

FILED

Serial: 256890

IN THE SUPREME COURT OF MISSISSIPPI

No. 2013-M-01645

MAY 05 2025

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SUPREME COURT
COURT OF APPEALS

**TOMMIE LEE PAGE A/K/A TOMMIE
PAGE A/K/A TOMMY PAGE**

Petitioner

v.

STATE OF MISSISSIPPI

Respondent

ORDER

Before the panel of Randolph, C.J., Griffis and Sullivan, JJ., are Tommie Lee Page's "Appeal from the Judgment of Habitual Status of the Petitioner by the Oktibbeha County Circuit Court Cause No. 2001-0085-CR and Application for Leave to File Petition for Post-Conviction Relief and for Leave to Proceed in the Trial Court, or in the Alternative, Motion to Vacate Finding of Crime of Violence Entered Prior to Enactment of MCA 97-3-2" (hereinafter application) and his "Motion for Order Allowing Present Motion to be Filed as Separate Action" (hereinafter motion).

The application is in the nature of a post-conviction application and will be treated as such. See *Knox v. State*, 75 So. 3d 1030, 1035 (Miss. 2011) (citing *Edmond v. Miss. Dep't of Corrections*, 783 So. 2d 675, 677 (Miss. 2001)).

The Court of Appeals affirmed Page's aggravated-assault conviction and sentence as a habitual offender to life without parole. *Page v. State*, 843 So. 2d 96, 97 (Miss. Ct. App. 2003). The mandate issued on May 6, 2003.

Appendix '1'

Since then, he has filed nine post-conviction applications. *See* Order, **Page v. State**, No. 2013-M-01645, at *1 (Miss. July 21, 2022). The Court has “restricted [him] from filing further applications for post-conviction collateral relief (or pleadings in that nature) that are related to [his [aggravated-assault] conviction and sentence *in forma pauperis*.” En Banc Order, **Page v. State**, No. 2013-M-01645, at *4 (Miss. Mar. 14, 2019). He paid the docket fee for this filing.

In the application, Page asserts two claims. First, he claims that his sentence is illegal because the prosecution moved to amend the indictment to charge him as a habitual offender after the motion deadline had passed. Second, he claims that, in sentencing him as a habitual offender, the trial court unlawfully found that his prior armed robbery was a crime of violence.

After due consideration, we find that the claims are time barred, waived, and successive. *See* Miss. Code Ann. §§ 99-39-5(2), -21(1), -27(9) (Rev. 2020). No statutory exception is met. *See Howell v. State*, 358 So. 3d 613, 615–16 (Miss. 2023). And even if an exception were met, the claims have no arguable basis. *See Fluker v. State*, 170 So. 3d 471, 475 (Miss. 2015) (quoting *Means v. State*, 43 So. 3d 438, 442 (Miss. 2010)).

In the motion, Page asks that his application be assigned a new cause number. After due consideration, we find that the motion should be denied.

IT IS THEREFORE ORDERED that the application and motion are denied.

IT IS FURTHER ORDERED that the *in forma pauperis* restriction remains in effect.

En Banc Order, *Page v. State*, No. 2013-M-01645, at *4 (Miss. Mar. 14, 2019).

SO ORDERED, this the 5 day of April, 2025.



MICHAEL K. RANDOLPH,
CHIEF JUSTICE