

Serial: 258882**IN THE SUPREME COURT OF MISSISSIPPI****No. 2019-M-00864****JOSHUA DEMIEN MAGEE A/K/A JOSHUA MAGEE****Petitioner****v.****STATE OF MISSISSIPPI****Respondent****ORDER**

Before the panel of Coleman, P.J., Maxwell and Chamberlin, JJ., is Joshua D. Magee's Application for Leave to File Petition for Post-Conviction Relief and Leave to Proceed in the Trial Court.

The Court of Appeals affirmed Magee's two sexual-battery convictions and sentences. *Magee v. State*, 231 So. 3d 243, 246 (Miss. Ct. App. 2017). The mandate issued on January 2, 2018.

Since then, Magee has filed two post-conviction applications, which were denied. Order, *Magee v. State*, No. 2019-M-00864 (Miss. Oct. 19, 2023); Order, *Magee v. State*, No. 2019-M-00864 (Miss. June 19, 2019). The order denying the second application warned Magee "that any future filings deemed frivolous may result not only in . . . monetary sanctions, but also in restrictions on filing applications for post-conviction collateral relief (or pleadings in that nature) *in forma pauperis*." Order, *Magee v. State*, No. 2019-M-00864, **1-2 (Miss. Oct. 19, 2023) (internal quotation marks omitted) (quoting Order, *Dunn v. State*, No. 2016-M-01514, at *2 (Miss. Nov. 15, 2018)).

Here, Magee claims that the indictment was defective for failing to inform him that § 97-3-2 classifies his offenses as violent crimes. He also claims that § 97-3-2's omission from the indictment affected his sentences, resulting in equal-protection and due-process violations.

Appendix A

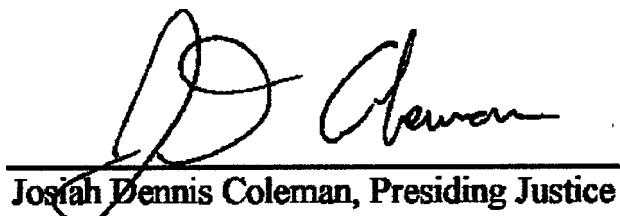
After due consideration, we find that the claims are time barred, waived, and successive. *See* Miss. Code Ann. § 99-39-5(2), -21(1), -27(9) (Rev. 2020). No statutory exception is met. *See Howell v. State*, 358 So. 3d 613, 615-16 (Miss. 2023). And even if an exception were met, the claims have no arguable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

We further find that this filing is frivolous. Magee is again warned that frivolous filings may result in sanctions, including restrictions on *in forma pauperis* status. Order, *Magee v. State*, No. 2019-M-00864, **1-2 (Miss. Oct. 19, 2023) (quoting Order, *Dunn v. State*, No. 2016-M-01514, at *2 (Miss. Nov. 15, 2018)).

IT IS, THEREFORE, ORDERED that the application is denied.

SO ORDERED.

DIGITAL SIGNATURE
Order#: 258882
Sig Serial: 100010983
Org: SC
Date: 08/28/2025



Josiah Dennis Coleman, Presiding Justice