

**AFFIDAVIT OF
JACQUELINE S. PIERCE**

STATE OF MISSISSIPPI

COUNTY OF Hinds

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority in and for the above said county and state, the within named Jacqueline S. Pierce who, after being by me first duly sworn on oath did depose and say as follows, to-wit:

1. That I am Jacqueline S. Pierce and I make this affidavit of my own personal knowledge and fully competent to testify to the matters and facts contained herein; and
2. That attached hereto as Exhibit "A" is a true and correct copy of an affidavit executed by me on December 14, 1999 and I have initialed each page after my review; and
3. That the matters and facts contained in the affidavit are true and correct as therein stated except that the dates reflected in paragraphs 9, 11, 12, 13, 15, 17 and 21 actually occurred in 1994 and not 1997 as stated therein as reflected by handwritten memorandum dated March 15, 1994, attached as Exhibit "A"; and

FURTHER, AFFIANT SAYETH NOT.

Jacqueline S. Pierce
Jacqueline S. Pierce

SWORN TO AND SUBSCRIBED BEFORE ME this the 14th day of March, 2007.

Ether K. McGuffee
Notary Public

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 18, 2008
BONDED THROUGH LEGAL NOTARY SERVICE



AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF HINDS

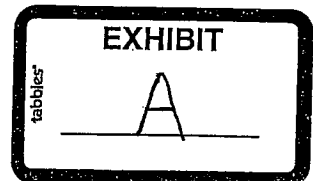
Personally appeared before me the undersigned Jacqueline S. Pierce, who after being duly sworn deposes and says that:

1. I am an attorney at law in good standing in the State of Mississippi, having been admitted to the practice of law in the aforesaid state in 1978, and have continuously practiced law in that state since that time. I presently practice a limited amount of law from my home in Jackson, Mississippi.

2. On March 8, 1994, I received a call from James Jennings, Jr., who told me that he was calling from the Hinds County Detention Center (located in Jackson, Mississippi) and requested that I represent him in his efforts to be released. I told Mr. Jennings that I was not sure that I would take his case but that I would go to the Hinds County Detention Center and talk to him. I had met Mr. Jennings briefly prior to this call.

3. In the initial interview, Mr. Jennings told me that he was being held on contempt of court instigated by Judge Ray Bates, a Justice Court Judge, who had presided over misdemeanor charges filed against him by his former wife (or live-in) and her attorney in Justice Court In Hinds County, Mississippi.

4. Mr. Jennings told me that, although he had been convicted of the four separate misdemeanor charges, he had made bond and had been released pending an appeal. He had appealed these convictions to the Hinds County Court. He told me that his parents had put up a property bond for the appeal and that Jennings himself had made a cash bond for the \$1000 bond required by the court in the contempt charge. Mr. Jennings was satisfied that



he had complied with the requirements of the court. Mr. Jennings requested that I represent him in getting him out of jail and in his subsequent appeal for each of these cases.

5. In addition Mr. Jennings told me that he had filed a civil suit against Stacy A. Kenny and had obtained a judgment for \$35,000 based on her failure to respond to his Motion for Summary Judgment. However, Mr. Jennings said that Stacy A. Kenny had subsequently obtained counsel to set this judgment aside, and a hearing had been set for sometime in the immediate future (not sure about the date). He requested that I represent him in that hearing to try to obtain a continuance until he could get out and prepare properly.

6. Mr. Jennings informed me that he had no funds with which to retain me. After some discussion, I agreed to appear for him at the hearing on the Motion to Set Aside the Former Order, and I agreed to look at the record in the criminal charges to determine what had taken place. I told him, however, that I could not take a pro bono case and that when the hearing in the civil case was over, he would have to retain other counsel. He agreed to pay me for my efforts upon his release from Jail.

7. After leaving the jail, I went to the clerk's office and copied the appeal file which included the Justice Court charges. The record shows that James Jennings, Jr. had appealed his convictions in the County Justice court on the following charges to the Hinds County Court:

#1519-200: a telephone harassment charge filed on May 5, 1993, by Stacy Kenny

#1519-198: a peace bond complaint filed by Stacy A. Kenny on May 5, 1993

#1519-199: a harassment and stalking charge filed by Stacy A. Kenny on

May 5, 1993

#1521-113: a telephone harassment charge filed on October 14, 1993, by Glenn

Folse, attorney for Stacy Kenny

8. The record shows that on February 1, 1994, an order and mittimus was signed by Clyde R. Chapman In Case No. 1521-113 (Folse case) to place Jennings in the county jail until a bond was posted of \$1000.00. On February 11, 1994, Judge Ray Bates signed a warrant for Jennings arrest in the same case, and on March 9, 1994, Justice Court Wayne Herbert signed an order holding Jennings in the County jail until Judge Clyde Chapman issued an order.

9. On March 8, 1997, after I had seen the client for the first time, I called his parents, Mr. and Mrs. Jennings who live in Mendenhall, Mississippi. Mrs. Jennings had in her possession a recorded conversation between Jennings and Justice Court Ray Bates. I listened to the tape and made some notes, although they were not complete notes. However, the tape indicated that Judge Bates was accusing James Jennings, Jr. of not complying with an Agreement he had signed to pay \$200 as a cash bond. The Judge refused to accept the fact that James Jennings had put up a bail bond with AA Bail Bond company. He ordered James Jennings, Jr. to come to his court in five minutes and James Jennings, Jr. agreed to do that.

10. I am not really sure just when Jennings had been placed in jail. Apparently, Judge Chapman had signed an order to pick him up on March 1st. However, without doing further research, it was my opinion at that time that the appeal bond should have been sufficient to stay any and all actions in the Justice Court, as Mr. and Mrs. Jennings had put up a property bond for that purpose. And after hearing the tape, I was confident that the canceled check that Jennings said he had to prove that he had posted the proper cash bond would allow Judge Patton to release him.

11. Therefore on March 9, 1997, I made a trip to the Youth Court where Judge

Patton was working that day. After a discussion with Judge Patton regarding whether or not the bonds were sufficient to stay any actions by the Justice Court Judge, he agreed to sign an Order to release Mr. Jennings. He said, however, that I would have to see Judge Chapman and get his consent. I drafted an order for Mr. Jennings release.

12. On March 10th, I visited my client in jail to report what I had done, I also prepared for the hearing which I believe was to be on March 11th in regard to the civil suit. By this time I had learned that Ed Kerstine was the attorney of record for Mr. Jennings in both the civil and criminal cases. I discussed this with Jennings and told him that I had no objection to being a second attorney, but in view of the finances of Jennings, I was not enthusiastic about taking over the case. I would attend the hearing with the purpose of requesting a continuance in order that whoever represented Jennings would have time to prepare a proper answer to the Motion to Strike.

13. I do not remember when I first looked for the civil file, or the exact sequence of events, but I remember that it was not in the Circuit Clerk's office on a date that I looked for it. I remember that I subsequently made the rounds of Judge Patton's office and contacted other persons who I thought would have the file, but I could not find it. In any event, I appeared in court on March 11, 1997, and announced to the court that I had been retained by Mr. Jennings and offered my Entry of Appearance. However, Judge Patton refused to allow me to enter an appearance on the grounds that James Jennings was already represented. I am not sure but I believe that he said that Ed Kerstine was the attorney of record for the case. Ed Kerstine was not there. It is my understanding that he was never noticed for the hearing. I sat in the court room and watched while Judge Patton held the hearing, even though Mr. Jennings had no representation.

14. I cannot remember the exact date that I met with Mr. Kerstine, but when we did meet, we discussed filing the Motion to Set Bail or a Writ of Habeas Corpus. In fact, if I remember correctly, I had already filed a Motion to Set Bail and had already drawn up a writ of habeas corpus, but we decided that, in view of the fact that Judge Patton had assured me that he would sign the Order to release Mr. Jennings, I refrained from doing that.

15. During the days of March 10 through March 14, for the reason that all three Justice Court Judges appeared from the record to be involved in the detention of Mr. Jennings, I visited each of them to discuss the problem of Jennings' detention. Judge Patton had told me that Judge Chapman would have to give his consent for Jennings' release. When I visited Chapman he told me that if the file reflected that Jennings had made proper bond, he would let him out.

16. I do not remember when talk of settlement was first started, but I remember that we had meetings with and we met and talked with Peter Corson and, I believe, James Bell, both attorneys for Stacy A. Kenny. During that time also, we had met with the assistant county attorney, whose name I do not remember at present. I had also talked with Judge Patton several times, who each time would assure me that he had no objection to releasing James Jennings (at times I could not locate Judge Patton).

17. On March 14th, Ed Kerstine and I examined the appeal file and we found an Order to release Jennings signed by Judge Henley. We then went to see Judge Patton and showed him a copy of the order. Judge Patton said that was fine with him and to go ahead and get him out. However, when we went to the jail, the officer said that we had to have a release from Justice Court. Ed Kerstine then went to Justice Court and brought back the release. While the officer were processing the release of Client, I took Ed Kerstine back to his

office. When I returned, the Order to release Jennings had been rescinded, and Jennings was in jail for another night.

18. On the morning of March 15, 1994, around 9:00 a.m., I saw Judge Patton in the foyer of the Hinds County Court House and I asked him, "Judge, what would it take to get James Jennings out of jail?" He replied "Get that agreement (for Jennings to give up his judgment of \$35,000.00) signed." I told him that the agreement was illegal. He turned to someone else and began talking. It was absolutely clear to me that in order for Jennings to be released he had to give up the \$35,000 judgment. I went back to the office and made a memorandum to the file of the short conversation. I also revised the writ of habeas corpus.

19. Ed Kerstine had taken the responsibility of drawing up the agreement (for Jennings to give up his judgment of \$35,000) which allowed James Jennings, Jr. to be released from jail, and we had shown it to James Jennings who had at first emphatically refused to sign it. However, on the 15th we again took it to James Jennings, Jr. who signed it very much under protest. He was then released from jail.

20. It was my thinking at that time, from the examination of the case and from the actions of Judge Patton who refused to allow me to enter an appearance that, even if we had a bail hearing or filed a writ of habeas corpus, it would be a useless act. The judge would rule against us and we would be forced to appeal. This would take time and money which Mr. Jennings did not have. The agreement would serve the purpose of getting him out of jail. He could then pursue his rights.

21. I am attaching a copy of the memorandum to file which I recorded in my own handwriting on March 15, 1997, as Exhibit "A" to my affidavit.

22. My affidavit consists of seven pages.

23. Further, affiant sayeth not.

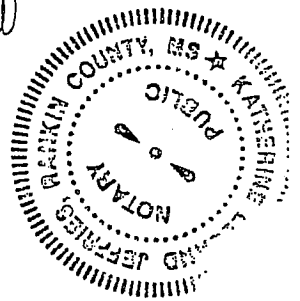
Jacqueline S. Pierce
JACQUELINE S. PIERCE

SWORN to and subscribed to this the 14th day of December, 1999.

Katherine Land Jeffries
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG 7, 2001



March 12, 1954

signed on 10th of March

Ed B & I had gone to examine appeal file on 14th and had been released from appeal by Judge Patton. We had then gone to Judge Patton who said o.k. - let him out. (about 4:00)

When we got to jail, officers said we had to be released from Justice Ct, which Ed got & brought down. While officers getting James, I took Ed to appeal. When I returned, Patton & Hilly had later received Order.

I then ~~to the~~ ^{to the} morning, March 15, 1954, around 9:00 - I saw Judge Patton in the lounge. I asked him, "Judge, what would it take to get J & I out of jail?" He replied, "But that agreement signed." I signed that the agreement was accepted. He then turned to someone else & began talking.

EXHIBIT "A"