

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

ANN SAUNDERS, SABREEN SHARRIEF; and DOROTHY TRIPLETT

PLAINTIFFS

v.

Case No. 25CH1:23-cv-00421

Honorable MICHAEL K. RANDOLPH, in his official capacity as Chief Justice of the Mississippi Supreme Court; ZACK WALLACE, in his official capacity as Circuit Clerk of the Circuit Court of Hinds County, Mississippi; and GREG SNOWDEN, in his official capacity as Director of the Administrative Office of Courts.

DEFENDANTS

MOTION FOR PRELIMINARY INJUNCTION AND SUPPORTING MEMORANDUM

Plaintiffs hereby request that the Court enter a preliminary injunction against Defendants as described in their Complaint. In support of this motion, Plaintiffs set forth the following:

We have elected our circuit court judges in Mississippi for more than 100 years because the Mississippi Constitution expressly requires us to do so. Section 153 of the Mississippi Constitution provides that circuit and chancery court judges “shall be elected by the people.”

In April of 2023, the Legislature passed House Bill 1020 (“H.B. 1020”) in direct contravention of that requirement. H.B. 1020 requires the Chief Justice of the Mississippi Supreme Court to appoint four judges to the Circuit Court of Hinds County. That denies voters in Hinds County alone their constitutional right to elect judges. This scheme is unique in all of Mississippi:

under H.B. 1020, appointed judges need not reside in Hinds County, unlike elected judges in all other courts who preside where they reside, and the Chief Justice is not required or permitted to appoint a single circuit judge anywhere else in the state. The statute singles out only the circuit court in Hinds County—which is nearly 75% Black—for this extraordinary departure from constitutional law.

These would not be the first unconstitutional appointments to the Hinds County Circuit Court. In 2022, the Chief Justice appointed four judges to that court pursuant to Miss. Code Ann. § 9-1-105(2). Three of those appointed judges remain on the Court today. That statute allows the Chief Justice “to appoint a special judge to serve on a temporary basis in a circuit, chancery or county court in the event of an emergency or overcrowded docket.” Miss. Code Ann. § 9-1-105(2). But that too is unconstitutional. Under Section 165 of the Mississippi Constitution, a circuit judge may be appointed only when a duly elected judge is “unable or disqualified to preside at any term of court” or “in any [particular] case.” Even then, any such appointment must be made by the Governor. None of the appointments under Miss. Code Ann. § 9-1-105(2) nor the ones contemplated by H.B. 1020 are for the purposes identified in Section 165, and none have been or can be made by the Governor.

H.B. 1020 also establishes a new court in the City of Jackson—which is nearly 85% Black and comprises the largest Black population of any city in the state—to handle cases arising in the Capital Complex Improvement District (“CCID”). This court would be unlike any other in all of Mississippi. The legislation provides no right of appeal from the CCID court, and it is not constituted as a municipal court. The judge for this new CCID court will likewise be appointed by the Chief Justice—not elected by the people. And unlike others convicted of misdemeanors in other courts throughout the state, those found guilty of misdemeanors in the CCID court can be

sent to state prison. The CCID court is therefore not an “inferior court” and so is plainly unconstitutional under Section § 172 of the Mississippi Constitution.

Illegal judicial appointments to the Hinds County Circuit Court and the establishment of an illegitimate state-run court in Jackson will irreparably injure Plaintiffs and those similarly situated. Accordingly, a preliminary injunction should be issued until this Court can resolve the constitutionality of H.B. 1020 and judicial appointments under § 9-1-105(2).

I. BACKGROUND

Illegal Appointments

Circuit Judge Appointments Under H.B. 1020. On April 21, 2023, H.B. 1020 was signed into law. It requires Chief Justice Randolph to appoint, no later than May 6, four judges to the Hinds County Circuit Court for a term of nearly four years. These unelected judges will wield the same power as the Court’s four elected judges and serve at least through 2026. As a result of these appointments, the number of judges on the Hinds County Circuit Court will double: half of the bench will be comprised of unelected judges, notwithstanding the mandate in the Mississippi Constitution that judges shall be elected “by the people.” Miss. const. Art. IV, § 153.

Circuit Judge Appointments Under § 9-1-105(2). Separately, Miss. Code. Ann. § 9-1-105(2) purports to grant the Chief Justice authority to appoint new and unelected special judges to a circuit court “in the event of an emergency or overcrowded docket.” That statute reads:

“Upon the request of the Chief Judge of the Court of Appeals or the senior judge of a chancery or circuit court district, or upon his own motion, the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices of the Mississippi Supreme Court, shall have the authority to appoint a special judge to serve on a temporary basis in a circuit or chancery court in the event of an emergency or overcrowded docket. It shall be the duty of any special judge so appointed to assist the court to which he is assigned in the disposition of

causes so pending in such court for whatever period of time is designated by the Chief Justice.”¹

That too is unlawful. The Chief Justice has unlawfully appointed at least four judges to the Hinds County Circuit Court under this provision in the last year.² Ultimately, both appointment schemes foist upon the Governor a requirement to effectuate an unconstitutional command. The demands of Section 153 simply do not permit such a transfer of power from voters to the Chief Justice.

Defendants effectuate this deprivation of Plaintiffs constitutional rights: Defendant Randolph will make the illegal judicial appointments,³ Defendant Wallace will make the case assignments to those appointed judges,⁴ and Defendant Snowden will direct the compensation of

¹ Plaintiffs’ claims focus solely on those provisions in Mississippi law that give the Chief Justice power to increase the number of judges on a court through appointment of temporary judges under § 9-1-105(2) and does not ask the court to consider the constitutionality of any other appointments.

² By orders of September 22, 2022, Defendant Randolph appointed the Honorable Frank G. Vollar, the Honorable Betty W. Sanders, the Honorable Stephen B. Simpson, and the Honorable Andrew K. Howorth to the Hinds County Circuit Court. Orders attached as Exhibits A-D. Note that Judge Howorth no longer serves as a circuit judge.

³ See H.B. 1020.1 (providing for the Chief Justice to make appointments).

⁴ Upon information and belief, Defendant Wallace, as Hinds County Circuit Clerk, will be responsible for assigning cases to Judges Vollar, Sanders, Simpson, and Howorth under both § 9-1-105 and H.B. 1020. It is Plaintiff’s understanding that the cases initially assigned to Judges Vollar, Sanders, Simpson, and Howorth were selected by and transferred away from elected judges on that court. To the extent Wallace previously has participated in that transfer, Plaintiffs contend such conduct was not authorized by the Mississippi Constitution. Note that Judge Howorth may no longer preside, but any assignments by Defendant Wallace to Judge Howorth’s replacement under Miss. Code Ann. § 9-1-105(2) would also be unconstitutional.

these judges.⁵ And Plaintiffs tax dollars will be diverted in order to finance the deprivation of Plaintiffs constitutional rights.⁶

Establishment of the CCID Court under House Bill 1020

Section 4 of H.B. 1020 establishes a new court in the City of Jackson to handle preliminary criminal matters and enforce misdemeanors and certain city ordinances (“the CCID court”). The judge overseeing that court will be appointed by the Chief Justice of the Mississippi Supreme Court. This new CCID court is not a municipal court.⁷ It is unique in all of Mississippi.

Municipal judges in Jackson, as in other cities across Mississippi, are appointed by local officials. Those officials are elected by residents of the municipality where the judge will preside. There is a right of appeal from municipal courts to county and circuit courts. Accordingly, municipal courts are “inferior courts” authorized by Article 6, § 172 of the Mississippi Constitution.

Unlike inferior courts authorized by the Mississippi Constitution, H.B. 1020 provides no right of appeal from the CCID court. No county or circuit court in Mississippi is empowered to review the rulings of the CCID court. In addition, H.B. 1020 expressly allows people convicted of

⁵ H.B. 1020 § 1 provides that “[t]he Administrative Office of Courts shall establish personnel policies to compensate the support staff for each temporary special circuit judge.” H.B. 1020 § 15 provides that “[t]he Chief Justice of the Supreme Court, in consultation with the Administrative Office of Courts shall appoint a court administrator whose primary duty is to manage the caseload of the special judges appointed in Section 1 of this act. The Chief Justice of the Supreme Court, in consultation with the Administrative Office of Courts, shall set the compensation for the court administrator authorized in this section.”

⁶ H.B. 1020 § 9 establishes a regime whereby sales tax revenue from financial transactions within the city of Jackson are diverted into the CCID Project Fund. That CCID Project Fund in turn supports, in whole or in part, the compensation and operation of judges appointed to the Hinds County Circuit Court and their staff. *Id.* Funding for temporary judges appointed to the Circuit Court, court staff, administrators, and the CCID court also may come from Mississippi’s general fund.

⁷ Indeed, the “crimes” over which the CCID court is given authority include a hodgepodge of misdemeanor offenses different than the full range of authority provided actual municipal courts across Mississippi.

misdemeanor offenses in the CCID court to be incarcerated in a state prison, the Central Mississippi Correctional Facility, rather than in a jail as in all other Mississippi misdemeanor courts. The CCID court is not an “inferior court” under Article 6, § 172 of the Mississippi Constitution and there is no constitutional basis for its creation.

Defendants also effectuate this deprivation of Plaintiffs’ constitutional rights. Defendant Randolph is to make appointments to the illegal CCID Court,⁸ and Defendant Snowden will manage the compensation to operationalize the CCID Court.⁹ To finance the deprivation of Plaintiffs’ constitutional rights, Plaintiffs tax dollars will likewise be diverted in order to fund the CCID Court.¹⁰

II. ARGUMENT

a) **A Preliminary Injunction is Necessary to Prevent Unconstitutional Judicial Appointments and the Unlawful CCID Court from Causing Irreparable Harm.**

A preliminary injunction is necessary in this case to prevent irreparable injury while this Court considers the merits of this case. Preliminary injunctions are necessary “to protect the plaintiff from irreparable injury and to preserve the court’s power to render a meaningful decision on the merits.” *Sec’y of State v. Gunn*, 75 So. 3d 1015, 1021 (Miss. 2011). A decision to issue a

⁸ H.B. 1020 § 4(2).

⁹ Under H.B. 1020 § 4, “[t]he Administrative Office of Courts shall provide compensation for the CCID inferior court judge and the support staff of the judge.” Section 6 also requires that the AOC, in consultation with the Chief Justice of the Supreme Court, “shall appoint a clerk for the [CCID] court” and “shall provide support staff and any other staff necessary to carry out the functions and duties for the clerk of the CCID inferior court.” Further, Section 6 requires that “The Administrative Office of Courts shall pay the salaries of the clerk and support staff of the CCID, subject to available funds specifically appropriated by the Legislature for such purpose. Such salaries shall not be in amounts less than the salaries paid to the clerk and staff of the municipal courts in the City of Jackson.” Even further, Section 7 provides that the AOC and Department of Finance and Administration “shall designate a suitable location or building for the purpose of allowing the [CCID] court to hold court.”

¹⁰ Section 9 of H.B. 1020 establishes a regime whereby sales tax revenue from financial transactions conducted within the city limits of Jackson are diverted to the CCID Project Fund which—along with the General Fund—finance this illegal court. Plaintiffs pay into both funds. See *infra* for a discussion of taxpayer standing.

preliminary injunction is “a matter of the trial court’s discretion, exercised in conformity with traditional equity practice.” *Moore v. Sanders*, 558 So. 2d 1383, 1385 (Miss. 1990). In issuing a preliminary injunction, a chancellor must balance the following factors:

- (1) There exists a substantial likelihood that plaintiff will prevail on the merits;
- (2) The injunction is necessary to prevent irreparable injury;
- (3) Threatened injury to the plaintiffs outweighs the harm an injunction might do to the Defendants; and
- (4) Entry of a preliminary injunction is consistent with the public interest.

Pallet Co. v. City of Jackson, 40 So. 3d 563, 568-69 (Miss. 2010) (citing *City of Durant v. Humphreys Cnty. Mem’l Hosp./Extended Care Facility*, 587 So. 2d 244, 250 (Miss. 1991)).

In this case, the balancing test overwhelmingly favors Plaintiffs. Therefore, a preliminary injunction should be issued.

i) Substantial Likelihood of Success—H.B. 1020 and § 9-1-105(2) Are Unconstitutional, and Plaintiffs are Overwhelmingly Likely to Succeed on the Merits.

H.B. 1020 and § 9-1-105(2) are plainly unconstitutional because the Mississippi Constitution clearly requires that circuit court judges be elected—not appointed. Section 153 requires that, “The judges of the circuit and chancery courts *shall be elected by the people* in a manner and at a time to be provided by the legislature and the judges shall hold their office for a term of four years.” Art. VI, § 153 (emphasis added). That basic constitutional command has legitimated our state’s judiciary for a century. This clear rule has only one exception: “[w]henver any judge of the Supreme Court or the judge or chancellor of any district in this State shall, for any reason, be *unable or disqualified* to preside at any term of court, or in any case where the attorneys engaged therein shall not agree upon a member of the bar to preside in his place, the *Governor* may commission another, or others, of law knowledge, to preside at such term or during such disability or disqualification *in the place of the judge or judges so disqualified.*” Miss. const.

art. VI, § 165 (emphasis added).

Together, the rule is clear: the Mississippi Constitution requires the election of Circuit Court judges unless an existing duly elected judge is disqualified or otherwise unable to preside—and then, appointment is only to be made by the Governor. *Id.* The appointments that H.B. 1020 and Miss. Code Ann. § 9-1-105(2) purport to authorize fall clearly outside of this constitutional authority.

(1) Judicial Appointments Under H.B. 1020 and § 9-1-105(2) are Unconstitutional.

Both House Bill 1020 and Miss. Code Ann § 9-1-105(2) provide for judicial appointments that violate the Mississippi Constitution. Although the mechanics of appointment differ, the constitutional infirmities are the same. House Bill 1020 creates four new judgeships on the Hinds County Circuit Court appointed by the Chief Justice of the Mississippi Supreme Court. Those appointments extend through the end of 2026 and double the size of the Hinds County Circuit Court. These appointments run afoul of Section 153 of the Mississippi Constitution.

Appointments are also unconstitutional when effectuated under Miss. Code Ann. § 9-1-105(2). Under that provision, the Chief Justice may appointment “special judges” if there is an “an emergency or overcrowded docket.” *Id.* The Mississippi Constitution does not permit appointments of circuit judges by any state official for the reasons set forth in § 9-1-105(2).

(a) H.B. 1020 and § 9-1-105(2) Are Unlawful Because Appointees Occupy New Judgeships Rather than Serve “*In the Place of*” Duly Elected Judges

H.B. 1020 and § 9-1-105(2) violate the Mississippi Constitution because they create new unelected judgeships, even though the Constitution does not authorize any executive or judicial officer to create *new judgeships* or make appointments to newly created judgeships—temporary or otherwise—in any court. The only Constitutional provision that contemplates appointments rather than elections for circuit court judges requires that judicial appointees serve “in the place of

another duly elected judge—not in addition to them. Art. VI, § 165.

H.B. 1020 empowers the Chief Justice of the Mississippi Supreme Court to appoint four new unelected judicial positions on the Hinds County Circuit Court to sit through the end of 2026. H.B. 1020, Section 1(1). That is unlawful. These unelected judges do not simply fill the shoes of an elected judge. Instead, the law creates new appointed judicial positions altogether. In no respect can a judge appointed to a position invented from whole cloth be said to preside “in the place” of another Judge. *Id.*

The same is true of § 9-1-105(2). Under that statute, judicial appointees likewise do not serve in the stead of another duly elected judge. Rather, the Chief Justice makes appointments to a particular court without reference to the disqualification or disability of existing judges. These additions to the chancery and circuit courts thus contravene the requirement that all appointed judges serve “in the place” of another Judge.

(b) Appointments of Circuit Court Judges Under H.B. 1020 and § 9-1-105(2) Are Not for Disability or Disqualification as the Constitution Requires

Under the Constitution, the only circumstance in which appointments of circuit court judges are lawful is to fill-in for circuit court judges who are “unable or disqualified to preside.” Miss. const. art. VI, § 165. “Whenever any judge of the Supreme Court or the judge or chancellor of any district in this State shall, for any reason, be unable or disqualified to preside at any term of court, or in any case where the attorneys engaged therein shall not agree upon a member of the bar to preside in his place, the Governor may commission another, or others, of law knowledge, to preside at such term or during such disability or disqualification in the place of the judge or judges so disqualified.” *Id.*

When faced with questions regarding how to interpret the Mississippi Constitution, courts must begin with its plain text and “bow with respectful submission to its provisions.” *Mayor*

Butler v. Watson (In re Initiative Measure 65), 338 So.3d 599, 607 (Miss. 2021) (citations omitted). In regard to appointing circuit court judges, our constitution could not be clearer. The Chief Justice is not authorized to do so, and even the Governor’s appointment power is expressly limited.

By providing the Governor with authority to make temporary appointments, the Mississippi Constitution obviously *excludes* appointments for other reasons. Otherwise, the entire constitutional provision would be superfluous. *See Bittner v. United States*, 143 S. Ct. 713, 720 (2023) (describing the widely accepted canons of construction that “the inclusion of one thing is the exclusion of another”). If judicial appointments of circuit court judges could be made by the Chief Justice of the Supreme Court to address overcrowded dockets, or other purported emergencies, then Section 165 of the Mississippi Constitution would be gutted and the text rendered meaningless. This understanding is even more sensible when considering the requirement in Section 153 that circuit court judges “shall be elected by the people.” Art. VI, § 153.

Miss. Code Ann. § 9-1-105(2) is likewise unlawful. This provision clearly permits appointments outside of circumstances where elected judges are “unable or disqualified to preside.” Miss. const. art. VI, § 165. In particular, subsection two permits appointments “in the event of an emergency or overcrowded docket.” Miss. Code Ann. § 9-1-105(2). That provision is plainly at odds with the Mississippi Constitution, which only permits appointments of circuit court judges for a limited purpose: disqualification or disability.

(c) H.B. 1020 Unconstitutionally Vests Appointment Authority with the Chief Justice Rather than the Governor

H.B. 1020 also violates a clear constitutional requirement that appointment authority is constitutionally limited to the Governor (*i.e.*, in the narrow circumstances of disability or disqualification). *See* Miss. Const. Art. VI, § 165. Unlike other statutory schemes where the Chief

Justice makes appointments only when the Governor fails to do so—*see e.g.*, § 9-1-105(4)—here, H.B. 1020 purports to vest appointment authority in the Chief Justice *alone*. That is at odds with the text of the state Constitution and upsets the balance of powers in Mississippi that the Framers deliberately constructed.

Reading § 165 of the Mississippi Constitution to permit other government officials to appoint judges would again run headlong into commonplace canons of construction. By granting appointment authority to the Governor, the Constitution did not leave open the door for different branches of government to claim that same authority. It is not necessary for the Constitution to expressly state that it provides the exclusive mechanism for the selection of judges. *McDonald v. McDonald*, 850 So. 2d 1182, 1187 (Miss. Ct. App. 2002), *aff'd*, 876 So. 2d 296 (Miss. 2004); *Vinson v. Prather*, 879 So. 2d 1053, 1056–57 (Miss. Ct. App. 2004) (same). The Framers drafted a constitution that limits appointment power to the Governor; they had no need to expressly and redundantly deny that same power to the Chief Justice or to the legislature’s hand-picked designee.

There is no case that defendants can rely on to justify the Legislature’s brazen effort through H.B. 1020 and § 9-1-105(2) to transfer by fiat a constitutional power from one branch of government to another. One case, *McDonald v. McDonald*, comments in dicta on a different statute that empowers the Chief Justice to appoint only when the Governor fails to appoint in the first instance. 850 So. 2d 1182, 1187 (Miss. Ct. App. 2002), *aff'd*, 876 So. 2d 296 (Miss. 2004). That case is inapposite, because unlike both H.B. 1020 and § 9-1-105(2), the statute that was at issue in *McDonald* preserved the initial power to make appointments with the Governor, and the court emphasized that the Chief Justice cannot wholly displace the Governor’s constitutional authority to make judicial appointments. 850 So. 2d at 1187, *aff'd*, 876 So. 2d at 296.

- (d) Appointments under HB 1020 and § 9-1-105(2) and the Constitutional Harms They Inflict are Not Permissible Merely Because They Are Labelled

“Temporary”

The judicial appointments under H.B. 1020 and § 9-1-105(2) cannot be justified merely because the statutes label them as “temporary” appointments. Nothing in the Constitution authorizes unelected judges appointed pursuant to these provisions to sit in the judgment of the rights, property, and freedom of Mississippians for a single day, yet under both H.B. 1020 and § 9-1-105(2), appointed judges will sit for extended periods of time (potentially years) with the full powers of elected judges. Indeed, H.B. 1020 even provides that “[n]o limitation whatsoever shall be placed upon the powers and duties of the judges other than those provided by the Constitution and laws of this state.”

The legislature’s inclusion of the word “temporary” in these laws does not make them constitutionally compliant. The Mississippi Constitution does not make any allowance for “temporary” judges to hold the far-reaching powers of circuit judges. There is no support in the Constitution or doctrine for a legal distinction between permanent and temporary judges. *See* Miss const. art. VI, § 153 (“The judges of the circuit and chancery courts shall be elected by the people in a manner and at a time to be provided by the legislature *and the judges shall hold their office for a term of four years.*” (emphasis added)). Nor does § 165 of the Constitution justify a distinction between “temporary” and “permanent” judges. Miss. const. art. VI, § 165. There, the constitution contemplates “temporary” judges only to the extent those judges serve in another duly-elected judge’s stead—and only when that duly elected judge is disabled or disqualified. *Id.*

Even if it was relevant whether these unelected judges under H.B. 1020 and § 9-1-105(2) were “temporary,” there is nothing temporary about the judges appointed under either statute. H.B. 1020 provides that the unelected judges will serve through the end of 2026 without any periodic assessment of whether they are necessary or effective—that is, nearly the entire length of an actual

elected judicial term of office. These appointments are not designed to be stopgap measures: they indefinitely reconfigure the composition of the Hinds County Circuit Court. After all, the legislation provides for *four* new judges to serve for nearly the full duration of a typical circuit court judge’s term. It is difficult to imagine why such a considerable change to the Hinds County Court, over so many years, would require appointments rather than additional permanent (and elected) judgeships. H.B. 1020 gestures toward the supposedly temporary nature of these appointments as legal pretext to sidestep the Mississippi Constitution.

Although § 9-1-105(2) provides for appointed judgeships on a limited timeline, the statute does not define the length of temporary appointments with any specificity. Judges appointed by the Chief Justice under this provision have remained on the bench for long stretches after their initial appointment. Indeed, several judges who were appointed for supposedly similar purposes years ago are *still* serving in a “temporary” role.

(e) H.B. 1020 or § 9-1-105(2) Pose a Critical Threat to the Elected Character of the Mississippi Judiciary that No Caselaw Supports.

Mississippi courts have not answered the constitutional questions at issue here—nor have they considered the stakes. Consider the consequences if H.B. 1020 and § 9-1-105(2) stand. If the Legislature is permitted to empower a designee to appoint judges so long as they use the word “temporary” in so doing, that would “open[] a loophole . . . the size of a mountain.” *Morse v. Republican Party of Virginia*, 517 U.S. 186, 235 (1996) (Breyer, J., concurring). Nothing would prevent the legislature and its appointer-of-choice from stacking the judiciary with an unlimited number of unelected “temporary” judges serving terms of varying lengths and wielding power equivalent to that of duly elected judges. The Legislature could dilute the power of duly elected judges across the state—either through copycat provisions of H.B. 1020 or pursuant to § 9-1-105(2). That result would deny the citizens of Mississippi their constitutionally protected right to

elect judges as they have done for over 100 years, and the Mississippi Constitution cannot be read to permit that result.

(2) The CCID Court Created by H.B. 1020 Is Unconstitutional.

The Mississippi Constitution limits judicial power in Mississippi to “a Supreme Court and such other courts as are provided for in this Constitution.” Art. VI, § 144. The only “other courts” that the Constitution provides for are those in Art. VI, § 172 which provides that, “The Legislature shall, from time to time, establish such other *inferior courts* as may be necessary, and abolish the same whenever deemed expedient.” The Mississippi Constitution provides for a judiciary that is limited to:

- A Supreme Court, created by § 144 with specific authority and composition described in § 145-150;
- Circuit and Chancery Courts created by § 152 with specific authority, jurisdiction, composition described in §§ 153-158; 161-163; 165-166;
- and other “inferior courts” as necessary pursuant to § 172.

The first three courts—the Supreme Court, Circuit Courts, and Chancery courts—are referred to in the case law as “constitutional courts.” The judges for these courts *must be elected*, and the state Constitution even specifies how. *See* Miss. Const. Art. VI § 152 (providing specific instructions for districting in Circuit and Chancery Courts). Indeed, The Mississippi Constitution established a detailed regime by which the backbone courts—the constitutional courts—were to be maintained as the scaffolding of the judicial branch. Inferior courts could be established to help these constitutional courts when necessary, but an appeal to the constitutional courts would always be required. *Marshall v. State*, 662 So. 2d 566, 570 (Miss. 1995). In other words, the people of Mississippi have the right to be heard by a constitutional court, directly or on appeal, without

exception, and all appeals may lead to the Supreme Court.

(a) The CCID Court is Not an “Inferior Court” Under Art. VI, § 172

The CCID court established by § 4 of H.B. 1020 is unconstitutional because it is not an “inferior court” as required by Art. VI, § 172. Indeed, “all that is required of a court created by legislative act under § 172 is that when a new court is created . . . [it] must be inferior in ultimate authority to the constitutional court whose jurisdiction is of the same character as that given to the new court.” *Ex parte Tucker*, 143 So. 700, 701 (Miss. 1932) (holding “superiority is accomplished by giving the circuit court the controlling authority of reversal, revisal, correction, and direction over the new court, as by certiorari [or] appeal”).

The definition of “inferiority” is well settled. To determine inferiority, legislatively-created courts must exhibit two attributes. *See Marshall*, 662 So. 2d 566, 570 (Miss. 1995); *State v. Speakes*, 109 So. 129, 133 (Miss. 1926). First, decisions of the legislatively-created court must be appealable to the constitutional court whose jurisdiction it exercises. *Marshall*, 662 So. 2d at 570; *Ex parte Tucker*, 143 So. 700, 701 (Miss. 1932). This is because the superiority of the constitutional court is demonstrated “by giving [it] controlling authority over the legislative court, by appeal or certiorari.” *Marshall*, 662 So. 2d at 570. Second, the legislatively-created court can have at most concurrent jurisdiction with the court whose jurisdiction it exercises. *Speakes*, 109 So. at 133 (quoting *Houston v. Royston*, 8 Miss. 543, 549–50 (1843) and then collecting cases). The legislature “can do no more,” “for it cannot divest jurisdiction already vested.” *Id.* Thus, a legislatively created court is not inferior unless its decisions are appealable to a constitutional court with the same or greater jurisdiction as it exercises. *Id.*; *Marshall*, 662 So. 2d at 570.

The Legislature often creates inferior courts. For example, “the Court of Appeals of Mississippi comes well within the term ‘inferior court’ as it has been construed in Mississippi”

because even though it is an appellate court, the Legislature provides that its decisions may be appealed to a constitutional court. *Marshall*, 662 So. 2d 566, *566. (“[T]he Mississippi legislature has plenary power over appeals where the Mississippi Constitution has not limited this power.”). *Gober v. Phillips* provides another example. 117 So. 600, 602 (Miss. 1928). In *Gober*, the Supreme Court held that the creation of “police courts,” the predecessors of the municipal courts, was permissible under § 172 because the Mississippi Legislature gave police courts concurrent jurisdiction with justices of the peace, whose jurisdiction was vested by § 171 of the Mississippi Constitution. *Id.* at 602; *see also* Miss. Code Ann. § 21-23-1 (renaming all police courts municipal courts under state law).

To be sure, the Mississippi Constitution allows for “changes in a judicial system, and that the constitutional convention [that enacted § 172] did not intend to preclude them.” *Wheeler v. Shoemaker*, 57 So. 2d 267, 280 (Miss. 1952) (quoting *State v. Speaks*, 109 So. 129, 133 (Miss. 1926)). The Mississippi Supreme Court has emphasized that “the number of [inferior courts] and their respective jurisdictions are within the legislative authority,” *Hughes v. State*, 29 So. 786, 786 (Miss. 1901), subject to constitutional constraints. But the Legislature is only empowered to create courts if they are *actually inferior*.

The CCID court is not an “inferior court” as contemplated by art. VI, § 172. Indeed, it is unlike any other court in Mississippi. The CCID court has no right of appeal to any constitutional court in the state. Because there is no right of appeal to a constitutional court, the CCID court is not an “inferior court” and is plainly unconstitutional. In fact, it appears that the lack of any appeal was deliberate: the legislative history reveals that lawmakers included a right of appeal in early

drafts of H.B. 1020, but those provisions were removed.¹¹

This lack of appeal is fatal. Any right of appeal must be expressly included in the statute and cannot be read into the law. “[T]he right to appeal is not, nor can it be, a court-created right.” *Marshall*, 662 So. 2d at 573 (Hawkins, J., concurring). “[T]he right of appeal in this state . . . has from the beginning been a statutory right only, governed solely by statute.” *Id.* That principle is core to our constitutional structure: “One of the methods whereby the authors of the United States Constitution expected to keep the judicial power under proper check was by vesting in Congress control of the appellate jurisdiction of the Supreme Court.” McDowell, *Curbing the Courts*, 121-30 (Louisiana State University Press, 1988); *Sheldon v. Sill*, 49 U.S. 441 (1850). Further “[t]his principle, that the right of appeal is purely a statutory right was not, and is not, confined to the United States Constitution. Virtually every state has adopted this principle.” *Marshall*, 662 So. 2d at 574 (Hawkins, J., concurring). Mississippi is no different.

The Legislature did not provide for a right of appeal in H.B. 1020, and the Court may not read into the statute a right of appeal to redeem it. The CCID court is therefore not an “inferior court” as required by the Mississippi Constitution and must be enjoined.

(3) Plaintiffs Have Standing to Challenge Unconstitutional Judicial Appointments and the Establishment of an Unlawful and Illegitimate Court.

H.B. 1020 has a clear and adverse effect on plaintiffs. *Reeves v. Gunn*, 307 So. 3d 436 (Miss. 2020). Not only does H.B. 1020 deprive plaintiffs of their constitutionally protected right to elect judges and to be subject to the jurisdiction of legitimate courts, H.B. 1020 also diverts state and local tax revenue paid by Plaintiffs to finance this illegal scheme.

¹¹ An earlier version of House Bill 1020 that passed the House provided for a right of appeal to the Hinds County Circuit Court. See H.B. 1020 § 5(2)(a), <http://billstatus.ls.state.ms.us/documents/2023/html/HB/1000-1099/HB1020PS.html>.

(a) Plaintiffs are Taxpayers with Standing to Challenge Illegal Government Spending

For nearly 100 years, Mississippi law has allowed for taxpayer standing, *Brannan v. Bd. of Sup'rs of DeSoto Cty.*, 141 Miss 444 (Miss. 1926), and reams of cases reaffirm that basic proposition. *See, e.g., Prichard v. Cleveland*, 314 So. 2d 729 (Miss. 1975); *Canton Farm Equipment, Inc. v. Richardson*, 501 So. 2d 1098 (Miss. 1987); *State v. Quitman County*, 807 So. 2d 401 (Miss. 2001); *Pascagoula School District v. Tucker*, 91 So. 3d 598 (Miss. 2012). Taxpayer standing is available in challenges to illegal government spending. “A taxpayer may challenge a legislative appropriation to an object not authorized by law.” James L. Robertson, *Standing to Sue – Public Interest Civil Actions*, 3 Miss. Prac. Encyc. Miss. L. § 19:219 (3d ed. 2022) (citing *Prichard*, 314 So. 2d at 730). Plaintiffs here easily satisfy Mississippi’s liberal standing requirements. *See Hall v. City of Ridgeland*, 37 So. 3d 25, 33 (Miss. 2010) (noting Mississippi courts are “more permissive in granting standing to parties who seek review of governmental actions”).

Taxpayer standing is particularly clear when, as here, local residents paying municipal taxes challenge the unlawful appropriation of that municipal tax revenue. In *State v. Quitman County*, Quitman County sued the State for requiring the County to fund the representation of indigent criminal defendants. 807 So. 2d 401 (Miss. 2001) (arguing that the Mississippi Constitution places that responsibility on the entire state instead). By requiring the unconstitutional expenditures, the Court found that the State injured both taxpayers within the county and also the County’s budget. *Id.* at 405. Likewise, in *Pascagoula School District v. Tucker*, taxpayers in Jackson County had standing to sue to enjoin a statute requiring their local school district to share property tax revenue with neighboring districts because that law “affects the rights of all taxpayers

in Jackson County.” 91 So. 3d 598, 600-01, 604 (Miss. 2012). The municipal connection makes the basis for standing especially compelling, and general taxpayer standing has long been sufficient to keep open the courthouse doors to plaintiffs challenging unlawful government action.

The Mississippi Supreme Court finds taxpayer standing even when the harm to a taxpayer does not flow from taxes that are in some respect unique to the Plaintiff as compared to other Mississippi taxpayers. In *Canton Farm Equipment, Inc. v. Richardson*, a county board of supervisors purchased two backhoes from a vendor who did not submit the lowest bid. 501 So. 2d 1098, 1101 (Miss. 1987). When the low bidder challenged the purchase in court, the Mississippi Supreme Court held that the plaintiff, “as both an aggrieved bidder and a taxpayer had standing to bring the action.” *Id.* at 1244. The same was true in *Prichard v. Cleveland*, 314 So. 2d 729 (Miss. 1975) where a group of physicians sued a community hospital after it used taxpayer funds to convert certain nursing quarters into a private doctor’s office. *Id.* at 732. There too, “complainants, as taxpayers, had standing to bring [] suit.” *Id.*

In this case, Plaintiffs pay taxes that contribute directly to the CCID Fund and the Mississippi General Fund—the two funding sources that finance the deprivation of constitutional rights that plaintiffs stand to suffer.¹² (Plaintiffs’ Affidavits attached as Exhibits E-G). First, Plaintiffs pay into the CCID Project Fund. As Jackson residents, Plaintiffs participate in financial transactions within the city limits of Jackson that are subject to sales taxes. Plaintiffs also pay property taxes in Jackson. These municipal tax revenues go towards municipal services and will

¹² In particular, these two sources will provide some or all of the funding involving the Hinds County Circuit Court, including compensation of appointed judges; a court clerk and support staff working for appointed judges; and the court administrator tasked with overseeing the caseloads of those judges. Further, they will provide for general operating expenses for the new CCID court; compensation of the judge appointed to the CCID court and their support staff and other personnel; and potentially funds to convert state property into a courthouse.

also flow into the CCID Project Fund.¹³ Second, Plaintiffs pay into the General Fund because they pay federal, state, and local taxes, including income, property, vehicle registration, and sales taxes. Part of that tax revenue will flow into Mississippi's General Fund. Both of these sources will go toward funding the constitutional deprivations that plaintiffs will suffer.

(b) Plaintiffs Are Adversely Affected When Their Tax Dollars Are Diverted to Fund an Illegitimate Court.

This case is precisely what the Mississippi Supreme Court has allowed for decades: it involves Plaintiffs to challenge an illegal expenditure of public funds. *Cf. Pascagoula*, 91 So. 3d at 600-01, 604 (finding taxpayer standing and highlighting the nexus between municipal taxes and conduct adversely affecting that municipality); *State v. Quitman County*, 807 So. 2d at 405 (same); *cf. Richardson*, So. 2d 1244 (finding state taxpayer standing and declining to scrutinize the routing of particular tax dollars through state financial architecture); *Prichard*, 314 So. 2d at 732 (same). As Mississippi taxpayers, Plaintiffs are adversely affected when their state taxes are used to finance an unlawful court system and unconstitutional judicial appointments.

ii) An Injunction is Necessary to Prevent Irreparable Injury Because Violations of the Constitution Cannot Be Undone Through Damages.

Equity demands a preliminary injunction when the threatened injury has “no adequate remedy at law,” *Reynolds v. Amerada Hess Corp.*, 778 So. 2d 759, 765 (Miss. 2000), and where the harm is “imminent.” *A-1 Pallet Co.*, 40 So. 3d at 569. In particular, a violation of the Constitution “for even minimal periods of time[] unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Sambrano v. United Airlines, Inc.*, No. 21-11159, 2022 WL 486610, at *6 (5th Cir. Feb. 17, 2022) (ongoing violation of legal rights, which damages would not undo, was irreparable harm); 14A C.J.S. Civil Rights § 361 (2022) (“Violations of constitutional

¹³ H.B. 1020 § 9(1)(c).

rights, including infringements or deprivations, are deemed ‘irreparable harm’ for purposes of injunctive relief as a matter of law”).

Without a preliminary injunction, Plaintiffs will suffer violations of their constitutional rights from which there is no undoing. That is the definition of irreparable harm. *See Campaign for S. Equal. V. Miss. Dep’t of Hum. Servs.*, 175 F. Supp. 3d 691, 711 (S.D. Miss. 2016) (“Defendants have not demonstrated that [injuries flowing from equal protection and due process violations] could be undone with a monetary award. The Court finds irreparable harm.”).

Mississippians have elected their circuit court judges for more than 100 years. In response to periodic suggestions by members of the Bar or the public that our long-established practice of voting for judges should come to an end, there has been no serious question about what the Constitution requires, the centrality of voting in our judicial system, or our commitment to protecting the right to elect our judges. To allow the Legislature to cavalierly undermine this constitutional cornerstone through implementation of H.B. 1020’s judicial appointment scheme would cause irreparable harm to Plaintiffs and threaten the rights of voters across Mississippi.

The threat of that harm is imminent without a preliminary injunction. Under H.B. 1020, Defendant Randolph will make illegal appointments to the Hinds County Circuit Court in a matter of days; public money will begin flowing to the salaries of the appointed judges, their support staff, and the special court administrator to oversee the caseloads of appointed judges; and Defendant Wallace will likewise assign cases to judges who are not duly elected. Regarding the CCID court, Defendant Randolph will likewise make illegal appoints, staff will be hired, and taxpayer dollars will begin flowing into a court without constitutional judicial authority. The same is true regarding Miss. Code Ann. § 9-1-105(2) which implicates the same constitutional infirmity. In addition, the continued assignment of cases by Defendant Wallace to Judges Vollar, Sanders, Simpson, and Howorth, or any judge appointed to replace Judge Howorth necessitates a

preliminary injunction. Indeed, these constitutional injuries are exactly the kind of irreparable and imminent harm for which Mississippi law says a preliminary injunction should be issued.

iii) The Threat of a Constitutional Violation Outweighs Whatever Inconvenience The State Suffers Not Appointing Judges and Not Creating the CCID Court.

The third preliminary injunction factor is whether the “[t]hreatened injury to the plaintiffs outweighs the harm an injunction might do to the defendants[.]” *A-1 Pallet Co.*, 40 So. 3d at 569. In this case, the balance overwhelmingly favors Plaintiffs. Absent a preliminary injunction, Plaintiffs will experience serious violations of their constitutional rights and the adverse effects that flow from it—including the diminution of their voting rights and the diversion of their tax dollars.

A preliminary injunction will not harm the state. As a legal matter, there is no “harm to a [government agency] when it is prevented from enforcing an unconstitutional statute.” *Joelner v. Vill. of Wash. Park*, 378 F.3d 613, 620 (7th Cir. 2004). That is the case here. As a factual matter, a preliminary injunction would merely delay state officials from formally appointing new judges to the Hinds County Circuit Court. That is not real injury—it is barely an inconvenience. Even assuming a preliminary injunction extends long enough to delay new unelected judges from taking the bench, that too would not harm the state: the Hinds County Circuit Court has operated in good order and with a stable number of judges for decades. Surely the court can continue to do so without causing injury to the state in the weeks or months following a preliminary injunction. A temporary injunction that preserves the status quo would do no harm to the state.

Likewise, a preliminary injunction involving CCID appointments and operations would not harm the state. The CCID court is slated to hear preliminary matters in felony criminal cases and to enforce misdemeanors and certain Jackson City Ordinances. Following a preliminary injunction, those functions will continue to be carried out in Jackson Municipal Court, just as they have been for decades. That is not real injury to the state. Further, even accepting as true that H.B. 1020

and § 9-1-105(2) were enacted for the purpose of addressing judicial backlogs to advance public safety (and not for some other reason), a preliminary injunction will not harm those interests. Available evidence in the public and legislative record indicates that judicial appointments and the CCID court are only tenuously connected to those state interests. For example, MEC data suggests the backlog in Hinds County is comparable (or smaller) than backlogs across the state.¹⁴

There is no question which way this balancing cuts: Plaintiffs' interest in avoiding a constitutional violation outweighs the State's interest in violating the Mississippi Constitution by appointing judges and operating a fake court. There is no "harm to a [government agency] when it is prevented from enforcing an unconstitutional statute." *Joelner*, 378 F.3d at 620.

iv) A Preliminary Injunction in This Case Will Serve the Public Interest.

The final requirement for issuing a preliminary injunction is that doing so must be "consistent with the public interest." *A-1 Pallet Co.*, 40 So. 3d at 569. "It is always in the public interest to prevent the violation of a party's constitutional rights," *Campaign for S. Equal.*, 175 F. Supp. 3d at 711 (quoting *Awad v. Ziriox*, 670 F.3d 1111, 1132 (10th Cir. 2012)), and this factor also supports Plaintiffs. See *Littleton v. McAdams*, 60 So. 3d 169, 171 (Miss. 2011) (finding it in the public interest to preliminarily enjoin a city attorney from holding office even though the city "was without a city attorney" because "the injunction . . . prevented [the official] from illegally taking actions on the city's behalf"). Here too, a preliminary injunction that protects the constitutional rights of Mississippi citizens is in the public interest.

A preliminary injunction will not prevent the Legislature from achieving its stated ends of

¹⁴ Mina Corpuz, *Does a backlog in Hinds County courts justify appointing five judges? Other counties could be far worse.*, Mississippi Today (Mar. 6, 2023), <https://mississippitoday.org/2023/03/06/hinds-county-court-backlog-docket/>. MEC data suggests that the Seventh Circuit Court District, including Hinds County, has 627 pending cases per judge while the First Circuit Court District has 2,130 pending cases per judge—more than three times more.

expanding judicial capacity. Indeed, the Legislature is free to address capacity concerns and other policy issues by adjusting the number of *elected* judges, and state law provides specific criteria that the legislature “shall” consider when they do so. Miss. Code Ann. § 9-7-3(3) (enumerating specific criteria including caseloads). Special elections are available to provide for that additional capacity in a manner that conforms with the state constitution, Miss. Code Ann § 23-15-833, but the creation of new elected judgeships pursuant to this section is not the Legislature’s only option.¹⁵ The Legislature may provide for special masters to assist with case management, so long as ultimate decision-making authority remains with the judge. *Sullivan v. Maddox*, 283 So. 3d 222, 238 (Miss. Ct. App. 2019). And the Court itself may alter rules and procedures to address backlogs or bottlenecks. *See* Miss. R. Civ. P. (Order Adopting the Mississippi Rules of Civil Procedure); *Cecil Newell, Jr. V. State of Mississippi*, 308 So. 2d 71 (Miss. 1975) (noting the inherent authority vested in the Supreme Court to promulgate court rules to promote justice, uniformity and efficiency). And if retaining the elected character of the state judiciary is truly incompatible with meeting its capacity needs—something that appears not to have been an issue for the last 100 years—then the Legislature may advance a Constitutional amendment. Hypothetical policy concerns provide no basis to import a basic constitutional infirmity into legislation.

Importantly, public interest considerations extend beyond the parties or the instant policy considerations. These actions by the state Legislature—if permitted to stand—would require officials to take actions that would undermine public confidence in the Mississippi judiciary. *See, e.g., Mississippi Comm’n on Judicial Performance v. U.U.*, 875 So. 2d 1083 (Miss. 2004) (weighing the impact on public confidence in the courts). To be sure, H.B. 1020, Miss. Code § 9-

¹⁵ By law, the Judicial College at the University of Mississippi shall provide “specific data as a basis for applying the above criteria,” Miss. Code Ann. § 9-7-3(4), data that the Legislature here evidently did not solicit or consider.

1-105(2), and the CCID court pose high-profile threats to the basic democratic composition of our state's judicial system and create the perception that the composition of our judiciary is just another vehicle for partisan gamesmanship in a deeply divided Mississippi. Accordingly, a preliminary injunction would not only protect constitutional rights and preserve the longstanding structure and independence of the judiciary, but would strengthen public faith in judicial institutions across Mississippi.

Conclusion

Courts serve no higher purpose than preventing violations of constitutional protections. Sections 153, 165, and 172 of the Mississippi Constitution serve a vital purpose as well: to provide for the democratic legitimacy of the state judiciary. H.B. 1020 and § 9-1-105(2) undermine that democratic legitimacy and deny core constitutional protections to the residents of Hinds County and all citizens of Mississippi.

THEREFORE, the court should GRANT Plaintiffs' Motion for Preliminary Injunction and enjoin Defendants from appointing, funding, operationalizing, or otherwise putting into effect the illegal judicial appointments contained in those two provisions and the illegitimate court created by H.B. 1020.

RESPECTFULLY SUBMITTED, this 26th day of April, 2023.

/s/ Cliff Johnson

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Attorneys for Plaintiffs

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Exhibit A

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Serial: 243618

IN THE SUPREME COURT OF MISSISSIPPI

FILED

SEP 22 2022

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

In Re Judicial Appointment Related to
Coronavirus (COVID-19): Hon. Frank G.
Vollor Appointed as Special Judge for The
Circuit Court of Hinds County, Mississippi

No. 2022-AP-00849

ORDER APPOINTING SPECIAL JUDGE

Mississippi Code Section 9-1-105(2) grants the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices, the authority to appoint special judges to serve on a temporary basis to assist, preside, and enter judgment in cases in the event of an emergency or overcrowded dockets. Both events of Section 9-1-105(2) exist in the Seventh Circuit Court District of Mississippi. The cases listed on Exhibit A, which is attached to this order and incorporated herein, are currently pending in the Circuit Court of Hinds County, Mississippi. These appointments are made to alleviate the strain on the Hinds County courts caused or exacerbated by the COVID-19 pandemic, in the interest of public safety and to timely provide access to justice to victims and accused alike in these unique times. The Mississippi Legislature has appropriated funding via HB 1628, Section 30, 2022 Regular Session, for the appointment of these special judges.

Pursuant to the authority granted under Mississippi Code Section 9-1-105(2), I appoint Honorable Frank G. Vollor, Senior Status Judge, as a Special Judge of the Seventh Circuit

Court District of Mississippi. This appointment is allowable under Section 9901 of the American Rescue Plan Act of 2021 (ARPA) or any guidance or regulation issued by the United States Department of the Treasury in conformity therewith.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Honorable Frank G. Vollar, Senior Status Judge, is hereby appointed as a Special Judge of the Seventh Circuit Court District of Mississippi to preside and enter judgment in the cases listed on Exhibit A to this order and currently pending in the Circuit Court of Hinds County, Mississippi.

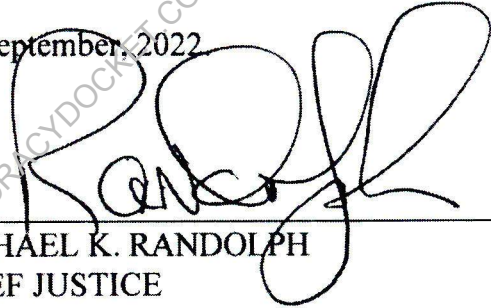
IT IS FURTHER ORDERED AND ADJUDGED that all compensation and necessary expenses incurred by the Special Judge and approved by the Administrative Office of the Courts will be paid by the Supreme Court pursuant to HB 1628, Section 30, 2022 Regular Session, any later similar appropriation bills, or any other available funds appropriated for the appointment of special judges.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to Honorable Frank G. Vollar, Special Judge; Honorable Tomie Green, Honorable Winston Kidd, Honorable Adrienne Wooten, and Honorable Faye Peterson, Circuit Judges of the Seventh Circuit Court District; Hinds County District Attorney Jody Owens; Hinds County Public Defender Gail Wright Lowery; the State Public Defender Andre de Gruy; Carol Allgood, Finance Director of the Supreme Court of Mississippi; Jennifer Parish, Assistant Finance Director; and Lisa Counts, Deputy Director of the Administrative Office of the Courts.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit a copy of this order to Zack Wallace, the Hinds County Circuit Clerk, who shall file it in each of the cases listed on Exhibit A and send copies to all counsel of record in those cases and to all parties who are not represented by counsel.

IT IS FURTHER ORDERED that upon the conclusion of each case in the trial court the Special Judge shall promptly forward a copy of the final judgment or other order of final disposition by mail or email to the Court Administrator, Supreme Court of Mississippi, Post Office Box 117, Jackson, MS 39205, hsaunders@courts.ms.gov.

SO ORDERED, this the 22 day of September, 2022



MICHAEL K. RANDOLPH
CHIEF JUSTICE

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Supreme Court No. 2022-AP-849

EXHIBIT A

CAUSE NUMBER	STATE OF MISSISSIPPI	VS.	DEFENDANT
21-526	STATE OF MISSISSIPPI	VS.	KERSTIN ADAMS
20-773	STATE OF MISSISSIPPI	VS.	ALFRED TRONELL
20-139	STATE OF MISSISSIPPI	VS.	KAREEM BALL
20-0064	STATE OF MISSISSIPPI	VS.	CORNELIUS BREWSTER
19-533	STATE OF MISSISSIPPI	VS.	COREY BRIDGES
20-894	STATE OF MISSISSIPPI	VS.	COREY BRIDGES
21-545	STATE OF MISSISSIPPI	VS.	JOE BROWN
19-411	STATE OF MISSISSIPPI	VS.	CATHERINE CATCHINGS
19-557	STATE OF MISSISSIPPI	VS.	STEFAN CHAMPION
20-673	STATE OF MISSISSIPPI	VS.	STEFAN D. CHAMPION
19-778	STATE OF MISSISSIPPI	VS.	DARREN CLARK
19-782	STATE OF MISSISSIPPI	VS.	DARREN CLARK
19-791	STATE OF MISSISSIPPI	VS.	DARREN CLARK
20-354	STATE OF MISSISSIPPI	VS.	DARREN CLARK
19-899	STATE OF MISSISSIPPI	VS.	MONTEZ FLEMING
20-422	STATE OF MISSISSIPPI	VS.	BILLY GIBSON
20-706	STATE OF MISSISSIPPI	VS.	JERRICK GOWANS
16-130	STATE OF MISSISSIPPI	VS.	ANTHONY HARRIS
16-1076	STATE OF MISSISSIPPI	VS.	ANTHONY HARRIS
17-067	STATE OF MISSISSIPPI	VS.	ANTHONY HARRIS
21-415	STATE OF MISSISSIPPI	VS.	ANTHONY HARRIS aka JUVIE
20-015	STATE OF MISSISSIPPI	VS.	ANTHONY J HARRIS
17-0029	STATE OF MISSISSIPPI	VS.	ANTHONY JERMAINE HARRIS
20-976	STATE OF MISSISSIPPI	VS.	LADELL HARRIS
20-251	STATE OF MISSISSIPPI	VS.	RYAN CHRISTOPHER HOPKINS
19-210	STATE OF MISSISSIPPI	VS.	TABREY HUGHES
20-800	STATE OF MISSISSIPPI	VS.	JOHNNY LEWIS
19-773	STATE OF MISSISSIPPI	VS.	VELTONE MCGRUDER
18-362	STATE OF MISSISSIPPI	VS.	11TIMOTHY MCHULEY
18-710	STATE OF MISSISSIPPI	VS.	ALVIN MCINTOSH
21-472	STATE OF MISSISSIPPI	VS.	BRANDEN MCLAURIN
19-726	STATE OF MISSISSIPPI	VS.	BRIAN B MILLER
20-434	STATE OF MISSISSIPPI	VS.	JERMARCUS MORGAN
20-449	STATE OF MISSISSIPPI	VS.	JERMARCUS D. MORGAN
18-309	STATE OF MISSISSIPPI	VS.	BARACK MALIK PATTON
18-310	STATE OF MISSISSIPPI	VS.	BARACK MALIK PATTON
20-483	STATE OF MISSISSIPPI	VS.	BARAK PATTON

Supreme Court No. 2022-AP-849

20-484	STATE OF MISSISSIPPI	VS.	BARAK PATTON
20-485	STATE OF MISSISSIPPI	VS.	BARAK PATTON
20-486	STATE OF MISSISSIPPI	VS.	BARAK PATTON
19-950	STATE OF MISSISSIPPI	VS.	ELIJAH MALIK RICHEY
21-250	STATE OF MISSISSIPPI	VS.	TEONA ROCKINGHAM
18-605	STATE OF MISSISSIPPI	VS.	CHRISTOPHER ROSELL
21-604	STATE OF MISSISSIPPI	VS.	CURTIS RYALS
17-024	STATE OF MISSISSIPPI	VS.	CURTIS VON RYALS
19-813	STATE OF MISSISSIPPI	VS.	SEBASTIAN SHORT
18-392	STATE OF MISSISSIPPI	VS.	JIMMIE SIMMONS
21-822	STATE OF MISSISSIPPI	VS.	JIMEL SMITH
18-501	STATE OF MISSISSIPPI	VS.	SHAKARRI DEAIRA SMITH
18-502	STATE OF MISSISSIPPI	VS.	SHAKARRI DEAIRA SMITH
19-961	STATE OF MISSISSIPPI	VS.	DAVID STEVENSON
20-510	STATE OF MISSISSIPPI	VS.	DAVID STEVENSON
22-053	STATE OF MISSISSIPPI	VS.	ANTONIO TERRY
20-334	STATE OF MISSISSIPPI	VS.	ANTONIO L. TERRY
19-973	STATE OF MISSISSIPPI	VS.	CHARLES THOMAS
19-975	STATE OF MISSISSIPPI	VS.	CHARLES THOMAS
20-124	STATE OF MISSISSIPPI	VS.	CHARLES THOMAS
17-167	STATE OF MISSISSIPPI	VS.	MARCUS THOMPSON
20-751	STATE OF MISSISSIPPI	VS.	MARCUS THOMPSON
21-488	STATE OF MISSISSIPPI	VS.	MARCUS THOMPSON
19-044	STATE OF MISSISSIPPI	VS.	MARCUS KENYATAL THOMPSON, JR.
21-725	STATE OF MISSISSIPPI	VS.	JOHN TURNER
18-748	STATE OF MISSISSIPPI	VS.	CHRISTOPHER VARNELL
19-833	STATE OF MISSISSIPPI	VS.	CHRISTOPHER WILLIAM VARNELL
19-513	STATE OF MISSISSIPPI	VS.	ETHEL WALES
20-607	STATE OF MISSISSIPPI	VS.	HAROLD WALKER, JR.
20-527	STATE OF MISSISSIPPI	VS.	JOSHUA WATSON
21-151	STATE OF MISSISSIPPI	VS.	KOURTNEY WEBB
18-753	STATE OF MISSISSIPPI	VS.	RODERICK WEST
19-981	STATE OF MISSISSIPPI	VS.	CARR M WILLIAMS
21-873	STATE OF MISSISSIPPI	VS.	DEDERICO WILSON
21-489	STATE OF MISSISSIPPI	VS.	VICTORIA WOODRUFF
20-047	STATE OF MISSISSIPPI	VS.	TERRANCE YOUNG
22-541	STATE OF MISSISSIPPI	VS.	TERRANCE YOUNG

Exhibit B

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Serial: 243620

IN THE SUPREME COURT OF MISSISSIPPI

FILED

SEP 22 2022

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

In Re Judicial Appointment Related to
Coronavirus (COVID-19): Hon. Betty W.
Sanders Appointed as Special Judge for
The Circuit Court of Hinds County,
Mississippi

No. 2022-AP-00970

ORDER APPOINTING SPECIAL JUDGE

Mississippi Code Section 9-1-105(2) grants the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices, the authority to appoint special judges to serve on a temporary basis to assist, preside, and enter judgment in cases in the event of an emergency or overcrowded dockets. Both events of Section 9-1-105(2) exist in the Seventh Circuit Court District of Mississippi. The cases listed on Exhibit A, which is attached to this order and incorporated herein, are currently pending in the Circuit Court of Hinds County, Mississippi. These appointments are made to alleviate the strain on the Hinds County courts caused or exacerbated by the COVID-19 pandemic, in the interest of public safety and to timely provide access to justice to victims and accused alike in these unique times. The Mississippi Legislature has appropriated funding via HB 1628, Section 30, 2022 Regular Session, for the appointment of these special judges.

Pursuant to the authority granted under Mississippi Code Section 9-1-105(2), I appoint Honorable Betty W. Sanders, Senior Status Judge, as a Special Judge of the Seventh Circuit

Court District of Mississippi. This appointment is allowable under Section 9901 of the American Rescue Plan Act of 2021 (ARPA) or any guidance or regulation issued by the United States Department of the Treasury in conformity therewith.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Honorable Betty W. Sanders, Senior Status Judge, is hereby appointed as a Special Judge of the Seventh Circuit Court District of Mississippi to preside and enter judgment in the cases listed on Exhibit A to this order and currently pending in the Circuit Court of Hinds County, Mississippi.

IT IS FURTHER ORDERED AND ADJUDGED that all compensation and necessary expenses incurred by the Special Judge and approved by the Administrative Office of the Courts will be paid by the Supreme Court pursuant to HB 1628, Section 30, 2022 Regular Session, any later similar appropriation bills, or any other available funds appropriated for the appointment of special judges.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to Honorable Betty W. Sanders, Special Judge; Honorable Tomie Green, Honorable Winston Kidd, Honorable Adrienne Wooten, and Honorable Faye Peterson, Circuit Judges of the Seventh Circuit Court District; Hinds County District Attorney Jody Owens; Hinds County Public Defender Gail Wright Lowery; the State Public Defender Andre de Gruy; Carol Allgood, Finance Director of the Supreme Court of Mississippi; Jennifer Parish, Assistant Finance Director; and Lisa Counts, Deputy Director of the Administrative Office of the Courts.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit a copy of this order to Zack Wallace, the Hinds County Circuit Clerk, who shall file it in each of the cases listed on Exhibit A and send copies to all counsel of record in those cases and to all parties who are not represented by counsel.

IT IS FURTHER ORDERED that upon the conclusion of each case in the trial court the Special Judge shall promptly forward a copy of the final judgment or other order of final disposition by mail or email to the Court Administrator, Supreme Court of Mississippi, Post Office Box 117, Jackson, MS 39205, hsaunders@courts.ms.gov.

SO ORDERED, this the 22 day of September, 2022.



MICHAEL K. RANDOLPH
CHIEF JUSTICE

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Supreme Court No. 20222-AP-970

EXHIBIT A

CAUSE NUMBER	STATE OF MISSISSIPPI		DEFENDANT
19-760	STATE OF MISSISSIPPI	VS.	ALISHA D. ANDERSON
20-539	STATE OF MISSISSIPPI	VS.	DERION ANDERSON
20-1001	STATE OF MISSISSIPPI	VS.	RICHARD BONNER
19-120	STATE OF MISSISSIPPI	VS.	DON KENYATTA BROWN
18-668	STATE OF MISSISSIPPI	VS.	ALONZO BUTLER
20-150	STATE OF MISSISSIPPI	VS.	BRITTANY CARTER
21-836	STATE OF MISSISSIPPI	VS.	BRITTANY CARTER
20-362	STATE OF MISSISSIPPI	VS.	BRITTANY CARTER
20-638	STATE OF MISSISSIPPI	VS.	PETIE CARTER
20-921	STATE OF MISSISSIPPI	VS.	TERETHNE CHAMBERS
19-647	STATE OF MISSISSIPPI	VS.	CURTIS CLARK
17-770	STATE OF MISSISSIPPI	VS.	CHESTER CLAYTON
20-677	STATE OF MISSISSIPPI	VS.	TERRY COLEMAN
20-949	STATE OF MISSISSIPPI	VS.	JOHN ERIC COUSIN
21-008	STATE OF MISSISSIPPI	VS.	JOHN COUSIN
17-120	STATE OF MISSISSIPPI	VS.	MITCHELL DRAKE
19-807	STATE OF MISSISSIPPI	VS.	CHRISTIAN DYRE
20-1056	STATE OF MISSISSIPPI	VS.	CHRISTIAN DYRE
19-651	STATE OF MISSISSIPPI	VS.	MARCUS T. EDWARDS
20-403	STATE OF MISSISSIPPI	VS.	BRANDON FLOWERS
20-437	STATE OF MISSISSIPPI	VS.	DEDGRICK GREEN
19-504	STATE OF MISSISSIPPI	VS.	BYRON GREENWOOD
18-684	STATE OF MISSISSIPPI	VS.	JESSE GRESHAM
13-1085	STATE OF MISSISSIPPI	VS.	LARRY RUSSELL GRIFFIN
18-008	STATE OF MISSISSIPPI	VS.	CHRISTOPHER GUNN
17-138	STATE OF MISSISSIPPI	VS.	CHRISTOPHER GUNN
17-541	STATE OF MISSISSIPPI	VS.	CHARLIE HILL, III
19-384	STATE OF MISSISSIPPI	VS.	DARIUS HOBSON
19-905	STATE OF MISSISSIPPI	VS.	DARIUS HOBSON
19-851	STATE OF MISSISSIPPI	VS.	DARIUS HOBSON
18-121	STATE OF MISSISSIPPI	VS.	DARIUS HOBSON
20-980	STATE OF MISSISSIPPI	VS.	CLARENCE BENJAMIN HONER
19-262	STATE OF MISSISSIPPI	VS.	ELVIN HORTON
19-844	STATE OF MISSISSIPPI	VS.	ELVIN HORTON
19-704	STATE OF MISSISSIPPI	VS.	ANTONIO JACKSON

Supreme Court No. 20222-AP-970

18-145	STATE OF MISSISSIPPI	VS.	ALLEN JOHNSON
20-177	STATE OF MISSISSIPPI	VS.	JACARIA LUCKETT
20-680	STATE OF MISSISSIPPI	VS.	JEREMY MCSWAIN
20-1020	STATE OF MISSISSIPPI	VS.	FRED JEREMY MOORE
20-1031	STATE OF MISSISSIPPI	VS.	FRED JEREMY MOORE
20-1147	STATE OF MISSISSIPPI	VS.	ROGER MORRISON
20-026	STATE OF MISSISSIPPI	VS.	JAVARCA MYERS aka JAVERCEA MYERS
20-681	STATE OF MISSISSIPPI	VS.	KEITH CODERO NUTALL
20-033	STATE OF MISSISSIPPI	VS.	KENDRICK PALMER
20-712	STATE OF MISSISSIPPI	VS.	FREDRICK SANDERS
20-507	STATE OF MISSISSIPPI	VS.	JOHNNY LEE SMITH
20-586	STATE OF MISSISSIPPI	VS.	MICHAEL SMITH aka MICHAEL BLAKE SMITH
20-447	STATE OF MISSISSIPPI	VS.	THOMAS STEVENS
19-586	STATE OF MISSISSIPPI	VS.	MACKENZIE STUCKEY
18-508	STATE OF MISSISSIPPI	VS.	KANIQUA THOMPSON
20-945	STATE OF MISSISSIPPI	VS.	LARRY D. WALTER, JR. aka LARRY D. WALKER
20-864	STATE OF MISSISSIPPI	VS.	BILLY WANSLEY
16-370	STATE OF MISSISSIPPI	VS.	JEREMY WARE
18-251	STATE OF MISSISSIPPI	VS.	LATOYA WASH-SANCHEZ aka LATOYA SANCH
22-414	STATE OF MISSISSIPPI	VS.	RICO WATTS
20-1131	STATE OF MISSISSIPPI	VS.	MICHAEL WILLIAMS
18-265	STATE OF MISSISSIPPI	VS.	MARVIN WILLOUGHBY
22-587	STATE OF MISSISSIPPI	VS.	THOMAS SPELLS
20-1073	STATE OF MISSISSIPPI	VS.	TOMMY SPELLS
19-354	STATE OF MISSISSIPPI	VS.	RAMEON STEWART

Exhibit C

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Serial: 243625

IN THE SUPREME COURT OF MISSISSIPPI

FILED

SEP 22 2022

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

In Re Judicial Appointment Related to
Coronavirus (COVID-19): Hon. Stephen
B. Simpson Appointed as Special Judge
for The Circuit Court of Hinds County,
Mississippi

No. 2022-AP-00972

ORDER APPOINTING SPECIAL JUDGE

Mississippi Code Section 9-1-105(2) grants the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices, the authority to appoint special judges to serve on a temporary basis to assist, preside, and enter judgment in cases in the event of an emergency or overcrowded dockets. Both events of Section 9-1-105(2) exist in the Seventh Circuit Court District of Mississippi. The cases listed on Exhibit A, which is attached to this order and incorporated herein, are currently pending in the Circuit Court of Hinds County, Mississippi. These appointments are made to alleviate the strain on the Hinds County courts caused or exacerbated by the COVID-19 pandemic, in the interest of public safety and to timely provide access to justice to victims and accused alike in these unique times. The Mississippi Legislature has appropriated funding via HB 1628, Section 30, 2022 Regular Session, for the appointment of these special judges.

Pursuant to the authority granted under Mississippi Code Section 9-1-105(2), I appoint Honorable Stephen B. Simpson, Senior Status Judge, as a Special Judge of the Seventh Circuit Court District of Mississippi. This appointment is allowable under Section 9901 of

the American Rescue Plan Act of 2021 (ARPA) or any guidance or regulation issued by the United States Department of the Treasury in conformity therewith.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Honorable Stephen B. Simpson, Senior Status Judge, is hereby appointed as a Special Judge of the Seventh Circuit Court District of Mississippi to preside and enter judgment in the cases listed on Exhibit A to this order and currently pending in the Circuit Court of Hinds County, Mississippi.

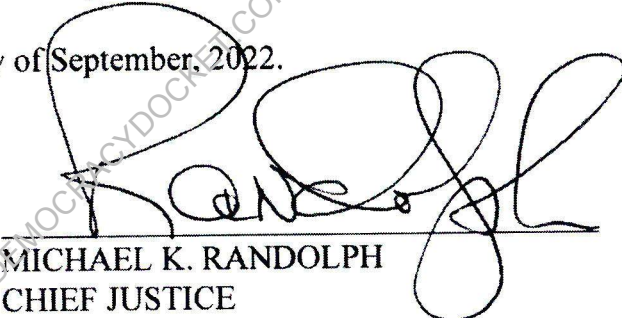
IT IS FURTHER ORDERED AND ADJUDGED that all compensation and necessary expenses incurred by the Special Judge and approved by the Administrative Office of the Courts will be paid by the Supreme Court pursuant to HB 1628, Section 30, 2022 Regular Session, any later similar appropriation bills, or any other available funds appropriated for the appointment of special judges.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to Honorable Stephen B. Simpson, Special Judge; Honorable Tomie Green, Honorable Winston Kidd, Honorable Adrienne Wooten, and Honorable Faye Peterson, Circuit Judges of the Seventh Circuit Court District; Hinds County District Attorney Jody Owens; Hinds County Public Defender Gail Wright Lowery; the State Public Defender Andre de Gruy; Carol Allgood, Finance Director of the Supreme Court of Mississippi; Jennifer Parish, Assistant Finance Director; and Lisa Counts, Deputy Director of the Administrative Office of the Courts.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit a copy of this order to Zack Wallace, the Hinds County Circuit Clerk, who shall file it in each of the cases listed on Exhibit A and send copies to all counsel of record in those cases and to all parties who are not represented by counsel.

IT IS FURTHER ORDERED that upon the conclusion of each case in the trial court the Special Judge shall promptly forward a copy of the final judgment or other order of final disposition by mail or email to the Court Administrator, Supreme Court of Mississippi, Post Office Box 117, Jackson, MS 39205, hsaunders@courts.ms.gov.

SO ORDERED, this the 22 day of September, 2022.



MICHAEL K. RANDOLPH
CHIEF JUSTICE

RETRIEVED FROM DEMOCRACYDOCKET.COM

Supreme Court No. 2022-AP-972

EXHIBIT A

CAUSE NUMBER	STATE OF MISSISSIPPI	VS.	DEFENDANT
08-558	STATE OF MISSISSIPPI	VS.	REGINALD ROSHAD JACKSON
11-492	STATE OF MISSISSIPPI	VS.	TRENT WEATHERSBY
11-739	STATE OF MISSISSIPPI	VS.	RICKEY L. WOODARD
12-046	STATE OF MISSISSIPPI	VS.	ANDREW LAWSON
12-573	STATE OF MISSISSIPPI	VS.	KEITH WHITE
14-513	STATE OF MISSISSIPPI	VS.	RAHMEEK MARQUIS WALKER
14-462	STATE OF MISSISSIPPI	VS.	CASSANDRA JOHNSON
14-091	STATE OF MISSISSIPPI	VS.	KENDRICK CHATMAN
15-262	STATE OF MISSISSIPPI	VS.	HENRY LEE ODOM
15-680	STATE OF MISSISSIPPI	VS.	KELSEY MCINNIS
15-900	STATE OF MISSISSIPPI	VS.	KELSEY MCINNIS
15-388	STATE OF MISSISSIPPI	VS.	JOSEPH FRANKLIN
15-269	STATE OF MISSISSIPPI	VS.	DOUGLAS EUGENE JOINER
15-390	STATE OF MISSISSIPPI	VS.	SHARON ROBINSON
15-718	STATE OF MISSISSIPPI	VS.	TRAVIS THOMPSON
16-052	STATE OF MISSISSIPPI	VS.	ALEXIA SMITH
16-154	STATE OF MISSISSIPPI	VS.	TONY COURSE
16-139	STATE OF MISSISSIPPI	VS.	RAMONE HOLLINS
16-1086	STATE OF MISSISSIPPI	VS.	ELLIOTT SHOWERS
16-441	STATE OF MISSISSIPPI	VS.	PAMELA ALLEN YOUNG
16-919	STATE OF MISSISSIPPI	VS.	CHRISTIAN MCDONALD
16-916	STATE OF MISSISSIPPI	VS.	BRANDON MAY
16-1013	STATE OF MISSISSIPPI	VS.	LEONARD DISHMON
17-013	STATE OF MISSISSIPPI	VS.	LEONARD DISHMON
17-653	STATE OF MISSISSIPPI	VS.	WARDELL GREENLEE
17-695	STATE OF MISSISSIPPI	VS.	MICHAEL ANDERSON
17-967	STATE OF MISSISSIPPI	VS.	TRACY GRAHAM
17-513	STATE OF MISSISSIPPI	VS.	DASHMUND DAVIS
17-207	STATE OF MISSISSIPPI	VS.	CLARENCE ATKINSON
17-125	STATE OF MISSISSIPPI	VS.	LAQUINN PITTMAN
17-802	STATE OF MISSISSIPPI	VS.	BRIAN STEWART
17-897	STATE OF MISSISSIPPI	VS.	KITO SMITH
17-448	STATE OF MISSISSIPPI	VS.	WILLIAM THOMAS LEWIS
16-135	STATE OF MISSISSIPPI	VS.	NAKIAH KIERRA BUTLER
18-350	STATE OF MISSISSIPPI	VS.	NAKIAH KIERRA BUTLER
18-249	STATE OF MISSISSIPPI	VS.	DEBREC O LAMONE TIMS

Supreme Court No. 2022-AP-972

18-281	STATE OF MISSISSIPPI	VS.	KENKALELUS ALDRIDGE
18-632	STATE OF MISSISSIPPI	VS.	EZEKIEL HUTTON
19-040	STATE OF MISSISSIPPI	VS.	EZEKIEL L. HUTTON
19-306	STATE OF MISSISSIPPI	VS.	WESLEY J. TATE, JR.
19-036	STATE OF MISSISSIPPI	VS.	JAMAL HEARD
19-086	STATE OF MISSISSIPPI	VS.	MARKEY SMITH
19-462	STATE OF MISSISSIPPI	VS.	PATRICK BROWN
19-567	STATE OF MISSISSIPPI	VS.	BRODERICK HOWARD
19-606	STATE OF MISSISSIPPI	VS.	CLEVELAND ALLISON
19-218	STATE OF MISSISSIPPI	VS.	MICHAEL MCGLOTHIN
19-516	STATE OF MISSISSIPPI	VS.	EDDIE HAYES, JR.

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Exhibit D

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Serial: 243622

IN THE SUPREME COURT OF MISSISSIPPI

FILED

SEP 22 2022

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

In Re Judicial Appointment Related to
Coronavirus (COVID-19): Hon. Andrew
K. Howorth Appointed as Special Judge
for The Circuit Court of Hinds County,
Mississippi

No. 2022-AP-00971

ORDER APPOINTING SPECIAL JUDGE

Mississippi Code Section 9-1-105(2) grants the Chief Justice of the Mississippi Supreme Court, with the advice and consent of a majority of the justices, the authority to appoint special judges to serve on a temporary basis to assist, preside, and enter judgment in cases in the event of an emergency or overcrowded dockets. Both events of Section 9-1-105(2) exist in the Seventh Circuit Court District of Mississippi. The cases listed on Exhibit A, which is attached to this order and incorporated herein, are currently pending in the Circuit Court of Hinds County, Mississippi. These appointments are made to alleviate the strain on the Hinds County courts caused or exacerbated by the COVID-19 pandemic, in the interest of public safety and to timely provide access to justice to victims and accused alike in these unique times. The Mississippi Legislature has appropriated funding via HB 1628, Section 30, 2022 Regular Session, for the appointment of these special judges.

Pursuant to the authority granted under Mississippi Code Section 9-1-105(2), I appoint Honorable Andrew K. Howorth, Senior Status Judge, as a Special Judge of the Seventh Circuit Court District of Mississippi. This appointment is allowable under Section 9901 of

the American Rescue Plan Act of 2021 (ARPA) or any guidance or regulation issued by the United States Department of the Treasury in conformity therewith.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Honorable Andrew K. Howorth, Senior Status Judge, is hereby appointed as a Special Judge of the Seventh Circuit Court District of Mississippi to preside and enter judgment in the cases listed on Exhibit A to this order and currently pending in the Circuit Court of Hinds County, Mississippi.

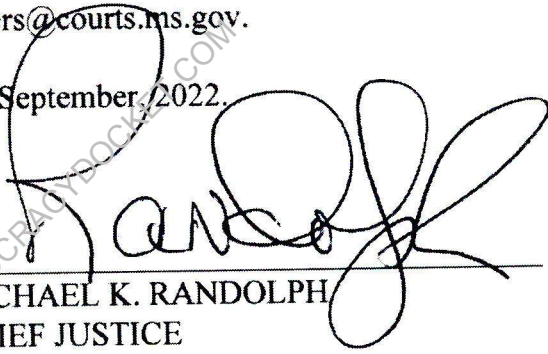
IT IS FURTHER ORDERED AND ADJUDGED that all compensation and necessary expenses incurred by the Special Judge and approved by the Administrative Office of the Courts will be paid by the Supreme Court pursuant to HB 1628, Section 30, 2022 Regular Session, any later similar appropriation bills, or any other available funds appropriated for the appointment of special judges.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of this order to Honorable Andrew K. Howorth, Special Judge; Honorable Tomie Green, Honorable Winston Kidd, Honorable Adrienne Wooten, and Honorable Faye Peterson, Circuit Judges of the Seventh Circuit Court District; Hinds County District Attorney Jody Owens; Hinds County Public Defender Gail Wright Lowery; the State Public Defender Andre de Gruy; Carol Allgood, Finance Director of the Supreme Court of Mississippi; Jennifer Parish, Assistant Finance Director; and Lisa Counts, Deputy Director of the Administrative Office of the Courts.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit a copy of this order to Zack Wallace, the Hinds County Circuit Clerk, who shall file it in each of the cases listed on Exhibit A and send copies to all counsel of record in those cases and to all parties who are not represented by counsel.

IT IS FURTHER ORDERED that upon the conclusion of each case in the trial court the Special Judge shall promptly forward a copy of the final judgment or other order of final disposition by mail or email to the Court Administrator, Supreme Court of Mississippi, Post Office Box 117, Jackson, MS 39205, hsaunders@courts.ms.gov.

SO ORDERED, this the 22 day of September, 2022.



MICHAEL K. RANDOLPH
CHIEF JUSTICE

Supreme Court No. 2022-AP-971

EXHIBIT A

CAUSE NUMBER	STATE OF MISSISSIPPI	VS.	DEFENDANT
22-175	STATE OF MISSISSIPPI	VS.	MARQUAVIOUS ADAMS
14-002	STATE OF MISSISSIPPI	VS.	DEMARIA ALLEN
20-881	STATE OF MISSISSIPPI	VS.	JEREMIAH BLOUGH
21-796	STATE OF MISSISSIPPI	VS.	JONATHAN DEWAYNE BOYETTE
22-202	STATE OF MISSISSIPPI	VS.	JAMES CORNEL CHRISTMAS
22-300	STATE OF MISSISSIPPI	VS.	JOHNNY COLLINS
20-473	STATE OF MISSISSIPPI	VS.	JORDAN COLLINS
21-583	STATE OF MISSISSIPPI	VS.	EDDIE DANIELS
22-105	STATE OF MISSISSIPPI	VS.	JAYDEN DAVIS
20-399	STATE OF MISSISSIPPI	VS.	TYRONE DAVIS
20-358	STATE OF MISSISSIPPI	VS.	WILLIAM HAMPTON
21-510	STATE OF MISSISSIPPI	VS.	AARON HUDSON
21-292	STATE OF MISSISSIPPI	VS.	JAYCOB HUDSON
18-139	STATE OF MISSISSIPPI	VS.	KENDRICK JACKSON
20-419	STATE OF MISSISSIPPI	VS.	CHRISTOPHER JENKINS
20-646	STATE OF MISSISSIPPI	VS.	CHRISTOPHER JENKINS
20-985	STATE OF MISSISSIPPI	VS.	CHRISTOPHER JENKINS
20-393	STATE OF MISSISSIPPI	VS.	ANTWON JOHNSON
20-624	STATE OF MISSISSIPPI	VS.	JACQUEZ JOHNSON
20-1144	STATE OF MISSISSIPPI	VS.	KESHON M LEWIS
20-353	STATE OF MISSISSIPPI	VS.	LUCAS HOWARD
20-904	STATE OF MISSISSIPPI	VS.	AMENI OLUGBALA
21-476	STATE OF MISSISSIPPI	VS.	RANDY PUGH
20-450	STATE OF MISSISSIPPI	VS.	CHRISTOPHER SAMUELS
20-503	STATE OF MISSISSIPPI	VS.	EMONYAE STEFON SANDERS
20-1074	STATE OF MISSISSIPPI	VS.	BRANDON SMITH
20-117	STATE OF MISSISSIPPI	VS.	DEMARIO SNELL
21-203	STATE OF MISSISSIPPI	VS.	DEMARIO SNELL
20-518	STATE OF MISSISSIPPI	VS.	BRANDON JACE SUMERALL
21-829	STATE OF MISSISSIPPI	VS.	MILLIAN TATE
21-768	STATE OF MISSISSIPPI	VS.	ASHLEY E. TAYLOR
20-606	STATE OF MISSISSIPPI	VS.	KEITH WARFIELD, JR.
20-752	STATE OF MISSISSIPPI	VS.	KASWELLO WILLIAMS
20-1129	STATE OF MISSISSIPPI	VS.	DENNIS WONSLEY

Exhibit E

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IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ANN SAUNDERS; SABREEN SHARRIEF; and DOROTHY TRIPLETT PLAINTIFFS

v. CIVIL ACTION NO. _____

HONORABLE MICHAEL K. RANDOLPH, in his official capacity as Chief Justice of the Mississippi Supreme Court; ZACK WALLACE, in his official capacity as Circuit Clerk of the Circuit Court of Hinds County, Mississippi; and GREG SNOWDEN, in his official capacity as Director of the Administrative Office of Courts

DEFENDANTS

AFFIDAVIT OF ANN SAUNDERS

I, Ann Saunders, being of age and sound mind, do hereby state the following:

1. I am a resident of Jackson, Mississippi.
2. I am a registered voter, and I vote in local elections, including Hinds County Circuit Court elections.
3. I own my home in Jackson and pay property taxes on it. In addition, I own a car and pay an annual vehicle registration fee.
4. I regularly engage in business transactions in Jackson, on which I pay sales tax.

I declare the foregoing to the best of my personal knowledge and belief, this the 26th day of April, 2023.



ANN SAUNDERS

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ANN SAUNDERS who, after being placed under oath, stated the foregoing on the day and year therein mentioned as and for her voluntary act and deed.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26 day of April, 2023.



NOTARY PUBLIC

My Commission Expires: 8/28/26



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Exhibit F

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ANN SAUNDERS; SABREEN SHARRIEF; and DOROTHY TRIPLETT PLAINTIFFS

v. CIVIL ACTION NO. _____

HONORABLE MICHAEL K. RANDOLPH, in his official capacity as Chief Justice of the Mississippi Supreme Court; ZACK WALLACE, in his official capacity as Circuit Clerk of the Circuit Court of Hinds County, Mississippi; and GREG SNOWDEN, in his official capacity as Director of the Administrative Office of Courts

DEFENDANTS

AFFIDAVIT OF SABREEN SHARRIEF

I, Sabreen Sharrief, being of age and sound mind, do hereby state the following:

1. I am a resident of Jackson, Mississippi.
2. I am a registered voter, and I vote in local elections, including Hinds County Circuit Court elections.
3. I own my home in Jackson and pay property taxes on it. In addition, I own a car and pay an annual vehicle registration fee.
4. I regularly engage in business transactions in Jackson, on which I pay sales tax.

I declare the foregoing to the best of my personal knowledge and belief, this the 26th day of April, 2023.


SABREEN SHARRIEF

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named SABREEN SHARRIEF who, after being placed under oath, stated the foregoing on the day and year therein mentioned as and for her voluntary act and deed.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26 day of April, 2023.



NOTARY PUBLIC

My Commission Expires: 8/28/26



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Exhibit G

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ANN SAUNDERS; SABREEN SHARRIEF; and DOROTHY TRIPLETT PLAINTIFFS

v. CIVIL ACTION NO. _____

HONORABLE MICHAEL K. RANDOLPH, in his official
capacity as Chief Justice of the Mississippi Supreme Court;
ZACK WALLACE, in his official capacity as Circuit Clerk of the
Circuit Court of Hinds County, Mississippi; and GREG SNOWDEN,
in his official capacity as Director of the Administrative Office
of Courts

DEFENDANTS

AFFIDAVIT OF DOROTHY TRIPLETT

I, Dorothy Triplett, being of age and sound mind, do hereby state the following:

1. I am a resident of Jackson, Mississippi.
2. I am a registered voter, and I vote in local elections, including Hinds County Circuit Court elections.
3. I own my home in Jackson and pay property taxes on it. In addition, I own a car and pay an annual vehicle registration fee.
4. I regularly engage in business transactions in Jackson, on which I pay sales tax.

I declare the foregoing to the best of my personal knowledge and belief, this the 26th day of April, 2023.



DOROTHY TRIPLETT

STATE OF MISSISSIPPI

COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named DOROTHY TRIPLETT who, after being placed under oath, stated the foregoing on the day and year therein mentioned as and for her voluntary act and deed.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26 day of April, 2023.



NOTARY PUBLIC

My Commission Expires:

8/28/26



RETRIEVED FROM DEMOCRACY.COM

CERTIFICATE OF SERVICE

I, Cliff Johnson, attorney for plaintiffs, do hereby certify that I have this day filed the foregoing document with the Court's electronic case filing system, which sent a true and correct copy to all counsel of record.

Dated: April 26, 2023

s/ Cliff Johnson
Cliff Johnson

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