

IN THE CIRCUIT COURT OF GEORGE COUNTY, MISSISSIPPI

GLEN CONLEY

VERSUS

CAUSE NO.

MISSISSIPPI DEPARTMENT  
OF CORRECTIONS &  
ALICIA BOX, TE'ANA MCCOLLUM,  
K. JACKSON

**FILED**

MAR 09 2022

Chad Welford, Circuit Clerk

By: \_\_\_\_\_ NS D.C.

**COMPLAINT/PETITION FOR JUDICIAL REVIEW**

COMES NOW, the Petitioner, GLEN CONLEY, by and through his attorney of record, Michael W. Crosby, and submits this, his Petition for Judicial Review, pursuant to Mississippi code Annotated Sections 47-5-801 to 807 to require the Mississippi Department of Corrections and its agents to comply with the provision of the Mississippi Code Annotated Section 48-7-3(1)(c), and does state as follows, to-wit:

**I. PREVIOUS ACTIONS**

Petitioner has not begun any other action in State or Federal Court dealing with the same facts involved in this action or otherwise relating to his imprisonment. This Petition is seeking the enforcement of the provisions of MCA Section 47-7-3 as amended and effective on July 1, 2021. Please note that Petitioner did pursue appellate and postconviction review of his sentence of "life without parole" since it was a violation of the Constitutional bar Ex Post Facto laws, however, the current Petition is based upon the amended provision of said statute and is NOT attempting to reargue the prior claim<sup>1</sup>.

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<sup>1</sup> Petitioner represented himself in his request for judicial review of his sentence (which the Court considered a Pro Se in a Post-conviction action). The Supreme Court opined that the Court could not consider the claim because the parole board did not have the authority to address the sentence. However, in the dissent, several judges opined that the life without parole sentence was a violation of the Ex Post Facto Clause and that it should be immediately reversed and stated:

"Because this change occurred after Conley's conduct, the amendment applied retroactively, and his life-without-parole sentence disadvantaged him by increasing the amount of time he must spend in prison. This Court erred by

## II. PLACE OF CONFINEMENT, PARTIES, SERVICE

Petitioner utilized the grievance procedure in his institution, and he did present the facts relating to his petition to the institution's grievance officers. Petitioner filed a Request for Administrative Remedy with the Administrative Remedy Program and provided evidence regarding the same, however, the relief requested was denied grievance (i.e., First Step Response Form). See Ex. "A"

M.D.O.C. Records is an agency of the State of Mississippi and may be served by delivering a copy of the Complaint/Petition to the Attorney General at: 550 High St, Jackson, MS 3920. The business address for M.D.O.C. is: 633 N. State Street, Jackson, Mississippi. The other Defendants/Respondents, ALICIA BOX, TE'ANA MCCOLLUM, & K. JACKSON are agents of the State of Mississippi and may be served with process through the Attorney General of Mississippi at the same address.

Respondent, Alicia Box, is employed as head of the Records Department with the Mississippi Department of Corrections, and she denied his administrative review (i.e. Second Step Response Form). See Ex. "B."

Respondents K. Jackson and Te'Ana McCullum are employed as records clerks with M.D.O.C.

## IV. STATEMENT OF CLAIMS

### a. Relevant Factual History:

Petitioner, Glenn Conley, was convicted of capital murder on July 3, 1998, in Pike County Circuit Court, for a crime which allegedly occurred on May 23, 1994. When the jury

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holding to the contrary when it decided his direct appeal. We should reverse our incorrect ex post facto holding in Conley at our first opportunity." *Conley v. Epps*, 2012 CT 01914 SCT.

was unable to reach a unanimous decision regarding the sentence, the trial judge sentenced Petitioner to life without parole. See Ex. "C."

However, according to Mississippi Statute 99-19-101(3) (c), when a jury fails to agree unanimously on a sentence of Death; or Life Without Parole, the trial court must dismiss the jury and sentence the defendant to Life. The trial court exceeded its sentencing authority by sentencing Conley to Life Without Parole, in that only a unanimous jury had the authority to impose such sentence.

**b. Facts Regarding Previous Sentencing Issued Appealed:**

At the time of the alleged crime, capital murder had two possible sentences: life or death. At the time of said trial and sentence, the law had been changed to allow to add another option: life without parole. Thus, at the time of Petitioner's conviction, three possible sentences were available in capital murder convictions: life, life without parole, and the death penalty. In 1998, the amended statute did not make the new sentencing option retroactive. Since the Petitioner was tried and convicted after the passage of the new law, the judge's use of the newly amended statute was an Ex Post Facto application of the sentencing law. Although the Petitioner's pro se appeal and post-conviction petition was not successful in correcting his sentence of life without parole, it matters not at this time, because the Statute was amended again and became in effect on July 1, 2021. The current Section 47-7-3 (1)(c) states that:

**(1)** Every prisoner who has been convicted of any offense against the State of Mississippi, and is confined in the execution of a judgment of such conviction in the Mississippi Department of Corrections for a definite term or terms of one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the department, and who has served the minimum required time for parole eligibility, may be released on parole as set forth herein:

**(a) Habitual offenders.** Except as provided by Sections 99-19-81 through 99-19-87, no person sentenced as a confirmed and habitual criminal shall be eligible for parole;

**(b) Sex offenders.** Any person who has been sentenced for a sex offense as defined in Section 45-33-23(h) shall not be released on parole except for a person under the age of nineteen (19) who has been convicted under Section 97-3-67;

**(c) Capital offenders. No person sentenced for the following offenses shall be eligible for parole:**

**(i) Capital murder committed on or after July 1, 1994, as defined in Section 97-3-19(2);**

Miss. Code Ann. § 47-7-3

**c. Facts Relevant to Issue Now Raised and Relevant to the Issue Upon Which Review is Requested:**

After July 1, 2021, M.D.O.C. Records Department started applying the new law and allowed parole eligibility in accordance with the new amendment of said statute and assigned parole consideration dates to the offenders; however, M.D.O.C. and its agents did not and would not apply the new amended statute Section 47-7-3(1)(c) to Petitioner.

Aggrieved, the petitioner filed a grievance with M.D.O.C. Records Department. Petitioner provided said department with a copy of the statute and explained to them that the statute specifically states that “Every prisoner who has been convicted of any offense” is eligible for parole, with certain exceptions; however, specifically with respect to Capital Murder convictions, the only exclusions from parole are those whose offenses were committed “on or after July 1, 1994.” Specifically, the statute used the word “**committed**” and not “**convicted**.” Thus, said statute made Petitioner eligible for parole consideration.

On January 21, 2022, Petitioner’s administrative review was denied, see Ex. “A.” and within the allotted time for review, he submitted a request for review. On February 7, 2022, Petitioner’s administrative remedy was denied. It was delivered to him on February 14, 2022. See Ex. “B.” Petitioner now petitions this court for review. Specifically, Petitioner

challenges Alicia Box, K. Jackson, Te'Ana McCollum and M.D.O.C. for failing to comply with the recently enacted statutes that allow him parole eligibility. He further submits that M.D.O.C.'s failure to apply the new criteria to his sentence while applying it to others' is a violation of his Constitutional Right to Equal Protection of the Law, and a continued violation of the Constitutional bar against Ex Post Facto laws.

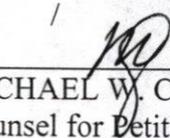
**V. RELIEF SOUGHT**

WHEREFORE, PREMISES CONSIDERED, based upon the aforementioned facts, petitioner prays that this Court will Order M.D.O.C. Records Department and its agents to correctly classify his eligibility and require the Parole Board to consider him for parole.

Respectfully, submitted, this the 9<sup>th</sup> day of March 2022.

**GLEN CONLEY**, Petitioner

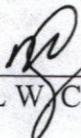
BY: \_\_\_\_\_

  
MICHAEL W. CROSBY, MSB 07888  
Counsel for Petitioner

CERTIFICATE OF SERVICE

I, Michael W. Crosby, do hereby certify that I have this day mailed, by first class postage paid mail, a true and correct copy of the foregoing PETITION to M.D.O.C. Records, 633 N. State Street, Jackson, Mississippi 39202 and the Mississippi Attorney General, P.O. Box 220, Jackson, Mississippi 39205.

Respectfully submitted this the 9<sup>th</sup> day of March 2022.

  
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MICHAEL W. CROSBY, MSB 07888

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MINUTE BOOK NO. 3V CIRCUIT COU...  
PIKE COUNTY, MISS.

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IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS. NO. 15,559-A

GLEN L. CONLEY, JR. AKA GLEN CONLEY, II

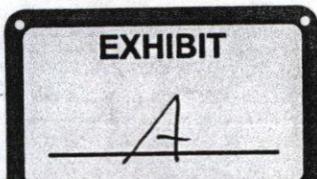
SENTENCING PHASE JURY VERDICT AND SENTENCE OF THE COURT

NOW COMES the District Attorney who prosecutes for and on behalf of the State of Mississippi and the Defendant, Glen L. Conley, Jr. aka Glen Conley, II, in his own proper person, in custody and represented by counsel, who on this day of Circuit Court was found Guilty by a jury to a charge of Capital Murder.

Thereupon came a Jury of Scott Brown and eleven other good and lawful citizens who being duly empanelled, specially sworn and charged to well and truly try the issue joined and a true verdict render according to the law and the evidence.

After hearing further testimony on behalf of the State of Mississippi and the defendant, being further instructed by the Court and hearing further argument of counsel did retire for the purpose of fixing punishment and presently returned into open Court the following verdict as to punishment, to-wit:

Certified to be a true copy this  
the 17 day of July, 1998  
Robert A. Brown  
Circuit Clerk, Pike County  
by [Signature]



"We, the Jury, are unable to agree unanimously on punishment."

Said verdict being signed by Scott Brown, Foreman of the Jury.

It is therefore considered by the Court and so Ordered and Adjudged that the said defendant, Glen L. Conley, Jr. aka Glen Conley, II for such his crime of Capital Murder be sentenced in the custody of the Mississippi Department of Corrections for THE REMAINDER OF HIS NATURAL LIFE WITHOUT BENEFIT OF PAROLE, PROBATION OR EARLY WORK RELEASE. The defendant is ordered to pay a fine in the amount of \$10,000.00, court appointed attorney fees, and court costs.

ORDERED AND ADJUDGED, this the 3rd day of July, 1998.

  
CIRCUIT JUDGE

Filed 3rd day of July, 1998.  
Roger A. Graves, Circuit Clerk

MISSISSIPPI DEPARTMENT OF CORRECTIONS  
Administrative Remedy Program

SMCI-21-1295

SECOND STEP RESPONSE FORM

You must respond to the inmate within 45 days of receipt of the appeal of the First Step Response.

Inmate's Name & #: Glen Conley, R5467  
Location: GCCF

From: Alicia Box  
Title: Records

*You do not qualify for a parole date. Your time is correct.*

*Alicia Box*  
Signature

*2-7-22*  
Date

The above named inmate has fulfilled the requirements of the Administrative Remedy Program and is eligible to seek judicial review within 30 days of receipt of the Second Step Response.

*Glen Conley*  
Inmate's Signature

*R5467*  
DOC #

*2-14-22*  
Date



MISSISSIPPI DEPARTMENT OF CORRECTIONS

Administrative Remedy Program

NUMBER 51101-31 - 1295

FIRST STEP RESPONSE FORM

Type or use ball point pen. You must return your response to the Administrative Remedy Program Director within 30 days of the date the request was initiated

To: Allen Cosby, 15467  
Inmate's Name and DOC#

BCCF  
Housing Unit

From: K JACKSON  
Person to whom 1st Step is Directed

Warden  
Title/Location

If you are not satisfied with this response, you may go to Step Two by checking below and forwarding to the ARP Administrative Remedy Program Director within 5 days of your receipt of this decision.

I am not satisfied with this response and wish to proceed to Step Two.  
Reason: Regardless of my sentencing date, a new law has  
been passed that gives parole eligibility as long as the  
offense was committed prior to 3/1/1994. Mine is 05/23/1994.

\_\_\_\_\_  
Signature Date

I am not satisfied with this response and wish to proceed to Step Two.

REASON:

Regardless of my sentencing date, a new law has  
been passed that gives parole eligibility as long as the  
offense was committed prior to 3/1/1994. Mine is 05/23/1994.

( ) I wish to cancel this complaint. You do not have to return this and time limits will cancel complaint.

Allen Cosby, 15467  
Inmate's Signature DOC#

January 21, 2022  
Date

Inmate's - Copy

