

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

MARK D'WAYNE SUMRELL

PETITIONER

V.

NO. 4:08CV068-P-S

STATE OF MISSISSIPPI, et al.

RESPONDENTS

FINAL JUDGMENT

In accordance with the memorandum opinion issued this day,

1. Sumrell's petition for a writ of habeas corpus is GRANTED;
2. the habitual offender portion of Sumrell's sentence imposed under Miss. Code Ann. § 99-19-83 is VACATED;
3. this matter is REMANDED to the Circuit Court of Washington County, Mississippi for resentencing;
4. the resesentencing should occur within ninety (90) days from the date of memorandum opinion and this final judgment; and
5. This matter is CLOSED.

IT IS SO ORDERED.

THIS the 9th day of April, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE