

Appendix A

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2022-CP-00874-COA

CHARLES JORDAN

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT: 04/19/2022
TRIAL JUDGE: HON. JAMES T. KITCHENS JR.
COURT FROM WHICH APPEALED: OKTIBBEHA COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT: CHARLES JORDAN (PRO SE)
ATTORNEY FOR APPELLEE: OFFICE OF THE ATTORNEY GENERAL
NATURE OF THE CASE: CIVIL - POST-CONVICTION RELIEF
DISPOSITION: AFFIRMED - 03/19/2024
MOTION FOR REHEARING FILED:

CONSOLIDATED WITH

NO. 2022-CP-00877-COA

CHARLES JORDAN

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT: 08/4/2022
TRIAL JUDGE: JAMES T. KITCHENS JR.
COURT FROM WHICH APPEALED: OKTIBBEHA COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT: CHARLES JORDAN (PRO SE)
ATTORNEY FOR APPELLEE: OFFICE OF THE ATTORNEY GENERAL
NATURE OF THE CASE: CIVIL - POST-CONVICTION RELIEF
DISPOSITION: AFFIRMED - 03/19/2024
MOTION FOR REHEARING FILED:

CONSOLIDATED WITH

NO. 2023-CP-00072-COA

CHARLES JORDAN

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT:	01/31/2022
TRIAL JUDGE:	JAMES T. KITCHENS JR.
COURT FROM WHICH APPEALED:	OKTIBBEHA COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	CHARLES JORDAN (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: ASHLEY LAUREN SULSER
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
DISPOSITION:	AFFIRMED - 03/19/2024
MOTION FOR REHEARING FILED:	

BEFORE CARLTON, P.J., McDONALD AND EMFINGER, JJ.

EMFINGER, J., FOR THE COURT:

¶1. On August 18, 2020, in the Circuit Court of Oktibbeha County, Mississippi, Charles Jordan entered a guilty plea to exploitation of a child in violation of Mississippi Code Annotated section 97-5-33(6) (Rev. 2014) and was sentenced to a term of twelve years in the custody of the Mississippi Department of Corrections, with five years suspended and seven years to serve. Jordan appeals three separate orders of the circuit court which deny Jordan's motions for post-conviction collateral relief (PCR). These appeals have been consolidated for our review and disposition.

ANALYSIS

¶2. Jordan filed his first PCR motion in circuit court on October 2, 2020. At Jordan's request, this motion was dismissed with prejudice by a circuit court order entered on

November 12, 2020. Jordan had already filed a second PCR motion on November 6, 2020, to vacate his conviction alleging that his constitutional right to a speedy trial had been violated. The circuit court denied this second motion on November 17, 2020. Jordan filed a notice of appeal appealing only the circuit court's November 17, 2020 order. This appeal was docketed as case number 2020-CP-01327-COA. The appeal was dismissed due to Jordan's failure to file an appellant's brief.¹ These orders on November 12 and November 17 denying Jordan's efforts at obtaining PCR stand as a bar to all subsequent motions unless a statutory exception applies under Mississippi Code Annotated section 99-39-23(6) (Rev. 2020).

¶3. On appeal, in Case Number 2023-TS-00072-COA, the January 31, 2022 order denying Jordan's PCR motions states that the circuit court was denying the motions as subsequent filings. The order specifically sets out the dates of the prior orders denying Jordan PCR: November 12, 2020; November 17, 2020; February 23, 2021; February 24, 2021; and November 16, 2021. In Case Number 2022-CP-00874-COA, the April 19, 2022 order denied five separate motions for relief filed by Jordan as subsequent filings. In this order, the circuit court listed the January 31, 2022 order and all the prior orders cited. In Case No. 2022-CP-00877-COA, the circuit court's August 4, 2022 order² denied Jordan's PCR motion in which Jordan argued the trial judge should have recused himself from presiding over his trial, guilty plea, and post-conviction motions. The trial judge dismissed this motion, finding it was

¹ These records are referenced on the civil docket of the circuit court found in the present appellate record. Further, we can take judicial notice of the records from prior appeals. *See Kennedy v. State*, 287 So. 3d 258, 263 n.1 (Miss. Ct. App. 2019).

² The order was signed and file-stamped on August 2, 2022, but was not entered on the court's public docket until August 4, 2022.

without merit. While the order does not dismiss this motion as a subsequent PCR motion, clearly it was procedurally barred as well.

¶4. In *Grogan v. State*, 89 So. 3d 617, 622 (¶13) (Miss. Ct. App. 2011), this Court explained:

Although there is no proof in the record to either support or deny the existence of [Grogan's] prior motion for post-conviction relief, the reference in [the trial court's] order is sufficient to take judicial notice of its existence and to rule that the successive motion was improper.

(Quoting *McGriggs v. State*, 877 So. 2d 447, 449 (¶6) (Miss. Ct. App. 2003)). Jordan's numerous PCR motions and the orders denying relief were all filed in the same civil cause number in the circuit clerk's office. The civil docket that is a part of our appellate record confirms the dates of these prior orders. Although we do not have all these motions and orders in the appellate record, we take judicial notice of the orders specifically identified in the trial court's orders, as well as the record in the appeal that was dismissed.

¶5. In *McConn v. State*, 355 So. 3d 779, 782-83 (¶9) (Miss. Ct. App. 2023), this Court stated:

A circuit court may summarily dismiss a PCR motion “[i]f it plainly appears from the face of the motion, any annexed exhibits and the prior proceedings in the case that the movant is not entitled to any relief.” Miss. Code Ann. § 99-39-11(2) (Rev. 2020). The Mississippi Supreme Court has stated that summary “dismissal of a PCR motion is proper where it appears beyond a doubt that the [movant] can prove no set of facts in support of his claim which would entitle him to relief.” *State v. Santiago*, 773 So. 2d 921, 924 (¶11) (Miss. 2000) (quotation marks omitted). “Our review of the summary dismissal of a PCR motion, a question of law, is de novo.” *Nichols v. State*, 265 So. 3d 1239, 1241 (¶6) (Miss. Ct. App. 2018) (citing *Young v. State*, 731 So. 2d 1120, 1122 (¶9) (Miss. 1999)).

From our de novo review of the records, Jordan's motions for post-conviction collateral relief

were all clearly barred as subsequent PCR motions pursuant to section 99-39-23(6), and Jordan has produced no evidence or argument to support an exception to the bar.

CONCLUSION

¶6. The circuit court's orders denying relief in these cases are affirmed.

¶7. AFFIRMED.

**BARNES, C.J., CARLTON AND WILSON, P.JJ., GREENLEE,
WESTBROOKS, McDONALD, LAWRENCE, McCARTY AND SMITH, JJ.,
CONCUR.**

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

D. Jeremy Whitmire
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail:sctclerk@courts.ms.gov

July 23, 2024

This is to advise you that the Mississippi Court of Appeals rendered the following decision on the 23rd day of July, 2024.

Court of Appeals Case # 2022-CP-00874-COA
Trial Court Case # 2020-0392-CVK

Charles Jordan v. State of Mississippi

Current Location:
MSP MDOC # 231103
P.O. Box 1057
Parchman, MS 38738

Consolidated with:
2023-CP-00072-COA
Charles Jordan v. State of Mississippi

2022-CP-00877-COA
Charles Jordan v. State of Mississippi

The motion for rehearing is denied.

* NOTICE TO CHANCERY/CIRCUIT/COUNTY COURT CLERKS *

If an original of any exhibit other than photos was sent to the Supreme Court Clerk and should now be returned to you, please advise this office in writing immediately.

Please note: Pursuant to MRAP 45(c), amended effective July, 1, 2010, copies of opinions will not be mailed. Any opinion rendered may be found by visiting the Court's website at: <https://courts.ms.gov>, and selecting the appropriate date the opinion was rendered under the category "Decisions."

Appx. B

Serial: 253979

IN THE SUPREME COURT OF MISSISSIPPI

No. 2022-CT-00874-SCT

CHARLES JORDAN

v.

STATE OF MISSISSIPPI

FILED

SEP 16 2024

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Consolidated with:
2022-CT-00877-SCT

Appellant/Petitioner

Appellee/Respondent

CHARLES JORDAN

v.

STATE OF MISSISSIPPI

Appellant/Petitioner

Appellee/Respondent

Consolidated with:
2023-CT-00072-SCT

CHARLES JORDAN

v.

STATE OF MISSISSIPPI

Appellant/Petitioner

Appellee/Respondent

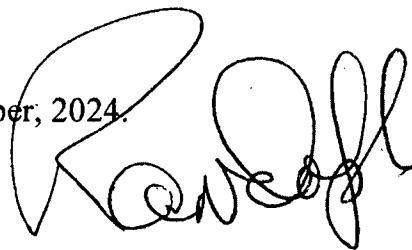
ORDER

Before the Court is Charles Jordan's Petition for Writ of Certiorari. After due consideration, the Court finds the petition should be denied.

App. C

IT IS, THEREFORE, ORDERED that Charles Jordan's Petition for Writ of Certiorari
is hereby denied.

SO ORDERED, this the 16 day of September, 2024.



MICHAEL K. RANDOLPH,
CHIEF JUSTICE

TO DENY: RANDOLPH, C.J., COLEMAN, MAXWELL, BEAM, CHAMBERLIN,
GRIFFIS AND ISHEE, JJ.

TO GRANT: KITCHENS AND KING, P.JJ.

1 General Docket, Criminal Cases, Circuit Court, OKTIBBEHA COUNTY CRIMINAL
===== NO. 2020-0071-CRK CFN 9198

THE STATE OF MISSISSIPPI
VS.

JORDAN, CHARLES
EXPLOITATION OF A CHILD X5
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD

Counsel for Plaintiff
P. Trina Davidson-Brooks
Counsel for Defendant
Stephanie L. Mallette

JUDGE James Thomas Kitchens,

===== ORDERS, JUDGMENTS, ETC.

DATE

3/06/20 Indictment Filed, Capias Issued
4/20/20 Indictment Served, Capias Executed
4/20/20 Scheduling Order- (Waives arraignment; enters a plea of not guilty; sets bond at \$20000; motion date of 07/01/2020; plea date of 07/27/2020; trial date of 07/29/2020 cont for term) 225 538
Copy sent to attorney of record
4/20/20 Waiver of Arraignment, Entry of Plea, Filed
6/19/20 Subpoena Request-State
7/07/20 Supplemental Subpoena Request-State
7/15/20 Subpoena Request-State
7/22/20 Witness List
7/23/20 Order Granting State's Motion in Limine to Exclude Evidence of Extortion, copy to both parties 226 464
7/23/20 Order Granting State's Motion in Limine to Exclude FaceBook Photographs of Victim, copy to both parties 226 465
7/28/20 State's Instructions, Filed
(s-1 through s-10)
7/28/20 Camera Coverage Notice from WCBI
7/29/20 Camera Coverage Notice from Starkville Daily News
7/30/20 Clerk's notes on jury instructions
7/30/20 Court's Instructions, Filed
7/30/20 Defendant's Instructions, Filed
(d-1 through d-12)
7/30/20 State's Instructions, Filed
(S1a-S5a)
7/30/20 Withdrawn instructions
S1-S5, S7, D2, D6
7/30/20 Denied/Refused Instructions
D1, D3, D4, D5, D8, D9, D10, D11, D12
7/30/20 Given Instructions
C.01, C.11, C.12(a), C.14, C.17, S1-a, S2-a, S3-a, S4-a,
S5-a, S6, S7-a, S8, S9, S10, D7
7/31/20 Defendant Information Sheet, filed.
7/31/20 Exhibit List, Filed
7/31/20 Jurors, list of seated
7/31/20 Handwritten jury verdicts, counts 1 through count 5

** CONTINUED ON NEXT PAGE **

Exhibit 8

Appendix C
3

THE STATE OF MISSISSIPPI
VS.

JORDAN, CHARLES
EXPLOITATION OF A CHILD X5
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD
EXPLOITATION OF A CHILD

Counsel for Plaintiff
P. Trina Davidson-Brooks
Counsel for Defendant
Stephanie L. Mallette
JUDGE James Thomas Kitchens,

ORDERS, JUDGMENTS, ETC.

DATE

** CONTINUED FROM PREVIOUS PAGE **

7/31/20	Order Paying Clerk for Jury Food, copy to board of super- visors	227 722
7/31/20	Presentence Investigation, Filed	226 724
7/31/20	Duplicate orders of Counts 1 - 5 "we the jury" not scanned	227 44
8/05/20	Ct 1 Order stating "We, the Jury, find the Defendant guilty of Count 1 as charged."	227 43
8/05/20	Ct 2 Order stating "We, the Jury, find the Defendant guilty of Count 2 as charged."	227 42
8/05/20	Ct 3 Order stating "We, the Jury, find the Defendant guilty of Count 3 as charged."	227 41
8/05/20	Ct 4 Order stating "We, the Jury, find the Defendant guilty of Count 4 as charged."	227 40
8/05/20	Ct 5 Order stating "We, the Jury, find the Defendant guilty of Count 5 as charged."	227 40
8/18/20	Petition To Enter Guilty Plea, Filed	227 112
8/18/20	CT 1 EXPLOITATION OF A CHILD - DISMISSED	227 112
8/18/20	CT 2 EXPLOITATION OF A CHILD - DISMISSED	227 112
8/18/20	CT 3 EXPLOITATION OF A CHILD - DISMISSED	227 112
8/18/20	CT 4 EXPLOITATION OF A CHILD - DISMISSED	227 112
8/18/20	CT 5 EXPLOITATION OF A CHILD - 12 YRS MDOC, 5 YRS SUSP, 7 YRS TO SERVE, 5 YRS POST RELEASE SUPERVISION; \$5,000 FINE AND COSTS TO BE PAID AT RATE OF \$100/MO BEGINNING 60 DAYS AFTER RELEASE; DEF SHALL BE RED TAGGED/PROTECTIVE CUST	227 113
8/24/20	Packet sent to AOC, MDOC, Jail, MDPS	
8/28/20	Motion Hearing Transcript (02-07-2020)	
8/28/20	Motion Hearing Transcript (02-04-2020)	
8/28/20	Motion Hearing Transcript (02-04-2020)	
8/28/20	Acknowledgment of receipt of statute regarding sex offender registration	
10/26/20	Affidavit of Poverty For Attorney, Filed	
11/12/20	Defendant Information Sheet, filed.	

STATE OF MISSISSIPPI
OKTIBBEHA COUNTY

I, Tony M. Rook, Clerk of the Circuit Court in and for said
County and State, certify that the foregoing is a true and correct
copy of the original of said instrument, as the same appears of
record in my office. Given under my hand and official seal this
the 20 day of March 2023

Tony M. Rook Circuit Clerk
Trina Davidson D.C.

EXPLOITATION OF A CHILD (§97-5-33(6))
COMPUTER LURING (§97-5-27)

STATE OF MISSISSIPPI
COUNTY OF OKTIBBEHA

CIRCUIT COURT
NO. 2018-0041-CRK

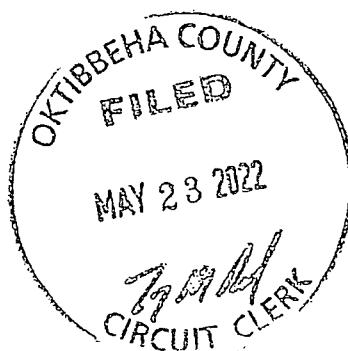
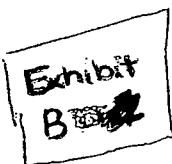
JULY TERM 2017
RECONVENED JANUARY 3, 2018

COUNT 1

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful men and women of said County, duly elected, empaneled, sworn and charged, at the Term aforesaid of the Court aforesaid, to inquire in and for the body of the County aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present, that:

CHARLES JORDAN

late of the County aforesaid on or about or between the 5th day of February, 2017, and 10th day of March, 2017, in the State and County aforesaid did, unlawfully, willfully, feloniously, and knowingly, by any means including computer, entice, induce, persuade, seduce, solicit, advise, coerce or order a child, J. S., whose date of birth is July 14, 2000, to meet with him for the purpose of engaging in sexually explicit conduct, in violation of MCA §97-5-33(6); contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State of Mississippi;



Continued

10
11

73

COUNT 5

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful men and women of said County, duly elected, empaneled, sworn and charged, at the Term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present, that:

CHARLES JORDAN

late of the County aforesaid, on or about or between the 5th day of February, 2017, and the 10th day of March, 2017, in the County and State aforesaid, did unlawfully, willfully and feloniously and knowingly, by any means including computer, entice, induce, persuade, seduce, solicit, advise, coerce or order a child, J.S., whose date of birth is July 14, 2000, to meet with him for the purpose of engaging in sexually explicit conduct, in violation of MCA §97-5-33 (6); contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State of Mississippi;

A TRUE BILL


Ass't DISTRICT ATTORNEY


Alvin J. Tate
FOREMAN OF THE GRAND

JURY

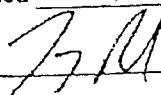
Filed 6th day of March, 2020.
Clerk Recorded 6th day of March, 2020.

Clerk By: —, D.C.

Exhibit
C

— 6 —

— 7 —

The defense was placed in a position to seek continuances in producing sufficient discovery and witness list. (United States v. Irving Alvin Flores v. State of Florida v. State, and prosecutors of this State to guard against becoming complacent with regard to making a speedy trial claim.)

On the 6th of February 2019, it was continued again to complete discovery. March 29th, 2019 was the trial setting for that. On the 29th of March, 2019, the Court continued again to complete discovery and set it for April the 29th, 2019.

On April the 29th, 2019, the case was continued until July the 29th, 2019. There, I continued it because the defendant was gathering discovery for mitigation. On the 29th of July, 2019, I continued it to October the 28th, 2019, back to the old to complete discovery reason.

On the 28th of October 2019, I continued it to the 27th of January to complete discovery. And then on the 27th of January, we didn't do anything. So, I moved it to today's date. So now I have some motions that were apparently filed this morning for the Court to consider.

Mr. Jordan, through his counsel, Mr. Marty Haug, has filed motions to quash Counts 1 and 2 of the indictment. It would show that he is charged with multiple felonies stemming from one event. Those counts include Count 1 exploitation of a child with Jalissa (phonetic) Spencer being the alleged victim.

The defendant is also charged with Count 2,

Exhibit D

COMPUTER-AIDED TRANSCRIPTION BY:

1 messages, once we actually had the phone dump,
 2 the data extracted, we received it and looked at
 3 it last week. As soon as we received it, we
 4 provided him with a copy of it.

5 Gross
 6 Discovery Violation
 7 John Albert Box
 8 Larry Clay Gallaway;
 9 Tomarcus Monte Fulks
 10 v.
 11 State

12 What is known or available
 13 to any one or more is deemed
 14 known by or available to the State." (John Albert Box
 15 v. State)

16 What was known by Det.
 17 Brett Watson was known
 18 by the State.

* BY THE COURT: So, in almost two years, it
took two years to get the phone dump?

BY MRS. DAVIDSON BROOKS: Your Honor, we had
it on our system. We could not, for whatever
reason the program that's on our system, we
couldn't download it. So, we had —

BY THE COURT: When did you have it on your
system?

BY THE DA'S INVESTIGATOR, STEVEN WOODRUFF:
 Whenever it was turned in.

BY THE COURT: Give me a hint. Kind of
 narrow it down to a month, and a date, and a
 year.

BY THE DA'S INVESTIGATOR, STEVEN WOODRUFF:
For grand jury.

(BRIEF PAUSE)

BY MRS. DAVIDSON BROOKS: That was in —
this case was indicted in January of 2018, Your
Honor. We would have that information more than

Exhibit
 1000

COMPUTER-AIDED TRANSCRIPTION BY:

1 likely in December of 2017.

2 BY THE COURT: Okay.

3 BY MRS. DAVIDSON BROOKS: And what was
4 presented to the grand jury would have been the
5 investigator's report and his testimony before
the grand jurors.

6 it is known6 or
7 able to any one ~~ever~~
8 more is deemed known
9 or available to the
10 e. (John Albert Box
11 state)
12
13
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BY THE COURT: Okay. So, would that have
been copies of text messages and pictures and
such?

BY MRS. DAVIDSON BROOKS: Yes. The
detective — the investigator at that time would
have had that information.

BY THE COURT: Mr. Haug said he just got
this stuff last week.

BY MRS. DAVIDSON BROOKS: Your Honor, I
agree. Mr. Haug did receive that last week. In
fact, when I looked at my file to review this
case, there is a program that has — you have to
download to your computer to access the actual
cell phone data. It wouldn't work on our
computer, either.

So, we requested the assistance of Captain
Watson who actually downloaded it from his system
at the office. And then once he handed us a copy
of the entire extraction report, we immediately

C. Marty Haug

martyhauqlaw@gmail.com

Many ...
Hide details

decide whether to ~~assess~~ ^{decide} you
right look at the facts of this
case and presume the ~~prosecutor~~
acted vindictively?" (Goodwin)

Top

Charles Jordan

Date:

February 5, 2020, 3:51 PM

We were trying to get her facebook stuff too. Yes. She took it down. I filed a motion to produce it and we will have a hearing on that Friday at 9:00

The re-indict was prosecutorial harassment and violated the Due Process Clause, that focuses on protecting the accused. (Blackled. Especially considering there was no new evidence and prosecutor used dangling the evidence to get a guilty plea; that you prospect of

Also, the prosecutor told me that her offer now is that you plead open to the one count by Friday, or they will ask the Grand Jury to indict you on another count of Enticement under section 7 which is the asking for pictures section. If we go to trial it is going to be on two enticement counts.

C. Marty Haug

"Discovery, to be sufficient, must be made at a time far enough in advance of trial to give the defense a meaningful opportunity to make use of it." (Larry C. Stewart v. State; E.D Turner v. State; Neal Gravy v. State)

THE LAW OFFICES OF C. MARTY HAUG, PLLC

212 North Jackson Street, STARKVILLE, MS 39759

PHONE: 662.324.9492

FAX: 662.498.0378

Martyhauglaw.com

They even added 4 more counts instead of just 1 more count.

Exhibit
F

FRIDAY, FEBRUARY 7TH, 2020

BY MRS. DAVIDSON BROOKS: Coming before the Court, Your Honor, is Cause Number 2018-0041-CRK, styled The State of Mississippi versus Charles Jordan. The defendant was indicted for child — for exploitation of a child. He's represented by Marty Haug.

This matter was continued from this Circuit Court term until the next court of term for trial. Mr. Haug has filed a motion to produce. And he is here to have a hearing on that motion to produce, Your Honor. And I believe it's motion to produce or request that the State ask the victim to reactivate her facebook profile. And he is here today to have a hearing on that motion.

BY THE COURT: Okay. Thank you. Mr. Haug, you may proceed.

BY MR. HAUG: Thank you, Your Honor. Essentially on the motion, when we had our hearings on the 5th [sic] I believe and during that hearing, I announced that we were — well, the Court ruled that some of her — the victim's facebook post up to I think the 10th of March,

COMPUTER-AIDED TRANSCRIPTION BY:

- 85 -

Exhibit
G

80