

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

V.

CAUSE NO. 2022-159-LS

BRANDON GREGORY CASE AND  
GREGORY CHARLES CASE

DEFENDANTS



**ORDER GRANTING MOTION TO DISMISS**

THIS CAUSE is before the Court on a Motion to Dismiss filed by the defendant, Mr. Gregory Charles Case, by and through counsel and joined in this motion by the defendant, Mr. Brandon Gregory Case, and counsel. In the subject motion, the defendants allege that due to numerous intentional discovery violations made by the investigator, Detective Vincent Fernando, and thereby the State, in this case, the defendants have been deprived of a speedy trial, intentionally denied evidence, exposed to double jeopardy, and denied due process, in general. As such, they move that the Court dismiss the indictment as filed against both defendants with prejudice.

In *Brady v. Maryland*, 373 U.S. 83, 87 (1963), the United States Supreme Court established that "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." In *King v. State of Mississippi*, 656 So.2d 1168, 1174 (Miss. 1995), the Mississippi Supreme Court clarified that "the 'State'... is a team consisting of the attorney, the law enforcement officers of the jurisdiction in which the case is brought, all other cooperating law enforcement officials, the prosecution witnesses, and any other persons cooperating in the investigation and prosecution of the case," clearly making an investigator part of the State. As a result, any discovery violations made by an investigator are imputed to the State.

Having conducted a hearing and having reviewed the file and all pleadings, the Court finds that the investigator in this case intentionally withheld evidence from the defense, and even the District Attorney, on numerous occasions, resulting in egregious discovery violations by the State. These repeated, intentional errors are a clear violation of the Rules of Criminal Procedure, as well as well-established case law, justifying the dismissal of the indictment with prejudice. See *Jenkins v. State*, 759 So.2d 1229, 1234 (Miss. 2000) and *Carter v. State*, 402 So.2d 817, 821 (Miss. 1981).

For the foregoing reasons, this Court finds that defendants' Motion to Dismiss has merit and that the defendants are entitled to dismissal of the cause as a matter of law. The defendants' Motion to Dismiss is therefore granted, and all claims against the defendants, Mr. Gregory Charles Case and Mr. Brandon Gregory Case, are dismissed with prejudice.

**This order shall be placed in the court file of the above styled case and a stamped "filed" copy of this order shall be forwarded to all parties and attorneys of record by the Clerk of this Court.**

SO ORDERED AND ADJUDGED on this the \_\_\_\_\_ day of 1/6, 2025.

  
\_\_\_\_\_  
CIRCUIT COURT JUDGE

DAVID H. STRONG  
Circuit Court Judge  
Post Office Drawer 1387  
McComb, Mississippi 39649  
Phone: (601) 684-3400  
Facsimile: (601) 684-2700  
Mississippi Bar Number: 9664