Hwy 80 West  
Meridian, Mississippi 39304

Dear Mr. Jones:

I response to your letter post marked September 27, 2005, I did have a conversation with your mother about your sentence. I explained the recommendation procedures and I will explain this to you.

My office extended an offer which was read as our recommendation when you entered your guilty plea. The offer was read into the record after you were read your rights and entered your plea. In the offer, the District Attorney's Office recommended your charges run concurrent with one another. However, Judge Smith informed you that he has the authority to sentence within the guidelines of the statutes, and he did not have to follow the recommendation of my office. Judge Smith generally will follow the recommendations which we give him. Unfortunately, in your case, Judge Smith did not follow the recommendation and decided on a much stiffer sentence.

Dee Bates  
District Attorney

DTB:ct

Appendix - H

1 is not a sickness, it is not a disease. There's nothing.

2 My family was almost destroyed. My daughter was  
3 almost destroyed. With a firm background and a loving  
4 family, we have made it through, and we will continue. We  
5 will not fall... My daughter will stand tall and hold her  
6 head up high, with a strong backbone. No one will bring us  
7 down.

8 Thank you.

9 THE COURT: Mr. Jones, there ain't nothing I can think  
10 of to do as far as a sentence for you to rehabilitate you.  
11 You are beyond rehabilitation.

12 The Department of Corrections got a statement from  
13 you, and it's in the report:

14 What's done is done and I have no comment.

15 Nothing from you that you're sorry.

16 I want to do my time and get through with it and get  
17 back to your mother.

18 I'm not going to accept the District Attorney's  
19 recommendation. And I don't believe --

20 DEFENDANT JONES: Your Honor, may I speak, please?

21 THE COURT: Yes, you can speak.

22 DEFENDANT JONES: I didn't understand what that was  
23 for there. I didn't understand.

24 THE COURT: Well, you tell it to somebody later.

25 I've gone over your rights with you very, very  
26 carefully, and this lady has taken it all down.

27 And you stated you understood all your rights and you  
28 understood the indictment. And now you're going to tell me  
29 you didn't understand nothing. You save it and tell me

1 later or tell somebody later, besides me, because we have  
2 gone over your rights, one by one. And this lady has taken  
3 it down. And you told me you understood every one of your  
4 rights and that you could be sentenced within the maximum,  
5 if you pled guilty. And that's what I'm going to do.

6 I'm going to sentence you within the maximum. And I'm  
7 going to make this presentence investigation a part of the  
8 record so that any appellate court can look at this thing  
9 and see your background and see there ain't no hope for  
10 you. You're not sorry for anything you do.

11 So it's my job to take you off the street, which I'm  
12 about to do.

13 In Cause Number 04-197-KB -- excuse me -- Cause Number  
14 198-KB, the maximum is 30 years. I order you to serve 20  
15 years and pay a \$10,000 fine. This will run consecutive to  
16 Cause Number 04-199-KB. The maximum is 30 years. Order  
17 you to serve 20 years, run consecutive to Cause Number  
18 04-198-KB. And a \$10,000 fine there. And a \$750 attorney  
19 fee in each cause number.

20 MR. LUCKETT: Your Honor, Mr. Jones has indicated to  
21 me that he would like to change his plea.

22 THE COURT: We've gone over his rights with him very  
23 carefully.

24 MR. LUCKETT: Yes, sir.

25 THE COURT: Very carefully. And I'm not going to  
26 allow him to withdraw his plea.

27 UNIDENTIFIED SPEAKER: May I say something, Your  
28 Honor?

29 THE COURT: Ma'am, you heard -- I'm not going to

so prove his guilt by credible evidence and beyond any reasonable doubt, the jury would be under a duty to find him not guilty; that he understood his right that all twelve jurors would have to agree as to any verdict of guilty or not guilty; and that he understood his right that even if he were found guilty by the verdict of the jury, he would still have the right to appeal to the Mississippi Supreme Court; that he understood the minimum and maximum penalty; that he understood that a guilty plea waived all of these rights and placed him in a position where he could be sentenced by the court up to the maximum penalty; he further stated under oath that no one had threatened, abused or promised him anything to cause him to want to plead guilty and that he was pleading guilty because he was guilty and for no other reason; and he stated under oath that he was satisfied that the state could prove beyond a reasonable doubt that he was guilty of the crime of

The court personally observed the defendant's demeanor, appearance and manner in answering the court's questions and "it appeared" to the court that the defendant "was competent" to understand and did understand the above. The court found that the guilty plea was knowingly, willingly, freely, voluntarily and intelligently made and accepted the plea and found the defendant guilty. The defendant was then sentenced within the statutory guidelines.

2. Petitioner alleges "ineffective assistance of counsel" which is contrary to his sworn statement that he understood a guilty plea would waive his rights and place him in a position where he could be sentenced by the court up to the maximum penalty; and also contrary to his further statements that no one had threatened, abused or promised him anything to cause him to want to plead guilty and that he was pleading guilty because he was guilty and for no other reason.

Exhibit



BEFORE THE MISSISSIPPI BAR

VICTOR D. JONES

VS.

DOCKET NUMBER 10-089-1

PAUL M. LUCKETT

COMES NOW, PAUL M. LUCKETT and files his response to the Bar Complaint filed by Victor D. Jones, and in support thereof, would show the following;

This case stems from a guilty plea entered by Victor Jones approximately six and one-half years ago. Specifically, Victor D. Jones, (hereinafter referred to as Jones),

June 28, 2004. Since that time, he has filed numerous motions including, but not limited to, a Motion For Post Conviction Relief. The PCR motion was denied and feeling aggrieved, Jones contends that his attorney of record, Paul M. Lockett, committed the following acts, which shall be responded to accordingly.

(A.) ALLEGATION: "I was never given my discovery the only person I saw was my attorney's investigator my mother ask both of them if I can get a mental examination for I had a history of mental illness al they told her that it was up to the judge."

RESPONSE: Mr. Jones did not request a copy of his discovery until after he was sentenced to the custody of the Mississippi Department of Corrections. Moreover, counsel is not aware of any rule of civil procedure or U.C.C.R. that requires defense counsel to provide the defendant with a copy of his or her discovery.

It is UNTRUE that my investigator was the only person he saw. Further, it is entirely up to the judge whether or not a mental examination is conducted. I would

Exhibit 10FS

I agree that I never filed a Motion requesting such an examination. I am bound by Rule 11(a) of the M.R.C.P. which prevents me from filing frivolous motions.

Also, it is entirely within the trial judges discretion whether or not a mental examination is granted. What constitutes "reasonable ground" to believe that a defendant is incompetent to stand trial rests largely within the discretion of the trial judge. See Cox v. State, 793 So.2d 581, 597 (Miss.2001) citing Conner v. State, 632 So.2d 1239, 1248 (Miss.1993), (overruled on other grounds). The pertinent question is whether "the trial judge receive[d] information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted him to the possibility that the defendant could neither understand the proceedings, appreciate their significance, nor rationally aid his attorney in his defense?" *Conner v. State*, 632 So.2d at 1248 (citing *Lokos v. Capps*, 625 F.2d 1258, 1261 (5th Cir.1980)). Jones was personally observed by myself and Honorable Mike Smith. He answered all questions posed by the Court and completed his "Know Your Rights Form," (See attached Know Your Rights Form & Order Denying Post-Conviction Collateral Relief". I am not a "motion attorney" and will not file meritless pleadings, even if it results in meritless Complaints being lodged against me.

Further, U.C.C.C.R. 9.04(A) 1-6, does not state that the defendant is entitled to a free copy of his discovery. It states that the prosecution must disclose to each defendant or to each defendant's attorney. Jones discovery was disclosed, and the entire file was disclosed, examined and reviewed by counsel with Jones and investigator. Sometime thereafter, Jones made the decision, freely, voluntarily, and knowingly, to enter a guilty plea.

(B). ALLEGATION: "I was to get a free copy of of my discovery that I never got."

RESPONSE: Please see response above. Additionally, Jones never requested a copy of his file(discovery) until after he was sentenced to the custody of M.D.Q.C. I do not dispute the fact that he wrote requesting a copy of his discovery.

(C). ALLEGATION: "I was on a nother kind of medication when I took the Plea that the investigatory told my mother about."

RESPONSE: I have been a public defender for approximately fifteen years, primarily in the 14th judicial district. Every judge in the district, past and present; Hon. Kelth Starrett, Hon. Mike Smith, Hon. David Strong and Hon. Mike Taylor have always asked during the plea dialogue, "Are you under the influence of any alcohol or drugs today, are you thinking clearly." The plea dialogue would not have been allowed to continue if Jones had told the Court he was not thinking clearly. He did not.

(D) ALLEGATION: "I cannot read or wright "

RESPONSE: I reviewed the Know Your Rights Form with Jones and the Honorable Mike Smith reviewed the same form with Jones. Moreover, he has written countless letters, at least one of which is attached to this Response. The signature on his Complaint, Know Your Rights Form, Motion Post Conviction Relief and Letters are, in my opinion, the same. Jones may not be able to read or write with the proficiency of a college professor, but he can read and Jones can write.

(E) ALLEGATION: "I was not of full knowledge of the Plea Bargain"

RESPONSE: Jones signed his Know Your Rights stating that he understood a guilty plea would waive his rights. Further, Jones made the same allegation in his Petition for

Post Conviction Relief. The Petition was denied and the Court in denying said Petition notes that the allegation was contrary to this sworn statement.

### **CONCLUSION**

I have no doubt that because Victor Jones was successful in getting this far (response from counsel), that there will be more complaints to follow. I shall respond to them as they appear. However, it should be noted that, fruitless complaints such as this, will only result in attorney's litigating defensively. The plea dialogue will get longer, every statement will be recorded, transcribed and notarized. This only takes from the quality of the defense. For example, at this moment, I should be preparing for trial but, I have to take time to respond to Mr. Jones allegations. Mr. Jones entered his plea knowingly and intelligently and he fully understood his rights.

WHEREFORE PREMISES CONSIDERED, I pray this this Response be well received and that the Complaint filed by Victor D. Jones be dismissed.

RESPECTFULLY SUBMITTED,

  
PAUL M. LUCKETT

### **CERTIFICATE OF SERVICE**

I, Paul M. Lockett, do hereby certify that I have this day, via postage prepaid, forwarded a true and correct copy of the above pleading to the following persons;

Honorable Adam B. Kilgore  
General Counsel  
Post Office Box 2168  
Jackson, Ms 39225-2168

Victor D. Jones

M.D.O.C #81756 S.M.C.I.  
P.O. Box 1419  
Leakesville, Ms 39451

SO CERTIFIED THIS THE 21 day of SEPTEMBER, 2010

Paul M. Lockett  
PAUL M. LUCKETT #10224