

Serial: 197568

IN THE SUPREME COURT OF MISSISSIPPI

No. 2013-DR-01995-SCT

JEFFREY KEITH HAVARD

FILED

Petitioner

v.

APR 02 2015

STATE OF MISSISSIPPI

SUPREME COURT CLERK

Respondent

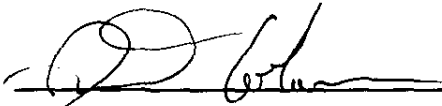
ORDER

This matter comes before the Court, *en banc*, on the Motion for Relief from Judgment or Leave to File Successive Petition for Post-Conviction Relief and the subsequent Amended Motion For Relief From Judgment or Leave to File Successive Petition for Post-Conviction Relief, filed by counsel for Jeffrey Keith Havard. Also before the Court are the responses filed by the State of Mississippi and the replies thereto filed by Havard. Having duly considered the aforementioned filings, we find that Havard should be granted leave of this Court to file his petition for post-conviction relief in the trial court on the issues of newly discovered evidence presented in his application for leave.

The Court finds no merit in Havard's assertion that the prosecution suppressed favorable evidence and, thereby, violated his due process rights. *See Brady v. Maryland*, 373 U.S. 83 (1963). Likewise, we find no merit in Havard's assertion that his counsel was ineffective for failing to interview Dr. Steven Hayne prior to trial. Accordingly, Havard is not granted leave to proceed in the trial court on those two claims.

IT IS THEREFORE ORDERED that Havard's application for leave to proceed in the trial court is granted as herein stated.

SO ORDERED, this the 27 day of March, 2015.



JOSIAH DENNIS COLEMAN, JUSTICE
FOR THE COURT

TO GRANT: ALL JUSTICES.