

MOTION TO PROCEED IN FORMA PAUPERIS

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STANLEY LEE BRADLEY

PETITIONER

VERSUS

Commissioner of the Mississippi Department of Corrections; FRANK SHAW,
Warden of EAST Mississippi Correctional Facility; X, Y, and Z,

RESPONDENTS

Comes Now, Petitioner, Stanley Bradley, Pro Se and files
this his Motion to Proceed In Forma Pauperis and
would show unto this Honorable Court the following, to wit:

I.

That I am presently incarcerated in the Mississippi
Department of Corrections at EAST Mississippi Correctional Facility.

II.

THAT I WAS PREVIOUSLY GRANTED leave to Proceed in Forma
Pauperis in the following court(s) Forrest County Circuit Court,
Mississippi Court of Appeals, United States District Court for the
Southern District.

RECEIVED

JAN 31 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

III.

THAT I AM WITHOUT funds to pay the costs of this appeal or give
security and I believe that I am entitled to redress of the issues presented as
evidenced by the facts and statements in the attached affidavit

Wherefore, Premises Considered, this Petitioner Respectfully
Prays that this Court enter an Order allowing him to proceed on
Appeal in forma pauperis.

Stanley Bradley 73305
Respectfully Submitted,

Sworn to and Subscribed before me, this the 17th day of
January 2023.

Coy Newell
Notary



RECEIVED

JAN 19 2023

FINANCIAL AUTHORIZATION
TO BE COMPLETED BY PETITIONER

Authorization for Release of Institution Account Information
and Payment of the Filing Fees

INMATE LEGAL
ASSISTANCE PROGRAM

I, Stanley Bradley, MDOC# 73305, authorize the Clerk of Court to obtain, from the agency having custody of my person, information about my institutional account, including balances, deposits and withdrawals. The Clerk of Court may obtain my account information from the past six (6) months and in the future, until the filing fee is paid. I also, authorize the agency having custody of my person to withdraw funds from my account and forward payments to the Clerk of Court, in accord with section 47-5-76 of the Mississippi Code Annotated.

January 17th 2023
Date

Stanley Bradley
Signature of Petitioner

IT IS THE PETITIONER'S RESPONSIBILITY TO HAVE THE APPROPRIATE PRISON OFFICIAL COMPLETE AND CERTIFY THE CERTIFICATE BELOW

CERTIFICATE
(Inmate Accounts Only)
TO BE COMPLETED BY AUTHORIZED OFFICER

I certify that the Petitioner named herein has the sum of \$ 6.9 on account to his credit at EMCF, MDOC Facility, where he is confined. I further certify that the Petitioner has the following securities to his credit according to the records of said institution: NIA

I further certify that during the last six (6) months the Petitioner's average monthly balance was \$ 6.51

I further certify that during the last six (6) months the Petitioner's average monthly deposit was \$ 265.93

I further certify that Petitioner has made the following withdrawals within the past thirty (30) days: 12/20 99.44 12/27 142.31 1/3 103.08, 1/10 117.43

1001-359-57614

1/7 31.34

Telephone Number

Authorized Officer of Inmate Accounts

1-19-23

Gia McLeod

Date

Print Name of Authorized Officer

Complaint

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STANLEY LEE BRADLEY

PETITIONER

VERSUS

COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS;
FRANK SHAW, Warden of EAST MISSISSIPPI Correctional Facility; X,
Y, and Z,

RESPONDENTS

AFFIDAVIT OF POVERTY

Personally appeared before me the undersigned Authority in and
for the aforesaid jurisdiction, Stanley Bradley, M.D.O.C. #73305, who
being duly sworn on his oath, does depose and sayeth:

I, Stanley Bradley, do solemnly swear/affirm that I am
incarcerated with the Mississippi Department of Corrections, and because of
my poverty I am not able to prepay the docket fees of my appeal or post
a bond for them. I believe, to the best of my belief, I am entitled to the
redress THAT I SEEK by such sort.

My issues on Appeal are as follows:

I.

A Certificate of Appealability should have issued because it is debatable
whether or not Petitioner RECEIVED Constitutionally deficient Assistance of
Counsel by failing to address the differences in STATE's witness's trial
Testimony and Prior statements.

II

A Certificate of Appealability should have issued because it is Debatable whether or not Petitioner received ineffective trial Counsel for failing to object to trial Court Refusal of Relevant evidence supporting self-defense theory

III

A Certificate of Appealability should have issued Because it is also Debatable whether or not Petitioner Received Constitutionally deficient assistance of Counsel by Trial Counsel failing to object to Prosecutor's improper Remarks during closing argument of send a message.

IV

A Certificate of Appealability should have issued because it is Debatable whether or not Petitioner Received Deficient Assistance of Counsel when Counsel failed to conduct an adequate pretrial investigation.

I understand that a false statement or answer to any questions in this Affidavit will subject me to penalties for perjury.

Stanley Bradley
petitioner

SWORN TO AND SUBSCRIBED BEFORE ME, this the 17th day of January, 2022

Casey Newell
Notary Public



NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STANLEY LEE BRADLEY

PETITIONER

VERSUS

Commissioner of the Mississippi Department of Corrections,
FRANK SHAW, WARDEN OF EAST Mississippi Correctional Facility; X, Y, and Z,

RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

STANLEY L. BRADLEY

PRO SE

EAST Mississippi Correctional Facility
10641 Highway 80 West
Meridian, Ms. 39307

QUESTIONS PRESENTED

1. Whether the DISTRICT COURT erred in denying a Certificate of Appealability (COA) REQUEST "prior" to Petitioner ACTUALLY REQUESTING it?
2. Whether the DISTRICT COURT erred in dismissing Petitioner's "Requested" Certificate of Appealability (COA) after it was Legitimately filed within the COURT?
3. Whether the Fifth Circuit Court of Appeals committed Reversible error when it denied Petitioner's Notice of Appeal as untimely?
4. Whether the Fifth Circuit Court of Appeals committed Reversible error in concluding that Petitioner's fourteen days to appeal began August 4, 2022, THE DATE THE MANDATE WAS ISSUED?
5. Whether the Fifth Circuit Court of Appeals erred in denying Petitioner's Rule 60(6)(1) Motion

ii

LIST OF PARTIES

1. Stanley Lee BRADLEY, Petitioner
2. Commissioner of the Mississippi DEPARTMENT OF
CORRECTIONS, Respondent;
3. FRANK SHAW, Respondent

TABLE OF AUTHORITIES

FEDERAL CASES:

BRADSHAW v. ESTELLE, 463 U.S. 880, 893 N.4 (1983)
Hohn v. UNITED STATES, 524 U.S. 236 (1998)
STRICKLAND v. WASHINGTON, 466 U.S. 668 (1984)

Beltran v. Cockrell, 294 F.3d 730 (5th Cir. 2002)

Cannedy v. Adams, 706 F.3d 1148 (9th Cir. 2013)

Girts v. YANAI, 501 F.3d 743 (6th Cir. 2011)

NIXON v. NEWSOME, 888 F.2d 112 (11th Cir. 1989)

PROU v. United STATES, 199 F.3d 37 (1st Cir. 1999)

STATE CASES:

BRADLEY v. STATE, 223 So.3d 794 (MISS. 2017)

CONSTITUTIONAL AMENDMENTS

SIXTH AMENDMENT of the United STATES Constitution

FOURTEENTH AMENDMENT of the United STATES Constitution

STATUTES

28 U.S.C. § 1254

TABLE OF AUTHORITIES continued

STATUTES

28 U.S.C. § 2107 (a)

28 U.S.C. § 2253

28 U.S.C. § 2254

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APPENDICES continued

APPENDIX C United States Court of Appeals for the Fifth Circuit's Order dismissing NOTICE OF APPEAL (AUGUST 4, 2022)

APPENDIX D United States District Court for the SOUTHERN DISTRICT of Mississippi GRANTED IN FORMA PAUPERIS (June 24, 2022)

APPENDIX E United States District Court for the SOUTHERN DISTRICT of Mississippi denied 'Requested' CERTIFICATE OF APPEALABILITY (April 26, 2022)

APPENDIX F United States District Court for the SOUTHERN DISTRICT of Mississippi, denied non-existing CERTIFICATE OF APPEALABILITY (MARCH 28, 2022)

APPENDIX G United States District Court for the Southern District of Mississippi denied Petition for WRIT of HABEAS CORPUS (MARCH 28, 2022)

APPENDIX H Mississippi Supreme Court Order denying Application to Proceed in Trial Court for Post-Conviction Relief (September 19, 2018)

APPENDIX I Mississippi Court of Appeals' Opinion affirming Twenty year sentence and Twenty five hundred dollars fine. (April 25, 2017)
223 So. 3d 794 (Miss. 2017)

APPENDIX J PETITIONER'S RELEVANT (EXCULPATORY) EVIDENCE

APPENDIX K Record Excerpt of STATE'S Perjured witness, Known by Counsel

ASSISTANCE PROVIDED -- MUST BE EFFECTIVE.

Criminal defendant the Right to have an attorney defend him at trial -- The United States Constitution Amendment SIXTH provides, in relevant part: a

United States Constitution Amendment FOURTEEN provides, in Relevant part: "Nor shall any State deprive any person of Life, Liberty, or property, without due process of Law

CONSTITUTIONAL PROVISION PROVIDED

United States, 524 U.S. 236 (1998).

2254 writ of habeas corpus under 42 U.S.C. § 1254 (1). Habeas U. States Court of Appeals for the Fifth Circuit to deny a 42 U.S.C.

This Court has jurisdiction to review the decision of the United

OPINION

994 (Miss. 2017), and is attached as Appendix I

Rehman's twenty (20) year sentence is reported at 223 So.3d APPENDIX H THE MISSISSIPPI COURT OF APPEALS' DECISION AFFIRMING Petitioners' application for leave to proceed in trial court is attached as 2218-CV-00196-TRM-LGI is attached as APPENDIX I along with COA denial APP. F THE unpublished order of THE MISSISSIPPI SUPREME COURT denying Petitioners' application for leave to proceed in trial court is attached as 2218-CV-00196-TRM-LGI is attached as APPENDIX I along with COA denial APP. F

denying Rehman's petition for writ of habeas corpus civil action no.

DISTRICT COURT for the SOUTHERN DISTRICT OF MISSISSIPPI EASTERN DIVISION

ATTACHED AS APPENDIX G THE unreported opinion of the United States

FIFTH CIRCUIT RELEASING TO VIEW Rehman's Motion for Rehearing, is

THE unpublished order of THE UNITED STATES COURT OF APPEALS for the

UNIMELY, is attached as APPENDIX C

THE unpublished order of the UNITED STATES COURT OF APPEALS

for the FIFTH CIRCUIT DISMISSING Rehman's Notice of Appeal as

OPINIONS BELOW

STATEMENT OF THE CASE

PURSUANT TO THE 2009 amendment to Rule 11 of the Rules in Section 2254 cases, THE DISTRICT COURT MUST ISSUE OR DENY A CERTIFICATE OF APPEALABILITY WHEN IT ENTERS AN ORDER ADVERSE TO APPLICANT. HENCE IN THE EVENT THAT THE DISTRICT COURT OVERRULES THE OBJECTIONS, PETITIONER RESPECTFULLY REQUESTS THE ISSUANCE OF A CERTIFICATE OF APPEALABILITY [HEREINAFTER] COA.

IN ACCORDANCE WITH RULE 11, PETITIONER FOLLOWED THIS GUIDANCE. FILING A 'REQUESTED COA' ON APRIL 18, 2022. PETITIONER'S 'REQUESTED COA' WAS DISMISSED AS MOOT. SEE APPENDIX C

THE DISTRICT COURT ON MARCH 28, 2022 DISMISSED PETITIONER'S HABEAS CORPUS REQUEST, IN THE SAME RULING, ALSO DENIED A CERTIFICATE OF APPEALABILITY THAT HAD NOT BEEN REQUESTED.

Rule 11 REQUIRES THAT A PETITIONER REQUESTS THE ISSUANCE OF A COA. AND THAT REQUEST MUST SHOW A SUBSTANTIAL DENIAL OF A CONSTITUTIONAL RIGHT. THE DISTRICT COURT PRE-DECIDED DENIAL OF A NON-EXISTING COA AN EXTREME ACT OF PREJUDICE TOWARDS PETITIONER. EVEN WHERE THE DISTRICT COURT MAY HAVE BASED IT'S DECISION ON THE RECORD. STILL DOES NOT SHOW WHAT THE PETITIONER WOULD HAVE PRESENTED IN HIS REQUEST.

ON APRIL 18, 2022 AS REQUIRED BY 28 U.S.C. 2253 AND RULE 22(b) OF THE FEDERAL RULES OF APPELLATE PROCEDURE. PETITIONER REQUESTED AN ISSUANCE OF A CERTIFICATE OF APPEALABILITY. SO THAT HE MAY APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT. ON APRIL 26, 2022 THE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI DENIED PETITIONER'S COA REQUEST AS MOOT.

ON MAY 24, 2022 PETITIONER FILED NOTICE OF APPEAL. ON JUNE 24, 2022 THE DISTRICT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI GRANTED PETITIONER PERMISSION TO PROCEED IN FORMA PAUPERIS.

SEE APPENDIX D

On August 4, 2022 THE Circuit Court of Appeals dismissed Petitioner's Notice of Appeal as 'untimely' see ~~exhibit A~~ APPENDIX A Petitioner did NOT receive this notification until August 9, 2022. Being made aware of the Appeals Court decision, Petitioner then filed a MOTION FOR Rehearing/Reconsideration, on August 22, 2022. On AUGUST 29, 2022 THE FIFTH Circuit Court of Appeals ruled that Motion For Rehearing/Reconsideration was 'untimely' also. And took NO ACTION, see ATTACHMENT THE Court of Appeals gave Petitioner Fourteen (14) days FROM THE DATE THE ORDER WAS ENTERED in Court, which was AUGUST 4, 2022. How is THE Petitioner TO RESPOND TO ANY decision made by THE Court, WITHOUT proper notification. TO GIVE Petitioner Fourteen (14) days FROM THAT DATE of Entry is an clear ACT of prejudice.

On OCTOBER 3, 2022 Petitioner filed a Rule 60(b) (1) motion seeking RELIEF FROM a Judgement OR ORDER. THE FIFTH CIRCUIT Court of Appeals again TOOK NO ACTION. see ATTACHMENT

REASON FOR GRANTING THE WRIT

Petitioner's issues asserted in His 'REQUESTED COA' and HABEAS CORPUS petition are of Constitutional ERROR of THE FIRST Magnitude. THE DISTRICT COURT OF THE SOUTHERN DISTRICT OF Mississippi DENIED A CERTIFICATE OF APPEALABILITY THAT did not EXIST AT THE TIME OF iT'S DENIAL. THERE IS NO WAY TO GIVE A FAIR RULING WHEN THE ISSUES HAVE NOT BEEN SET BEFORE THE COURT. THE DISTRICT COURT denial of THE CERTIFICATE OF APPEALABILITY, prior to ACTUALLY being REQUESTED by Petitioner is business of its core.

Petitioner's ASSERTED ISSUES ARE AS FOLLOWS:

Ground One:

THAT Counsel was ineffective when failing to address the differences in the STATE'S witness's trial testimony and prior statement(s).

Ground TWO:

INEFFECTIVE TRIAL COUNSEL for failing to object to trial court refusal of RELEVANT EVIDENCE supporting self-defense THEORY. (see Appendix J)

Ground THREE:

INEFFECTIVE TRIAL COUNSEL failing to object to Prosecutor's improper Remarks during closing Argument of send-a-message

Ground FOUR:

INEFFECTIVE TRIAL COUNSEL for failure to conduct adequate Pretrial investigation.

In CANNEDY v. ADAMS, 706 F.3d 1148 (9th Cir. 2013) it was held: Trial Counsel was ineffective when he failed to introduce evidence, and challenge inconsistencies in the government's witnesses' testimony. In NIXON v. NEWSOME, 888 F.2d 112 (11th Cir. 1989) Failure to properly impeach witness was ineffective assistance where glaring and crucial discrepancies existed in witnesses' testimony. In PROU v. UNITED STATES, 199 F.3d 37, (1st Cir. 1999) when an attorney fails to raise an important, obvious defense without any imaginable STRATEGIC OR TACTICAL REASON for the omission, his performance falls ~~well~~ below the standard of proficient REPRESENTATION THAT THE CONSTITUTION DEMANDS.

In BELTPAN vs. COCKRELL, 294 F.3d 730 (5th Cir. 2002) in pertinent part - ineffective assistance where attorney failed to use EXONERATORY EVIDENCE RELATED TO AN EYEWITNESS IDENTIFICATION.

In GISTS v. YANAI, 501 F.3d 743 (6th Cir. 2011) in pertinent part - trial counsel was ineffective when he failed to object to prosecutor's REPEATED improper comments.

Failure to conduct an adequate pretrial investigation. Falls square under the rules of STRICKLAND v. WASHINGTON 466 U.S. 668, (1984)

THESE FACTS were put before THE DISTRICT COURT, IN a 'REQUESTED' COA. A clear violation of Petitioner's Constitutional Rights, yet the DISTRICT COURT Ruled them AS 'MOOT'.

When Petitioner's actual 'REQUEST' COA was denied on April 26, 2022. Petitioner filed his timely Notice of Appeal on May 24, 2022.

THE FIFTH Circuit Court of Appeals dismissed Petitioner's Notice of Appeal as "untimely" on August 4, 2022. Making Reference to THE DATE of MARCH 28, 2022, when THE DISTRICT COURT dismissed Petitioner's HABEAS CORPUS petition and A NON-EXISTING COA.

Had Petitioner been out of 'TIME' in his filing? THE DISTRICT COURT would NOT HAVE GRANTED IN FORMA PAUPERIS on JUNE 24, 2022
see ATTACHMENT D

Petitioner received the Fifth Circuit Court of Appeals dismissal notification on August 9th 2022, and timely filed on August 22, 2022 motion for Rehearing/Reconsideration. THE FIFTH Circuit took no action, STATING this motion was also 'untimely' because Petitioner had fourteen days from the date the order was filed in Court - which was August 4, 2022, and not fourteen days from the date of receipt, which was August 9th 2022.

Petitioner then filed a Motion for Relief from a Judgement or Order under Rule 60 (b)(1) of the Federal Rules of Civil Procedure. AGAIN THE FIFTH CIRCUIT TOOK NO ACTION, STATING "... THE COURT IS governed strictly by THE FEDERAL RULES OF APPELLATE PROCEDURE..."

HOWEVER, IN THE COURT'S MANDATE issued on August 4, 2022 referenced 28 U.S.C § 2107(a) "and" Federal Rule of Appeal Procedure 4(a)(1)(A), the notice of appeal in a 'CIVIL' case must be filed within ... identifying Petitioner's case as civil. Yet took no action on Petitioner's Rule 60(b)(1) MOTION

Petitioner ASSERTS ASSISTANCE OF TRIAL COUNSEL. A CONSTITUTIONAL GUARANTEED THE SIXTH AMENDMENT. HAD THE STATE'S WITNESSES INCONSISTENT, AND UNCORROBORATED TESTIMONY BEEN CHALLENGED BY TRIAL COUNSEL. IT WOULD HAVE SHOWN THE STATE'S WITNESSES AS PERJURERS.

Petitioner offered exculpatory evidence during trial. see EXHIBIT 9. AS PETITIONER TRIED EFFORTLESSLY TO HAVE EVIDENCE ENTERED/ACCEPTED. TRIAL COUNSEL SAT AIMLESSLY QUIET. SO MUCH SO, THE TRIAL JUDGE HAD TO ASK HER TO HELP HIM (JUDGE) OUT.

AS THE PROSECUTOR ENCOURAGED JURORS TO FIND PETITIONER 'GUILTY' IF THEY WANTED TO FEEL SAFE, AND LIVE IN A SAFE NEIGHBORHOOD. COUNSEL CONTINUED HER QUIETNESS. DISREGARDING THE FACTS AND TRUTH.

THE PROSECUTING ATTORNEY WITHHELD CRITICAL EVIDENCE, THAT ~~TRAIL~~ ^{COUNSEL} KNEW OF BECAUSE THE PROSECUTING ATTORNEY TOLD HER, [WE Ran his Social Security number, it comes back to another individual, which is NOT OUR VICTIM.] THIS EVIDENCE WOULD HAVE SHOWN A PERJURED WITNESS ON THE WITNESS STAND. BECAUSE IT IS THE CORE OF THE JUDICIAL SYSTEM TO EXPLORE THE FACTS, AND DISCOVER THE TRUTH.

PETITIONER, HAS A RIGHT, TO HAVE HIS RIGHTS PROTECTED BY COUNSEL. COUNSEL FAILED IN HER DUTY, AFTER BEING MADE AWARE BY THE STATE, THAT THE STATE'S WITNESS WAS/IS A PERJURER, PUT ON THE STAND, "TO TELL THE TRUTH"

THE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI DENIED PETITIONER'S 'REQUESTED' COA AS "MOOT" CAUSE ON IT OWN WHIM DENIED A COA THAT DID NOT EXIST. A CLEAR ACT OF PREJUDICE.

COURTS OF APPEAL ASKS ONLY ONE QUESTION. AND THAT IS WHETHER THE DISTRICT COURT'S DECISION IS DEBATABLE. ID, SEE *BRADSHAW V. ESTELLE*, 463 U.S. 880, 893 N.4 (1983).

ALTERNATIVELY, HOWEVER, SHOULD THIS COURT NOT REVERSE AND RENDER, THEN PETITIONER REQUESTS THAT THIS COURT DIRECT THE FIFTH CIRCUIT COURT OF APPEALS TO ISSUE A CERTIFICATE OF APPEALABILITY.

CONCLUSION

This COURT should reverse and order Petitioner's immediate release because the United States Circuit Court of Appeals for the Fifth Circuit has declined to ensure Petitioner's RIGHTS, The United States District Court for the Southern District of Mississippi has failed to uphold Petitioner's RIGHTS, and Trial Counsel has failed horribly in PROTECTING Petitioner's RIGHT'S.

Allowing Prosecuting Attorney to put a perjured witness on the witness stand to tell the TRUTH. A violation of Petitioner's RIGHTS at the worst magnitude. see APPENDIX K where Prosecuting Attorney told Trial Counsel that STATE'S witness had perjured.

Stanley Bradley
Respectfully Submitted

Subscribed and sworn to before me in my presence, this 17 day of Jan 2023, a Notary Public in and for the County of Lauderdale State of MS
Casey Newell
Casey Newell (Signature) Notary Public
My Commission Expires Jan 18, 2025



NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STANLEY LEE BRADLEY

PETITIONER

VERSUS

COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS;
FRANK SHAW, WARDEN OF EAST MISSISSIPPI CORRECTIONAL FACILITY;
X, Y, AND Z,

RESPONDENTS

PROOF OF SERVICE

I, Stanley Bradley, do swear or declare that on this date, January 17, 2023, as required by Supreme Court Rule 29, I have served the enclosed Motion for LEAVE TO Proceed IN FORMA PAUPERIS and Petition for A WRIT OF CERTIORARI on each party to the above proceeding.

The names and addresses of those served are as follows:

Lynn Fitch
Attorney General
Post Office Box 220
Jackson, MS. 39205-0220

Jerrolyn M. Owens
Office of the Mississippi Attorney General
Post Office Box 220
Jackson, MS. 39205-0220

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

October 10, 2022

#73305
Mr. Stanley Lee Bradley
East Mississippi Correctional Facility
10641 Highway 80, W.
Meridian, MS 39307-0000

No. 22-60320 Bradley v. Shaw
USDC No. 2:18-CV-196

Dear Mr. Bradley,

We received your Motion for Relief from a Judgment or Order. We are taking no action because filings in this court are governed strictly by the Federal Rules of Appellate Procedure, NOT the Federal Rules of Civil Procedure. We cannot accept motions submitted under the Federal Rules of Civil Procedure. If this is an attempt to file a motion for reconsideration, the time has expired.

Sincerely,

LYLE W. CAYCE, Clerk



By:
Monica R. Washington, Deputy Clerk
504-310-7705

cc: Ms. Jerrolyn M. Owens

APPENDIX A

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 29, 2022

#73305
Mr. Stanley Lee Bradley
East Mississippi Correctional Facility
10641 Highway 80, W.
Meridian, MS 39307-0000

No. 22-60320 Bradley v. Shaw
USDC No. 2:18-CV-196

Dear Mr. Bradley,

We will take no action on your "Motion for Rehearing" viewed as a motion for reconsideration because it is untimely. The time for filing a motion for reconsideration under 5TH CIR. R. 27 has expired.

Sincerely,

LYLE W. CAYCE, Clerk



By: Monica R. Washington, Deputy Clerk
504-310-7705

cc: Ms. Jerrolyn M. Owens

APPendix B

United States Court of Appeals for the Fifth Circuit

No. 22-60320

United States Court of Appeals
Fifth Circuit

FILED

August 4, 2022

STANLEY LEE BRADLEY,

Lyle W. Cayce
Clerk

Petitioner—Appellant,

versus

FRANK SHAW,

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:18-CV-196

Before KING, JONES, and SMITH, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

In this habeas corpus case filed by a state prisoner, the final judgment was entered and certificate of appealability was denied on March 28, 2022. Therefore, the final day for filing a timely notice of appeal was April 27, 2022. Petitioner's pro se notice of appeal is not dated but the accompanying cover

APPENDIX C

letter is dated May 24, 2022 and the notice is stamped as filed on May 31, 2022. Because the cover letter accompanying the notice of appeal is dated May 24, 2022, it and the notice of appeal could not have been deposited in the prison's mail system within the prescribed time. *See FED. R. APP. P. 4(c)(1)* (prisoner's pro se notice of appeal is timely filed if deposited in the institution's internal mail system on or before the last day for filing). When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

STANLEY LEE BRADLEY, #73305

PLAINTIFF

v.

CIVIL ACTION NO. 2:18-cv-196-TBM-LGI

FRANK SHAW

DEFENDANT

ORDER

This matter is before the Court on application of the Plaintiff, Stanley Lee Bradley, who is a prisoner, seeking permission to proceed in forma pauperis on appeal. This Court, being fully advised in the premises and having examined the application and affidavit submitted, is of the opinion that the Plaintiff's Motion [33] is well-taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff's Motion [33] for leave to proceed in forma pauperis on appeal is GRANTED. The Plaintiff may proceed in this cause without prepayment of fees or costs, or giving security therefore.

THIS, the 24th day of June, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

STANLEY LEE BRADLEY, #73305

PLAINTIFF

v.

CIVIL ACTION NO. 2:18-cv-196-TBM-LGI

FRANK SHAW

DEFENDANT

**ORDER DENYING MOTION FOR
CERTIFICATE OF APPEALABILITY AS MOOT**

This cause is before the Court on the Motion for Certificate of Appealability [27] filed by Stanley Lee Bradley on April 25, 2022. The Court finds that on March 28, 2022, the Court issued an Order [25] denying a Certificate of Appealability. Accordingly, Bradley's Motion for Certificate of Appealability is DENIED as MOOT.

THIS, the 26th day of April, 2022.


TAYLOR B. McNEIL
UNITED STATES DISTRICT JUDGE

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

STANLEY LEE BRADLEY, #73305

PLAINTIFF

v.

CIVIL ACTION NO. 2:18-cv-196-TBM-LGI

FRANK SHAW

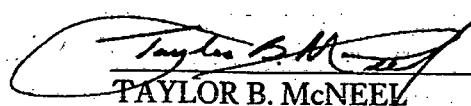
DEFENDANT

CERTIFICATE OF APPEALABILITY - DENIED

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court, this Court, considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, finds that a Certificate of Appealability should not issue.

To be entitled to a Certificate of Appealability, an applicant must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To meet this burden, the applicant must demonstrate: “(1) that reasonable jurists would find this Court’s ‘assessment of the constitutional claims debatable or wrong,’ or (2) that reasonable jurists would find ‘it debatable whether the petition states a valid claim of the denial of a constitutional right’ and ‘debatable whether [this Court] was correct in its procedural ruling.’” *Wilson v. Epps*, No. 5:07-cv-165-DCB, 2010 WL 3909691, at *2 (S.D. Miss. Oct. 1, 2010) (alteration in original) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000)). The Court finds that the applicant has failed to meet either of the criteria set forth in by the Supreme Court in *Slack*, and therefore has failed to make a substantial showing of the denial of a constitutional right. A Certificate of Appealability is denied.

THIS, the 28th day of March, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE

APPENDIX F

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

STANLEY LEE BRADLEY, #73305

PLAINTIFF

v.

CIVIL ACTION NO. 2:18-cv-196-TBM-LGI

FRANK SHAW

DEFENDANT

FINAL JUDGMENT

This matter is before the Court on submission of the Report and Recommendation [19] entered by United States Magistrate Judge LaKeysha Greer Isaac December 9, 2021. The Court, having adopted the Report and Recommendation as the finding of this Court by Order entered this same day, finds that this matter should be dismissed.

IT IS ORDERED AND ADJUDGED that the Petition for Writ of Habeas Corpus [1] is DISMISSED with prejudice.

THIS, the 28th day of March, 2022.



TAYLOR B. McNEAL
UNITED STATES DISTRICT JUDGE

APPendix G

Serial: 221206

IN THE SUPREME COURT OF MISSISSIPPI

No. 2018-M-01040

STANLEY BRADLEY

v.

STATE OF MISSISSIPPI

FILED

Petitioner

SEP 20 2018

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Respondent

ORDER

Now before the panel of Kitchens, P.J., King and Maxwell, JJ., is Stanley Bradley's Application for Leave to File Verified Motion for Post-Conviction Collateral Relief.

Bradley filed this, his first, application within the three-year limitations period. Miss. Code. Ann. § 99-39-5(2). He raises six claims: (1) trial counsel was ineffective for not addressing the differences between the prosecution's witnesses' trial testimony and their prior statements; (2) trial counsel was ineffective for not objecting when the trial court refused to admit certain evidence supporting his self-defense theory; (3) trial counsel was ineffective for not conducting an adequate pretrial investigation; (4) trial counsel was ineffective for not objecting to the prosecutor's improper remarks in closing arguments; (5) he was denied due process due to an invalid indictment; and (6) trial counsel was ineffective due to cumulative errors, which deprived him a fair trial and due process.

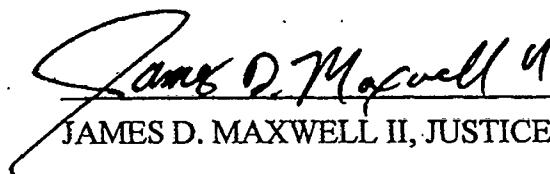
After due consideration, we find the following. First, Bradley fails to present a substantial showing that trial counsel was ineffective for not (a) addressing the differences between the prosecution's witnesses' trial testimony and their prior statements; (b) objecting

APPENDIX H

when the trial court refused to admit certain evidence supporting his self-defense theory; or (c) conducting an adequate pretrial investigation. Miss. Code Ann. § 99-39-27(5). Second, his claim that trial counsel was ineffective for not objecting to the prosecutor's improper remarks in closing arguments is barred. *Foster v. State*, 687 So. 2d 1124, 1129 (Miss. 1996) ("[I]ssues which were . . . presented through direct appeal . . . are procedurally barred and cannot be relitigated under the guise of poor representation by counsel."). Third, his defective-indictment claim is waived, and he fails to show cause and actual prejudice to warrant waiving the bar. Miss. Code Ann. § 99-39-21(1). Finally, he fails to present a substantial showing that trial counsel was ineffective due to cumulative errors. Miss. Code Ann. § 99-39-27(5). Under his cumulative-error claim, he also challenges the sufficiency of the evidence. That particular argument is waived. Miss. Code Ann. § 99-39-21(1).

IT IS THEREFORE ORDERED that the application is denied.

SO ORDERED, this the 19th day of September, 2018.



James D. Maxwell II
JAMES D. MAXWELL II, JUSTICE

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2015-KA-01234-COA

STANLEY LEE BRADLEY A/K/A STANLEY
BRADLEY

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT:	07/23/2015
TRIAL JUDGE:	HON. ROBERT B. HELFRICH
COURT FROM WHICH APPEALED:	FORREST COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	OFFICE OF STATE PUBLIC DEFENDER BY: ERIN ELIZABETH BRIGGS
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: BARBARA WAKELAND BYRD
DISTRICT ATTORNEY:	PATRICIA A. THOMAS BURCHELL
NATURE OF THE CASE:	CRIMINAL - FELONY
TRIAL COURT DISPOSITION:	CONVICTED OF AGGRAVATED ASSAULT AND SENTENCED TO TWENTY YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, AND TO PAY A \$2,500 FINE
DISPOSITION:	AFFIRMED - 04/25/2017
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

BEFORE LEE, C.J., BARNES AND FAIR, JJ.

BARNES, J., FOR THE COURT:

¶1. A jury sitting before the Forrest County Circuit Court found Stanley Lee Bradley guilty of aggravated assault. Bradley appeals, claiming the jury's verdict is contrary to the weight of the evidence. He also claims that the prosecution made an improper "send a message" closing argument. Finding no error, we affirm.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

APPENDIX I

¶2. As of mid-February 2014, Bradley and Cassandra Baker had been dating for seven years. Cassandra's brother, David Baker, had been living with them for approximately one month. On February 15, 2014, a number of people visited their house to celebrate Cassandra's birthday. After everyone else left at approximately 9 p.m., Cassandra and David rested on separate couches in the living room. Bradley was not ready to end the evening. Although he had been drinking, Bradley left to drive around and visit some friends. Bradley told Cassandra that he would "be right back."

¶3. Bradley "ended up at [Cassandra's] sister's house," where he continued to drink until he fell asleep on the couch. When he woke up "after two o' clock," he had a number of missed calls from Cassandra. Cassandra called him again while he was driving home. Bradley answered and explained that he was on his way home from her sister's house. Cassandra hung up. When she called again, he did not answer because he was nearly home. After parking and listening to music for "maybe three to five minutes," Bradley went inside.

¶4. It is undisputed that Bradley and David got into a fight. It is also undisputed that Bradley stabbed David multiple times with a pocketknife. Other necessary details will be discussed below. David went to the hospital, where he was treated for one stab wound to his lower side¹ and four stab wounds to his upper back. Bradley was arrested and subsequently charged with aggravated assault. At trial, the prosecution called David, Cassandra, and the police officer who responded to Bradley's 911 call from a neighbor's house. Bradley chose

¹ David's medical records were not introduced into evidence, but he described a surgical procedure to ensure that his bowels had not been perforated. He remained in the hospital for at least four days.

to testify after the prosecution rested its case-in-chief. Ultimately, the jury found Bradley guilty, and the circuit judge sentenced him to twenty years in the custody of the Mississippi Department of Corrections. Bradley appeals.

ANALYSIS

I. Whether the verdict is contrary to the weight of the evidence.

¶5. Bradley argues that the circuit court erred when it denied his motion for a new trial, because the jury's verdict is contrary to the overwhelming weight of the evidence. An appellate court "will only disturb a verdict when it is so contrary to the overwhelming weight of the evidence that to allow it to stand would sanction an unconscionable injustice." *Bush v. State*, 895 So. 2d 836, 844 (¶18) (Miss. 2005). We must "view the evidence in the light most favorable to the verdict," and we must affirm unless "[t]he trial court . . . abuse[d] its discretion in denying a new trial[.]" *Id.* at 844-45 (¶19).

¶6. To prove aggravated assault, the State generally has to prove beyond a reasonable doubt that a "defendant (1) attempted to cause or purposely or knowingly caused bodily injury to another (2) with a deadly weapon." *Duke v. State*, 146 So. 3d 401, 405 (¶16) (Miss. Ct. App. 2014) (citing Miss. Code Ann. § 97-3-7(2)(a)(ii) (Supp. 2013)). It is undisputed that Bradley purposely stabbed David with a pocketknife multiple times. But since Bradley successfully requested a self-defense instruction, the prosecution also had to prove that he did not act in necessary self-defense. *Id.* at 405-06 (¶16).

¶7. The jury heard testimony that Cassandra and Bradley were arguing because he left on her birthday, she was not able to get in touch with him for hours, and he did not come back.

home until well after 2 a.m. Bradley testified that while he was in the bedroom, he was saying that Cassandra did not "make [any] motherf----- sense," and that her concerns were "nonsense" and "dumb s---." Cassandra testified that she "shut down" and got quiet because Bradley made her feel "intimidated."

¶8. According to David, Bradley was "outraged," "wild," and a "loose cannon" that night, and he had never seen Bradley act that way.² David also said that Bradley was "fussing" at Cassandra, and he was "talking loud [and] hollering." Although Bradley testified that he was not angry when he got home, given the testimony to the contrary and the circuit judge's instruction that the jurors could "draw such reasonable inferences from the evidence as seem justified in light of [their] own experiences," the jury could certainly have concluded otherwise.

¶9. It is undisputed that David eventually spoke up and injected himself in the situation. The jury could have concluded that Bradley was angry about David's involvement; especially since Bradley testified that he told David that he would "say anything [he] want[ed] to in this motherf-----," and told David not to get involved in his relationship. It is undisputed that the resulting verbal exchange became physical, and Bradley stabbed David multiple times. Bradley testified that David attacked him first. But David testified that he was still lying on a couch when Bradley suddenly charged from the bedroom and attacked him. Cassandra also testified that Bradley ran into the living room while David was still on the couch.

¶10. Bradley's testimony was inconsistent regarding when he got out his knife and stabbed

² Bradley also testified that he had never had a problem with David before that night.

David. According to Bradley, David started the fight when he “scooped [Bradley] up” and “drove” him onto one of the couches in the living room. Initially, Bradley testified that he got out his knife and stabbed David only after David began choking him. But during cross-examination, Bradley testified: “When [David] took me off my feet, [and] had me in the air, before we could land on the couch because when I held him [be]cause I’m in the air[,] . . . [t]hat’s when I pulled my knife. And *by the time I landed on the couch, that’s how he got the stab in his side.*” (Emphasis added). Later during cross-examination, Bradley testified that “[w]hen [David] swooped [him] up off [his] feet, that’s when [he] stabbed” David.

¶11. To summarize, the jury could have found that Bradley’s version of events was not credible because he first said he stabbed David only after being choked, he later said he stabbed David after they landed on the couch but before he was choked, and he finally said he stabbed David before they even landed on the couch. Given David’s and Cassandra’s testimonies that Bradley charged and attacked David first, David’s testimony that Bradley was hiding one of his hands behind his back before their altercation, and Bradley’s inconsistent version of events, the jury could have concluded that Bradley initiated the fight, and that he had armed himself before the fight began.³

³ The prosecution introduced Bradley’s knife into evidence, but it was not transmitted with the appellate record. *See M.R.A.P. 11(d)(1)(iii)* (“[P]hysical exhibits[,] other than documents, shall not be transmitted by the trial court clerk unless the clerk is directed to do so by a party or by the clerk of the [Mississippi] Supreme Court.”). Sold under the brand “Tac Force,” it was described as a “pocket knife.” Officer Jarrod Smith of the Hattiesburg Police Department testified that he recovered the knife from Bradley’s pocket. It is reasonable to conclude that it would have been necessary for Bradley to unfold or open it before he stabbed David. There was no testimony regarding whether Bradley could have opened the knife with one hand, or whether it would have been necessary for him to use both hands.

¶12. The circuit court instructed the jurors to “use [their] good common sense and sound honest judgment in considering and weighing the testimony of each witness who . . . testified in this case.” “[An appellate court] will not pass upon the credibility of witnesses and, where the evidence justifies a verdict, it must be accepted as having been found worthy of belief.”

Jones v. State, 95 So. 3d 641, 647 (¶20) (Miss. 2012) (citation and internal quotations marks omitted). “[T]he members of the jury act as the finders of fact.” *Brown v. State*, 764 So. 2d 463, 467 (¶9) (Miss. Ct. App. 2000). “They are charged to listen to the evidence, observe the demeanor of the witnesses, and decide the issue of the credibility of the witnesses and what weight to give to any particular piece of evidence.” *Id.*

¶13. Bradley notes he left the house and called 911, David was going to chase him out of the house before Cassandra intervened, and he was cooperative when emergency responders arrived. But the jury could have reasonably decided that Bradley’s and David’s behavior after the altercation was outweighed by the evidence that Bradley attacked David first. And the jury’s verdict is not contrary to the weight of the evidence simply because David was confronted with what seemed to be a medical record – the document was not introduced into evidence – reflecting that David had told a medical provider that he “witnessed [Bradley] arguing and fighting with [Cassandra,] and [he] jumped on [Bradley] and choked him.” David testified that he did not remember saying that. Even if David had given a prior inconsistent statement, that would not prevent the jury from deciding that he was more credible than Bradley. *See id.* at (¶10). “The jury’s discretion in choosing whether to accept all or part of a witness’s testimony is unfettered.” *McIntosh v. State*, 749 So. 2d 1235, 1241

(¶23) (Miss. Ct. App. 1999).

¶14. Viewing the evidence in the light most favorable to the verdict, the jury could have reasonably found Bradley guilty of aggravated assault. Allowing the jury's verdict to stand does not sanction an unconscionable injustice. It follows that the circuit judge did not abuse his discretion when he denied Bradley's motion for a new trial. Accordingly, this issue is meritless.

II. Whether the prosecution used a "send a message" closing argument.

¶15. According to Bradley, the prosecution made improper "send a message" comments during its closing argument. Out of the remarks that Bradley highlights, the following comments are the only ones that resemble a "send a message" argument:

[When a disagreement] goes beyond [a] normal argument, tussle, fight, or somebody wrestling in the living room, there has to be a level of accountability[, be]cause once we move past that point where there is no level of accountability and a person can be stabbed in the back . . . five times, and we can't evaluate that to determine what the facts are, [then] we're in a society that would have a significant amount of problems . . . [J]ustice . . . has to come if we want to live in a society[,] in a town, in a city, in a country that's fair -- that everybody feels safe.

....
That's that normal family dispute that crosses that line that cannot be okay in a functional society.. It simply can't.. Good citizens have to say we're not going to have that mess in our society.

¶16. As a threshold matter, we note that there was no objection to any portion of the prosecution's initial or rebuttal closing argument. Consequently, this issue is procedurally barred: *Jackson v. State*, 174 So. 3d 232, 238 (¶17) (Miss. 2015). An appellate court will only find plain error under circumstances where the comments at issue were "so

inflammatory that the trial judge should have objected on his own motion.” *McCoy v. State*, 147 So. 3d 333, 344-45 (¶29) (Miss. 2014).

¶17. An appellate court “must determine whether the natural and probable effect of the improper argument creates an unjust prejudice against the accused resulting in a decision influenced by the prejudice so created.” *Id.* at 345 (¶29). Guided by jury instructions, jurors must decide whether the prosecution presented evidence that the accused is guilty of a charged crime. *Grindle v. State*, 134 So. 3d 330, 347 (¶71) (Miss. Ct. App. 2013). A prosecutor may not encourage jurors to reach a guilty verdict to send a message to the public or other potential criminals, or “reach a verdict for the purpose of meeting public favor.” *Id.* at 347-48 (¶71). Thus, even in the absence of an objection, reversible error may result from a prosecutor’s closing argument that a jury should “[s]end a message to . . . older, more mature, criminals . . . [that ‘w]e are not going to let you ruin young people’s lives” See *Payton v. State*, 785 So. 2d 267, 270-72 (¶¶9-15) (Miss. 1999) (citations omitted).

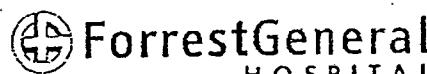
¶18. The prosecutor did not urge jurors to use their verdict to send a message to anyone. Instead, the prosecutor argued that the evidence showed Bradley was guilty, his behavior was not merely a family dispute but unacceptable and unreasonable, and the jury should hold him accountable. It was permissible for the prosecutor to reiterate the jury’s duty as set forth in the jury instructions. See *Long v. State*, 52 So. 3d 1188, 1194 (¶20) (Miss. 2011). As such, the comments at issue were not improper – much less so inflammatory that the circuit judge should have objected on his own motion. Accordingly, this issue is procedurally barred.

¶19. **THE JUDGMENT OF THE FORREST COUNTY CIRCUIT COURT OF CONVICTION OF AGGRAVATED ASSAULT AND SENTENCE OF TWENTY**

YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, AND TO PAY A \$2,500 FINE, IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED TO FORREST COUNTY.

LEE, C.J., IRVING AND GRIFFIS, P.JJ., ISHEE, FAIR, WILSON, GREENLEE AND WESTBROOKS, JJ., CONCUR. CARLTON, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION.

000067



FORREST GENERAL HOSPITAL
6051 US Highway 49
HOSPITAL HATTIESBURG, MS 39401-7283
Forrest Health™

BAKER, DAVID D
MRN: 20023993
DOB: 8/23/1971, Sex: M
Adm: 2/16/2014, D/C: 2/21/2014

Emergency Department (continued)

ADMISSION INFORMATION (continued)

Admit Provider:	Georgia Wahl, MD	Attending Provider:	Georgia Wahl, MD	Referring Provider:	None
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Discharge Information - Hospital Account/Patient Record

Discharge Date/Time 02/21/2014 12:47 PM	Discharge Disposition Home - Routine (May Include Durable Medical Equipment)	Discharge Destination None	Discharge Provider None	Unit Fgh 7ts General Surgery
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Psychiatric Consult - PG Consult Notes

Psychiatric Consult signed by Peter Kamp, MD at 2/20/2014 2:23 PM

Author:	Peter Kamp, MD	Service:	Psychiatry	Author Type:	Physician
Filed:	2/20/2014 2:23 PM	Note Time:	2/20/2014 2:14 PM		

Sensitive Note

Psychiatric Evaluation

Chief Complaint and History of Present Illness:

David D Baker is a 42 y.o. male admitted to Forrest General Hospital with multiple stab wounds. Dr. Wahl requests Psychiatric Consultation regarding possible homicidal thoughts. I met with the patient, reviewed the available records, and spoke with the treatment team.

The patient states that he is moved into his sister's house recently. He states that her boyfriend has been physically and verbally abusive towards her in the past he believes. He states that he witnessed the boyfriend arguing and fighting with her and he "jumped on him and choked him". He states the man turned around and stabbed him several times. He has 3 stab wounds to in the back in one in the abdomen. He told staff that he was wanting to go and beat this man up when he left the hospital.

He tells me that the man's name is Stanley Bradley, and that he was arrested after the assault. He states that he heard that Mr. Bradley had court yesterday and was released from jail some help. He states that as soon as he gets out of the hospital he is going to "beat him up". When I asked him if he is having any homicidal thoughts he states that he is not he's not going to kill the man. He states that he is going to go to the police and let them know what his plan is, and then is going to go find Mr. Bradley and beat him up. When I point out that he may end up in jail for this he states that that would be okay with him. He states that he has other brothers that can watch out for his sister if he ends up incarcerated. When I tell him that we may have to one the police he tells me that he has already told "the detective that asked me a bunch of questions" that he plans to go beat this man up.

He denies any history of psychiatric problems. He denies any depression, anxiety, suicidal thoughts or homicidal thoughts. He denies any auditory or visual hallucinations or any history of psychosis. He acknowledges that he smokes marijuana and occasionally will drink beer but denies having had any problems with these in the past. He does acknowledge that he has had a history of fighting in the past. He states he's never been arrested for violent behavior. He states he was arrested in the past for failure to pay old fines.

Patient Active Problem List

Diagnosis	Date Noted
• Anger reaction	02/20/2014
• Injury of colon	02/17/2014
• S/P exploratory laparotomy	02/17/2014

Appendix K

Motion, 7/20/2015 (No Jury)

9

1 in camera. We would like the Court to note
2 there is nothing on the NCIC of one Sharold
3 Baker that would be of any relevance to her
4 testifying in court. And the second to the
5 victim in this case. When we ran his Social
6 Security number, it comes back to another
7 individual, which is not our victim. There's
8 a lot of stuff on it, but the name given is
9 for an individual named Tara P. Williams.
10 And what she's asking for is a criminal
11 background check. To be accurate on NCIC, it
12 has to come through fingerprint analysis.
13 There's no way to get an accurate because if
14 you put in a date of birth and Social
15 Security number, you're going to get anybody
16 who's ever used that date of birth and Social
17 Security number being booked into a jail.
18 And the only accurate way to do it is to go
19 get them to get fingerprints and have them
20 checked, and there's simply not enough time
21 for the State to do that. But we would like
22 to submit to the Court the NCIC of the two
23 lay witnesses that have been -- that we plan
24 to call. And the problem with them is they
25 only are based on the date of birth -- name,
26 date of birth, Social Security number.

27 THE COURT: Response?

28 MS. PORTER: Your Honor, I think in
29 light of Mr. Hood's -- the ease in which he