

**Serial: 244549****IN THE SUPREME COURT OF MISSISSIPPI****No. 2022-M-00431****ROOSEVELT WASHINGTON****Petitioner****v.****STATE OF MISSISSIPPI****Respondent****ORDER**

Before the undersigned Justice is Roosevelt Washington's Delayed Motion for Reconsideration. Washington filed an Application for Leave to Proceed in the Trial Court on May 4, 2022. The Court ordered the State of Mississippi to respond to Washington's application; and the State filed its response on September 9, 2022. On September 28, 2022, the Court denied Washington's application. Shortly thereafter, Washington filed two motions maintaining that he was denied the opportunity to reply to the State's response. The Court denied the two motions because "Mississippi Code Section 99-39-27 . . . does not include a provision for a petitioners to file a reply." In the instant motion, Washington asks the Court to reconsider its decision to deny his application for leave to proceed and deny his two motions regarding the reply. Such motions are not permitted under Mississippi Rule of Appellate Procedure 27(h). For this reason, the undersigned Justice finds that Washington's motion should be denied.

IT IS THEREFORE ORDERED that Roosevelt Washington's Delayed Motion for Reconsideration is hereby denied.

SO ORDERED.

**DIGITAL SIGNATURE**  
**Order#: 244549**  
**Sig Serial: 100006354**  
**Org: SC**  
**Date: 11/29/2022**

  
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**Dawn H. Beam**  
Dawn H. Beam, Justice

APPENDIX "A"

Serial: 242940

IN THE SUPREME COURT OF MISSISSIPPI

No. 2022-M-00431

*ROOSEVELT WASHINGTON*

v.

*Petitioner*

*STATE OF MISSISSIPPI*

*Respondent*

ORDER

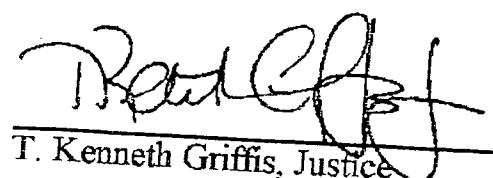
Before the panel of Kitchens, P.J., Beam and Griffis, JJ., are Roosevelt Washington's Application for Leave to Proceed in the Trial Court, filed on May 4, 2022; and Supplemental Application for Leave to Proceed in the Trial Court filed on June 27, 2022. After due consideration, the panel finds the State of Mississippi shall file a response to Washington's filings.

IT IS THEREFORE ORDERED that the State of Mississippi shall file a response on or before September 9, 2022.

SO ORDERED.

**DIGITAL SIGNATURE**

Order#: 242940  
Sig Serial: 100005847  
Org: SC  
Date: 08/09/2022

  
T. Kenneth Griffis, Justice

*EXHIBIT-B*

Serial: 243592

## IN THE SUPREME COURT OF MISSISSIPPI

No. 2022-M-00431

**ROOSEVELT WASHINGTON***Petitioner*

v.

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

Before the panel of Randolph, C.J., Maxwell and Chamberlin, JJ., is Roosevelt Washington's Application for Leave to Proceed in the Trial Court. Also before the panel is the State of Mississippi's Response to Washington's Application for Leave to Proceed in the Trial Court. Washington claims his sentence is illegal because the State failed to meet its burden of proof as to Washington's habitual offender status.

The instant application is Washington's fourth application for post-conviction relief. It is subject to the time bar and is successive. Miss. Code Ann. §§ 99-39-5 and 99-39-21. While an illegal sentence claim may be exempt from the procedural bars, the panel finds Washington has failed to present an arguable basis for his claim. *See Means v. State*, 43 So. 3d 438, 442 (Miss. 2010). Thus, after due consideration, the panel finds the application should be denied.

IT IS THEREFORE ORDERED that Roosevelt Washington's Application for Leave to Proceed in the Trial Court is hereby denied.

SO ORDERED.

**DIGITAL SIGNATURE**

Order#: 243592

Sig Serial: 100006086

Org: SC

Date: 09/28/2022

  
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Robert P. Chamberlin, Justice*EXHIBIT-C*

**Additional material  
from this filing is  
available in the  
Clerk's Office.**