

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

ANN SAUNDERS; SABREEN SHARRIEF; and DOROTHY TRIPLETT PLAINTIFFS

v. CIVIL ACTION 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

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**PLAINTIFFS' PROPOSED FINDINGS OF FACT**

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As requested by the Court, Plaintiffs submit the following list of proposed factual findings:

1. H.B. 1020, passed by the Legislature and signed into law by the Governor on April 21, 2023, provides in Section 1 that, "The Chief Justice of the Supreme Court shall appoint four (4) temporary special circuit judges for the Seventh Circuit Court District. No 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 term of the temporary special circuit judges shall expire on December 31, 2026."
2. The Hinds County Circuit Court is the only circuit court in Mississippi's Seventh Circuit Court District.

3. H.B. 1020 requires Defendant Randolph to appoint judges to the Hinds County Circuit Court within fifteen days after passage: “The judges shall be appointed no later than fifteen (15) days after the passage of this act according to applicable state laws. The Chief Justice of the Supreme Court may elect to reappoint circuit judges that are serving on a temporary basis as of the effective date of this act in the Seventh Circuit Court District.”<sup>1</sup>

4. Section 1 of H.B. 1020 requiring the appointment of judges to the Hinds County Circuit Court remains in effect until December 31, 2026, and the appointed judges will serve until that time, without any further assessment of whether their appointments are productive or necessary.

5. Section 1 of H.B. 1020 provides that “[t]he Administrative Office of Courts shall establish personnel policies to compensate the support staff for each temporary special circuit judge.”

6. Section 15 of H.B. 1020 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.”

7. Section 4 of H.B. 1020 establishes a new court in the City of Jackson to handle preliminary criminal matters, misdemeanor cases, and certain city ordinances (“the CCID

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<sup>1</sup> There currently are three “temporary judges” sitting on the Hinds County Circuit Court. In 2022, Defendant Randolph appointed four temporary judges to the Court under the authority of Miss. Code Ann. § 9-1-105(2). One of those judges has since stepped down. The constitutionality of that statute and the appointment of those judges have not been challenged to date, and no court has found § 9-1-105(2) to be constitutional. As set forth herein, Plaintiffs contend that § 9-1-105(2) and H.B. 1020 suffer from the same constitutional infirmities.

court”).<sup>2</sup> The judge overseeing that court will be appointed by the Chief Justice of the Mississippi Supreme Court.

8. This new CCID court is not a municipal court.

9. H.B. 1020 provides no right of appeal from the CCID court to a constitutional court.

10. H.B. 1020 expressly allows people convicted of misdemeanor offenses in the CCID court to be incarcerated in a state prison, the Central Mississippi Correctional Facility, rather than in a jail. In all other Mississippi courts, misdemeanor offenders sentenced to incarceration serve their time in a local county jail.

11. Section 4 of H.B. 1020 requires the AOC to pay the judge for the new CCID court as well as the judge’s staff: “The Administrative Office of Courts shall provide compensation for the CCID inferior court judge and the support staff of the judge.”

12. Section 6 of H.B. 1020 provides that “[t]he Administrative Office of Courts shall provide support staff and any other staff necessary to carry out the functions and duties for the clerk of the CCID inferior court.”

13. Section 6 of H.B. 1020 also requires the AOC to provide compensation to CCID court staff: “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.”

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<sup>2</sup> 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, including jurisdiction over a vague category of “disturbing the peace” ordinances. There is no Jackson ordinance actually called “disturbing the peace,” and it is entirely unclear which ordinances are intended to be included in this indeterminate grant of authority.

14. Plaintiff Ann C. Saunders is a 72-year-old African American resident of Jackson, where she has resided since approximately 2009. She is registered to vote in Hinds County, and she testified that she tries to vote in every election, including judicial elections for the Seventh District Circuit Court. Ms. Saunders owns her home in Jackson and pays property taxes on it. In addition, she owns a car, for which she pays an annual vehicle registration fee, and she regularly engages in business transactions in Jackson, on which she pays sales tax.

15. Plaintiff Sabreen Sharrief is a 74-year-old African American resident of Jackson, where she has most recently resided since approximately 2010. She is registered to vote in Hinds County, and she testified that she tries to vote in every election, including judicial elections for the Seventh District Circuit Court. Mrs. Sharrief owns her home in Jackson and pays property taxes on it. In addition, she owns a car, for which she pays an annual vehicle registration fee, and she regularly engages in business transactions in Jackson, on which she pays sales tax.

16. Plaintiff Dorothy C. Triplett is an 84-year-old white resident of Jackson, where she has resided since approximately 1987. She is registered to vote in Hinds County, and she testified that she tries to vote in every election, including judicial elections for the Seventh District Circuit Court. Ms. Triplett owns her home in Jackson and pays property taxes on it. In addition, she owns a car, for which she pays an annual vehicle registration fee, and she regularly engages in business transactions in Jackson, on which she pays sales tax.

17. 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: “On or before August 15, 2023, and each succeeding month thereafter, nine percent (9%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-

65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215.”

18. Some or all of the funding for compensation of judges appointed to the Hinds County Circuit Court, compensation of staff members working for judges appointed to the Hinds County Circuit Court, compensation of the court administrator tasked with overseeing the caseloads of judges appointed to the Hinds County Circuit Court, general operating funds for the new CCID court, compensation of the judge appointed to the CCID court, compensation of staff members working for the judge appointed to the CCID court, and compensation of the CCID court clerk and personnel will come from the CCID Project Fund.

19. Some or all of the funding for compensation of judges appointed to the Hinds County Circuit Court, compensation of staff members working for judges appointed to the Hinds County Circuit Court, compensation of the court administrator tasked with overseeing the caseloads of judges appointed to the Hinds County Circuit Court, general operating funds for the new CCID court, compensation of the judge appointed to the CCID court, compensation of staff members working for the judge appointed to the CCID court, and compensation of the CCID court clerk and personnel will come from money appropriated by the Legislature from Mississippi’s general fund.

20. As a result of Plaintiffs’ participation in financial transactions within the city limits of Jackson—transactions that are subject to sales taxes—and their payment of Mississippi income and property taxes, money paid by Plaintiffs to the State of Mississippi will be used to fund the costs of judicial appointments to the Hinds County Circuit Court and the operation of the CCID court in Jackson.

21. Miss Code. Ann. § 9-1-105(2) grants the Chief Justice of the Mississippi Supreme Court authority to add special judges to a circuit court by temporary appointment: “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.”

22. By order of September 22, 2022, Defendant Randolph appointed the Honorable Frank G. Vollar to the Hinds County Circuit Court. Judge Vollar continues to serve as a circuit judge on the Hinds County Circuit Court.

23. By order of September 22, 2022, Defendant Randolph appointed the Honorable Betty W. Sanders to the Hinds County Circuit Court. Judge Sanders continues to serve as a circuit judge on the Hinds County Circuit Court.

24. By order of September 22, 2022, Defendant Randolph appointed the Honorable Stephen B. Simpson to the Hinds County Circuit Court. Judge Simpson continues to serve as a circuit judge on the Hinds County Circuit Court.

25. By order of September 22, 2022, Defendant Randolph appointed the Honorable Andrew K. Howorth to the Hinds County Circuit Court. Judge Howorth no longer serves as a circuit judge on the Hinds County Circuit Court.

26. Defendant Wallace, as Hinds County Circuit Clerk, is the official who will be responsible for assigning cases to the four judges H.B. 1020 requires Defendant Randolph to appoint to the Hinds County Circuit Court.

27. Defendant Wallace, as Hinds County Circuit Clerk, will in the future will be responsible for assigning cases to Judges Vollar, Sanders, and Simpson, as well as any other judges appointed under § 9-1-105(2).

28. Article VI, § 153 of the Mississippi Constitution requires that circuit court judges be elected: “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.”

29. Article VI, § 165 of the Mississippi Constitution allows for the appointment of temporary judges by the Governor in very limited circumstances: “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.”

30. Article VI, § 144 of the Mississippi Constitution limits judicial power in Mississippi to “a Supreme Court and such other courts as are provided for in this Constitution.” No court established, operated, or empowered like the CCID court is provided for in the Mississippi Constitution.

31. Article VI, § 172 of the Mississippi Constitution 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.”

32. Nowhere in the Mississippi Constitution is the Governor, or any other member of the executive or judicial branch of government, authorized to create new judicial positions, temporary or permanent, in any court.

33. Nowhere in the Mississippi Constitution is the Chief Justice of the Mississippi Supreme Court authorized to appoint any judge to any court for any reason.

34. Nowhere in the Mississippi Constitution is the Legislature authorized to create unelected judicial positions on circuit or chancery courts.

35. Plaintiffs will suffer irreparable injury if the Chief Justice is permitted to appoint judges to the Hinds County Circuit Court as required by H.B. 1020.

36. Plaintiffs will suffer irreparable injury if judges appointed to the Hinds County Circuit Court pursuant to § 9-1-105(2) are permitted to perform judicial acts in the same manner as elected circuit court judges.

37. Plaintiffs will suffer irreparable injury if Defendant Wallace is permitted to assign cases to judges appointed to the Hinds County Circuit Court pursuant to H.B. 1020.

38. Plaintiffs will suffer irreparable injury if Defendant Snowden provides funding for appointed judges and related expenditures as required by H.B. 1020.

39. Plaintiffs will suffer irreparable injury if the CCID to be located in Jackson, Mississippi under H.B. 1020 is established and funded.

40. The threatened injury to Plaintiffs outweighs any harm an injunction might do to Defendants.

41. Entry of a preliminary injunction is consistent with the public interest.

Dated May 9, 2023

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**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: May 9, 2023

/s/ Cliff Johnson  
Cliff Johnson

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