

Serial: 190192

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-DR-00230-SCT

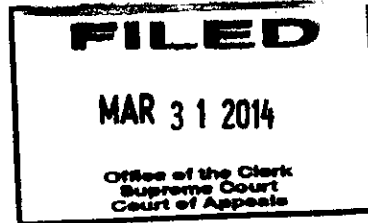
MICHELLE BYROM

Petitioner

v.

STATE OF MISSISSIPPI

Respondent



EN BANC ORDER

Now before the Court *en banc* is Michelle Byrom's Motion for Leave to File Successive Petition for Post-Conviction Relief. Having considered all pertinent materials, including the petition and attached exhibits, the State's response, Byrom's rebuttal, the record filed and opinion issued in Byrom's direct appeal,¹ Byrom's original petition for post conviction relief with exhibits, and the Court's opinion issued therein,² the Court finds that the petition is well taken and should be granted. Michelle Byrom's conviction for capital murder should be reversed and the case remanded to the circuit court for a new trial.

The relief afforded herein is extraordinary and extremely rare in the context of a petition for leave to pursue post conviction relief, and we limit the relief we today grant to the facts of the above-styled case.

¹*Byrom v. State*, 863 So. 2d 836 (Miss. 2003).

²*Byrom v. State*, 927 So. 2d 709 (Miss. 2006).

Circuit Court Judge Thomas J. Gardner presided over Byrom's first trial, which took place in November 2000. We further order that upon remand to the Circuit Court of Tishomingo County, the case shall be reassigned to another circuit court judge.

It is, therefore,

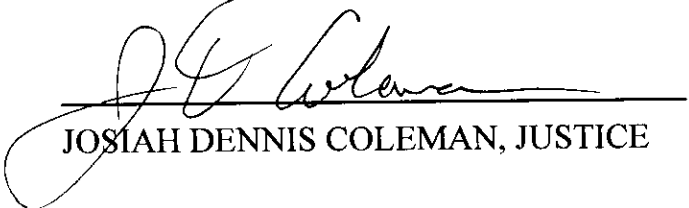
ORDERED:

(1) That Byrom's Motion for Leave to File Successive Petition for Post-Conviction Relief is granted.

(2) That the conviction of the petitioner, Michelle Byrom, for capital murder is hereby reversed, and the case at issue here and in the direct appeal styled *Michelle Byrom v. State of Mississippi* and having Docket Number 2001-DP-529-SCT is remanded to the Circuit Court of Tishomingo County for a new trial.

(3) That upon remand, the Circuit Court of Tishomingo County shall reassign the case to a different trial judge.

SO ORDERED, this the 31st day of March, 2014.


JOSHIAH DENNIS COLEMAN, JUSTICE