

Serial: 238524

IN THE SUPREME COURT OF MISSISSIPPI

No. 2016-M-00705

JERMAINE NEAL

FILED

Petitioner

v.

SEP 14 2021

STATE OF MISSISSIPPI

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Respondent

ORDER

This matter is before the panel of Randolph, C.J., Ishee and Griffis, JJ., on the Application for Leave to Proceed in Trial Court filed by Jermaine Neal, *pro se*. On direct appeal, this Court affirmed Neal's conviction and sentence. *See Neal v. State*, 15 So. 3d 388 (Miss. 2009). Following the denial of Neal's motion for rehearing, the mandate issued on September 10, 2009. Subsequently, panels of this Court have denied or dismissed two petitions for post-conviction collateral relief filed by Neal.

In this application, Neal contends that he is entitled to post-conviction collateral relief based upon: (1) actual innocence, (2) a defective indictment, and (3) a violation of his right to confrontation. After due consideration, the panel finds that (1) is time-barred and successive-writ-barred, fails to meet any exception(s) to those bars, and also lacks an arguable basis. As to (2), the panel finds that the claim is time-barred, successive-writ-barred, and barred by res judicata; and fails to meet any exception(s) to those bars. With respect to (3), the panel finds that the claim is time-barred, successive-writ-barred, and waived; fails to meet any exception(s) to those bars; and also lacks an arguable basis. Accordingly, the panel finds that this application should be denied.

The panel further finds that this application is frivolous. Neal is hereby warned that any future filings deemed frivolous may result not only in monetary sanctions but also in restrictions on filing applications for post-conviction collateral relief (or pleadings in that nature) *in forma pauperis*. See, e.g., En Banc Order, **Dunn v. State**, No. 2016-M-01514 (Miss. Apr. 11, 2019) (restricting *in forma pauperis* status); En Banc Order, **Dunn v. State**, No. 2016-M-01514 (Miss. Nov. 15, 2018) (warning of sanctions, including *in forma pauperis* restrictions).

IT IS, THEREFORE, ORDERED that the Application for Leave to Proceed in Trial Court filed by Jermaine Neal, *pro se*, is hereby denied.

SO ORDERED, this the 14 day of September, 2021.



MICHAEL K. RANDOLPH,
CHIEF JUSTICE