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IN THE CIRCUIT COURT OF OKTIBBEHA COUNTY, MISSISSIPPI

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APRIL, 2015

STATE OF MISSISSIPPI

VS.

CAUSE NO: 13-086-CRH

WILLIE JEROME MANNING

**ORDER OF NOLLE PROSEQUI**

This day came on to be heard the within styled and numbered cause on Motion of the State of Mississippi for Nolle Prosequi the above styled and numbered cause and for the following reasons:

1. That the Defendant, Willie Jerome Manning, was indicted by the Grand Jury of Oktibbeha County, Mississippi, for the crimes of two counts of Capital Murder;
2. That the facts that form the basis of the Indictment surround an incident where two elderly victims were murdered in the course of a burglary in Brookville Gardens;
3. That a witness in the case, Kevin Lucious, gave a statement to Oktibbeha County Sheriff Dolph Bryan and Starkville Police Captain David Lindley detailing a conversation Lucious had with the Defendant, Manning, whereby the Defendant admitted that he had killed the two victims in the case and provided specific details of the facts of the killing in the presence of Lucious and Manning's brother Marshon Manning;
4. That Kevin Lucious testified at trial against Willie Jerome Manning to the same information that was provided in the statement provided to Sheriff Bryan and Captain Lindley;
5. That Kevin Lucious gave a second statement in the form of an affidavit on January 10, 2002 recanting his previous statement and trial testimony by swearing that he testified only because he was afraid of being charged with the two murders;

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6. That Kevin Lucious further recanted his testimony and statement through his affidavit stating that he did not provide the information that was included in the written statement; rather, he claimed the statement was prepared when Sheriff Bryan and Captain Lindley came to conduct the interview;
7. That Kevin Lucious further recanted his testimony and previous statement through his affidavit stating Manning never told Lucious that “he would not have killed the old ladies if he had known the (sic) didn’t have money.”;
8. That Kevin Lucious further recanted his testimony and previous statement through his affidavit stating that Manning never told Lucious “he went into the ladies’ apartment or did anything to them;”
9. That Kevin Lucious further recanted his testimony and previous statement through his affidavit stating that he never told the Sheriff that he saw Manning going into the apartment;
10. That Kevin Lucious further recanted his testimony and previous statement through his affidavit stating that he only signed the first statement given to Sheriff Bryan because District Attorney Forrest Allgood told Lucious he would not be charged with capital murder if he cooperated;
11. That Kevin Lucious further recanted his testimony and previous statement through his affidavit stating that he told Sheriff Bryan that another individual, Tyrone Smith, had confessed to the murders and that Smith had disposed of the murder weapon near the scene of the crimes;
12. That Kevin Lucious further recanted his testimony and previous statement through his affidavit stating that he did not see Manning entering the apartment of the victims near the time of the murders, when he had previously testified at trial that he did, in fact, see the Defendant entering the apartment at, or near, the time of the murders;

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13. That due to the fact that a material witness for the State has now changed his testimony in this case on a number of material issues, the State is unable to meet its burden of proof in the above styled and numbered cause;

14. That the interests of justice would best be served by the issuance of an Order of Nolle Prosequi.

The Court having duly considered same finds that said Motion is well-taken and the above styled and numbered cause is hereby Nolle Prossed without prejudice.

SO ORDERED this the 20<sup>th</sup> day of April, 2015.

[Signature]  
CIRCUIT COURT JUDGE

[Signature]  
Attorney for State

[Signature]  
Attorney for Defendant

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