

Serial: 217214

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-M-00717

JEFFREY RANDLE

FILED

Petitioner

v.

FEB 08 2018

STATE OF MISSISSIPPI

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Respondent

ORDER

This matter is before the panel of Randolph, P.J., King and Ishee, JJ., on Jeffrey Randle's Application for Leave of Court to File a Successive Motion for Post-Conviction Collateral Relief.

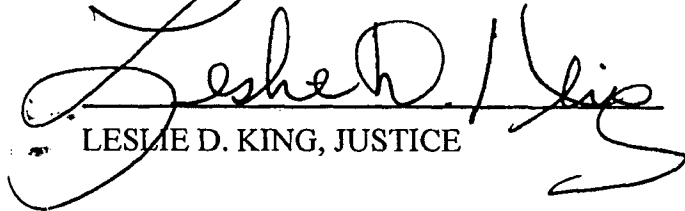
Randle was convicted of capital murder, with the underlying crime of robbery, and sentenced to life. His conviction and sentence were affirmed on appeal, and the mandate issued on October 17, 2002. *Randle v. State*, 827 So. 2d 705 (Miss. 2002). Thereafter, Randle filed at least five applications for post-conviction relief. On August 13, 2014, the Court granted Randle leave to proceed in the trial court with DNA testing, which matter remains pending in the trial court. Randle's other motions were denied or dismissed.

Randle now files a successive application for leave to proceed in the trial court, arguing his indictment was defective. Randle's present motion is time barred and barred as a successive writ. Further, Randle's claim fails to meet an exception to the procedural bars. As a result, the panel finds the application should be dismissed as procedurally barred.

EXHIBIT - "C"
1 OF 2

IT IS THEREFORE ORDERED that Jeffrey Randle's Application for Leave of Court to File a Successive Motion for Post-Conviction Collateral Relief is hereby dismissed as procedurally barred.

SO ORDERED, this the 6th day of February, 2018.


LESLIE D. KING, JUSTICE

Serial: 193068

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-M-00717

JEFFREY RANDLE

FILED

Petitioner

v.

AUG 13 2014

STATE OF MISSISSIPPI

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

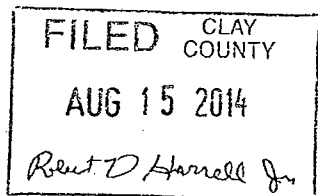
Respondent

ORDER

Before the panel of Waller, C.J., Dickinson, P.J., and Kitchens, J., are the Motion for Post-Conviction DNA Testing filed by Jeffrey Randle and the State of Mississippi's response.

Randle was convicted of capital murder and sentenced to life. His conviction and sentence were affirmed on appeal. *Randle v. State*, 827 So. 2d 705 (Miss. 2002). The Court denied rehearing, and the mandate issued on October 17, 2002. Thereafter, Randle filed at least four applications for post-conviction relief, and all were rejected.

In the present motion, Randle claims that physical and biological evidence was collected in his case, the evidence was not subjected to DNA testing, and "there exists a reasonable probability that the petitioner would not have been convicted . . . if favorable results had been obtained through DNA testing at the time of the original prosecution." After due consideration, the panel finds that Randle's motion meets an exception to the procedural bars. The panel further finds that Randle should be granted leave to file a motion seeking



147/044

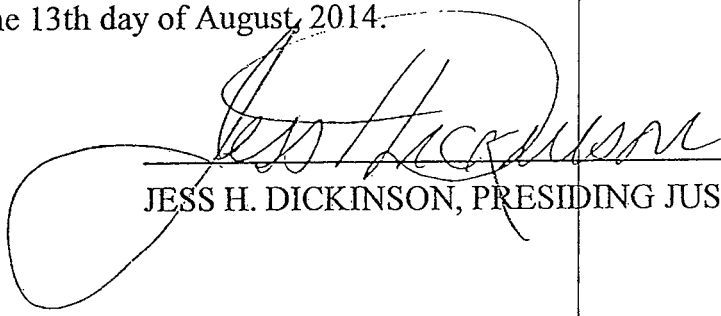
EXHIBIT - "D"

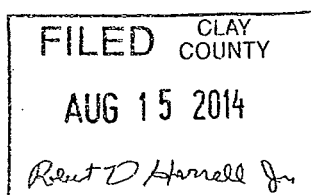
1 OF 2

post-conviction collateral relief "in the trial court for further proceedings under Sections 99-39-13 through 99-39-23." Miss. Code Ann. § 99-39-27(7)(b).

IT IS THEREFORE ORDERED that the Motion for Post-Conviction DNA Testing filed by Jeffrey Randle is granted. Randle is hereby granted leave to file a motion for post-conviction collateral relief in the Circuit Court of Clay County, Mississippi. Randle's motion shall be filed with the circuit court on or before September 12, 2014.

SO ORDERED, this the 13th day of August, 2014.


JESS H. DICKINSON, PRESIDING JUSTICE



IN THE CIRCUIT COURT OF CLAY COUNTY, MISSISSIPPI

IN VACATION, 1999

STATE OF MISSISSIPPI

VS.

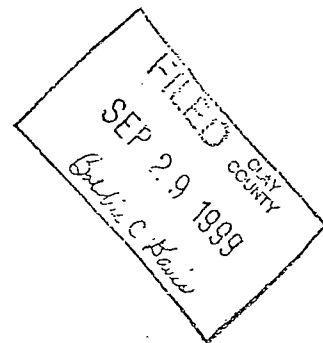
NO. 7462

JEFFREY RANDLE

INSTRUCTION *5-6P5*

The Court instructs the Jury that Robbery, as mentioned in these instructions, is defined as unlawfully, wilfully, and feloniously taking, stealing, and carrying away the property of another from his presence or person, against that person's will by violence to their person or by putting them in fear of some injury to their person.

*giving
B.H.*



(S-*5P5*)

EXHIBIT - "B"

1 OF 1

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CAPITAL MURDER
THE STATE OF MISSISSIPPI
CLAY COUNTY

CIRCUIT COURT
NO. 7462

APRIL TERM, 1997

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, empanelled, 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

JEFFREY RANDLE

late of the County aforesaid, on or about the 4TH day of January, 1997, in the County aforesaid, did unlawfully, wilfully, and feloniously, with or without the design to effect death, kill and murder Willie Mae Sewell, a human being, without authority of law and not in necessary self defense, while engaged in the commission of the crime of Robbery, in violation of Section 97-3-19 MCA 1972 as amended; 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

Scott Rozell
DISTRICT ATTORNEY

Tom Green
FOREMAN OF THE GRAND JURY

Filed 11th day of April, 1997, Bohbie C Davis Clerk

Recorded 14th day of April, 1997

Bohbie C Davis Clerk By _____, D.C.

EXHIBIT-"A"

1 OF 1 7