

SUPREME COURT OF MISSISSIPPI

Joseph Patrick Brown v. State of Mississippi

255 So. 3d 141 (Miss. 2017) · No. 2015-DR-01099-SCT · Decided September 14, 2017

SUMMARY

The Supreme Court of Mississippi denied Joseph Patrick Brown’s motion seeking leave to invoke discovery and obtain access orders in the circuit court before filing a successive post-conviction petition. The majority held that Mississippi Rule of Appellate Procedure 22(c) does not apply to successive post-conviction petitions and that Brown had not demonstrated a sufficient need for the requested discovery. Presiding Justice Dickinson dissented, maintaining that the rule’s text permits discovery after appointment of post-conviction counsel without limiting the procedure to initial petitions.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Waller, Chief Justice; Waller, C.J.; Randolph, P.J.; Coleman, J.; Maxwell, J.; Beam, J.; Chamberlin, J.
JURISDICTION	Mississippi
DECIDED	September 14, 2017
DOCKET	2015-DR-01099-SCT
DISPOSITION	other
PROCEDURAL POSTURE	Brown, a capital defendant with a prior unsuccessful post-conviction proceeding, moved for leave to invoke discovery and seek access orders in the circuit court before filing a successive petition for post-conviction relief. The Mississippi Supreme Court denied the motion.
STANDARD OF REVIEW	The availability of discovery under Mississippi Rule of Appellate Procedure 22(c)(4)(ii) was treated as a legal interpretation issue, while any discovery order was subject to the sound discretion of the court.
PRECEDENTIAL VALUE	Published en banc opinion; precedential within Mississippi.
PARTIES	Joseph Patrick Brown a/k/a Peanut v. State of Mississippi

TOPICS

successive petitions

state post-conviction relief

post-conviction relief

appellate procedure

criminal procedure

PRACTICE AREAS

state post-conviction relief

capital post-conviction litigation

criminal procedure

QUESTIONS PRESENTED

1. Whether Mississippi Rule of Appellate Procedure 22(c) authorizes prepetition discovery for a capital defendant intending to file a successive petition for post-conviction relief.
2. Whether Brown made the showing required by Rule 22(c)(4)(ii) to obtain discovery and access orders before filing his successive petition.

HOLDINGS

1. Mississippi Rule of Appellate Procedure 22(c) does not apply to successive petitions for post-conviction relief; it was designed to assist capital defendants in preparing their initial post-conviction petitions within the applicable statutory deadlines.
2. Brown was not entitled to discovery before filing his successive petition because Rule 22(c) did not apply to successive petitions and his motion failed to identify specific claims or demonstrate that the requested discovery was nonfrivolous and likely to assist in investigating, preparing, or presenting proper post-conviction issues.

KEY QUOTATIONS

“Today, we clarify that Rule 22(c) does not apply to successive petitions for post-conviction relief.” (¶ 5)

“Today we hold that Rule 22(c) does not apply to successive petitions for post-conviction relief. Accordingly, Brown is not entitled to discovery before filing his successive petition.” (¶ 11)

“Brown fails to explain why he has been unable to obtain the requested information without resorting to discovery, how this information is related to the claims he intends to raise, or the ultimate purpose of seeking this information, making this quest nothing more than an elaborate fishing expedition.” (¶ 9)

FACTUAL BACKGROUND

Brown was convicted of capital murder and sentenced to death in 1994. After unsuccessful direct review and an unsuccessful initial post-conviction proceeding, he sought access to trial, law-enforcement, prosecutorial, media, juvenile, and other records to investigate potential claims for a successive post-conviction petition. He did not identify the specific claims he intended to raise with particularity or adequately explain why the requested information was unavailable without discovery.

PROCEDURAL HISTORY

Brown was convicted of capital murder and sentenced to death in 1994. The Mississippi Supreme Court affirmed his conviction and sentence in 1996. Brown received leave to pursue post-conviction relief in 1999, but the trial

court denied relief and the Supreme Court affirmed in 2012. Brown then notified the Supreme Court of his intent to file a successive post-conviction petition and sought prepetition discovery. The Court had denied an earlier discovery motion in December 2015 and denied the present motion as well.

DISPOSITION

other

CASES CITED

- Brown v. State, 682 So. 2d 340 (Miss. 1996)
- Brown v. State, 749 So. 2d 82 (Miss. 1999)
- Brown v. State, 88 So. 3d 726 (Miss. 2012)
- Russell v. State, 819 So. 2d 1177, 1178 (Miss. 2001)
- Carrothers v. State, 189 So. 3d 612, 614 (Miss. 2015)
- Fleming v. State, 553 So. 2d 505, 506 (Miss. 1989)
- Newell v. State, 308 So. 2d 71, 77 (Miss. 1975)