

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

James Donald Maxwell II

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Northern District of Mississippi

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Mississippi Supreme Court
450 High Street
Jackson, Mississippi 39201

Residence: Oxford, Mississippi

4. **Birthplace:** State year and place of birth.

1975; Metairie, Louisiana

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1999 – 2001, University of Mississippi School of Law; J.D., 2001

1998 – 1999, Mississippi College School of Law; no degree

1993 – 1997, University of Mississippi; B.B.A, 1997

1996, Holmes Community College; no degree

1995, Northwest Mississippi Community College; no degree

1994, Delgado Community College; no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships,

institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2016 – present
Mississippi Supreme Court
450 High Street
Jackson, Mississippi 39201
Associate Justice

2009 – 2015
Mississippi Court of Appeals
450 High Street
Jackson, Mississippi 39201
Judge

2002 – 2009
United States Attorney's Office, Northern District of Mississippi
900 Jefferson Avenue
Oxford, Mississippi 38655
Assistant United States Attorney (Criminal Division)

2001 – 2002
Daniel Coker Horton and Bell, P.A.
4400 Old Canton Road, Suite 400
Jackson, Mississippi 39215
Associate

Summer 2000
Lemle & Kelleher, L.L.P.
601 Poydras Street
New Orleans, Louisiana 70130
Law Clerk

Summer 2000
Daniel Coker Horton and Bell, P.A.
111 East Capitol Street
Jackson, Mississippi 39201
Law Clerk

Summer 1999
Mississippi Office of the Attorney General
Carroll Gartin Justice Building
450 High Street, Box 220
Jackson, Mississippi 39201

Law Clerk

1997 – 1998

Physician Sales and Services

4526 South 140th Street

Omaha, Nebraska 68137

Sales Consultant

Fall 1997

City of Kenner, Clerk of Court

1801 Williams Boulevard

Kenner, Louisiana 70062

Clerk Assistant

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Fellow, Mississippi Bar Foundation (2023)

Fellow, Young Lawyers Division of the Mississippi Bar (2014)

Mississippi Business Journal, “Top 40 Under 40” (2007)

Mississippi Economic Council, “Leadership Mississippi” (2007)

United States Department of Justice, Organized Crime Drug Enforcement Task Force Case of the Year Award, NDMS “Operation Icebreaker” (2007)

Bureau of Alcohol, Tobacco, Firearms and Explosives, Commendation, Gun Crime Reduction in Clarksdale, Mississippi (2003)

Bureau of Alcohol, Tobacco, Firearms and Explosives, Commendation, Trial and Conviction of Violent Gang Leader (2003)

Mississippi Bar Association General Litigation Award, “Outstanding Student Federal Trial Practice” (2001)

Winner, Steen, Reynolds and Dalehite Trial Competition (2001)

University of Mississippi School of Law National Trial Competition Team (2001)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Mississippi Supreme Court

Chair, Mississippi Supreme Court Rules Committee on Criminal Practice and Procedure (2025 – present)

Chair, Mississippi Supreme Court Committee on Judicial Education (2017 – present)

Mississippi Bar Association

Mississippi Bar Foundation, Fellow (2023 – present)

President, Young Lawyers Division (2009 – 2010)

Mississippi Bar Foundation, Trustee (2009 – 2010)

Board of Bar Commissioners (2008 – 2011)

Delegate to American Bar Association, Young Lawyers Division (2008 – 2010)

Strategic Planning Committee (2008)

Local Affiliates Chairman, Young Lawyers Division (2006 – 2007)

Diversity in the Law Committee, Young Lawyers Division (2006 – 2007)

Lafayette County Bar Association

President (2007 – 2008)

Vice President (2006 – 2007)

Secretary (2005 – 2006)

Tri-County Young Lawyers (Lafayette, Yalobusha, and Calhoun Counties)

President (2006 – 2007)

Mississippi Prosecutors Association

Board of Directors (2007 – 2008)

American Bar Association (intermittent membership from 2001 to approximately 2011)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Mississippi, 2001

There have been no lapses in my membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special

admission to practice.

United States Court of Appeals for the Fifth Circuit, 2003 until my appointment to the Mississippi Court of Appeals in 2009

United States District Court for the Northern District of Mississippi, 2001 until my appointment to the Mississippi Court of Appeals in 2009

Mississippi Supreme Court, 2001

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Oxford Rotary Club, 2009 – 2012

Irwin Province Court of Honor, 2014 – present

Oxford Country Club, 2013 – 2022

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Prior to the United States Supreme Court decision *Board of Directors of Rotary International v. Rotary Club of Duarte*, Rotary Clubs were all male, except for honorary memberships. I have been advised the Oxford Rotary Club began admitting female members in November 1988, twenty years before I became a member.

The Irwin Province Court of Honor consists of alumni of Kappa Alpha Order, an all-male national fraternity with more than 120 chapters. Membership is comprised of alumni from the University of Mississippi, Mississippi State University, the University of Southern Mississippi, Delta State University, and Millsaps College. These universities have co-ed Greek systems that include all-female sororities.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor,

editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

With James L. Roberts and Elizabeth F. Archer, *The Court System*, in *County Government in Mississippi*, at 145–50 (7th ed. 2023). Copy supplied.

With Jacqueline E. Mask and Daniel R. McKittrick, *Tributes to Chief Judge Sharion Aycock*, 39 Miss. C. L. Rev. 395 (2021). Copy supplied.

Tribute to Dean Samuel M. Davis, 85 Miss. L.J. 951 (2016). Copy supplied.

And Stay Out! A Look at Judicial Banishment in Mississippi, 82 Miss. L.J. Supra 1 (2012). Copy supplied.

Young Lawyers Division News, LVI The Mississippi Lawyer, no. 4, May - July 2010, at 42. Copy supplied.

Young Lawyers Division News, LVI The Mississippi Lawyer, no. 3, Mar. - Apr. 2010, at 42. Copy supplied.

Young Lawyers Division News, LVI The Mississippi Lawyer, no. 1, Jan. - Feb. 2010, at 33. Copy supplied.

Young Lawyers Division News, LVI The Mississippi Lawyer, no. 1, Oct. - Dec. 2009, at 61. Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

July 9, 2010, President's Report, Young Lawyers Division General Assembly, Mississippi Bar Convention, Destin, Florida. Transcript supplied.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To the best of my knowledge, I have not issued any official statements or communications relating to matters of public policy or legal interpretation to any public body or public officials.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences,

political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

To the best of my recollection, below are the speeches and presentations I have given. Over the past sixteen years, I have used several versions of the PowerPoint titled "Mississippi's Court System." The various slides used in presentations from July 2009 to January 2014, February 2014 to December 2015, and January 2016 to 2025 are attached. I also gave the "Legal Writing" PowerPoint presentation multiple times from 2015 to 2016 using the supplied PowerPoint slides.

May 29, 2025, Speaker, "Mississippi Supreme Court," Mississippi American Legion Boys State, Oxford, Mississippi. PowerPoint supplied.

April 25, 2025, Panelist, "Analysis of Opening Statements," American College of Trial Lawyers, Mississippi Chapter, Jackson, Mississippi. Participated in analysis of mock opening statements. I have no notes, transcript, or recording. The address for American College of Trial Lawyers, Mississippi Chapter is 240 Trace Colony Park Drive, Ridgeland, Mississippi 39157.

April 16, 2025, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

February 3, 2025, Speaker, "Leadership in Law," University of Mississippi School of Law, University, Mississippi. I spoke about my personal and professional experiences and important leadership traits for judges. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

January 6, 2025, Speaker, Public Remarks, Swearing-In Ceremony for the Justices of the Mississippi Supreme Court, Gartin Justice Building, Jackson, Mississippi. After taking the oath of office, I thanked my family and friends and reflected upon my time at the Mississippi Supreme Court. I have no notes, transcript, or recording. The address of the Gartin Justice Building is 450 High Street, Jackson, Mississippi 39201.

September 23, 2024, Speaker, "Mississippi Supreme Court Update," Calhoun County Republican Women, Bruce, Mississippi. PowerPoint supplied.

December 4, 2023, Speaker, "Justice Court Judges Orientation," Jackson, Mississippi. PowerPoint supplied.

October 24, 2023, Speaker, "Mississippi Supreme Court Update, CLE On Demand" Mississippi Bar Association, Jackson, Mississippi. Recording supplied.

February 22, 2023, Speaker, "Mississippi Supreme Court Update," Circuit Clerks Conference, Ridgeland, Mississippi. PowerPoint supplied.

February 8, 2023, Speaker, "Mississippi Supreme Court Update," Chancery Clerks Conference, Ridgeland, Mississippi. PowerPoint supplied.

November 16, 2022, Speaker, "Mississippi Supreme Court Update," Rankin County Bar Association, Brandon, Mississippi. PowerPoint supplied.

October 20, 2022, Speaker, "Mississippi Supreme Court Update," Mississippi Defense Lawyers Association, Flowood, Mississippi. PowerPoint supplied.

September 16, 2022, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

July 22, 2022, Speaker, "Court on the Road," Prentiss County Bar, Iuka, Mississippi. PowerPoint supplied.

March 7, 2022, Speaker, "Mississippi's Court System," Lafayette County Chamber of Commerce Junior Leadership, Oxford, Mississippi. PowerPoint supplied.

October 29, 2021, Speaker, "Mississippi Caselaw Update," Trial and Appellate Judges Conference, Jackson, Mississippi. PowerPoint supplied.

August 20, 2021, Panelist, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first-year law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

May 18, 2021, Speaker, "Covid and the Courts," Greenwood Rotary Club, Greenwood, Mississippi. PowerPoint supplied.

December 19, 2019, Speaker, "Appellate Tips," Lafayette County Bar Christmas CLE, University of Mississippi School of Law, University, Mississippi. Justice Josiah Coleman and I spoke about appellate advocacy. I have no notes, transcripts, or recordings. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

September 9, 2019, Speaker, "Mississippi's Court System," Trent Lott Leadership Institute, University of Mississippi, University, Mississippi. PowerPoint supplied.

May 17, 2019, Speaker, "Court on the Road CLE," Mississippi Bar Association, Tupelo, Mississippi. PowerPoint supplied.

April 4, 2019, Speaker, "The Constitutional Convention," Daughters of the American Revolution, Oxford, Mississippi. PowerPoint supplied.

February 7, 2019, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

December 5, 2018, Speaker, "Mississippi Tort Claims Act," New Circuit Judges, Jackson, Mississippi. PowerPoint supplied.

August 31, 2018, Speaker, "Mississippi's Court System," University of Mississippi, University, Mississippi. PowerPoint supplied.

July 7, 2018, Speaker, "Pro Se Day," Mississippi Access to Justice Commission, Lafayette County Chancery Court, Oxford, Mississippi. I gave welcoming remarks to attorneys who were providing pro bono service in chancery court. I have no notes, transcript, or recording. The address of the Lafayette County Chancery Court is 300 North Lamar Boulevard, Oxford, Mississippi 38655.

April 27, 2018, Speaker, "Mississippi's Court System," Trent Lott Leadership Institute, University of Mississippi, University, Mississippi. PowerPoint supplied.

March 8, 2018, Speaker, "Mississippi's Court System," University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

December 17, 2017, Speaker, "Mississippi's Court System," Gulfport Rotary Club, Gulfport, Mississippi. PowerPoint supplied.

October 16, 2017, Speaker, "Legal Writing," University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

September 17, 2017, Speaker, "The Constitutional Convention," Calhoun County Courthouse, Pittsboro, Mississippi. PowerPoint supplied.

August 17, 2017, Panelist, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first year law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

February 13, 2017, Speaker, "Legal Writing," University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

February 2, 2017, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

January 26, 2017, Speaker, Bar Leadership Forum, Mississippi Bar Association, Jackson, Mississippi. I spoke about networking and goal setting for young lawyers. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

January 4, 2017, Speaker, Public Remarks, Swearing-In Ceremony for the Justices of the Mississippi Supreme Court, Gartin Justice Building, Jackson, Mississippi. After taking the oath of office, I thanked my family and friends and reflected upon my first year at the Mississippi Supreme Court. I have no notes, transcript, or recording. The address of the Gartin Justice Building is 450 High Street, Jackson, Mississippi 39201.

October 20, 2016, Speaker, "Meet the Candidates," Desoto County Republican Women, Southaven, Mississippi 38671. I spoke about my candidacy for the Mississippi Supreme Court. I have no notes, transcript, or recording. No physical address.

October 18, 2016, Speaker, Response, The Mississippi Bar Memorial Service, Gartin Justice Building, Jackson, Mississippi. Transcript supplied.

October 7, 2016, Speaker, "Bar on the Road CLE," Mississippi Bar Association, Columbus, Mississippi. PowerPoint supplied.

August 20, 2016, Speaker, "Candidate Introduction," First District Republican Women's Meeting, New Albany, Mississippi. I spoke about my candidacy for the Mississippi Supreme Court. I have no notes, transcript, or recording. No physical address.

April 26, 2016, Speaker, "Mississippi's Court System," Mississippi State Extension Service, Jackson, Mississippi. PowerPoint supplied.

April 12, 2016, Speaker, "Mississippi's Court System," Colonial Dames, Oxford, Mississippi. PowerPoint supplied.

April 12, 2016, Speaker, "Mississippi's Court System," Prentiss County Republicans, Boonville, Mississippi. PowerPoint supplied.

April 11, 2016, Speaker, "Mississippi's Court System," Rotary Club of Tupelo, Tupelo, Mississippi. PowerPoint supplied.

April 11, 2016, Speaker, "Mississippi's Court System," Lee County Republican Party, Tupelo, Mississippi. PowerPoint supplied.

April 8, 2016, Speaker, "Mississippi's Court System," Aberdeen Rotary Club, Aberdeen, Mississippi. PowerPoint supplied.

March 24, 2016, Speaker, "Mississippi's Court System," Amory Rotary Club, Amory, Mississippi. PowerPoint supplied.

March 21, 2016, Speaker, "Mississippi's Court System," Winson County Republican Women, Louisville, Mississippi. PowerPoint supplied.

March 17, 2016, Speaker, "Mississippi's Court System," Desoto County Republican Women, Southaven, Mississippi. PowerPoint supplied.

March 10, 2016, Speaker, "Mississippi's Court System," Tunica Rotary Club, Tunica, Mississippi. PowerPoint supplied.

February 23, 2016, Speaker, "Mississippi's Court System," Tishomingo County Republicans, Iuka, Mississippi. PowerPoint supplied.

February 18, 2016, Speaker, "Mississippi's Court System," Corinth Rotary Club, Corinth, Mississippi. PowerPoint supplied.

February 15, 2016, Speaker, "Legal Writing," University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

February 8, 2016, Speaker, "Mississippi's Court System," Military Officers Association of America, Tupelo, Mississippi. PowerPoint supplied.

February 5, 2016, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

February 3, 2016, Speaker, "Mississippi's Court System," Rankin County Rotary Club, Flowood, Mississippi. PowerPoint supplied.

January 21, 2016, Speaker, Bar Leadership Forum, Mississippi Bar Association, Jackson, Mississippi. I spoke about networking and goal setting for young lawyers. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

January 4, 2016, Speaker, Public Remarks, Swearing-In Ceremony for the Justices of the Mississippi Supreme Court, Gartin Justice Building, Jackson, Mississippi. After taking the oath of office, I thanked my family and friends and briefly discussed my transition from the Court of Appeals to the Mississippi Supreme Court. I have no notes, transcript, or recording. The address of the Gartin Justice Building is 450 High Street, Jackson, Mississippi 39201.

October 21, 2015, Speaker, "Mississippi's Court System," Clarksdale Bar Association, Clarksdale, Mississippi. PowerPoint supplied.

October 20, 2015, Speaker, Desoto County Circuit Court Drug Court Graduation, Hernando, Mississippi. I commended participants on their graduation from drug court. I have no notes, transcript, or recording. The address of the Desoto County Circuit Court is 2535 Highway 51 South, Hernando, Mississippi 38632.

October 15, 2015, Speaker, "Mississippi's Court System," Pontotoc Rotary Club, Pontotoc, Mississippi. PowerPoint supplied.

September 15, 2015, Speaker, "Mississippi's Court System," Flowood Rotary Club, Flowood, Mississippi. PowerPoint supplied.

August 20, 2015, Panelist, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first year law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

August 18, 2015, Speaker, "Best Practice Tips," Capital Area Bar Association, Jackson, Mississippi. I spoke about appellate practice tips. I have no notes, transcript, or recording. The address of the Capital Area Bar Association is Post Office Box 14065, Jackson, Mississippi 39236.

July 7, 2015, Panelist, Mississippi Bar Association, Appellate Practice Section, Jackson, Mississippi. I participated in a panel discussion with other judges about appellate issues. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

May 15, 2015, Speaker, "Bar on the Road CLE," Mississippi Bar Association, Tupelo, Mississippi. PowerPoint supplied.

May 11, 2015, Speaker, "Mississippi's Court System," Starkville Rotary Club, Starkville, Mississippi. PowerPoint supplied.

May 7, 2015, National Day of Prayer, Oxford, Mississippi. Led prayer on courthouse lawn. I have no notes, transcript, or recording.

April 29, 2015, Speaker, "Mississippi's Court System," Louisville Rotary Club, Louisville, Mississippi. PowerPoint supplied.

April 27, 2015, Speaker, "Mississippi's Court System," Greenwood Rotary Club, Greenwood, Mississippi. PowerPoint supplied.

April 16, 2015, Panelist, Mississippi Workers' Compensation Commission Conference, Biloxi, Mississippi. I participated in a panel discussion with other judges about workers compensation issues. I have no notes, transcript, or recording. The address of the Mississippi Workers' Compensation Commission is 1428 Lakeland Drive, Jackson, Mississippi 39216.

March 23, 2015, Speaker, "Legal Writing," University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

February 10, 2015, Speaker, Lafayette County Circuit Court Drug Court Graduation, Oxford, Mississippi. I commended participants on their drug court graduation. I have no notes, transcript, or recording. The address of the Lafayette County Circuit Court is 1 Courthouse Square, Oxford, Mississippi 38655.

February 5, 2015, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

January 5, 2015, Speaker, Public Remarks, Swearing-In Ceremony for the Judges of the Court of Appeals of Mississippi, Court, Gartin Justice Building, Jackson, Mississippi. After taking the oath of office, I thanked my family and friends and reflected upon my time at the Court of Appeals. I have no notes, transcript, or recording. The address of the Gartin Justice Building is 450 High Street, Jackson, Mississippi 39201.

December 9, 2014, Speaker, "Mississippi's Court System," Eupora Rotary Club, Eupora, Mississippi. PowerPoint supplied.

October 21, 2014, Moderator, Judicial Candidate Forum, Lafayette County Bar Association, Oxford, Mississippi. Moderated judicial candidate forum for local judicial elections. I have no notes, transcript, or recording. No physical address.

June 25, 2014, Speaker, "The Hand Down: An Inside Look at the Appellate Process," Mississippi Bar Association, Destin, Florida. PowerPoint supplied.

June 10, 2014, Speaker, "Mississippi's Court System," Columbus Republican Women, Columbus, Mississippi. PowerPoint supplied.

May 13, 2014, Speaker, "Why Do People Like Doctors But Not Lawyers—A Look at the Perception of Our Profession," Lunch and Learn in Oxford, Mississippi, hosted by the Mississippi Association for Justice. I spoke about public perception of lawyers. I have no notes, transcript, or recording. The address of the Mississippi Association for Justice is 727 North Congress Street, Jackson, Mississippi 39202.

May 2, 2014, Panelist, "Civics, Civility, Access to Justice, Politics, and Trends Impacting Our Courts," Southeastern Chapters of the American Board of Trial Advocates, Nashville, Tennessee. I participated in a panel discussion with eight other judges and discussed the public perception of lawyers. I have no notes, transcript, or recording. The address of the American Board of Trial Advocates is 2001 Bryan Street, Suite 3000, Dallas, Texas 75201.

April 4, 2014, Panelist, "Panel Discussion with Appellate Judges," Mississippi Bar Association, Appellate Practice & Litigation Section, Jackson, Mississippi. I participated in a panel discussion with other judges about appellate advocacy. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

March 27, 2014, Panelist, "Mississippi Appellate Practice," Young Lawyers Division, Mississippi Bar Association, Midyear Conference. I participated in a panel discussion with other judges about appellate advocacy. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

January 30, 2014, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

January 23, 2014, Speaker, Bar Leadership Forum, Mississippi Bar Association, Jackson, Mississippi. I spoke about networking and goal setting for young lawyers. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

August 22, 2013, Panelist, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first-year law students. I have no notes, transcript, or recording. The address for the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

August 14, 2013, Panelist, James O. Dukes Professionalism Program, Mississippi College School of Law, Jackson, Mississippi. I participated in discussions about professionalism and civility with first year law students. I have no notes, transcript, or recording. The address of Mississippi College School of Law is 151 East Griffith Street, Jackson, Mississippi, 39201.

March 7, 2013, "Mississippi's Court System," Leadership Jackson County, Jackson, Mississippi. PowerPoint supplied.

January 31, 2013, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

October 18, 2012, "Mississippi's Court System," Mississippi Defense Lawyer's Association, Flowood, Mississippi. PowerPoint supplied.

August 16, 2012, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first year law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

June 8, 2012, Panelist, "Appellate Advocacy," Mississippi Bar Association, Litigation Section, Jackson, Mississippi. I participated in a panel discussion about appellate advocacy. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

April 22, 2012, Speaker, "Reaching Your Potential," Phi Delta Phi, University of Mississippi School of Law, University, Mississippi. I gave brief remarks to law students about networking and goal setting. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chuckie Mullins Drive, University, Mississippi 38677.

March 1, 2012, Speaker, "Mississippi's Court System," Markow Walker CLE, Jackson, Mississippi. PowerPoint supplied.

January 26, 2012, Speaker, "Mississippi's Court System," Mississippi Economic Council's Leadership Mississippi, Jackson, Mississippi. PowerPoint supplied.

January 12, 2012, Speaker, Bar Leadership Forum, Mississippi Bar Association, Jackson, Mississippi. I spoke to young lawyers about networking and goal setting. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

November 16, 2011, Panelist, "Innovations and Expansion of the Court System," Mississippi Association for Justice and Christian Legal Society, Mississippi College School of Law, Jackson, Mississippi. I participated in a panel discussion with other judges about innovations and technology in Mississippi courts. I have no notes, transcript, or recording. The address of Mississippi College School of Law is 151 East Griffith Street, Jackson, Mississippi 39201.

August 30, 2011, Speaker, "Mississippi's Court System," Clarksdale Rotary Club, Clarksdale, Mississippi. PowerPoint supplied.

August 23, 2011, Speaker, "Mississippi's Court System," Indianola Rotary Club, Indianola, Mississippi. PowerPoint supplied.

August 18, 2011, Panelist, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first year-law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

August 10, 2011, Panelist, James O. Dukes Professionalism Program, Mississippi College School of Law, Jackson, Mississippi. I participated in discussions about professionalism and civility with first-year law students. I have no notes, transcript, or recording. The address of Mississippi College School of Law is 151 East Griffith Street, Jackson, Mississippi 39201.

January 20, 2011, Speaker, "Mississippi's Court System," Calhoun County Development Foundation, Calhoun City, Mississippi. PowerPoint supplied.

January 4, 2011, Speaker, Public Remarks, Swearing-In Ceremony for the Judges of the Court of Appeals of Mississippi, Gartin Justice Building, Jackson, Mississippi. After taking the oath of office, I thanked my family and friends and reflected upon my time at the Court of Appeals. I have no notes, transcript, or recording. The address of the Gartin Justice Building is 450 High Street, Jackson, Mississippi 39201.

November 11, 2010, Speaker, Veterans Day Celebration on the Calhoun City Square, Calhoun City, Mississippi. Addressed crowd about Slate Spring native Major General Fox Conner. I have no notes, transcript, or recording.

October 27, 2010, Speaker, "Mississippi's Court System," Charleston Rotary Club, Charleston, Mississippi. PowerPoint supplied.

October 20, 2010, Speaker, "Mississippi's Court System," Lee County Bar Association, Tupelo, Mississippi. PowerPoint supplied.

October 19, 2010, Speaker, "Mississippi's Court System," Boonville Rotary Club, Boonville, Mississippi. PowerPoint supplied.

October 13, 2010, Speaker, "Mississippi's Court System," Lafayette County Republican Women, Oxford, Mississippi. PowerPoint supplied.

September 24, 2010, Speaker, "Mississippi's Court System," Lawyer in the Classroom, University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

August 19, 2010, Panelist, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first-year law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

July 9, 2010, Moderator, "What I Wish I Knew Then: Lessons From a Lifetime in the Courtroom, with Jack Dunbar and Charlie Merkel," Young Lawyers Division, Mississippi Bar Association, Destin, Florida. Transcript supplied.

May 18, 2010, Speaker, "Mississippi's Court System," Mississippi Association for Justice, Oxford, Mississippi. PowerPoint supplied.

April 21, 2010, Speaker, "Mississippi's Court System," Amory Kiwanis Club, Amory, Mississippi. PowerPoint supplied.

April 6, 2010, Speaker, "Mississippi's Court System," Houston Rotary Club, Houston, Mississippi. PowerPoint supplied.

March 19, 2010, Speaker "Mississippi's Court System," New Albany Rotary Club, New Albany, Mississippi. PowerPoint supplied.

March 18, 2010, Speaker, "Mississippi's Court System," Baldwin Rotary Club, Baldwin, Mississippi. PowerPoint supplied.

March 16, 2010, Speaker, "Mississippi's Court System," Ripley Rotary Club, Ripley, Mississippi. PowerPoint supplied.

March 10, 2010, Speaker, "Mississippi's Court System," Iuka Rotary Club, Iuka, Mississippi. PowerPoint supplied.

March 9, 2010, Speaker, "Mississippi's Court System," Olive Branch Rotary Club, Olive Branch, Mississippi. PowerPoint supplied.

March 8, 2010, Speaker, Boys and Girls Club, Ripley, Mississippi. I have no notes, transcript, or recording. The address of the Boys and Girls Club of Ripley is 750 South Line Street, Ripley, Mississippi 38663.

March 4, 2010, Speaker, "Mississippi's Court System," Southaven Rotary Club, Southaven, Mississippi. PowerPoint supplied.

February 24, 2010, Speaker, "Mississippi's Court System," Hernando Rotary Club, Hernando, Mississippi. PowerPoint supplied.

February 19, 2010, Speaker, "Mississippi's Court System," Senatobia Rotary Club, Senatobia, Mississippi. PowerPoint supplied.

February 18, 2010, Speaker, "Mississippi's Court System," Madison County Bar Association, Madison, Mississippi. PowerPoint supplied.

February 12, 2010, Speaker, "Mississippi's Court System," Lee County Kiwanis Club, Tupelo, Mississippi. PowerPoint supplied.

February 12, 2010, Speaker, "Mississippi's Court System," Lawyer in the Classroom, University of Mississippi School of Law, University, Mississippi. PowerPoint supplied.

November 18, 2009, Speaker, "Mississippi's Court System," Lee County Bar Association, Tupelo, Mississippi. PowerPoint supplied.

November 2, 2009, Speaker, "Mississippi's Court System," Greenwood Rotary Club, Greenwood, Mississippi. PowerPoint supplied.

October 29, 2009, Speaker, "Mississippi's Court System," Certified Fraud Examiners, Madison, Mississippi. PowerPoint supplied.

September 29, 2009, Speaker, Mississippi Bar Association, Bar Admissions Ceremony, Jackson, Mississippi. I welcomed newly admitted lawyers. I have no notes, transcript, or

recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

September 17, 2009, Speaker, "Mississippi's Court System," West Point Rotary Club, Westpoint, Mississippi. PowerPoint supplied.

August 20, 2009, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first-year law students. I have no notes, transcript, or recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

July 24, 2009, Speaker, "Mississippi's Court System," Prentiss County Bar Association, Iuka, Mississippi. PowerPoint supplied.

June 12, 2009, Panelist, Mississippi Association of Justice, New Orleans, Louisiana. I participated in a panel discussion with other judges about appellate advocacy. I have no notes, transcript, or recording. The address of the Mississippi Association for Justice is 727 North Congress Street, Jackson, Mississippi 39202.

May 29, 2009, Speaker, "Perspectives of a New Judge," Mississippi Bar Association, Jackson, Mississippi. I reflected on my perspectives as a newly appointed judge. I have no notes, transcript, or recording.

May 15, 2009, Response, "Investiture of Judge James D. Maxwell," Oxford, Mississippi. Recording supplied.

April 2, 2009, "Jere Nash and Andy Taggart," Lafayette County Bar Association, Oxford, Mississippi. Introduced Jere Nash and Andy Taggart who shared stories about Mississippi politics. I have no notes, transcript, or recording. No physical address.

March 2, 2009, Speaker, Public Remarks, Swearing-In Ceremony for the Judges of the Court of Appeals of Mississippi, Gartin Justice Building, Jackson, Mississippi. After taking the oath of office, I thanked my family and friends as I began my service on the Court of Appeals. I have no notes, transcript, or recording. The address of the Gartin Justice Building is 450 High Street, Jackson, Mississippi 39201.

September 23, 2008, Moderator, Lafayette County Bar Association, "Supreme Court Candidate Forum," Oxford, Mississippi. I moderated a Mississippi Supreme Court candidate luncheon at a local Bar association. I have no notes, transcript, or recording. No physical address.

August 23, 2008, James O. Dukes Professionalism Program, University of Mississippi School of Law, University, Mississippi. I participated in discussions about professionalism and civility with first-year law students. I have no notes, transcript, or

recording. The address of the University of Mississippi School of Law is 481 Chucky Mullins Drive, University, Mississippi 38677.

March 20, 2008, Speaker, "I'm Going to Trial, Now What do I do?" Mississippi Bar Association, Jackson, Mississippi. I was one of several attorneys who spoke about trial tactics. I have no notes, transcript, or recording. The address of the Mississippi Bar Association is 643 North State Street, Jackson, Mississippi 39202.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Retired Court of Appeals Judge Eugene Fair died Dec. 2, STATE OF MISS. JUDICIARY WEBSITE (Dec. 3, 2020). Copy supplied.

MSSC Justice Maxwell announces campaign committee, MAGNOLIA TRIBUNE, (Mar. 3, 2016). Copy supplied.

Judge Maxwell to take Supreme Court oath January 4 in Jackson, STATE OF MISS. JUDICIARY WEBSITE (Dec. 29, 2015). Copy supplied.

James D. Maxwell appointed to Miss. Supreme Court, THE CLARION LEDGER (Dec. 23, 2015). Copy supplied.

Court of Appeals Judge Jimmy Maxwell speaks to Greenwood, Louisville and Starkville Rotary Clubs, STATE OF MISS. JUDICIARY WEBSITE (May 13, 2015). Copy supplied.

Rumored, running or out for #MS01 congressional race, THE CLARION LEDGER (Feb. 11, 2015, updated Mar. 9, 2025). Copy supplied.

From the Perspective of Mississippi Appellate Judges, LX THE MISSISSIPPI LAWYER, no. 3, Spring 2014, at 24–26. Copy supplied.

Judge Maxwell investiture in Lafayette County Courthouse, MISS. COURTS UPDATE (Miss. Admin. Office of Courts, Jackson), Aug. 2009, at 6. Copy supplied.

James Maxwell appointed to Court of Appeals, MISS. COURTS UPDATE (Miss. Admin. Office of Courts, Jackson, Miss.), Feb. 2009, at 14. Copy supplied.

Salesman found guilty in failed beef plant venture, MAGNOLIA TRIBUNE (July 25, 2008). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Associate Justice, Mississippi Supreme Court, District 3, Place 2

January 1, 2016 (Appointed)

November 8, 2016 (Elected unopposed)

November 5, 2024 (Elected unopposed)

Jurisdiction: The Mississippi Supreme Court is a constitutional court. It reviews decisions of law and fact made by Mississippi's chancery, circuit, and county courts. The Supreme Court may review decisions of the Mississippi Court of Appeals. The Supreme Court is Mississippi's court of last resort. It has exclusive appellate jurisdiction over annexations, bond issues, constitutionality challenges, death penalty cases, disciplinary matters involving attorneys and judges, election contests, certified questions from federal court, utility rate cases, matters of first impression, and issues of broad public interest. Each of the nine justices participates in its decisions, which are made by majority vote.

Judge, Mississippi Court of Appeals

February 2, 2009 (Appointed)

November 2, 2010 (Elected unopposed)

November 4, 2014 (Elected unopposed)

Jurisdiction: The Court of Appeals is an error-correction court. The Legislature created the Court of Appeals to relieve a backlog of cases before the Mississippi Supreme Court. It began hearing cases in 1995. The Court of Appeals hears appeals from trial courts as assigned by the Supreme Court. The Supreme Court may also review the Court of Appeals' decisions. If the Supreme Court declines review, the Court of Appeals' decision stands. Each of the court's ten judges participates in its decisions, which are made by majority vote.

a. Approximately how many cases have you presided over that have gone to verdict or judgment?

Because I have not served as a trial judge, I have not presided over any cases. As a member of the Mississippi Court of Appeals and Mississippi Supreme Court, I have participated in the disposition on appeal of approximately 4,688 cases through July 31, 2025.

i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

ii. Of these cases, approximately what percent were:

civil proceedings:	70%
criminal proceedings:	30%

b. Provide citations for all opinions you have written, including concurrences and

dissents.

As a justice on the Mississippi Supreme Court and judge on the Mississippi Court of Appeals, I have authored more than 500 majority opinions. All decisions of the Mississippi Supreme Court and Mississippi Court of Appeals are published.

Below are the majority opinions I have written as a justice on the Mississippi Supreme Court, as of July 31, 2025:

Allen v. State, 411 So. 3d 146 (Miss. 2025)
McKay v. Miss. State Bd. of Health (In re Petition of S.M.-B.), 407 So. 3d 1050 (Miss. 2025).
Housing Auth. of Yazoo City v. Billings, 404 So. 3d 1148 (Miss. 2025).
Lee v. City of Pascagoula, 402 So. 3d 752 (Miss. 2025).
Barnett v. State, 401 So. 3d 1014 (Miss. 2025).
J.J.B. v. Monroe Cnty. Child Prot. Servs., 400 So. 3d 403 (Miss. 2025).
Corrothers, Caleb v. State (Corrothers IV), 404 So. 3d 112 (Miss. 2024).
Stribling Equipment v. Eason Propane, LLC, 395 So. 3d 373 (Miss. 2024).
Howard v. State, 396 So. 3d 1088 (Miss. 2024).
Johnson v. State, 396 So. 3d 1073 (Miss. 2024).
McClain v. State, 393 So. 3d 1007 (Miss. 2024).
Mississippi Bar v. Rogers, 386 So. 3d 494 (Miss. 2024).
City of Jackson v. Jones, 393 So. 3d 1002 (Miss. 2024).
Am. Comp. Ins. Co. v. Ruiz, 389 So. 3d 1060 (Miss. 2024).
Harris v. State, 389 So. 3d 296 (Miss. 2024).
Jones v. Miss. Dep't of Child Prot. Servs., 391 So. 3d 172 (Miss. 2024).
Miss. Div. of Medicaid v. Women's Pavilion of S. Miss, PLLC, 381 So. 3d 351 (Miss. 2024).
Garth v. State, 380 So. 3d 933 (Miss. 2024).
Toolpushers Supply Co. v. Miss. Dep't of Rev., 379 So. 3d 333 (Miss. 2024).
Gibson v. Provenza (In re Est. of Provenza), 383 So. 3d 1200 (Miss. 2024).
Stewart v. State, 378 So. 3d 379 (Miss. 2024).
Breal v. Downs Law Group, 376 So. 3d 1221 (Miss. 2023).
Dampier v. State, 375 So. 3d 1149 (Miss. 2023).
Malouf & Malouf, PLLC v. Ivison (In re Est. of Ivison), 371 So. 3d 172 (Miss. 2023).
Saunders v. State of Miss., 371 So. 3d 604 (Miss. 2023).
Gilmer v. Biegel, 385 So. 3d 1189 (Miss. 2023).
Turner v. State, 366 So. 3d 855 (Miss. 2023).
Dolgenercorp LLC v. Payton, 366 So. 3d 838 (Miss. 2023).
Chisholm v. State, 365 So. 3d 229 (Miss. 2023).
Alpha Management v. Harris, 362 So. 3d 25 (Miss. 2023).
Shows v. Garner, 360 So. 3d 962 (Miss. 2023).
Garcia v. State (Garcia IV), 369 So. 3d 511 (Miss. 2023).
Wagner v. Andreacchio, 368 So. 3d 287 (Miss. 2023).
WBL SPO I, LLC v. W. Town Bank & Trust, 359 So. 3d 1069 (Miss. 2023).
Belhaven Senior Care, LLC v. Smith, 359 So. 3d 612 (Miss. 2023).

Scruggs v. Farmland Mut. Ins. Co., 359 So. 3d 1045 (Miss. 2023).
Garcia v. State (Garcia III), 356 So. 3d 101 (Miss. 2023).
Lee v. State Farm Mut. Auto. Ins. Co., 355 So. 3d 229 (Miss. 2023).
TransMontaigne Operating Co. v. Loresco I, LLC, 361 So. 3d 89 (Miss. 2023).
Saunders v. Nat'l Collegiate Athletic Assn., 352 So. 3d 618 (Miss. 2022).
Watercolor Salon LLC v. Hixon, 353 So. 3d 453 (Miss. 2022).
Scioto Props. SP-16, LLC v. Graf, 349 So. 3d 172 (Miss. 2022).
Miss. Dep't of Rev. v. EKB, Inc., 348 So. 3d 968 (Miss. 2022).
Scott v. State, 347 So. 3d 1173 (Miss. 2022).
Green v. State, 344 So. 3d 854 (Miss. 2022).
Garcia v. State (Garcia II), 344 So. 3d 273 (Miss. 2022).
Strickland v. Rankin County Sch. Dist., 341 So. 3d 941 (Miss. 2022).
Lairy v. Chandler, 341 So. 3d 919 (Miss. 2022).
McGee v. Comprehensive Radiology Servs., PLLC, 340 So. 3d 328 (Miss. 2022).
Webb v. State, 339 So. 3d 118 (Miss. 2022).
Est. of Bakarich v. Bakarich, 337 So. 3d 1078 (Miss. 2022).
Weeks, Inc. v. Lewis, 335 So. 3d 1049 (Miss. 2022).
Mississippi Bar v. Henderson, 364 So. 3d 603 (Miss. 2022).
Williams v. State, 336 So. 3d 1068 (Miss. 2022).
McGlasten v. State, 328 So. 3d 101 (Miss. 2021).
Pulliam v. State, 328 So. 3d 93 (Miss. 2021).
Parker v. State, 328 So. 3d 111 (Miss. 2021).
Obert Law Group, P.A. v. Holt, 328 So. 3d 622 (Miss. 2021).
Hughes v. Shipp, 324 So. 3d 286 (Miss. 2021).
Nevels v. State, 325 So. 3d 627 (Miss. 2021).
Mujahid v. State, 324 So. 3d 275 (Miss. 2021).
Woodard v. Miller, 326 So. 3d 439 (Miss. 2021).
White v. Nationwide Mut. Ins., Co., 323 So. 3d 494 (Miss. 2021).
Andreacchio v. Coleman, 322 So. 3d 441 (Miss. 2021).
Henderson v. State, 323 So. 3d 1020 (Miss. 2021).
Briggs v. Hughes, 316 So. 3d 193 (Miss. 2021).
Carr v. Miss. Lottery Corp., 314 So. 3d 108 (Miss. 2021).
City of Biloxi v. Sec. of State (In re Public Trust Tidelands), 312 So. 3d 1187 (Miss. 2021).
Nash v. State, 293 So. 3d 265 (Miss. 2020) (modified on rehearing).
Richards v. Wilson, 306 So. 3d 686 (Miss. 2020).
Tucker v. Mississippi Bar, 326 So. 3d 407 (Miss. 2020).
Miss. Dep't of Child Prot. Servs. v. Bynum, 305 So. 3d 1158 (Miss. 2020).
Williams v. State, 305 So. 3d 1122 (Miss. 2020).
Small v. State, 303 So. 3d 704 (Miss. 2020).
City of Petal v. Gulf South Pipeline Co., LP (In re City of Petal), 301 So. 3d 591 (Miss. 2020).
S. Farm Bureau v. Thomas, 299 So. 3d 752 (Miss. 2020).
Parker v. Mallett, 298 So. 3d 994 (Miss. 2020).
Boatright v. A & H Techs., Inc., 296 So. 3d 687 (Miss. 2020).
Garcia v. State (Garcia I), 300 So. 3d 945 (Miss. 2020).

State of Miss. v. Yazaki N. Am., Inc., 294 So. 3d 1178 (Miss. 2020).
Peak v. Cohee, 294 So. 3d 604 (Miss. 2020).
Mut. of Omaha Ins. Co. v. Driskell, 293 So. 3d 261 (Miss. 2020).
Mark v. City of Hattiesburg, 289 So. 3d 294 (Miss. 2020).
McGilberry v. State, 292 So. 3d 199 (Miss. 2020).
Oak Grove Marketplace, LLC v. Lamar Cnty. Sch. Dist., 287 So. 3d 924 (Miss. 2020).
Taylor v. State, 287 So. 3d 202 (Miss. 2020) (Part II).
Bernard v. State, 288 So. 3d 301 (Miss. 2018).
Williams v. State, 285 So. 3d 156 (Miss. 2019).
Hinton v. Sportsman's Guide, Inc., 285 So. 3d 142 (Miss. 2019).
Bowman v. State, 283 So. 3d 154 (Miss. 2019).
Fogleman v. State, 283 So. 3d 685 (Miss. 2019).
Liberty Mut. Ins. Co. v. State of Miss., 277 So. 3d 542 (Miss. 2019).
Green Hills Dev. Co., LLC v. Secretary of State, 275 So. 3d 1077 (Miss. 2019).
Garner v. Smith, 277 So. 3d 536 (Miss. 2019).
Parker v. State, 273 So. 3d 695 (Miss. 2019).
Miss. Comm'n on Judicial Performance v. Burton, 268 So. 3d 565 (Miss. 2019).
McGrath v. State, 271 So. 3d 437 (Miss. 2019).
Genesis Hospice Care, LLC v. Miss. Div. of Medicaid, 267 So. 3d 779 (Miss. 2019).
Malouf v. Evans, 267 So. 3d 272 (Miss. 2019).
Mississippi Bar v. Plunkett, 277 So. 3d 544 (Miss. 2019).
Hyde v. Martin, 264 So. 3d 730 (Miss. 2019).
Thomas v. State, 277 So. 3d 532 (Miss. 2019).
Jackson County v. KPMG, LLP, 278 So. 3d 1124 (Miss. 2019).
Anderson v. Mississippi Bar, 269 So. 3d 109 (Miss. 2018).
Campbell Props., Inc. v. Cook, 258 So. 3d 273 (Miss. 2018).
Webster v. Miss. Dep't of Wildlife, Fisheries and Parks, 257 So. 3d 277 (Miss. 2018).
Fairley v. Total Transp. of Miss., LLC, 255 So. 3d 1278 (Miss. 2018).
Cummins v. Goolsby, 255 So. 3d 1257 (Miss. 2018).
Blake v. State, 256 So. 3d 1161 (Miss. 2018).
Montgomery v. State, 253 So. 3d 305 (Miss. 2018).
City of Clinton v. Tornes, 252 So. 3d 34 (Miss. 2018).
Elliott v. AmeriGas Propane, L.P., 249 So. 3d 389 (Miss. 2018).
Sanderson v. Sanderson, 245 So. 3d 421 (Miss. 2018).
M.A.S. v. Miss. Dep't of Human Servs. (In re M.A.S.), 245 So. 3d 410 (Miss. 2018).
Wilcher v. Lincoln Cnty. Bd. of Supervisors, 243 So. 3d 177 (Miss. 2018).
Brown v. McKee, 242 So. 3d 121 (Miss. 2018).
Lofton v. State, 248 So. 3d 798 (Miss. 2018).
KD Hattiesburg 1128, Inc. v. Turtle Creek Crossing, LLC, 237 So. 3d 157 (Miss. 2018).
McKinney v. Hamp, 268 So. 3d 470 (Miss. 2018).
Gary v. State (Gary II), 237 So. 3d 140 (Miss. 2018).
Griffin v. Griffin, 237 So. 3d 743 (Miss. 2018).
Carter v. Davis, 241 So. 3d 614 (Miss. 2018).
Smith v. Doe, 268 So. 3d 457 (Miss. 2018).
Christmas v. State, 241 So. 3d 616 (Miss. 2018).
Ray v. State, 238 So. 3d 1118 (Miss. 2018).

Terrell v. State, 237 So. 3d 717 (Miss. 2018).
State v. Russell, 238 So. 3d 1105 (Miss. 2017).
High v. Kuhn (High II), 240 So. 3d 1198 (Miss. 2017).
Smith v. Miss. Dep't of Mental Health, 233 So. 3d 308 (Miss. 2017).
Darby v. Combs, 229 So. 3d 108 (Miss. 2017).
Perkins v. McAdams, 234 So. 3d 413 (Miss. 2017).
Little v. State, 233 So. 3d 288 (Miss. 2017).
Regan v. S. Cent. Reg'l Med Ctr., 234 So. 3d 1242 (Miss. 2017).
Univ. of Miss. Med. Ctr. v. Oliver, 235 So. 3d 75 (Miss. 2017).
Hatfield v. Bd of Supervisors of Madison Cnty., 235 So. 3d 18 (Miss. 2017).
Groundworx, LLC v. Blanton, 234 So. 3d 363 (Miss. 2017).
Shinstock v. State, 220 So. 3d 967 (Miss. 2017).
Mississippi Bar v. Shands, 255 So. 3d 164 (Miss. 2017).
Johnson v. Henderson (In re Est. of Johnson), 233 So. 3d 265 (Miss. 2017).
State v. Scott, 233 So. 3d 253 (Miss. 2017).
Mouton v. State, 227 So. 3d 1079 (Miss. 2017).
Lenoir v. State, 222 So. 3d 273 (Miss. 2017).
Doe v. Hallmark Partners, LP, 227 So. 3d 1052 (Miss. 2017).
Routh v. State, 277 So. 3d 959 (Miss. 2017).
Baptist Mem'l Hosp.-Desoto v. Miss. State Dep't of Health, 214 So. 3d 277 (Miss. 2017).
Pioneer Cmty. Hosp of Newton v. Roberts, 214 So. 3d 259 (Miss. 2017).
Martin v. State, 214 So. 3d 217 (Miss. 2017).
Ground Control, LLC v. Capsco Indus. Inc., 214 So. 3d 232 (Miss. 2017).
Rylee v. Progressive Gulf Ins, Co., 224 So. 3d 535 (Miss. 2017).
Swartzfager v. Saul, 213 So. 3d 55 (Miss. 2017).
Corrothers v. State (Corrothers III), 255 So. 3d 99 (Miss. 2017).
Est. of Davis v. Blaylock, 212 So. 3d 755 (Miss. 2017).
Harris v. State, 224 So. 3d 76 (Miss. 2017).
Gary v. State (Gary I), 237 So. 3d 100 (Miss. 2016).
Smith v. Smith, 206 So. 3d 502 (Miss. 2016).
Taylor v. Taylor, 201 So. 3d 420 (Miss. 2016).
Doe v. Smith, 200 So. 3d 1028 (Miss. 2016).
N. Am. Midway Ent., LLC v. Murray, 200 So. 3d 437 (Miss. 2016).
Roberts v. Boots Smith Oilfield Servs., LLC, 200 So. 3d 1022 (Miss. 2016).
Darnell v. Darnell, 199 So. 3d 695 (Miss. 2016).
Linde Health Care Staffing, Inc. v. Claiborne Cnty. Hosp., 198 So. 3d 318 (Miss. 2016).
H.A.S. Elec. Contractors, Inc. v. Hemphill Constr. Co., Inc., 232 So. 3d 117 (Miss. 2016).
Pekin Ins. v. Hinton, 192 So. 3d 996 (Miss. 2016).
High v. Kuhn (High I), 191 So. 3d 113 (Miss. 2016).
Brown v. Collections Inc., 188 So. 3d 1171 (Miss. 2016).

As of July 31, 2025, I have also authored the following separate opinions as a justice on the Mississippi Supreme Court:

Miss. Apartment Ass'n v. City of Jackson, 407 So. 3d 1061, 1069-74 (Miss. 2025)
 (Maxwell, J., dissenting).

J.S. v. Ocean Springs Sch. Dist., 2025 WL 999088, at *15 (Miss. Apr. 3, 2025) (Maxwell, J., specially concurring) (rehearing denied July 31, 2025).

Pitts v. State, 405 So.3d 1238, 1255 (Miss. March 20, 2025) (Maxwell, J., concurring in result only).

Radco Fishing and Rental Tools, Inc. v. Commercial Resources, Inc., 407 So.3d 167, 196-98 (Miss. 2025) (Maxwell, J., specially concurring joined by a majority of the court).

United Sers. Auto. Assn. v. Minor, 2024 WL 4985302, at **14-17 (Miss. Dec. 5, 2024) (Maxwell, J., concurring in part and dissenting in part) (motion for rehearing pending).

Allen v. Dickerson, 385 So. 3d 1209, 1277 (Miss. 2024) (Maxwell, J., specially concurring).

Saxton v. State, 385 So. 3d 753, 762-63 (Miss. 2024) (Maxwell, J., specially concurring).

McDowell v. State, 385 So. 3d 747, 751-52 (Miss. 2024) (Maxwell, J., concurring in part and in result).

Lindsey v. Butts, 382 So. 3d 1140, 1151 (Miss. 2024) (Maxwell, J., concurring in part and dissenting in part).

Smith v. Minier, 380 So. 3d 889, 899 (Miss. 2024) (Maxwell, J., dissenting).

Viriden v. Campbell Delong, LLP, 371 So. 3d 1256, 1273 (Miss. 2023) (Maxwell, J., dissenting).

Jenkins v. State, 371 So. 3d 593, 599-601 (Miss. 2023) (Maxwell, J., specially concurring).

Beachy v. Miss. Dist. Council for Assemblies of God, 371 So. 3d 1237, 1247 (Miss. 2023) (Maxwell, J., specially concurring).

4-Way Electric Servs. v. Huntcole, LLC, 366 So. 3d 844, 854 (Miss. 2023) (Maxwell, J., concurring in part and dissenting in part).

Deepak Jasco, LLC v. Palmer, 359 So. 3d 633, 637 (Miss. 2023) (Maxwell, J., concurring in part and in result).

Bryant v. Bryant, 348 So. 3d 309, 321-22 (Miss. 2022) (Maxwell, J., dissenting).

Moore v. State, 348 So. 3d 322, 331 (Miss. 2022) (Maxwell, J., concurring in part and in result).

Ward v. State, 346 So. 3d 868, 874-75 (Miss. 2022) (Maxwell, J., concurring in part and dissenting in part).

Jones v. Alcorn State Univ., 337 So. 3d 1062, 1072-77 (Miss. 2022) (Maxwell, J., specially concurring joined by majority of the court).

Miss. Farm Bureau Cas. Ins. Co. v. Powell, 336 So. 3d 1079, 1087-89 (Miss. 2022) (Maxwell, J., concurring in result only).

Hillhouse v. Chris Cook Constr., LLC, 325 So. 3d 646, 654-55 (Miss. 2021) (Maxwell, J., dissenting).

Methodist Healthcare-Olive Branch Hosp. v. McNutt, 323 So. 3d 1051, 1063-66 (Miss. 2021) (Maxwell, J., specially concurring).

Bd. of Supervisors of Hancock, Cnty. v. Razz Halili Trust, 320 So. 3d 490, 500-01 (Miss. 2021) (Maxwell, J., dissenting).

Butler v. Watson (In re Initiative Measure No. 65), 338 So. 3d 599, 616-18 (Miss. 2021) (Maxwell, J., dissenting).

Taylor v. State, 330 So. 3d 758, 771-72 (Miss. 2021) (Maxwell, J., concurring in part and in result).

Reeves v. Gunn, 307 So. 3d 436, 442-47 (Miss. 2020), (Maxwell, J., concurring in part and in result).
Robinson v. Holmes County, 284 So. 3d 730, 735-38 (Miss. 2019) (Maxwell, J., concurring in result).
Ballard v. Ballard, 289 So. 3d 725, 734 (Miss. 2019) (Maxwell, J., specially concurring).
Sharkey v. State, 265 So. 3d 151, 158-64 (Miss. 2019) (Maxwell, J., specially concurring).
In re City of Clarksdale, 267 So. 3d 236, 261-64 (Miss. 2019) (Maxwell, J., dissenting in part).
Latham v. Latham, 261 So. 3d 1110, 1116-17 (Miss. 2019) (Maxwell, J., specially concurring).
Moore v. State, 247 So. 3d 1198, 1205-12 (Miss. 2018) (Maxwell, J., dissenting).
Strickland v. Day, 239 So. 3d 486, 496 (Miss. 2018) (Maxwell, J., concurring in part and dissenting in part).
Singing River Health Sys. v. Vermilyea, 242 So. 3d 74, 84-86 (Miss. 2018) (Maxwell, J., dissenting).
Maness v. K&A Enters. of Miss., LLC, 250 So. 3d 402, 419-21 (Miss. 2018) (Maxwell, J., specially concurring) (modified on rehearing).
Vivians v. Baptist Healthplex, 234 So. 3d 304, 312 (Miss. 2017) (Maxwell, J., dissenting).
Edmonds v. State, 234 So. 3d 286, 295 (Miss. 2017) (Maxwell, J., concurring in part and dissenting in part).
Cellular S. v. Bellsouth Telecomm, 214 So. 3d 208, 216-17 (Miss. 2017) (Maxwell, J., dissenting).
Crawford v. Fisher, 213 So. 3d 44, 53-55 (Miss. 2016) (Maxwell, J., dissenting).
Rolison v. Fryar, 204 So. 3d 725, 743-44 (Miss. 2016) (Maxwell, J., concurring in part and in result).
Christian v. State, 207 So. 3d 1207, 1223-25 (Miss. 2016) (Maxwell, J., specially concurring).
Lagniappe Logistics v. Buras, 199 So. 3d 675, 679-81 (Miss. 2016) (Maxwell, J., dissenting).
Jones v. State, 203 So. 3d 600, 619-20 (Miss. 2016) (Maxwell, J., concurring in part and in result).
Crider v. DeSoto Cnty. Convention & Visitors Bureau, 201 So. 3d 1063, 1067-71 (Miss. 2016) (Maxwell, J., concurring in result only).
Carr v. State, 196 So. 3d 926, 944-45 (Miss. 2016) (Maxwell, J., specially concurring).
Miss. Transp. Comm'n v. Adams, 197 So. 3d 406, 416-18 (Miss. 2016) (Maxwell, J., concurring in result only).
Georgia Pacific Corp. v. Cook Timber Co., Inc., 194 So. 3d 118, 126-27 (Miss. 2016) (Maxwell, J., specially concurring).
Wilson v. Hosemann, 185 So. 3d 370, 383-84 (Miss. 2016) (Maxwell, J., dissenting).

As judge on the Mississippi Court of Appeals, I authored the following majority opinions:

Franklin Collection Serv., Inc. v. Miss. Dep't of Emp. Sec., 181 So. 3d 304 (Miss Ct. App. 2015).

Holmes v. State, 201 So.3d 491 (Miss Ct. App. 2015).
McLaurin v. State, 181 So. 3d 1029 (Miss Ct. App. 2015).
Jordan v. State, 212 So. 3d 836 (Miss Ct. App. 2015).
Zales v. State, 194 So. 3d 182 (Miss Ct. App. 2015).
Eaves v. Gatlin, 194 So. 3d 171 (Miss Ct. App. 2015).
Moore v. Jackson Cardiology Assocs., P.A., 192 So. 3d 1050 (Miss Ct. App. 2015).
Waldrup v. Eads, 180 So. 3d 820 (Miss Ct. App. 2015).
Carr v. State, 190 So. 3d 1 (Miss Ct. App. 2015).
Hartford v. Beau Rivage Resorts, Inc., 179 So. 3d 89 (Miss Ct. App. 2015).
Johnson v. City of Canton, 194 So. 3d 161 (Miss. Ct. App. 2015).
Malone v. State, 196 So. 3d 1003 (Miss Ct. App. 2015).
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Miller v. Continental Mineral Processing, 39 So. 3d 998 (Miss. Ct. App. 2010).
Madden v. State, 52 So. 3d 411 (Miss. Ct. App. 2010).
Miller v. Myers, 38 So. 3d 648 (Miss. Ct. App. 2010).
Blanton v. Gardner's Supermarket, 45 So. 3d 1223 (Miss. Ct. App. 2010).
Noblin v. Burgess, 54 So. 3d 282 (Miss. Ct. App. 2010).
Summerall, Shauntell v. State, 41 So. 3d 729 (Miss. Ct. App. 2010).
Brumfield v. State, 35 So. 3d 1332 (Miss. Ct. App. 2010).
Evans v. Miss. Dep't of Human Services, 36 So. 3d 463 (Miss. Ct. App. 2010).
Holmes v. Campbell Props., Inc., 47 So. 3d 721 (Miss. Ct. App. 2010).
Palmer v. State, 34 So. 3d 1207 (Miss. Ct. App. 2010).
Daniels v. State, 33 So. 3d 1183 (Miss. Ct. App. 2010).
Dickerson v. Dickerson, 34 So. 3d 637 (Miss. Ct. App. 2010).
Walker v. State, 35 So. 3d 555 (Miss. Ct. App. 2010).
Smith v. Johnston Tombigbee Furniture Manuf. Co., 43 So. 3d 1159 (Miss. Ct. App. 2010).
Cole v. State (In re S. and S.C.), 47 So. 3d 715 (Miss. Ct. App. 2010).
Johnson, Alex Durode, 31 So. 3d 647 (Miss. Ct. App. 2010).
Sanders v. Wiseman, 29 So. 3d 138 (Miss. Ct. App. 2010).
Banks v. State, 45 So. 3d 676 (Miss. Ct. App. 2010).
Stanley v. Boyd Tunica Inc., 29 So. 3d 95 (Miss. Ct. App. 2010).
Timmons v. State, 44 So. 3d 1021 (Miss. Ct. App. 2010).
Clark v. Clark, 43 So. 3d 496 (Miss. Ct. App. 2010).
Robinson v. State, 25 So. 3d 1084 (Miss. Ct. App. 2010).
Lynch v. State, 24 So. 3d 1043 (Miss. Ct. App. 2010).
Wright v. Pub. Emps. Ret. Syst. of Miss., 24 So. 3d 382 (Miss. Ct. App. 2009).
Anthony v. State, 23 So. 3d 611 (Miss. Ct. App. 2009).
Shorter v. State, 33 So. 3d 512 (Miss. Ct. App. 2009).
Cossey v. Cossey, 22 So. 3d 353 (Miss. Ct. App. 2009).
Smith v. State, 35 So. 3d 549 (Miss. Ct. App. 2009).

Watt v. Cobb (In re Estate of High), 19 So. 3d 1282 (Miss. Ct. App. 2009).
Woods v. State, 19 So. 3d 817 (Miss. Ct. App. 2009).
Pittman v. Dykes Timber Co., Inc., 18 So. 3d 923 (Miss. Ct. App. 2009).
Johnson v. State, So. 3d 145 (Miss. Ct. App. 2009).
Robinson v. State, 19 So. 3d 140 (Miss. Ct. App. 2009).
Montgomery v. Montgomery, 20 So. 3d 39 (Miss. Ct. App. 2009).
McDonald v. State, 16 So. 3d 83 (Miss. Ct. App. 2009).
Means v. State, 43 So. 3d 461 (Miss. Ct. App. 2009), *rev'd*, 43 So. 3d 438 (Miss. 2010).
Bartolo v. State, 32 So. 3d 522 (Miss. Ct. App. 2009).
Simoneaux v. State, 29 So. 3d 26 (Miss. Ct. App. 2009).

I also authored the following separate opinions while serving as judge on the Mississippi Court of Appeals:

Howell v. Bd. Of Supervisors of Jefferson Davis Cnty., 179 So. 3d 34, 45-46 (Miss. Ct. App. 2015) (Maxwell, J., dissenting), *cert. denied*, 178 So. 3d 729 (Miss. 2015).
Nunnery v. Nunnery, 195 So. 3d 809, 813-15 (Miss. Ct. App. 2015) (Maxwell, J., concurring in result only), *aff'd*, 195 So. 3d 747 (Miss. 2016).
Tinseltown Cinema, LLC v. City of Olive Branch, 158 So. 3d 367, 378-79 (Miss. Ct. App. 2015) (Maxwell, J., dissenting).
Galanis v. CMA Management, Co., 176 So. 3d 85, 97-99 (Miss. Ct. App. 2014) (Maxwell, J., dissenting), *rev'd*, 175 So. 3d 1213 (Miss. 2015).
Logan v. Miss. Dept. of Transp., 174 So. 3d 264, 272-75 (Miss. Ct. App. 2014) (Maxwell, J., concurring in part and in result), *aff'd in part and rev'd in part*, 174 So. 3d 249 (Miss. 2015).
Hensley v. State, 156 So. 3d 346, 351-53 (Miss. Ct. App. 2014) (Maxwell, J., concurring in part and in result), *cert. denied*, 154 So. 3d 33 (Miss. 2015).
Yarbrough v. State, 139 So. 3d 143, 150 (Miss. Ct. App. 2014) (Maxwell, J., specially concurring).
Davis v. State, 162 So. 3d 828, 830-32 (Miss. Ct. App. 2014) (Maxwell, J., concurring in result), *aff'd in part and rev'd in part*, 162 So. 3d 805 (Miss. 2015).
Cornelius v. Benefield, 168 So. 3d 1028 (Miss. Ct. App. 2013) (Maxwell, J., specially concurring), *cert. denied*, 140 So. 3d 940 (Miss. 2014).
Jones v. State, 164 So. 3d 1009, 1017-19 (Miss. Ct. App. 2013) (Maxwell, J., specially concurring), *cert. granted*, 132 So. 3d 579 (Miss. 2014), *cert. dismissed after grant* (Miss. Aug. 14, 2014).
Palmer v. Palmer, 121 So. 3d 260, 265-66 (Miss. Ct. App. 2013) (Maxwell, J., dissenting).
James v. State, 124 So. 3d 693, 701-05 (Miss. Ct. App. 2013) (Maxwell, J., dissenting), *cert. denied*, 123 So. 3d 450 (Miss. 2013).
Hovas Const., Inc. v. Bd. of Trustees of W. Line Consol. Sch. Dist., 111 So. 3d 663, 668-69 (Miss. Ct. App. 2012) (Maxwell, J., specially concurring), *cert. denied*, 110 So. 3d 789 (Miss. 2013).
Jones v. Graphia, 95 So. 3d 751, 756-57 (Miss. Ct. App. 2012) (Maxwell, J., dissenting).
Patterson v. T.L. Wallace Construction, Inc., 133 So. 3d 352, 357-58 (Miss. Ct. App. 2012) (Maxwell, J., dissenting), *rev'd*, 133 So. 3d 325 (Miss. 2013).

Harper v. State, 102 So. 3d 1154, 1163-64 (Miss. Ct. App. 2012) (Maxwell, J., specially concurring), *cert. denied*, 102 So. 3d 272 (Miss. 2012), *cert. denied*, 571 U.S. 905 (2013).
Miss. Baptist Health Sys., Inc. v. Kelly, 88 So. 3d 769, 783-86 (Miss. Ct. App. 2011) (Maxwell, J., specially concurring).
Foxworth v. State, 96 So. 3d 17, 21-23 (Miss. Ct. App. 2011) (Maxwell, J., specially concurring), *cert. denied*, 96 So. 3d 732 (Miss. 2012), *cert. denied*, 568 U.S. 1147 (2013).
Taylor v. State, 122 So. 3d 742, 747-50 (Miss. Ct. App. 2011) (Maxwell, J., specially concurring), *aff'd*, 122 So. 3d 707 (Miss. 2013).
McKeown v. Pitcock, 79 So. 3d 520, 525-29 (Miss. Ct. App. 2011) (Maxwell, J., specially concurring), *cert. denied*, 80 So. 3d 111 (Miss. 2012).
Fred's Stores of Tenn, Inc. v. Pratt, 67 So. 3d 820, 828 (Miss Ct. App. 2011) (Maxwell, J., concurring in part and in result).
Crosthwait v. S. Health Corp. of Houston, Inc., 94 So. 3d 1126, 1133-37 (Miss. Ct. App. 2011) (Maxwell, J., dissenting), *aff'd*, 94 So. 3d 1070 (Miss. 2012).
Reeves v. City of Crystal Springs, 54 So. 3d 322, 329-31 (Miss. Ct. App. 2011) (Maxwell, J., dissenting).
Shaffer v. State, 72 So. 3d 1090, 1104-07 (Miss. Ct. App. 2010) (Maxwell, J., specially concurring), *rev'd*, 72 So. 3d 1070 (Miss. 2011).
Wright v. Royal Carpet Services, 29 So. 3d 109, 117-18 (Miss. Ct. App. 2010) (Maxwell, J., concurring in part and in result).
Mayers v. State, 42 So. 3d 33, 47-49 (Miss. Ct. App. 2010) (Maxwell, J., specially concurring).
Maye v. State, 49 So. 3d 1140, 1153-57 (Miss. Ct. App. 2009) (Maxwell, J., dissenting), *judgment vacated*, 49 So. 3d 1124 (Miss. 2010).

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Saunders v. State*, 371 So. 3d 604 (Miss. 2023).

Three local residents sued the State of Mississippi, the Chief Justice of the Mississippi Supreme Court, and others, challenging legislation aimed at addressing Jackson, Mississippi's crime problem. House Bill 1020, which was signed into law by the Governor in 2023, expanded the boundaries and overall footprint of the Capitol Complex Improvement District—a legislatively created district within the city of Jackson. The bill also established a new inferior court to serve the Capitol Complex Improvement District. And it directed the Chief Justice to appoint four additional (and unelected) circuit judges to an already existing circuit court district encompassing Jackson and Hinds County. The residents claimed the new inferior court and the mandate that the Chief Justice appoint unelected circuit judges to a set term, in the existing district, violated Mississippi's constitution. I authored the majority opinion holding the provision that created a statutory inferior court, akin to a municipal court, to serve the Capitol Complex Improvement District, did not run afoul of Mississippi's Constitution. In fact, our

constitution directs the Legislature to establish and abolish inferior courts, like this one, as needed. Miss. Const. art. 6, § 172. But the Legislature could not direct the Chief Justice to appoint four additional circuit judges to the Seventh Circuit Court District encompassing Jackson for a set, almost four-year-term. That is because the plain text of Mississippi's Constitution requires election of circuit judges to four-year terms. Miss. Const. art 6, § 153. That said, the Mississippi Supreme Court unanimously held there is no constitutional impediment to an older statute granting the Chief Justice discretionary authority to *temporarily* appoint special judges either sua sponte or at the request of a court to assist any Mississippi judicial district facing *exigent circumstances or overcrowded dockets*. For the past thirty years, these temporary, specifically tailored appointments had been made at the discretion of various Chief Justices, most recently during the COVID-19 pandemic.

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2. *McGlaster v. State*, 328 So. 3d 101 (Miss. 2021).

This case presented a question of first impression involving the rule of lenity: Under Mississippi's felon-in-possession statute, is simultaneous possession of multiple firearms one crime or multiple crimes? Mississippi's felon-in-possession statute criminalizes a felon's possession of "any" firearm. But "any" could mean just one firearm or multiple firearms. Because of this ambiguity, the rule of lenity mandated the Court interpret the statute in the accused's favor. So McGlaster's simultaneous possession of four firearms constituted one crime, not the multiplicitous four charged counts. We remanded the case

to the circuit court to vacate McGlasten's sentences and merge the four counts of conviction into one before resentencing him. The majority opinion aligns with the way other state and federal courts handle the unit of prosecution issue for simultaneously possessed firearms under similar statutes prohibiting felons from possessing "any" firearm.

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3. *Nevels v. State*, 325 So. 3d 627 (Miss. 2021).

The Mississippi Supreme Court announced that circumstantial evidence instructions are no longer required in Mississippi. The jury was properly instructed to weigh all evidence before it and only convict if it found the State proved Nevels guilty beyond a reasonable doubt. But on appeal, Nevels claimed he was entitled to a separate circumstantial evidence instruction—an instruction implying a stricter burden of proof applied to circumstantial evidence cases. But Mississippi courts, like all other American courts, recognize just one burden of proof in criminal cases—guilt beyond a reasonable doubt. Considering this judicial certainty and Mississippi's longstanding precedent that the law makes no distinction between circumstantial and direct evidence, we overruled previous case law requiring a special instruction ramping up the burden of proof in circumstantial evidence cases. Juries should instead weigh and consider *all* evidence presented when deciding if the State has met its burden of proof. Because in Nevels's case the jury did just that, no reversible error occurred.

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4. *McGilberry v. State*, 292 So. 3d 199 (Miss. 2020).

The United States Supreme Court has ruled that a life-without-parole sentence may only be imposed on a juvenile offender following an individualized sentencing hearing addressing certain factors. *Miller v. Alabama*, 567 U.S. 460 (2012). *Miller* applied retroactively to McGilberry's life-without-parole sentence, which had been imposed without discretion based on Mississippi's capital-murder statute. So the Mississippi Supreme Court granted his post-conviction request for a *Miller* hearing to evaluate his life-without-parole sentence. Once before the trial court, McGilberry claimed he had a right to jury sentencing based on Mississippi's statute. The trial judge proceeded with a bench hearing. After applying the *Miller* factors, the trial judge found McGilberry's life-without-parole sentence was appropriate. On appeal, the Mississippi Supreme Court held that the statute entitling someone upon conviction of capital murder to a jury-imposed sentence applied at the time of conviction—it did not apply to retroactive *Miller* hearings. Further, while *Miller* clearly entitles a juvenile offender to an individualized decision by the sentencer, nowhere has the United States Supreme Court mandated the sentencer be a jury. Since *Miller*, the Mississippi Supreme Court has been clear that prospectively any juvenile offender convicted of capital murder must have a jury decide, based on the *Miller* factors, if his life sentence should be with or without parole. But retroactively, a *Miller* sentencing decision will be made by the trial court. Notably, the Mississippi Legislature recently amended the sentencing statute to clearly align with this case and its progeny. *Johnson v. State*, 396 So. 3d 1073, 1076-77 (Miss. 2024).

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5. *Reeves v. Gunn*, 307 So. 3d 436, 442-447 (Miss. 2020) (concurrence in part and in result joined in part by four other justices).

The Mississippi Supreme Court decided a dispute between two Mississippi legislators who voted to pass a bill distributing federal CARES Act funds and Mississippi's

Governor who exercised his veto power to nix several specific allocations. While the bill passed overwhelmingly, the Legislature did not attempt to override the Governor's veto. Instead, just two legislators filed for declaratory relief in court. The two legislators claimed the Governor's veto was essentially an unconstitutional "line-item" veto. The Mississippi Supreme Court rejected their claim. While the majority opinion questioned the two legislators' standing and even went so far as to *prospectively* overrule past precedent suggesting individual lawmakers have standing, the majority opinion stopped short of ruling the two lone legislators in this case lacked standing. I authored a partial concurrence zeroing in on the standing issue. Past Mississippi precedent presumed individual lawmakers were personally injured if a bill they voted to pass was vetoed. My opinion asks the question that precedent did not consider: How can two individual legislators bring a lawsuit asserting an injury to the entire legislative branch when the legislative branch, through subsequent actions, has neither signaled it has perceived any injury nor authorized the individual legislators to advance this cause? I wrote that they should not be allowed to. In their complaint for declaratory action, the lawmakers asserted no individual colorable interest or adverse effect arising from the Governor's actions. They merely asserted a general claim that the Governor exceeded his constitutional authority in violation of separation of powers. So any alleged injury was to the co-equal legislative branch, and not just two individual members displeased with their colleagues' decision not to attempt to override the Governor's veto. I concluded my separate opinion by suggesting, as both a practical and logical safeguard, individual legislators should be required to establish standing—as opposed to merely assuming they have a colorable interest based on their role as legislators. This would protect against judicial intervention and resulting interference in political disputes between the legislative and executive branch—especially ones that lack obvious backing of the legislative branch.

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6. *Taylor v. State*, 287 So. 3d 202 (Miss. 2020) (Part II).

This case involved a trial court's denial of a defendant's self-defense theory. I authored Part II of the Mississippi Supreme Court's opinion, which abolished Mississippi's long-criticized use of "pre-arming instructions." Mississippi allows its citizens to stand their ground and defend against attacks to themselves and others. But for years, pre-arming instructions have estopped defendants from pursuing self-defense theories. As this

routinely condemned instruction stood, if a judge, not the jury, personally thought an already armed person provoked a “difficulty,” even lawfully armed persons could find themselves estopped from advancing a valid self-defense theory when defending themselves. The Mississippi Supreme Court acknowledged our adherence to *stare decisis*. But we pointed out the doctrine does not trump “reason and justice” and must be departed from to avoid a “pernicious error.” *Hye v. State*, 162 So. 3d 750, 755 (Miss. 2015). A century of legal precedent had denounced pre-arming instructions as exceedingly unwise and dangerous. And with no legitimate rationale to continue the instruction, we abolished it. Thus, the instruction was not available on remand.

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7. *Wilcher v. Lincoln County Board of Supervisors*, 243 So. 3d 177 (Miss. 2018).

The Mississippi Supreme Court corrected the discretionary-function immunity test for governmental entities facing tort claims. Even though the Mississippi Tort Claim Act is modeled after the Federal Tort Claim Act, in 2014 the Mississippi Supreme Court wholly abandoned the federal two-part, public-policy function test for determining discretionary-function immunity. The replacement test instead required litigants to scour rules and regulations to find “ministerial duties.” This in turn led to increased tort claims based on alleged failures to follow such regulations—despite clear precedent that regulations do not create tort duties. In other words, though the Mississippi Tort Claims Act is about conferring immunity, it was increasingly being used to create liability. What the Legislature intended as a shield was being wielded as a sword. The Mississippi Supreme Court abandoned the newly crafted test and returned to the federal two-part, public-policy function test. This realigned Mississippi’s sovereign-immunity law with the federal act it was based on, and it also clarified that “policy” means decisions made at the policy level, not simply any decision made by a state employee.

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8. *Little v. State*, 233 So. 3d 288 (Miss. 2017).

The Mississippi Supreme Court reinforced the distinction between a jury's decision and appellate review of it. Little's criminal appeal was first assigned to the Mississippi Court of Appeals, which granted him a new trial. That court relied on the Mississippi Supreme Court's previous incorrect suggestion that appellate courts sit as the "thirteenth juror" when reviewing motions for a new trial. On certiorari review, we explained how the "thirteenth juror" concept erroneously crept into Mississippi's jurisprudence and why the concept should be abandoned. We reversed the court of appeals and reinstated Little's guilty verdict, making clear that appellate courts do not act like jurors and re-weigh evidence or re-evaluate witness credibility. Instead, appellate courts must view evidence in the light most favorable to the jury's verdict. And a verdict should only be disturbed if it is contrary to the overwhelming weight of the evidence and if allowed to stand would sanction an unconscionable injustice.

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9. *Clarksdale Municipal School District v. State*, 233 So. 3d 299, 306–308 (Miss. 2017) (special concurrence joined fully by three other justices and joined in part by a fourth justice).

The Mississippi Supreme Court unanimously rejected a request by twenty-one school districts that the judiciary direct more than \$235 million in public funds to public schools. The districts sought injunctive relief based on a statute the Legislature had not followed for six years—a statute directing legislators to fully fund public education using a set formula. The districts requested the money they would have received had the Legislature

followed the formula. Our unanimous court found the funding statute was not mandatory because it did not bind the governor's right to veto funding bills. I wrote separately to explain the simpler and more fundamental truth that the districts were essentially asking the judiciary to appropriate unappropriated money. And to do so would require we cross the constitutional divide and untie the State's purse strings. This we were constitutionally restrained from doing because the judicial branch "has no influence over . . . the purse[.]" The Federalist No. 78 (Alexander Hamilton). That power lies instead with the representatives of the people, who during the years in question, opted against appropriating the money necessary to fully fund public education.

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10. *Bates v. State*, 172 So. 3d 805 (Miss. Ct. App. 2014).

Mississippi's assault statute reflects our special interest in protecting law enforcement officers acting within the scope of their duties. As a matter of first impression, I authored the Court of Appeals' opinion holding that a defendant who shot at an off-duty deputy working security at a private business was subject to enhanced penalties for assaulting a law enforcement officer.

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d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Saunders v. State*, 371 So. 3d 604 (Miss. 2023).

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2. *McGlasten v. State*, 328 So. 3d 101 (Miss. 2021).

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3. *Nevels v. State*, 325 So. 3d 627 (Miss. 2021).

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4. *McGilberry v. State*, 292 So. 3d 199 (Miss. 2020).

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5. *Reeves v. Gunn*, 307 So. 3d 436, 442–447 (Miss. 2020) (concurrence in part and in result joined in part by four other justices).

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6. *Taylor v. State*, 287 So. 3d 202 (Miss. 2020) (Part II).

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7. *Wilcher v. Lincoln County Board of Supervisors*, 243 So. 3d 177 (Miss. 2018).

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8. *Little v. State*, 233 So. 3d 288 (Miss. 2017).

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9. *Clarksdale Municipal School District v. State*, 233 So. 3d 299, 306-308 (Miss. 2017) (special concurrence joined fully by three other justices and joined in part by a fourth justice).

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10. *Bates v. State*, 172 So. 3d 805 (Miss. Ct. App. 2014).

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e. Provide a list of all cases in which certiorari was requested or granted.

I authored the following decisions by the Mississippi Supreme Court, for which certiorari review by the United States Supreme Court was requested and denied:

Garcia v. State, 300 So. 3d 945 (Miss. 2020), *cert. denied*, 141 S. Ct. 2706 (2021).
Fogleman v. State, 283 So. 3d 685 (Miss. 2019), *cert. denied*, 141 S. Ct. 138 (2020).
Jackson County v. KPMG, LLP, 278 So. 3d 1124 (Miss. 2019), *cert. denied*, 140 S. Ct. 128 (2019).
Lofton v. State, 248 So. 3d 798 (Miss. 2018), *cert. denied*, 587 U.S. 948 (2019).
H.A.S. Elec. Contractors, Inc. v. Hemphill Constr. Co., Inc., 232 So. 3d 117 (Miss. 2016), *cert. denied*, 585 U.S. 1004 (2018).

I authored the following decisions by the Mississippi Court of Appeals, for which certiorari review by the United States Supreme Court was requested and denied after the Mississippi Supreme Court denied certiorari review or affirmed the decision without opinion:

Jordan v. State, 212 So. 3d 836 (Miss. Ct. App. 2015), *cert. granted*, 209 So. 3d 429 (Miss. 2015), *aff'd without opinion by equally divided court*, 212 So. 3d 817 (Miss. 2016), *cert. denied*, 583 U.S. 854 (2017).

Johnson v. City of Canton, 194 So. 3d 161 (Miss. Ct. App. 2015), *cert. denied*, 202 So. 3d 1266 (Miss. 2016), *cert. denied*, 580 U.S. 1020 (2016).

Brown v. State, 198 So. 3d 325 (Miss. Ct. App. 2015), *cert. granted*, 186 So. 3d 854 (Miss. 2016), *dismissed after grant* (Miss. Aug. 30, 2016), *cert. denied*, 580 U.S. 1063 (2017).

Breeden v. State, 168 So. 3d 975 (Miss. Ct. App. 2012), *cert. granted*, 121 So. 3d 918 (Miss. 2013), *cert. dismissed after grant* (Miss. Oct. 23, 2013), *cert. denied*, 572 U.S. 1036 (2014).

Simoneaux, Richard A. v. State, 29 So. 3d 26 (Miss. Ct. App. 2009), *cert. denied*, 27 So. 3d 774 (Miss. 2010), *cert. denied*, 562 U.S. 836 (2010).

I authored the following decisions by the Mississippi Court of Appeals, for which certiorari review by the Mississippi Supreme Court was requested and either denied, dismissed, granted, or dismissed after grant:

Holmes v. State, 201 So. 3d 491 (Miss. Ct. App. 2015), *cert. denied*, 203 So. 3d 1132 (Miss. 2016).

Zales v. State, 194 So. 3d 182 (Miss. Ct. App. 2015), *cert. denied*, 209 So. 3d 428 (Miss. 2016).

Eaves v. Gatlin, 194 So. 3d 171 (Miss. Ct. App. 2015), *cert. denied*, 202 So. 3d 1268 (Miss. 2016).

Malone v. State, 196 So. 3d 1003 (Miss. Ct. App. 2015), *cert. denied*, 202 So. 3d 614 (Miss. 2016).

Dingler v. Ferguson, 193 So. 3d 644 (Miss. Ct. App. 2015), *cert. denied*, 202 So. 3d 1265 (Miss. 2016).

Holmes v. Turner, 188 So. 3d 1229 (Miss. Ct. App. 2015), *cert. denied*, 188 So. 3d 575 (Miss. 2016).

Chipley v. Chipley, 210 So. 3d 1030 (Miss. Ct. App. 2015), *cert. denied*, 202 So. 3d 1265 (Miss. 2016).

Graves v. State, 187 So. 3d 173 (Miss. Ct. App. 2015), *cert. denied*, 186 So. 3d 854 (Miss. 2016).

Smith v. Compfirst/L.C. Indus., 186 So. 3d 873 (Miss. Ct. App. 2015), *cert. denied*, 186 So. 3d 854 (Miss. 2016).

Miss. Div. of Medicaid v. Pittman, 171 So. 3d 583 (Miss. Ct. App. 2015), *cert. dismissed* (Miss. Aug. 6, 2015).

Fillingame v. Miss. Ins. Dep't, 186 So. 3d 155 (Miss. Ct. App. 2015), *cert. denied*, 185 So. 3d 854 (Miss. 2016).

Crossley v. Moore, 182 So. 3d 462 (Miss. Ct. App. 2015), *cert. denied*, 181 So. 3d 1010 (Miss. 2016).

Burnham v. Kwentus, 174 So. 3d 286 (Miss. Ct. App. 2015), *cert. denied* (Miss. Aug. 20, 2015).

Vaughn v. Pub. Emps. Ret. Sys., 182 So. 3d 446 (Miss. Ct. App. 2015), *cert. granted*, (Miss. Aug. 13, 2015), *aff'd*, 182 So. 3d 334 (Miss. 2015).

Sharp v. State, 152 So. 3d 1212 (Miss. Ct. App. 2014), *cert. denied*, 168 So. 3d 962 (Miss. 2015).

Sylvester v. State, 171 So. 3d 529 (Miss. Ct. App. 2014), *cert. denied* (Miss. Aug. 6, 2015).

Moseley v. Smith, 180 So. 3d 667 (Miss. Ct. App. 2014), *cert. granted* (Miss. Aug. 13, 2015), *cert. dismissed upon further review* (Miss. Dec. 17, 2015).

Watkins v. State, 170 So. 3d 582 (Miss. Ct. App. 2014), *cert. denied*, 163 So. 3d 301 (Miss. 2015).

Trotter v. State, 212 So. 3d 829 (Miss. Ct. App. 2014), *cert. granted*, 178 So. 3d 333 (Miss. 2015), *aff'd without opinion by an equally divided court* (Miss. Sept. 15, 2016).

McCoy v. State, 160 So. 3d 705 (Miss. Ct. App. 2014), *cert. dismissed*, 160 So. 3d 704 (Miss. 2015).

Allen v. State, 177 So. 3d 1148 (Miss. Ct. App. 2014), *cert. dismissed*, 152 So. 3d 1176 (Miss. 2014).

Kittrell v. W.S. Red Hancock, 162 So. 3d 857 (Miss. Ct. App. 2014), *cert. denied*, 163 So. 3d 301 (Miss. 2015).

Paty v. State, 162 So. 3d 850 (Miss. Ct. App. 2014), *cert. denied*, 163 So. 3d 301 (Miss. 2015).

Kennedy v. Est. of Kennedy, 166 So. 3d 1033 (Miss. Ct. App. 2014), *cert. denied*, 166 So. 3d 68 (Miss. 2015).

Norris v. State, 162 So. 3d 833 (Miss. Ct. App. 2014), *cert. denied*, 163 So. 3d 301 (Miss. 2015).

Calonkey v. Amory Sch. Dist., 163 So. 3d 940 (Miss. Ct. App. 2014), *cert. denied*, 163 So. 3d 301 (Miss. 2015).

Donelson v. State, 158 So. 3d 1154 (Miss. Ct. App. 2014), *cert. denied*, 158 So. 3d 1153 (Miss. 2014).

Bates v. State, 172 So. 3d 805 (Miss. Ct. App. 2014), *cert. granted*, 157 So. 3d 835 (Miss. 2015), *aff'd*, 172 So. 3d 695 (Miss. 2015).

Cleveland v. Heritage Props., Inc., 150 So. 3d 735 (Miss. Ct. App. 2014), *cert. denied*, 150 So. 3d 708 (Miss. 2014).

Williams v. State, 158 So. 3d 330 (Miss. Ct. App. 2014), *cert. granted*, 152 So. 3d 1176 (Miss. 2014), *vacated*, 158 So. 3d 309 (Miss. 2015).

Porter v. Grand Casino of Miss., Inc.-Biloxi, 138 So. 3d 952 (Miss. Ct. App. 2014), *cert. granted*, 154 So. 3d 33 (Miss. 2015), *aff'd*, 181 So. 3d 980 (Miss. 2016).

Rickman v. State, 150 So. 3d 983 (Miss. Ct. App. 2014), *cert. denied*, 150 So. 3d 708 (Miss. 2014).

Culpepper v. State, 148 So. 3d 386 (Miss. Ct. App. 2014), *cert. denied*, 151 So. 3d 1017 (Miss. 2014).

Atkins v. Old River Supply, Inc., 150 So. 3d 976 (Miss. Ct. App. 2014), *cert. denied*, 150 So. 3d 708 (Miss. 2014).

Bell v. State, 168 So. 3d 1151 (Miss. Ct. App. 2014), *cert. denied*, 152 So. 3d 1176 (Miss. 2014).

Jennings v. Shuler, 147 So. 3d 847 (Miss. Ct. App. 2014), *cert. denied*, 146 So. 3d 981 (Miss. 2014).

Cappaert Manufactured Housing, Inc. v. Thronson, 139 So. 3d 100 (Miss. Ct. App. 2013), *cert. denied*, 139 So. 3d 74 (Miss. 2014).

J.S.W. v. A.W.R. (In re V.D.W.), 152 So. 3d 336 (Miss. Ct. App. 2013), *cert. granted*, 145 So. 3d 674 (Miss. 2014), *rev'd*, *In re Waites*, 152 So. 3d 306 (Miss. 2014).

Prestenbach v. Collins, 159 So. 3d 555 (Miss. Ct. App. 2013), *cert. granted*, 145 So. 3d 674 (Miss. 2015), *rev'd*, 159 So. 3d 531 (Miss. 2014).

Noble v. Wellington, 145 So. 3d 714 (Miss. Ct. App. 2013), *cert. denied*, 145 So. 3d 674 (Miss. 2014).

Conwill v. State, 168 So. 3d 1080 (Miss. Ct. App. 2013), *cert. denied*, 140 So. 3d 940 (Miss. 2014).

Irle v. Foster, 176 So. 3d 25 (Miss. Ct. App. 2013), *cert. granted*, 160 So. 3d 704 (Miss. 2012), *aff'd*, 175 So. 3d 1232 (Miss. 2015).

Stokes v. State, 141 So. 3d 421 (Miss. Ct. App. 2013), *cert. denied*, 141 So. 3d 947 (Miss. 2014).

Grindle v. State, 134 So. 3d 330 (Miss. Ct. App. 2013), *cert. denied*, 133 So. 3d 818 (Miss. 2014).

Blount v. State, 126 So. 3d 927 (Miss. Ct. App. 2013), *cert. dismissed*, 131 So. 3d 578 (Miss. 2014).

Davis v. State, 130 So. 3d 1141 (Miss. Ct. App. 2013), *cert. denied*, 131 So. 3d 578 (Miss. 2014).

Ravenstein v. Community Trust Bank, 141 So. 3d 396 (Miss. Ct. App. 2013), *cert. granted*, 132 So. 3d 579 (Miss. 2014), *dismissed after grant* (Miss. June 25, 2013).

Drake v. Drake (In re Est. of Drake), 134 So. 3d 328 (Miss. Ct. App. 2013), *cert. denied*, 133 So. 3d 818 (Miss. 2014).

W.R. Berkley Corp. v. Rea's Country Lane Constr., Inc., 140 So. 3d 437 (Miss. Ct. App. 2013), *cert. denied*, 139 So. 3d 74 (Miss. 2014).

Grossley v. State, 127 So. 3d 1143 (Miss. Ct. App. 2013), *cert. denied*, 131 So. 3d 577 (Miss. 2014).

Britton v. State, 130 So. 3d 90 (Miss. Ct. App. 2013), *cert. denied*, 131 So. 3d 577 (Miss. 2014).

Caplin Enters., Inc. v. Arrington, 145 So. 3d 675 (Miss. Ct. App. 2013), *cert. granted*, 125 So. 3d 658 (Miss. 2013), *aff'd in part and rev'd in part*, 145 So. 3d 608 (Miss. 2014).

Jones v. Jones, 155 So. 3d 856 (Miss. Ct. App. 2013), *cert. denied*, 131 So. 3d 577 (Miss. 2014).

Ray v. State, 124 So. 3d 80 (Miss. Ct. App. 2013), *cert. denied*, 123 So. 3d 450 (Miss. 2013).

Webb v. State, 113 So. 3d 592 (Miss. Ct. App. 2012), *cert. denied*, 121 So. 3d 918 (Miss. 2013).

Pub. Emps. Retirement Sys. v. Walker, 126 So. 3d 904 (Miss. Ct. App. 2012), *cert. granted*, 121 So. 3d 918 (Miss. 2013), *aff'd in part and rev'd in part*, 126 So. 3d 892 (Miss. 2013).

Magee v. State, 124 So. 3d 71 (Miss. Ct. App. 2012), *cert. granted*, 119 So. 3d 328 (Miss. 2013), *aff'd*, 124 So. 3d 64 (Miss. 2013).

McCoy v. State, 111 So. 3d 673 (Miss. Ct. App. 2012), *cert. dismissed*, 117 So. 3d 330 (Miss. 2013).

Parisi v. State, 119 So. 3d 1061 (Miss. Ct. App. 2012), *cert. denied*, 119 So. 3d 328 (Miss. 2013).

State v. Parkman, 106 So. 3d 378 (Miss. Ct. App. 2012), *cert. denied*, 105 So. 3d 326 (Miss. 2013).

Miles v. Paul Moak of Ridgeland, Inc., 113 So. 3d 580 (Miss. Ct. App. 2012), *cert. denied*, 116 So. 3d 1072 (Miss. 2013).

Alexander v. Epps, 106 So. 3d 841 (Miss. Ct. App. 2012), *cert. dismissed*, 110 So. 3d 789 (Miss. 2013).

Moore v. State, 105 So. 3d 390 (Miss. Ct. App. 2012), *cert. denied*, 109 So. 3d 567 (Miss. 2013).

Federick v. State, 109 So. 3d 121 (Miss. Ct. App. 2012), *cert. denied*, 109 So. 3d 567 (Miss. 2013).

Chapell v. State, 107 So. 3d 1003 (Miss. Ct. App. 2012), *cert. denied*, 107 So. 3d 998 (Miss. 2013).

Hughes v. State, 106 So. 3d 836 (Miss. Ct. App. 2012), *cert. denied*, 105 So. 3d 326 (Miss. 2013).

Bolton v. State, 113 So. 3d 573 (Miss. Ct. App. 2012), *cert. granted*, 107 So. 3d 998 (Miss. 2013), *rev'd*, 113 So. 3d 542 (Miss. 2013).

Gebbin v. State, 108 So. 3d 956 (Miss. Ct. App. 2012), *cert. denied*, 109 So. 3d 567 (Miss. 2013).

Hudson v. WLOX, Inc., 108 So. 3d 429 (Miss. Ct. App. 2012), *cert. denied*, 107 So. 3d 998 (Miss. 2013).

Wilbourn v. Wilbourn, 106 So. 3d 360 (Miss. Ct. App. 2012), *cert. denied*, 105 So. 3d 326 (Miss. 2013).

Cates v. Swain, 116 So. 3d 1073 (Miss. Ct. App. 2012), *cert. granted*, 101 So. 3d 1171 (Miss. 2012), *aff'd in part and rev'd in part*, 215 So. 3d 492 (Miss. 2013).

Crook v. State, 105 So. 3d 353 (Miss. Ct. App. 2012), *cert. granted*, 101 So. 3d 1171 (Miss. 2012), *cert. dismissed after grant* (Jan. 17, 2013).

Van Wagner v. State, 116 So. 3d 138 (Miss. Ct. App. 2012), *cert. granted*, 109 So. 3d 567 (Miss. 2013), *dismissed after grant* (June 27, 2013).

Greer v. State, 94 So. 3d 1237 (Miss. Ct. App. 2012), *cert. denied*, 96 So. 3d 732 (Miss. 2013).

Johnson v. State, 94 So. 3d 1209 (Miss. Ct. App. 2011), *cert. denied*, 96 So. 3d 732 (Miss. 2012).

Wilkerson v. State, 89 So. 3d 610 (Miss. Ct. App. 2011), *cert. denied*, 95 So. 3d 654 (Miss. 2012).

Smith v. Smith, 90 So. 3d 1259 (Miss. Ct. App. 2011), *cert. denied*, 95 So. 3d 654 (Miss. 2012).

Hogan v. State, 89 So. 3d 36 (Miss. Ct. App. 2011), *cert. denied*, 94 So. 3d 290 (Miss. 2012).

Jones v. State, 122 So. 3d 725 (Miss. Ct. App. 2011), *cert. granted*, 97 So. 3d 79 (Miss. 2012), *aff'd in part and rev'd in part*, 122 So. 3d 698 (Miss. 2013).

Patton v. State, 75 So. 3d 586 (Miss. Ct. App. 2011), *cert. dismissed* (Miss. Nov. 29, 2012).

Pegues v. State, 65 So. 3d 351 (Miss. Ct. App. 2011), *cert. dismissed as untimely* (Miss. Jan. 10, 2017).

Matthies v. State, 85 So. 3d 872 (Miss. Ct. App. 2011), *cert. granted*, 76 So. 3d 169 (Miss. 2011), *aff'd*, 85 So. 3d 838 (Miss. 2012).

Magee v. State, 73 So. 3d 1183 (Miss. Ct. App. 2011), *cert. denied* (Miss. Nov. 3, 2011).

Evans v. Evans, 75 So. 3d 1083 (Miss. Ct. App. 2011), *cert. denied*, 76 So. 3d 169 (Miss. 2011).

Simpson Cnty., Miss. v. McElroy, 82 So. 3d 621 (Miss. Ct. App. 2011), *cert. granted*, 76 So. 3d 169 (Miss. 2011), *cert. dismissed after further review* (Miss. Mar. 15, 2012).

Melton v. Smith's Pecans, Inc., 65 So. 3d 853 (Miss. Ct. App. 2011), *cert. denied* (Miss. Nov. 3, 2011).

Stone Cnty., Miss. v. Stone Cnty. Hosp. Ambulance Serv., 64 So. 3d 507 (Miss. Ct. App. 2010), *cert. denied*, 63 So. 3d 1229 (Miss. 2011).

Perry v. Perry (In re Estate of Perry), 61 So. 3d 193 (Miss. Ct. App. 2010), *cert. denied*, 62 So. 3d 974 (Miss. 2011).

Heidelberg v. State, 45 So. 3d 730 (Miss. Ct. App. 2010), *cert. denied*, 71 So. 3d 1207 (Miss. 2011).

Killen v. Killen, 54 So. 3d 869 (Miss. Ct. App. 2010), *cert. denied*, 56 So. 3d 760 (Miss. 2011).

Jenkins v. Jenkins, 55 So. 3d 1094 (Miss. Ct. App. 2010), *cert. denied*, 56 So. 3d 574 (Miss. 2011).

Chapman v. State, 47 So. 3d 203 (Miss. Ct. App. 2010), *cert. denied*, 63 So. 3d 1228 (Miss. 2011).

Madden v. State, 52 So. 3d 411 (Miss. Ct. App. 2010), *cert. denied*, 50 So. 3d 1003 (Miss. 2011).

Noblin v. Burgess, 54 So. 3d 282 (Miss. Ct. App. 2010), *cert. denied*, 53 So. 3d 760 (Miss. 2011).

Holmes v. Campbell Props., Inc., 47 So. 3d 721 (Miss. Ct. App. 2010), *cert. denied*, 49 So. 3d 1139 (Miss. 2010).

Smith v. Johnston Tombigbee Furniture Manuf. Co., 43 So. 3d 1159 (Miss. Ct. App. 2010), *cert. denied*, 49 So. 3d 106 (Miss. 2010).

Cole v. State (In re S. and S.C.), 47 So. 3d 715 (Miss. Ct. App. 2010), *cert. denied*, *Cole v. Lauderdale Cnty. Dep't of Human Servs.*, 49 So. 3d 1139 (Miss. 2010).

Banks v. State, 45 So. 3d 676 (Miss. Ct. App. 2010), *cert. denied*, 49 So. 3d 636 (Miss. 2010).

Timmons v. State, 44 So. 3d 1021 (Miss. Ct. App. 2010), *cert. denied*, 49 So. 3d 106 (Miss. 2010).

Clark v. Clark, 43 So. 3d 496 (Miss. Ct. App. 2010), *cert. denied*, 49 So. 3d 106 (Miss. 2010).

Means v. State, 43 So. 3d 461 (Miss. Ct. App. 2009), *cert. granted*, 29 So. 3d 774 (Miss. 2010), *rev'd*, 43 So. 3d 438 (Miss. 2010).

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Vaughn v. Pub. Emps. Ret. Sys., 182 So. 3d 446 (Miss. Ct. App. 2015). I authored an opinion affirming the decision of the Public Employees' Retirement System (PERS) that, when a designated beneficiary predeceases the retiree, the retiree's remaining benefits go to the retiree's heirs and not the deceased beneficiary's heirs. While the Supreme Court affirmed the decision, *Vaughn v. Pub. Emps. Ret. Sys.*, 182 So. 3d 433 (Miss. 2015), it pointed out that PERS, the circuit court, and the Court of Appeals should not have relied on the statutes in place when the retiree died. Instead, the statute in place when the retiree elected her benefits coverage controlled. But because the outcome would have been the same, the error was harmless.

Williams v. State, 158 So. 3d 330 (Miss. Ct. App. 2014). I authored an opinion finding the trial court lacked jurisdiction to entertain Antonio Williams's motion to vacate—which the trial court treated as a post-conviction-relief motion aimed at his murder conviction and habitual-offender sentence to life without parole—because Williams did not first seek permission from the Mississippi Supreme Court to file his motion. The Supreme Court vacated my opinion, *Williams v. State*, 158 So. 3d 309 (Miss. 2015), holding that the trial court did have jurisdiction. In the Mississippi Supreme Court's view, Williams's motion was not seeking post-conviction relief in his murder case. Rather, Williams's motion challenged his underlying, separate burglary convictions, used to support his habitual-offender sentence for his murder conviction. Because Williams pled guilty in the burglary cases, he did not have to get the Mississippi Supreme Court's permission before seeking relief in the trial court, as would have been required to attack his murder conviction. Still, the Mississippi Supreme Court affirmed the trial court's summary dismissal of Williams's motion.

J.S.W. v. A.W.R. (In re V.D.W.), 152 So. 3d 336 (Miss. Ct. App. 2013). During a custody dispute between a divorcing couple, the husband—who had raised the child since birth—learned for the first time he was not the child's biological father. The uninvolved biological father intervened. And the chancellor awarded the mother custody, granted the biological father visitation, and granted the mother's ex-husband visitation. The ex-husband appealed. I authored an opinion holding the ex-husband stood *in loco parentis* to the child, overcoming the natural parent presumption, and stood on equal footing with mother and biological father when determining child custody and visitation. The Supreme Court reversed, *Waites v. Ritchie (In re Waites)*, 152 So. 3d 306 (Miss. 2014), holding the ex-husband did not rebut the presumption that it was in the child's best interest for the biological parents to have custody even though the ex-husband had stood *in loco parentis* to the child and raised the child as his own since birth.

Prestenbach v. Collins, 159 So. 3d 555 (Miss. Ct. App. 2013). I authored the Court of Appeals opinion affirming the trial court's judgment in favor of a property owner because the would-be holder of an options contract lacked sufficient funding to purchase the property when he tried to exercise his option. The Mississippi Supreme Court reversed, *Prestenbach v. Collins*, 159 So. 3d 531 (Miss. 2014), holding the prospective purchaser had the right to specifically enforce the options contract, regardless of whether he was able to demonstrate his ability to actually pay the purchase price before closing.

Caplin Enterprises, Inc. v. Arrington, 145 So. 3d 675 (Miss. Ct. App. 2013). This case involved contracts between a lender and a borrower. The borrower claimed the arbitration provisions in the contracts were unconscionable. I authored an opinion holding the arbitration agreement in an earlier version of the loan contract was procedurally unconscionable but the one in a later version was neither procedurally nor substantively unconscionable. The Mississippi Supreme Court affirmed in part and reversed in part, *Caplin Enterprises, Inc. v. Arrington*, 145 So. 3d 608 (Miss. 2014), holding the arbitration agreement in the later version of the contract was also unconscionable.

Wilson v. Davis, 111 So. 3d 1280 (Miss. Ct. App. 2013). This case is only mentioned because Westlaw has red-flagged it. The Mississippi Supreme Court affirmed the opinion I authored, reversing and remanding a child-custody decision, finding the chancellor failed to first consider whether the natural-parent presumption had been rebutted before awarding a grandmother custody instead of the father. *Wilson v. Davis*, 111 So. 3d 1280 (Miss. Ct. App. 2013). Following remand, the father appealed again, and the Court of Appeals issued a second opinion—authored by a different appellate judge—affirming the chancellor’s decision that the natural-parent presumption had been rebutted and the child’s best interest required the grandmother receive custody. *Wilson v. Davis*, 111 So. 3d 1280 (Miss. Ct. App. 2013) (Griffis, J., for the court). On certiorari review, the Mississippi Supreme Court consolidated the two appeals. The Supreme Court affirmed in part and reversed in part. *Wilson v. Davis*, 181 So. 3d 991 (Miss. 2016). The Court agreed with my opinion that, as between a grandmother and father, the natural parent presumption must first be rebutted. But the Supreme Court disagreed with the second judge’s opinion that the evidence on remand supported the natural parent presumption had been rebutted.

Public Employees’ Retirement System v. Walker, 126 So. 3d 904 (Miss. Ct. App. 2012). This case involved whether a member of Mississippi’s Public Employees’ Retirement System (PERS) was entitled to disability benefits. After weighing conflicting medical testimony, PERS denied disability benefits. The circuit court, sitting as an appellate court, reversed PERS. The agency further appealed, and I authored an opinion reinstating PERS’s decision based on the existence of sufficient evidentiary support. The Mississippi Supreme Court reversed in part, *Public Employees’ Retirement System v. Walker*, 126 So. 3d 892 (Miss. 2013), agreeing the evidence supported denial of duty-related disability benefits, but that PERS should not have denied regular disability benefits.

Cleveland v. Hamil, 155 So. 3d 829 (Miss. Ct. App. 2012). This was a medical-malpractice case against two physicians—a surgeon and a gastroenterologist. I authored the Court of Appeals opinion reversing and rendering in favor of the gastroenterologist because the plaintiff failed to present an expert in that field. As to the surgeon, while the plaintiff had presented a surgical expert, the expert’s opinion was not previously disclosed, leading to a “trial by ambush.” So the opinion reversed and remanded for a new trial on the claim against the surgeon. The Mississippi Supreme Court affirmed in part and reversed in part. *Cleveland v. Hamil*, 119 So. 3d 1020 (Miss. 2013). The Court

affirmed my rendering judgment in the gastroenterologist's favor. But instead of granting a new trial for the surgeon, that court rendered judgement for him.

Bolton v. State, 113 So. 3d 573 (Miss. Ct. App. 2012). I authored the Court of Appeals opinion affirming the defendant's conviction for house burglary. The Mississippi Supreme Court reversed, *Bolton v. State*, 113 So. 3d 542 (Miss. 2013), holding the burglary instruction's omission of the element of the intent to commit a specific crime, versus any crime, was plain error, despite the defendant's failure to object. The Mississippi Supreme Court initially denied certiorari review. But before the mandate issued, that Court handed down, *Daniels v. State*, 107 So. 3d 961 (Miss. 2013), "holding that the State must offer proof of the intent to commit some specific crime as the second element of burglary." Citing *Daniels*, the Mississippi Supreme Court vacated its denial of certiorari review and reversed based on this intervening decision.

Cates v. Swain, 116 So. 3d 1073 (Miss. Ct. App. 2012). One partner in a recently ended same-sex relationship sued the other, seeking part of the equity of their shared home, which was solely titled in the other partner's name. There was no written contract between the two. And the chancellor had found no express agreement beyond mere cohabitation that would support the claim for repayment of financial contributions made during their relationship. This case predated *Obergefell v. Hodges*, 576 U.S. 644 (2015). And the complaining partner was still married to a man and could not have validly married the homeowner even in a jurisdiction that then recognized same-sex marriage. I authored the Court of Appeals opinion rejecting the non-owning partner's implied contract claims. In doing so, I applied Mississippi's law that public policy questions of this stature should be left to the legislative process and the judicial branch should avoid fashioning implied contractual remedies that would essentially resurrect common-law marriage, which had been abolished by the Legislature. The Mississippi Supreme Court had previously found this principle applicable to unmarried opposite-sex partners who co-habit. *Estate of Alexander*, 445 So.2d 836, 839 (Miss.1984) (citations omitted). The Mississippi Supreme Court affirmed in part and reversed in part. *Cates v. Swain*, 215 So. 3d 492 (Miss. 2013). The Court agreed there was no constructive or resulting trust, but it found, without addressing the Court of Appeals' reasoning, the non-owning partner was entitled under these facts to seek an implied contractual remedy and reinstated the chancellor's award based on unjust enrichment.

T.C.B. Construction Co., Inc. v. W.C. Fore Trucking, Inc., 134 So. 3d 752 (Miss. Ct. App. 2012). I authored the Court of Appeals opinion estopping a contractor from denying its obligation to a subcontractor. The Court of Appeals found the subcontractor was entitled to full contract damages. But based on the plain text of Mississippi's punitive damages statute, the subcontractor was not entitled to punitive damages. The Mississippi Supreme Court affirmed in part and reversed in part. *T.C.B. Construction Co., Inc. v. W.C. Fore Trucking, Inc.* 134 So. 3d 701 (Miss. 2013). The Court affirmed the full-contract damages award but reversed the denial of punitive damages, citing pre-statute common law instead of the plain text of the punitive damages statute.

Jones v. State, 122 So. 3d 725 (Miss. Ct. App. 2011). I authored the Court of Appeals opinion affirming the trial court's denial of post-conviction relief. The Mississippi Supreme Court reversed in part, *Jones v. State*, 122 So. 3d 698 (Miss. 2013), holding that the intervening United States Supreme Court decision, *Miller v. Alabama*, 557 U.S. 460 (2012)—handed down after I had authored the Court of Appeals opinion—applied retroactively to petitioner's collateral attack on his sentence.

Means v. State, 43 So. 3d 461 (Miss. Ct. App. 2009). I authored the Court of Appeals opinion affirming the trial court's dismissal of defendant's successive and procedurally barred post-conviction relief petition. The Mississippi Supreme Court reversed and remanded, *Means v. State*, 43 So. 3d 438 (Miss. 2010), finding the defendant's procedurally barred challenge to a condition of his release met an exception to the bar.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All opinions of the Mississippi Court of Appeals and Mississippi Supreme Court are published.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Saunders v. State, 371 So. 3d 604 (Miss. 2023) (Miss. Const. art. 6, §§ 153, 165, and 172).

Wagner v. Andreacchio, 368 So. 3d 287 (Miss. 2023) (U.S. Const. amend. I).

Green v. State, 344 So. 3d 854 (Miss. 2022) (U.S. Const. amend. IV—Exclusionary Rule).

Woodard v. Miller, 326 So. 3d 439 (Miss. 2021) (U.S. Const. amend. I—Establishment Clause / Ecclesiastical Abstention Doctrine).

McGilberry v. State, 292 So. 3d 199 (Miss. 2020) (U.S. Const. amend. VIII—application of *Miller v. Alabama*, 567 U.S. 460 (2012)).

Oak Grove Marketplace, LLC v. Lamar Cnty. Sch. Dist., 287 So. 3d 924, 930 (Miss. 2020) (Miss. Const. art. 4, § 95).

M.A.S. v. Miss. Dep't of Humans Servs. (In re M.A.S.), 245 So. 3d 410 (Miss. 2018) (Miss. Const. art. 6, § 159(d)).

Ward v. Colom, 253 So. 3d 265, 271 (Miss. 2018) (special concurrence) (Miss. Const. art. 3, § 2—constitutionally conferred legislative authority to regulate concealed firearms).

Clarksdale Mun. Sch. Dist. v. State, 233 So. 3d 299, 306-308 (Miss. 2017) (special concurrence) (Miss. Const. art. 1, §§ 1–2; Miss. Const. art. 4, § 33—Separation of Powers).

High v. Kuhn, 191 So. 3d 113 (Miss. 2016) (Miss. Const. art. 4, § 110).

Jamison v. State, 73 So. 3d 567 (Miss. Ct. App. 2011) (Miss. Const. art. 3, § 27).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

In Mississippi, judicial recusals are governed by Article 6, § 165 of the Mississippi Constitution of 1890, Miss. Code Ann. § 9-1-11, Rule 1.15 of the Mississippi Uniform Rules of Circuit and County Court Practice, and Canon 3(e) of the Mississippi Code of Judicial Conduct.

I have served in the judiciary since 2009. In my more than sixteen years as a judge, first on the Mississippi Court of Appeals, then on the Mississippi Supreme Court, I have been requested to recuse seven times. Only one motion to recuse was directed solely at me. In *Tracie Hardy v. Xanitos, Inc.*, No. 2019-CT-00016-SCT, all nine justices agreed to deny Hardy’s petition for writ of certiorari. Because I signed the order denying certiorari review, Hardy moved that I recuse. As this is not a basis for recusal, I denied the motion. In three other matters— *Williams v. State*, No. 2022-M-00752; *Morris v. State*, No. 2017-M-01070; and *Warner v. State*, No. 2016-M-00069—the motions to recuse were directed to the three-justice panels, on which I served, that had previously denied the petitioners relief. Because this is not a valid basis to recuse, I along with the other two panel members did not recuse. In another matter, *Wallace v. State*, No. 2019-M-1279, the Mississippi Supreme Court denied several *pro se* post-conviction-relief motions. In doing so, the Court warned the petitioner that he could be sanctioned for any future frivolous filing. Williams then moved that the seven justices, including myself, who issued the sanctions warning recuse. Neither I nor the other six justices recused, as there

was no merit to the recusal motion. Finally, in two other matters—*Crawford v. The Miss. Bd. of Bar Admissions*, No. 2018-CC-00959, and *Woodard v. Miller*, No. 2020-IA-00031 (consolidated with *Miss. Ann. Conf. of the United Methodist Church v. Miller*, No. 2020-IA-00056 and *Johnson v. Miller*, No. 2020-IA-00238)—the petitioners sought recusal of all nine justices of the Mississippi Supreme Court. *Crawford* involved a law-school graduate aggrieved that she did not pass Mississippi’s Bar Exam. She filed four lengthy separate motions to recuse, all of which lacked merit. All nine justices denied recusal in response to all four motions. *Woodard* included claims against the United Methodist Church and a clergy member. The recusal motion asked each justice to examine his or her relationships with the denomination, clergy, and members, if any. Because I found no reason to recuse, I denied recusal, as did the other eight justices.

The bulk of appeals in which I did not participate *sua sponte* involved matters where circulation for voting had already occurred before I joined the appellate courts, cases involving members of my former law firm, and the Mississippi Supreme Court’s appellate review of cases in which I participated as a Court of Appeals judge. Appellate judges are not required to state a reason for their *sua sponte* non-participation in cases, but I have set out my reasons below to the best of my recollection.

Mississippi Supreme Court cases in which I did not participate because circulation for voting had already occurred before I joined the Court in 2016:

Atwood v. State, No. 2015-CA-00190
Batiste v. State, No. 2013-DR-01624
Bradley v. Jordan, No. 2014-CA-01710
Burgess v. Patterson, No. 2015-CA-00260
Crum v. City of Corinth, No. 2013-CA-01977
Jones v. Miss. Emp. Sec. Comm’n, No. 2014-CC-01142
Moore v. State, No. 2015-KA-00207
Quality Diesel Serv. v. Tiger Drilling Co., No. 2014-CA-01587
Roby v. State, No. 2014-KA-00621
Stribling Invs., LLC Mike Rozier Constr. Co., No. 2013-CA-2145
Thrash v. Deutsch, Kerrigan & Stiles, LLP, No. 2014-CA-01472

Mississippi Supreme Court cases in which I did not participate because they reviewed Court of Appeals decisions in which I had participated as a Court of Appeals judge:

Bester v. State, No. 2013-CT-00058
Carter v. Carter, No. 2014-CT-00041
City of Tchula v. Miss. Pub. Serv. Comm’n, No. 2014-UR-01447
Collins v. Westbrook, No. 2013-CT-00408
Estes v. Estes, No. 2014-CT-01533, consolidated with No. 2011-CT-1451
Finnie v. Lee Cnty. Bd. of Supervisors, No. 2014-SA-01480
Green v. State, No. 2013-CT-01228
Hudspeth Reg’l Ctr. v. Mitchell, No. 2014-CT-01730
Johnson v. State, No. 2014-CT-00664

Jordan v. State, No. 2014-CT-00615
Kuebler v. State, No. 2012-CT-01825
McGinty v. Grand Casinos of Miss., Inc.-Biloxi, No. 2012-CT-01777
McKean v. Yates Eng'g Corp., No. 2013-CT-01807
Miss. Dep't of Audit v. Gulf Publ'g Co., No. 2013-CT-02002
Nunnery v. Nunnery, No. 2014-CT-00260
Overton v. State, No. 2013-CT-01236
Pittman v. Pittman, No. 2013-CT-00149
Porter v. Mullins, No. 2012-CT-01793, consolidated with *Porter v. Grand Casino of Miss.-Biloxi*, No. 2010-CT-00307
Springer v. Ausbern Constr. Co., No. 2014-CT-01190
Stanley v. Scott Petroleum Corp., No. 2013-CT-01238
Stratton v. McKey, No. 2014-CT-01443
Walden v. State, No. 2014-CT-00165
Warren v. State, No. 2013-CT-00926
White v. State, No. 2013-CT-02132
Wilson v. Davis, No. 2012-CT-00196, consolidated with No. 2013-CT-01244

Mississippi Supreme Court cases in which I did not participate because of relationships with parties, attorneys, entities, or others:

Adams v. Graceland Care Ctr. of Oxford, No. 2013-CT-00724
Eubanks v. Huber (In re Est. of Eubanks), No. 2016-CA-01274
Gunasekara v. Barton, No. 2023-EC-00377
Health Mgmt. Assocs., Inc. v. Weiner, No. 2017-IA-01435
Holcomb, Dunbar, Watts, Best, Masters & Golmon, P.A. v. 400 S. Lamar Oxford Mad Hatter Partners, LLC, No. 2019-CT-01702
Hyundai Motor Am. v. Applewhite, No. 2015-CA-01886
Hyundai Motor Am. v. Hutton, No. 2015-CA-01013
In re McClure, No. 2022-IA-00319
James v. Westbrook, No. 2018-EC-00469
Jones v. Rebel Rags, No. 2017-M-01529
Lane v. Lampkin, No. 2016-CA-00941
Lewis v. Rebel Rags, No. 2017-M-01546
Nat'l Collegiate Athletic Ass'n v. Farrar, No. 2023-IA-00282
Parsons v. Walters, No. 2018-CA-01272
Phillips v. City of Oxford, No. 2021-CT-00639
Russell v. Mississippi Bar, No. 2016-BR-01807
Sharkey Issaquena Cmty. Hosp. v. Anderson, No. 2014-IA-00465
Shumake v. Shumake, No. 2015-CA-01622
Stewart v. Mississippi Bar, No. 2017-BR-01553
Stewart v. Mississippi Bar, No. 2022-BR-00382
The Door Shop, Inc. v. Alcorn Cnty. Elec. Power Ass'n, No. 2017-CA-00956
Tommy Brooks Oil Co. v. Wilburn, No. 2016-IA-01356, consolidated with No. 2016-IA-1400
Tommy Brooks Oil Co. v. Wilburn, No. 2022-CA-00551

Mississippi Court of Appeals cases in which I did not participate because circulation for voting had already occurred before I joined the Court in 2009:

Ames v. State, No. 2007-KA-01834
Anderson v. Anderson, No. 2007-CA-00879
APAC Miss. Inc. v. Johnson, No. 2007-CA-01009
Banyard v. State, No. 2006-KA-01843
Bennett v. State, No. 2008-KA-00153
Brown v. General Motors Corp., No. 2007-CA-01591
Butler v. State, No. 2007-KA-01915
Campbell v. Davis, No. 2007-CA-01627
Carreiro v. State, No. 2007-CA-02280
Didon v. State, No. 2008-CA-00928
Duncan v. Johnson, No. 2008-CP-00055
Eley v. State, No. 2007-KA-02220
Ellzey v. McCormick, No. 2007-CA-01420
Est. of Fedrick ex rel. Sykes v. Quorum Health Res., Inc., No. 2007-CA-00465
Farrior v. Kittrell, No. 2007-CA-01868
Fisher v. Lauderdale Cnty. Bd. of Supervisors, No. 2008-CA-00359
Fraise v. State, No. 2007-KP-01626
Funderberg v. Ponotoc Elec. Power Ass'n, No. 2008-CA-00235
Gober v. Lee, No. 2007-CP-01214
Gulf South Pipeline v. Pitre, No. 2007-CA-01308
Hairston v. State, No. 2007-KA-01964
Harper v. Cal-Maine Foods, Inc., No. 2008-CA-00529
Harris v. State, No. 2007-CP-01602
Henderson v. State, No. 2008-KA-00551
Jackson v. State, No. 2007-CP-01470
Jones v. Jones, No. 2008-CA-00035
Kambule v. State, No. 2006-CA-01497
Lewis v. Progressive Gulf Ins. Co., No. 2008-CA-00781
Marshall v. Lindsly, No. 2007-CA-01737
McMillan v. State, No. 2007-KA-01999
Miller v. State, No. 2007-KA-02019
Moore v. State, No. 2007-CP-01548
Miss. Empl. Sec. Comm'n v. Johnson, No. 2007-CC-02236
Miss. State Univ. v. Panuska, No. 2008-WC-00340
Morf v. N. Central Miss. Bd. of Realtors, Inc., No. 2007-CA-00839
Neal v. State, No. 2007-KA-02198
Niolet v. Rice, No. 2008-CA-00922
Omnova Solutions, Inc. v. Lipa, No. 2008-WC-00500
Pace v. Pace, No. 2007-CP-01052
Peavey Electronics Corp. v. Baan U.S.A., Inc., No. 2007-CA-00341
Perryman v. State, No. 2007-KA-01670
Pittman v. Pittman, No. 2007-CP-02091

Poe v. Summers, No. 2007-CA-02278
Price v. Price, No. 2007-CA-00981
Radford v. CCA-Delta Corr. Facility, No. 2007-WC-02270
Rebuild America, Inc. v. Milner, No. 2008-CA-00121
Robinson v. State, No. 2007-KA-02202
Ross v. State, No. 2007-CP-02192
Sessums v. Vance, No. 2008-CA-00198
Shies v. State, No. 2007-CP-01187
Silliman v. State, No. 2008-CP-00140
Singleton v. State, No. 2008-KA-00508
Smith v. Smith, No. 2007-CA-01920
Smith v. State, No. 2008-KA-00375
Spratt v. State, No. 2007-CA-00791
Stevens v. Estate of Smith, No. 2007-CA-01664
Thames v. State, No. 2007-KA-01573
Thomas v. State, No. 2007-KA-01781
Trim v. Trim, No. 2007-CA-01648
Tucker v. Rees-Memphis, Inc., No. 2007-CA-01776
Tucker v. Williams, No. 2007-CA-02223
United Plumbing & Heating Co. v. AmSouth Bank, No. 2007-CA-01944
Via v. Miss. Farm Bureau Fed'n, No. 2008-CA-00782, consolidated with No. 2008-CA-00783
Webster v. City of D'Iberville City Council, No. 2008-CA-00203
Williams v. State, No. 2007-CP-02029
Williams v. State, No. 2007-CP-02143
Williams v. State, No. 2008-KA-00695
Woodham v. Woodham, No. 2007-CA-01940
Young v. State, No. 2007-KA-02026

Mississippi Court of Appeals cases in which I did not participate because my former law firm served as counsel:

Alexander v. AIG Agency Auto, No. 2012-CA-01166
Aultman v. Lawrence Cnty., No. 2011-CA-00540
Baldwin v. Kelly Servs., No. 2012-CA-00813
Ball v. Ashley Furniture Indus., No. 2010-WC-01627
Banks v. Brinker Miss., Inc., No. 2013-CA-00521
Bates v. Dedicated Mgmt. Group, LLC, No. 2010-WC-00792
Brown v. Ill. Tool Works, No. 2012-WC-00803
Business Comms. v. Banks, No. 2009-CA-00407
Carpenter v. Kenneth Thompson Builder, Inc., No. 2011-CA-01028
Chandler v. Mary Mahoney's, Inc., No. 2012-CA-00745
Clark v. Spherion Corp., No. 2008-WC-01202
Davis v. Biloxi Pub. Sch. Dist., No. 2007-CP-02155
Davis v. Biloxi Pub. Sch. Dist., No. 2010-CP-00338
Davis v. Jones Cnty. Sch. Dist., No. 2014-CA-00857

Durbin v. Brown, No. 2012-WC-00232
Durr v. City of Picayune, No. 2013-CA-01845
FFE Transp. Services v. Brown, No. 2011-WC-01766
Ford v. Magnolia Franchise Holdings, No. 2012-WC-00096
Forrest Gen. Hosp. v. Humphrey, No. 2013-WC-00424
Frazier v. McDonald's Restaurants of Miss., Inc., No. 2011-CA-01221
Gas v. Edmonds, No. 2013-WC-01942
Gray Props. v. Utility Constructors, Inc., No. 2012-CA-01939
Guthrie v. Jones Cnty. Sch. Dist., No. 2011-CA-00945
Howell v. Holiday, No. 2011-CA-01789
Jones v. Mullen, No. 2011-CA-01087
K.N. v. Moss Point Sch. Dist., No. 2013-CA-01388
Kaigler v. City of Bay St. Louis, No. 2008-CA-00640
Kukor v. Northeast Tree Serv., No. 2010-WC-01280
Land v. Attala Cnty., No. 2011-CA-01105
Liberty Mut. Ins. v. Shoemake, No. 2011-CA-00179
Lockhart v. Stirling Props., No. 2013-CA-00973
Madison v. Geico Gen. Ins. Co., No. 2009-CA-01723
Marbly v. Manuel, No. 2014-CA-01171
Martin ex rel. Heirs of Martin v. B & B Concrete Co., No. 2010-CA-00145
Matthies v. Reed, No. 2012-CA-00497
McElroy v. City of Brandon, No. 2014-CA-00927
Misskelley v. Carroll Cnty., No. 2009-CA-01054
Mixon v. Greywolf Drilling Co., No. 2009-WC-01536
Odom v. Fedex Ground Package Sys., No. 2009-WC-00444
Palermo v. LifeLink Found., Inc., No. 2012-CA-01228
Pearl River Cnty. v. Bethea, No. 2014-CA-00892
Perkins v. Wal-Mart Stores, Inc., No. 2008-CA-01406
Pulliam v. Miss. State Hudspeth Reg'l Ctr., No. 2013-WC-00409
Q.A. v. Pearl Public Sch. Dist., No. 2010-CA-01610
Quarter Dev., LLC v. Hollowell, No. 2010-CA-02076
Rebuild America, Inc. v. Johnson, No. 2008-CA-02123
River Region Health v. Adams, No. 2012-WC-00961
Singley v. Trinity Highway Prods, LLC., No. 2013-CA-01944
Smith v. City of Saltillo, No. 2009-CA-01003
Springfield v. Members 1st Cnty. Fed. Credit Union, No. 2010-CA-00359
Swindle v. Neshoba Cnty. Sch. Dist., No. 2012-CA-00758
Telecom Tower Group, LLC v. Honeysuckle Creek Holdings, Inc., No. 2012-CA-00493
Tew v. Siemens Power Transmission, No. 2009-WC-01150
Trull v. Magnolia Hill, LLC, No. 2013-CA-01041
Wooten v. Franklin Corp., No. 2008-WC-00858

Mississippi Court of Appeals cases in which I did not participate because they concerned either parties, judges, related family members, or other individuals who had been prosecuted by the United States Attorney's Office, individuals about whom I had

previous knowledge of or interactions with while a federal prosecutor, or for which I have no recollection of any basis for recusal:

Abraham v. State, No. 2009-CP-01759
Alexander v. Alexander, No. 2010-CA-01765
Alias v. City of Oxford, No. 2009-CA-00301
Alston v. Pope, No. 2010-CA-01760
Anderson v. State, No. 2007-KA-02137
BancorpSouth Bank v. Brantley, No. 2011-CA-00475
Barfield v. Miss. State Hosp., No. 2011-WC-01577
Battle v. Cooper, No. 2010-CP-00530
Berry v. State, No. 2008-KA-02092
Beverly Healthcare v. Hare, No. 2009-WC-00344
Blackston v. Epps, No. 2009-CA-00824
Boatwright v. Boatwright, No. 2009-CA-01412
Boatwright v. Boatwright, No. 2014-CA-00060
Brunner v. State, No. 2008-KA-00469
Century Constr. Co. v. BancorpSouth Bank, No. 2011-CA-01853
Clark v. State, No. 2007-KA-02233
Corkern v. Corkern, No. 2009-CA-01083
Covenant Health & Rehabilitation of Picayune, LP v. Lumkin ex rel. Lumpkin, No. 2007-CA-00449
Dogan v. Dogan, No. 2011-CA-01104
Elliot v. State, No. 2009-KA-01516
Est. of Hynes v. Ambling Mgmt. Co., No. 2009-CA-01629
Ewing v. State, No. 2008-CP-00123
Fortenberry v. City of Jackson, No. 2008-CA-00270, consolidated with No. 2008-CA-00271
Gray v. State, No. 2008-CA-00682
Hanshaw v. Hanshaw, No. 2005-CA-01680
Harness v. State, No. 2007-KA-01415
Hawkins v. City of Morton, No. 2011-CA-01047
Hillside Terrace, L.P. ex rel. Hills Terrace I LLC v. City of Gulfport, No. 2008-SA-00350
Holly Springs Realty Group, LLC v. BancorpSouth Bank, No. 2009-CA-00923
Howell v. USAA Cas. Ins., No. 2012-CA-00132
Ill. Central R. Co. v. Broussard, No. 2007-CA-01010
J.M. ex rel. V.M. v. Bailey, No. 2009-CA-00893
Jackson v. Lowe, No. 2010-CP-00062
Johnson v. State, No. 2011-CA-00939
Jones v. State, No. 2009-CP-01890
Long Meadow Homeowners' Ass'n v. Harland, No. 2009-CT-1775
McCray v. State, No. 2009-KA-00509
Miller v. Provident Advertising & Marketing, No. 2012-CA-01198
Misita v. Conn, No. 2011-CA-01865
Miss. Baptist Med. Ctr. & Reciprocal of Am. v. Murphy, No. 2010-WC-2019
Mize v. Westbrook Constr. Co. of Oxford, LLC, No. 2012-CA-00610

Moore v. Miss. Gaming Comm'n, No. 2009-CA-00235
Murray v. State, No. 2008-KA-00298
Neilson v. Dawson, No. 2012-CA-01792
Nelson v. Baptist Mem'l Hosp.-N. Miss., Inc., No. 2009-CA-00081
Nicholson v. Intern'l Paper Co., No. 2009-WC-00943
Payton v. Boomtown Casino, No. 2010-CC-00046
Paige v. Miss. Baptist Med. Ctr., No. 2008-CA-00328
Peters v. Belk, Inc., No. 2010-WC-00438
Pierce v. Gibson, No. 2011-CA-01077
Rhoda v. Weathers, No. 2010-CA-00797
Rigdon v. Miss. Farm Bureau Fed., No. 2008-CA-00777
Richard v. Garma-Fernandez, No. 2012-CA-00007
Salter v. Johnson, No. 2011-CA-01179
Scruggs v. Bd. of Supervisors Alcorn Cnty., No. 2010-CP-01775
Weeks v. Weeks, No. 2006-CA-01287
Wells Fargo Advisors, LLC v. Pritchard, No. 2012-CA-00646
Wilson v. Highpointe Hospitality, No. 2010-CA-00193
Wood v. Cooley, No. 2010-CA-00395

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Other than my service as a justice on the Mississippi Supreme Court and as a judge on the Mississippi Court of Appeals, I have held no other public offices.

I have had no unsuccessful candidacies for elected office or unsuccessful nominations for appointed office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In March 2009, I was appointed to serve as a judge on the Mississippi Court of Appeals. I ran in a non-partisan election in November 2010 to retain my seat. I formed a campaign committee, which raised funds for my twenty-three-county campaign. I was elected unopposed.

In November 2014, I ran unopposed in a non-partisan election to retain my seat on the Mississippi Court of Appeals.

In January 2016, I was appointed to serve as a justice on the Mississippi Supreme Court. I ran in a non-partisan election in November 2016 to retain my seat. I formed a campaign committee, which raised funds for my thirty-three-county campaign. I was elected unopposed.

In November 2024, I ran unopposed in a non-partisan election to retain my seat on the Mississippi Supreme Court.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2001 – 2002

Daniel Coker Horton and Bell, P.A.
4400 Old Canton Road, Suite 400
Jackson, Mississippi 39215-1084

2002 – 2009

United States Attorney's Office, Northern District of Mississippi
900 Jefferson Avenue
Oxford, Mississippi 38655
Assistant United States Attorney (Criminal Division)

2009 – 2015

Mississippi Court of Appeals
450 High Street
Jackson, Mississippi 39201
Judge

2016 – present

Mississippi Supreme Court
450 High Street

Jackson, Mississippi 39201
Associate Justice

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

For the past sixteen years, I have served in the judiciary as either a justice on the Mississippi Supreme Court or judge on the Mississippi Court of Appeals. Immediately before joining the judiciary, my legal practice focused on trial work, primarily in federal court. After law school, I spent a year at a large civil litigation firm, practicing mostly civil defense work. I handled discovery, argued motions, and tried cases in state and federal court. In 2002, I accepted a position as an Assistant United States Attorney in the criminal division of the United States Attorney's Office for the Northern District of Mississippi. As a federal prosecutor, I tried cases exclusively in United States District Court. I worked closely with federal and state investigative agencies, conducted federal grand jury investigations, and handled hundreds of criminal prosecutions. I served as lead counsel, associate counsel, and sole counsel in numerous jury and bench trials of a wide variety of federal offenses. I also handled appeals and argued before the United States Court of Appeals for the Fifth Circuit. In 2009, I was appointed to the Mississippi Court of Appeals where I served as a judge until my appointment to the Mississippi Supreme Court in 2016. I have served as a Mississippi Supreme Court justice since then.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My clients in private practice typically included businesses, individuals, insurance companies, and governmental entities. I handled litigation involving personal injury defense, automobile and trucking accidents, premises liability, and professional liability.

As an Assistant United States Attorney, my client was the United States of America. I worked closely with investigative agencies, including: the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Immigration and Customs Enforcement, United States Marshals Service, United States Secret Service, United States Department of Agriculture Office of Inspector General, United

States Postal Inspection Service, Internal Revenue Service Criminal Investigation, and state and local law enforcement investigators, prosecutors, and victims.

During my time as a federal prosecutor, I handled investigations, prosecutions, and jury trials of: public corruption, large-scale and complex drug trafficking conspiracies, firearms and explosives offenses, white-collar fraud, money laundering, mail fraud, wire fraud, federal programs fraud, bank fraud, tax fraud, social security fraud, theft, embezzlement, extortion, bribery, obstruction of justice, Hobbs Act robbery, bank robbery, smuggling, and gang and immigration crimes. I served as the district's Corporate Fraud Coordinator and was a member of the Organized Crime Drug Enforcement Task Force and the Project Safe Neighborhoods Task Force.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|------|
| 1. | federal courts: | 95 % |
| 2. | state courts of record: | 5 % |
| 3. | other courts: | % |
| 4. | administrative agencies: | % |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 10% |
| 2. | criminal proceedings: | 90% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 21 cases to verdict in courts of record. I was either sole counsel, lead counsel, or associate counsel in all cases.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 90% |
| 2. | non-jury: | 10% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the United States Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Garrison*, 380 Fed. App'x 423 (5th Cir. 2010); *United States v. Garrison*, 2:08 CR058-P-S (N.D. Miss. Jul. 30, 2008).

I served as lead counsel in the investigation and jury trial, which led to the convictions of an outlet store owner who smuggled and trafficked counterfeit goods. I made opening statements, examined witnesses, and made closing arguments.

Presiding Judge: United States District Judge W. Allen Pepper Jr. (deceased)

Co-Counsel

Robert J. Mims
900 Jefferson Avenue
Oxford, MS 38655-3609
662-234-3351

Opposing Counsel

Thomas Levidiotas
Post Office Box 1617
Oxford, MS 38655-1617
662-234-1070

2. *United States v. Blockett*, 324 Fed. App'x 402 (5th Cir. 2009); *United States v. Tutwiler and Blockett*, No. 2:06 CR00149-GHD (N.D. Miss. May 25, 2007).

I participated in the investigation and jury trial of a mayor and contractor charged with conspiracy to commit government program fraud, theft, and misappropriation of \$1.3 million in federal funds allocated for construction of Mound Bayou Chemical Company. The jury convicted both. At trial, I made the

opening statement, examined witnesses, cross-examined a defendant, and made closing arguments.

Presiding Judge: Senior United States District Judge Glen H. Davidson

Co-Counsel

John Marshall Alexander
112 North Pearman Avenue
Cleveland, MS 38732
662-843-3631

Opposing Counsel

Steven E. Farese, Jr.
122 Church Avenue
Ashland, MS 38603
662-224-3229

Robert Shuler Smith (deceased)

3. *United States v. Moultrie, et al.*, No. 3:08 CR014 (N.D. Miss. Aug. 12, 2008).

I participated in the investigation and prosecution of officers of a design engineering firm the State of Mississippi hired to manage construction of Mississippi Beef Processors, LLC. The firm's CEO and president both pled guilty to paying a gratuity intended to influence a public official involving the firm's overseeing construction of the beef plant. The company's vice president pled guilty to concealing material facts from a federal agency investigating the failed project.

Presiding Judge: Senior United States District Judge Michael P. Mills

Lead Counsel

W. Chadwick Lamar
1004 Darden North
Myrtle, MS 38650-9121
601-510-3655

Opposing Counsel

Craig A. Gillen
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404-842-9700

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One Midtown Plaza, Suite 910
Atlanta, GA 30309

404-881-1111

Thomas D. Bever
1105 West Peachtree Street Northeast, Suite 1000
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404-815-3574

4. *United States v. Draper*, No. 3:07 CR 194-01 (N.D. Miss. Jul. 23, 2008).

I participated in the investigation and jury trial of a refrigeration vendor who devised a scheme to defraud the State of Mississippi and laundered money in connection with Mississippi Beef Processors, LLC. At trial, I made the opening statement, conducted witness examinations, cross examined the defendant, and made closing arguments. The jury found the defendant guilty on all charges.

Presiding Judge: Senior United State District Judge Michael P. Mills

Lead-Counsel

W. Chadwick Lamar
1004 Darden North
Myrtle, MS 38650-9121
601-510-3655

Opposing Counsel

Ken Coghlan (retired, no contact information)

5. *United States v. Robinson, et al.*, No. 4:06CR013-02 (N.D. Miss. Oct. 26, 2007).

Lead Counsel. I participated as lead prosecutor in an undercover investigation of the Ruleville Mississippi chief of police and assistant chief of police. Both were charged with and pled guilty to extorting bribe payments to protect crack cocaine dealers.

Presiding Judge: United States District Judge W. Allen Pepper Jr. (deceased)

Opposing Counsel

John H. Daniels, III
149 North Edison Street
Greenville, MS 38701
662-378-2626

Martin Kilpatrick (deceased)

6. *United States v. Conely*, No. 3:07CR032 (N.D. Miss. Apr. 2, 2007).

I served as lead prosecutor in a federal undercover investigation of the Ripley Mississippi chief of police. He pled guilty to possessing marijuana with intent to distribute and to

distributing hydrocodone.

Presiding Judge: W. Allen Pepper Jr. (deceased)

Opposing Counsel

Anthony L. Farese
122 Church Avenue
Ashland, MS 38603
662-224-3229

7. *United States v. Butler, et al.*, No. 3:06CR14 (N.D. Miss. 2006).

I served as lead prosecutor in a joint federal and state undercover investigation, "Operation Icebreaker," utilizing a law enforcement officer to play the role of a "dirty cop." The purported dirty cop infiltrated a multi-state, large-scale "ice" methamphetamine trafficking organization, spanning from Arizona to Mississippi. The investigation led to the convictions of defendants on drug trafficking and firearms offenses. "Operation Icebreaker" received the Organized Crime Drug Enforcement Task Force (OCDETF) Case of the Year award in 2007.

Presiding Judge: Senior United States District Judge Michael P. Mills

Opposing Counsel

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122 Church Avenue
Ashland, MS 38603
662-224-3229

Ronald Michael (suspended - discipline)
1700 North 2nd Street
Booneville, MS 38829-7759

Kenneth H. Coghlan (retired, no contact information)

Robert W. Davis, Jr.
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Tupelo, MS 38804
662-586-9279

Robert Sneed Laher
320 Green Street
Tupelo, MS 38804
662-841-0391

8. *United States v. Wilson*, 197 Fed. App'x 359 (5th Cir. 2006).

I was lead prosecutor in the federal and state investigation and jury trial resulting in convictions in a multi-defendant Hobbs Act conspiracy to rob Grand Casino Tunica. The conspirators used a hoax bomb and a casino insider to carry out the heist. I made the opening statement, examined witnesses, and made closing arguments. I also handled an appeal to the United States Court of Appeals for the Fifth Circuit.

Presiding Judge: Senior United States District Judge Michael P. Mills

Co-Counsel

David A. Sanders
United States Magistrate Judge
301 West Commerce Street
Aberdeen, MS 39730
662-369-2138

Opposing Counsel

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8619 U.S. 51 North
Southaven, MS 38671
662-393-9295

Luscious Edwards
165 West South Street, Number 204
Hernando, MS 38632
662-429-5786

9. *United States v. Hall*, No. 3:06CR023 (N.D. Miss. Jan. 25, 2006).

I participated in the investigation and prosecution of Richard Hall, owner of Mississippi Beef Processors, LLC. Hall pled guilty to a money laundering and mail fraud scheme against the State of Mississippi.

Presiding Judge: Senior United States District Judge Neil B. Biggers, Jr. (deceased)

Lead Counsel

W. Chadwick Lamar
1004 Darden North
Myrtle, MS 38650-9121
601-510-3655

Opposing Counsel

Michael N. Watts
400 Enterprise Drive
Oxford, MS 38655-2763
662-234-8775

10. *United States v. Starnes*, 157 Fed. App'x. 687 (5th Cir. 2005).

I participated in the investigation and jury trial leading to the convictions of a Clarksdale gang leader on complex drug trafficking, conspiracy, and firearms charges. At trial, I made the opening statement, examined witnesses, and made closing arguments. I also participated in the appeal and made oral arguments to the United States Court of Appeals for the Fifth Circuit.

Presiding Judge: United States District Judge W. Allen Pepper Jr. (deceased)

Lead Counsel

Charles W. Spillers
3847 Majestic Oaks Drive
Oxford, MS 38655
662-801-8490

Opposing Counsel

Robert W. Davis Jr.
542 Jefferson Street
Tupelo, MS 38804
662-586-9279

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Before joining the judiciary, my legal practice was devoted to federal trial work and litigation. However, many cases were resolved before indictment or after indictment by guilty plea. I also reviewed criminal leads and referrals that I determined should not be investigated further or presented for indictment. And I counseled federal and state law enforcement officers about proper investigative techniques to ensure compliance with the United States Constitution and relevant federal laws.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Based on my years of service in state government, I am vested in and will receive a government pension through the Mississippi's Public Employees' Retirement System (PERS).

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments, or agreements to pursue outside employment during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am unaware of any financial arrangements or categories of litigation, family members or other persons or parties, likely to present potential conflicts-of-interest. Cases that may present conflict issues would be those related to my service as a justice on the Mississippi Supreme Court or as a government lawyer. If confirmed, I would recuse in any matter which I reviewed while on the Mississippi Supreme Court. And I would recuse in any matter which, during government service, I participated as counsel, advisor, or material witness, or expressed an opinion concerning the merits. 28 U.S.C. § 455(b)(3). I will evaluate any real or potential conflict, or relationship that could give

rise to the appearance of a conflict, on a case-by-case basis, and determine appropriate action, including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will evaluate and address any real or potential conflict, or relationship that could give rise to the appearance of a conflict on a case-by-case basis and determine appropriate action, including recusal where necessary, 28 U.S.C. § 455(b)(3), Canon 3 of the Code of Judicial Conduct for United States Judges, and any other laws, rules, and practices governing such circumstance.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While Mississippi's Code of Judicial Conduct § 4(G)(1) expressly prohibits judges from practicing law and providing pro bono legal advice or service to non-family members, I have traveled throughout Mississippi educating our youth, undergraduate and law students, and the public about Mississippi's court system and the rule of law.

Through my work on the Mississippi Supreme Court's Rules Committee on Criminal Practice and Procedure, the Supreme Court revised Mississippi Rule of Criminal Procedure 7.2. The rule now provides for continuous representation of criminal defendants, thus closing Mississippi's so-called "dead zone"—a period in which some indigent felony defendants lacked representation between arrest and arraignment following indictment.

In addition, while president of the Mississippi Bar Association's Young Lawyers Division, I implemented three service-oriented programs. The first was a disaster relief hotline to assist tornado victims in presidentially declared disaster areas. The second involved initiating efforts to reestablish the "Lawyer in Every Classroom" program in Mississippi's 82 counties to inform school children about law as a profession. And the third initiative was "Wills for Heroes"—a state-wide program that provides free wills to Mississippi's first responders.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your

nomination.

On November 21, 2024, I forwarded Senators Wicker and Hyde-Smith a letter and resume, expressing my interest in an existing vacancy on the United States District Court for the Northern District of Mississippi. On January 15, 2025, I forwarded Congressman Kelly a letter and resume, expressing my interest in the vacant judgeship. On January 29, 2025, I interviewed with Senators Wicker and Hyde-Smith separately. On April 17, 2024, I was contacted by the White House Counsel's Office to schedule an interview. On April 24, 2025, I interviewed with attorneys from the White House Counsel's Office and the Justice Department's Office of Legal Policy. On May 29, 2025, I was notified by the White House Counsel's Office that the President was considering nominating me for the United States District Court for the Northern District of Mississippi. Since then, I have remained in contact with officials from the White House Counsel's Office and the Office of Legal Policy.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, James D. Maxwell II, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

July 31, 2025
(DATE)

James D. Maxwell II
(NAME)

Katie Pearson
(NOTARY)

