

Serial: 242922

## IN THE SUPREME COURT OF MISSISSIPPI

No. 2016-M-00519

**TOMMIEL Q. CLAIBORNE A/K/A TOMMIE LEE CLAIBORNE, JR.**  
**A/K/A TOMMIE L. CLAIBORNE**

*Petitioner*

v.

**FILED****STATE OF MISSISSIPPI**

AUG 02 2022

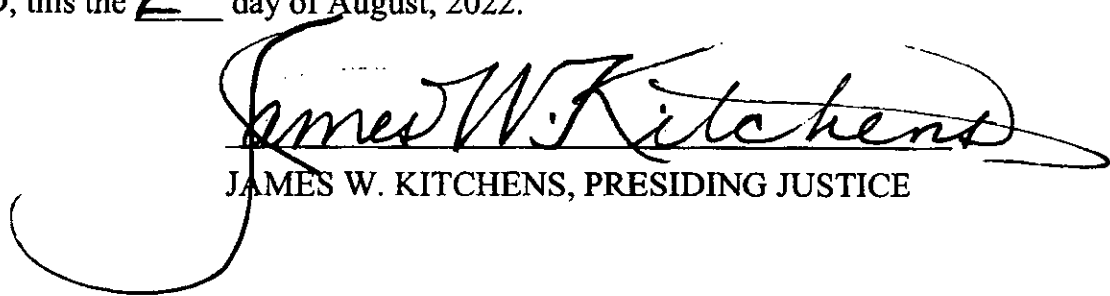
*Respondent***ORDER**OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

This matter is before the panel of Kitchens, P.J., Beam and Griffis, JJ., on the Motion for Permission to Proceed Out of Time filed by Tommiel Q. Claiborne, *pro se*. On August 20, 2015, this Court unanimously affirmed Claiborne's conviction and sentence. See *Claiborne v. State*, 176 So. 3d 769 (Miss. 2015). On November 5, 2015, this Court denied Claiborne's motion for rehearing. The mandate issued on November 12, 2015. On April 20, 2016, a panel of this Court denied Claiborne's first petition for post-conviction collateral relief.

In this motion, Claiborne contends that he is entitled to post-conviction collateral relief based upon alleged newly-discovered evidence which purportedly shows ineffective assistance of trial counsel and the deprivation of his right to an impartial jury. After due consideration, the panel finds that this motion is time- and successive-writ-barred, fails to satisfy any exceptions thereto, and otherwise lacks an arguable basis. Accordingly, the panel finds that this motion should be denied.

IT IS, THEREFORE, ORDERED that the Motion for Permission to Proceed Out of Time filed by Tommiel Q. Claiborne, *pro se*, is hereby denied.

SO ORDERED, this the 2<sup>nd</sup> day of August, 2022.



JAMES W. KITCHENS, PRESIDING JUSTICE

Serial: 243554

## IN THE SUPREME COURT OF MISSISSIPPI

No. 2016-M-00519

**TOMMIEL Q. CLAIBORNE A/K/A TOMMIE LEE**  
**CLAIBORNE, JR. A/K/A TOMMIE L. CLAIBORNE**

*Petitioner*

v.

**STATE OF MISSISSIPPI***Respondent***ORDER**

This matter is before the undersigned Justice on the Motion for Rehearing (in the nature of a motion for reconsideration) filed by Tommiel Claiborne, *pro se*. On August 2, 2022, a panel of this Court denied Claiborne's *pro se* Motion for Permission to Proceed Out of Time. Claiborne now seeks reconsideration of that ruling. After due consideration, the undersigned Justice finds that Claiborne is not entitled to such reconsideration under the Mississippi Rules of Appellate Procedure. *See* M.R.A.P. 27(h) & cmt. (reconsideration of rulings "on motions are generally not allowed[;]" "[r]econsideration of the court's ruling on a motion or petition is allowed only as to motions and petitions specified in Rule 27(h)"). Accordingly, the undersigned Justice finds that this motion should be denied.

IT IS, THEREFORE, ORDERED that the Motion for Rehearing (in the nature of a motion for reconsideration) filed by Tommiel Claiborne, *pro se*, is hereby denied.

SO ORDERED.


**DIGITAL SIGNATURE**

Order#: 243554

Sig Serial: 100006038

Org: SC

Date: 09/19/2022

  
James D. Maxwell II, Justice