

Serial: 218595

IN THE SUPREME COURT OF MISSISSIPPI

No. 2017-M-01538

**FILED**

**MAY - 3 2018**

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

*PATRICIA ANN BROWN*

*Petitioner*

*v.*

*STATE OF MISSISSIPPI*

*Respondent*

**ORDER**

This matter is before the panel of Waller, C.J., Coleman and Maxwell, JJ., on Patricia Ann Brown's Application to Proceed in Trial Court for Post-Conviction Relief, filed by counsel. Brown's conviction of possession of cocaine and sentence as a habitual offender to life in the custody of the Mississippi Department of Corrections, without eligibility of parole, were affirmed on direct appeal, and the mandate issued on July 22, 2010. *Brown v. State*, 37 So. 3d 1205 (Miss. Ct. App. 2009).

The instant application for leave is Brown's fourth. The panel finds the application to be barred by time and as a successive application, and it does not meet any of the exceptions. Miss. Code Ann. §§ 99-39-5(2) and 99-39-27(9). Additionally, the first issue raised in the instant application for leave was previously raised and rejected in Brown's third application. Therefore, it is barred by the doctrine of *res judicata* as well. Miss. Code Ann. § 99-39-21(3). The panel is not persuaded by Brown's argument that *Sessions v. Dimaya*, \_\_\_\_ U.S. \_\_\_\_, 2018 WL 1800371 (U.S. Apr. 17, 2018) is an intervening case that "would have actually adversely affected the outcome of [her] conviction or sentence." Miss. Code

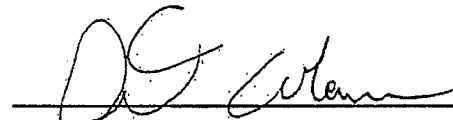
Ann. § 99-39-27(9). Notwithstanding these bars, the panel also finds the issues to be without merit. Accordingly, the application for leave should be dismissed.

Brown is warned that future filings in this matter which fail to meet the exceptions to the successive writ bar may be deemed frivolous and may result in the imposition of appropriate sanctions.

IT IS THEREFORE ORDERED that Patricia Ann Brown's Application to Proceed in Trial Court for Post-Conviction Relief is hereby dismissed.

IT IS FURTHER ORDERED that any future frivolous filings may subject Brown to sanctions, pursuant to Rule 22(a) of the *Mississippi Rules of Appellate Procedure*.

SO ORDERED, this the 2<sup>nd</sup> day of May, 2018.

  
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JOSIAH D. COLEMAN, JUSTICE