

Exhibit "A"

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 20-60313



In re: JIMMY WREN,

Movant.

A True Copy

Certified order issued May 14, 2020

Lyfe W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

Motion for an Order Authorizing
the United States District Court
for the Northern District of Mississippi
to Consider a Successive 28 U.S.C. § 2254 Application

Before SMITH, DENNIS, and DUNCAN, Circuit Judges.

PER CURIAM:

Jimmy Wren, Mississippi prisoner #66051, was convicted of capital rape of a child under fourteen years old and was sentenced to life imprisonment. He moves for authorization to file a second or successive 28 U.S.C. § 2254 application in the district court. He also filed a document he termed a "notice and motion for a stay of execution on the life sentence," in which he seeks release from prison during the pendency of his successive motion.

To obtain authorization, Wren must make a *prima facie* showing that his successive § 2254 petition relies upon either (1) "newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable fact-

AP#-1

IN THE CIRCUIT COURT OF PANOLA COUNTY, MISSISSIPPI

SECOND JUDICIAL DISTRICT

STATE OF MISSISSIPPI

vs.

CAUSE NO. 95-85-BF(2)

JIMMY WREN

~~INSTRUCTION NO. D-1~~ C 19

under
Each person testifying oath is a witness. You have the duty to determine the believability of the witness. In performing this duty, you must consider each witness's intelligence, the witness's sincerity, and the witness's demeanor while testifying. You must consider also the extent the witnesses either supported or contradicted by other evidence; the relationship the witness may have with either side; and how the witness might be affected by the verdict. (You must consider any evidence of the witness's character for truthfulness.) In weighing a discrepancy by a witness or between witnesses, you should consider whether it resulted from an innocent mistake or a deliberate falsehood, and whether it pertains to a matter of importance or an unimportant detail.

You may reject or accept all or any part of a witness's testimony and you may reject part and accept other parts of a witness's testimony.

After making your own judgment, you will give the testimony of each witness the credibility, if any, as you may think it deserves.

(The weight of the evidence is not necessarily determined by the number of witnesses testifying as to the existence or non-existence of any fact. You may find that the testimony of a smaller number of witnesses as to any fact is more credible than the testimony of a larger number of witnesses to the contrary.)

Given

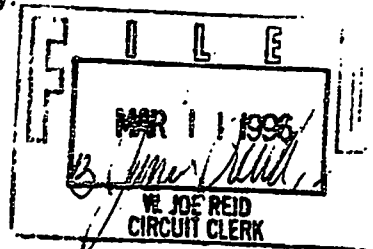


Exhibit
"C"

FILED

Serial: 195148

IN THE SUPREME COURT OF MISSISSIPPI

DEC -3 2014

No. 2013-M-01725

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

JIMMY WREN
A/K/A JIMMY LEE WREN

Petitioner

v.

STATE OF MISSISSIPPI

Respondent

ORDER

Now before the panel of Waller, C.J., King and Coleman, JJ., comes the Application for Leave to File Motion for Post-Conviction Collateral Relief in the Circuit Court of Panola County, Mississippi, filed by Jimmy Wren. Wren's conviction of capital rape of a child under fourteen years and sentence of life imprisonment were affirmed on direct appeal and the mandate issued on July 22, 1999. Since that time, Wren has filed six (6) applications for leave to pursue post-conviction relief. The last of these was . *Lester v. State*, 726 So. 2d 598 (Miss. Ct. App. 1998)(reversed and remanded as to Lester only). Wren has filed five (5) prior motions for post-conviction relief, the most recent having been dismissed on June 11, 2014, as procedurally barred. The crux of Wren's instant application for leave centers around his assertion that he is entitled to have his conviction reversed because the jury was not instructed on venue. In addition to the instant application for leave being time-barred and successive, this issue in this application is identical to that which was rejected by this Court in his last application, and it is barred by the doctrine of *res judicata*. Miss. Code Ann. § 99-39-21(3).

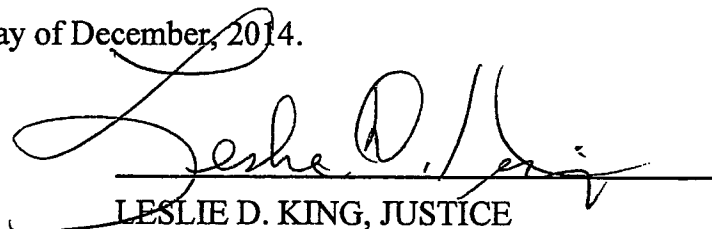
AP #4

On August 27, 2009, following Wren's third application for leave, Wren was warned by Order of this Court that future frivolous filings may result in the imposition of appropriate sanctions. On May 11, 2011, this Court sanctioned Wren in the amount of \$100.00 for filing his fourth application for leave, which was deemed to have been frivolous. Following his last application for leave, the Court did not deem the application frivolous, and Wren was not sanctioned. However, he has now sought post-conviction relief on the very issue previously rejected by his Court in June of this year. We find the instant application for leave is frivolous and that Wren should be sanctioned.

IT IS THEREFORE ORDERED that the Application for Leave to File Motion for Post-Conviction Collateral Relief in the Circuit Court of Panola County, Mississippi, filed by Jimmy Wren, is dismissed as procedurally barred.

IT IS FURTHER ORDERED that Jimmy Wren is hereby ordered to pay a sanction in the amount of one hundred dollars (\$100.00) in addition to any outstanding balance due on the previously Court ordered sanction. The Clerk of this Court and the Mississippi Department of Corrections are to make all necessary accommodations for the proper receipt of the same.

SO ORDERED, this the 3rd day of December, 2014.


LESLIE D. KING, JUSTICE

Serial: 201044

IN THE SUPREME COURT OF MISSISSIPPI

No. 2013-M-01725

JIMMY WREN
A/K/A JIMMY LEE WREN

FILED

Petitioner

SEP 10 2015

v.

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

STATE OF MISSISSIPPI

Respondent

ORDER

Now before the panel of Waller, C.J., Chandler and Pierce, JJ., comes the "Application for Leave to File Post-Conviction Motion [in] the Circuit Court of Panola County, MS" filed by *pro se* Jimmy Wren. Also before the panel is Wren's subsequently filed Motion to Correct Pleadings Pursuant to Rule 27(b)(2) M.R.A.P., which is treated as an attachment to his application for leave.

Wren's conviction of capital rape of a child under fourteen years of age and sentence of life imprisonment were affirmed on direct appeal, and the mandate issued on July 22, 1999. *Lester v. State*, 726 So. 2d 598 (Miss. Ct. App. 1998)(reversed and remanded as to Lester only). This is Wren's seventh applications for leave to pursue post-conviction relief. His last application for leave was dismissed on December 3, 2014, and Wren was sanctioned in the amount of \$100.00, which has not been paid.

Exhibit
"D"

~~2016~~
2015
return

AP #6

We find that the instant application is procedurally barred by time and as a successive writ, and it does not meet any of the exceptions thereto. Miss. Code Ann. §§ 99-39-5(2) and 99-39-27(9). Notwithstanding the procedural bars, the issues are also without merit.

IT IS THEREFORE ORDERED that the "Application for Leave to File Post-Conviction Motion [in] the Circuit Court of Panola County, MS" is dismissed as procedurally barred.

SO ORDERED, this the 9th day of September, 2015.



DAVID A. CHANDLER, JUSTICE

Exhibit
"E"

Serial: 192061

IN THE SUPREME COURT OF MISSISSIPPI

No. 2013-M-01725

**JIMMY WREN
A/K/A JIMMY LEE WREN**

FILED

Petitioner

JUN 11 2014

v.

SUPREME COURT CLERK

STATE OF MISSISSIPPI

Respondent

ORDER

This matter is before the panel of Waller, C.J., Lamar and Pierce, JJ., on the application for leave to seek post-conviction relief in the trial court, filed by counsel for Jimmy Wren. Also before the panel is the motion for a show cause order. Wren's conviction and sentence were affirmed by this Court. *Lester v. State*, 744 So. 2d 757 (Miss. 1999). Wren has filed previous motions for post-conviction relief, the most recent having been dismissed on May 11, 2011, as time-barred and successive.

Having duly considered Wren's application for leave, we find it to be successive and untimely and Wren fails to demonstrate that it meets any exceptions to the successive writ bar and/or the time bar. The petitioner at least must provide some basis for the validity of the claim before the procedural bar will be waived. After due consideration, we find Wren has presented no "arguable basis" for his claim. *See Means v. State*, 43 So. 3d 438, 442 (Miss. 2010). Further, the panel finds that Wren's motion for a show cause order should be denied.

AP#8

Serial: 190847

IN THE SUPREME COURT OF MISSISSIPPI

No. 2013-M-01725

**JIMMY WREN
A/K/A JIMMY LEE WREN**

v.

STATE OF MISSISSIPPI

FILED

APR 10 2014

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

Respondent

ORDER

This matter is before the undersigned Justice on the Application for Leave to Seek Post-Conviction Relief in the Circuit Court of the Second Judicial District of Panola County or, in the Alternative, Application for Relief from this Court, filed by counsel for Jimmy Wren. In order to consider and rule on this matter, the Court will need to review the following closed court file which is now housed at the Mississippi Department of Archives and History: Mississippi Supreme Court, *Lester, Wrenn and Butler v. State*, 1996-KA(CT)-01072-SCT. When that review is complete, the Court will return the file to the Mississippi Department of Archives and History.

IT IS, THEREFORE, ORDERED:

1. That the Mississippi Department of Archives and History is directed to check out the following file, Mississippi Supreme Court, *Lester, Wrenn and Butler v. State*, 1996-KA(CT)-01072-SCT, to the following designated court representative: P. Daniel Edwards. When use of this record is complete, the Court will return the record to the Mississippi Department of Archives and History.

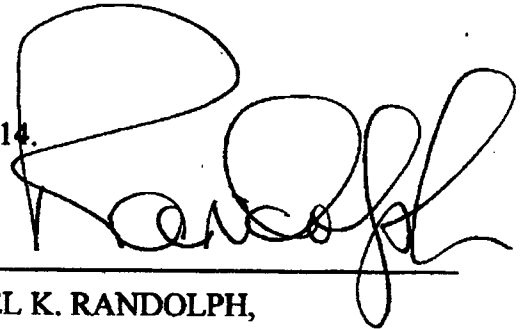
AP #9

2. That the Mississippi Department of Archives and History and its officers and employees shall be held harmless for complying with this order.

3. That the Clerk of this Court shall forward copies of this order to all counsel of record and any pro se parties in this matter as well as to:

Division Director
Archives and Records Services Division
Mississippi Department of Archives and History
P. O. Box 571
Jackson, MS 39205-0571.

SO ORDERED, this the 9 day of April, 2014.

A handwritten signature in black ink, appearing to read "Randolph", written over a horizontal line.

MICHAEL K. RANDOLPH,
PRESIDING JUSTICE