

JUL 16 2013

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

Forrest County Clerk
FORREST COUNTY CIRCUIT CLERK

DAVE WARE

PLAINTIFF

VERSUS

CIVIL ACTION NO. CI13-0152

JOHNNY L. DUPREE AND ELECTION COMMISSION
FOR THE CITY OF HATTIESBURG

DEFENDANTS

PLAINTIFF'S MORE DEFINITE STATEMENT

COMES NOW, the Plaintiff, Dave Ware, through his undersigned counsel, and files this his More Definite Statement to supplement his Contest Petition and for cause would respectfully show as follow:

1. In response to Paragraph 3 and 4(a), the Plaintiff alleges in the Contest Petition have been asserted against the Defendant. Since the Municipal Election Commission has been dismissed as a party Defendant it is not now necessary for the Plaintiff to specify which claims apply to the separate Defendants. The Plaintiff submits that there is only one "Count" in an election contest and that it is a determination of the winner of the election based upon the actual count of the legal ballots. The Plaintiff has set forth sufficient allegations that the outcome of the election would have been different, i.e., Ware would have been declared the winner, had certain illegal ballots not been counted.

2. In response to Paragraph 4(b), the Plaintiff alleges that he has been advised that Arthur Smith voted by absentee ballot at the City Clerk's office. That Arthur Smith completed and filed an absentee ballot that should have been deposited in the Train Depot Precinct ballot boxes, but the Plaintiff would show that the completed absentee application and ballot envelope were not found in the examination of all ballot boxes, including but not limited to, the Train

Depot Precinct. The Plaintiff or his representatives has not found either an accepted or rejected absentee ballot envelope for Mr. Smith. The Plaintiff would show that after an absentee voter completes and files the application and ballot and places the ballot in a sealed envelope the City Clerk is required by MCA Sections 23-15-625, as amended, to deposit the application and absentee ballot in the appropriate precinct ballot box. After the election the poll managers and/or election officials are required to return such absentee applications and ballot envelopes to the Registrar/City Clerk, as provided in MCA Section 23-15-645, as amended. The Plaintiff contends that both statutes were violated and such violations constitute a substantial departure from the mandatory provisions of the Absentee Balloting laws.

3. In response to Paragraph 4(c) and (d), the Plaintiff alleges upon information and belief as follows: That certain inmates (the identities of all of which are unknown to Plaintiff) confined at the Forrest County Detention Center, i.e. the "Jail" were requested by representatives or agents of the DuPree campaign to complete written "request forms" for absentee ballots; that the thirty-six inmates (See Exhibit "1" for list of names of these absentee voters) completed such request forms; and a representative of the DuPree campaign picked up these signed request forms from the Jail and delivered same to the City Clerk's office. The representative or agents of the DuPree campaign that delivered the written request forms from the inmate voters failed to sign the voter's absentee application in the presence of the Registrar/City Clerk and print their name and address on the application as required by MCA Section 23-15-625, as amended.

4. The Jail mail logs do not indicate that the applications and absentee ballots with envelopes were received by the jail staff through the mail as required by law and according to the Jail's usual and customary practices. The records from the City Clerk's office (received in response to public records requests) indicate the absentee ballot request forms from the inmates

were received by the City Clerk's office on May 20, 2013, even though the signed voter request forms are dated May 21, 2013. The City Clerk's records indicate the application and absentee ballots with envelopes were mailed to the inmate voters on May 24, 2013, which is the same day the voter swore on their sealed ballot envelope they voted at the Jail. Therefore, the aforementioned records from the City Clerk's office and the Jail do not support the contention the inmate absentee ballots were properly handled and mailed to the voter as required by law. See MCA Section 23-15-627, as amended.

5. The City Clerk's records indicate that they only mailed 30 absentee ballots to the address of the jail. The following inmates: Jesse Edwards, Maurice Pope, Jr., Meredith Austin, Michael A. Dent, Cleveland Madison and John Alan Smith, are not in the list maintained by the Clerk as having an absentee ballot mailed to them. The City Clerk's records do not indicate that ballots were mailed as required to these six inmates. Also, Rico Rondell Roberts, Jr., an individual 17 years of age at the time he voted and also confined at the Jail, unlawfully voted an absentee ballot.

6. According to their applications (before they were altered) all but one of the 36 inmates stated that they were entitled to vote absentee by mail because they were "outside the County on election day". According to MCA Section 23-15-715, as amended, only persons "temporarily residing outside the County" and persons over 65 years of age or temporarily or permanently disabled and certain relatives who are caregivers and required to be with the disabled person at a hospital outside the County or more than 50 miles from his residence are entitled to vote absentee by mail. The inmates could have stated on their applications that they were under a "physical disability" because it would have presented a "substantial hardship to himself or others, or whose attendance at the voting place could reasonably cause danger to

himself or others". See MCA Section 23-15-713(d). This would have allowed them to solicit and vote absentee by mail. Some unknown personnel unlawfully altered the applications for the absentee ballots outside the inmate voters' presence without their consent by "whiting out" the initial reason given by the voter and interlined in the margin "in jail, not able to vote on June 4". MCA Section 23-15-717, as amended, provides the elector must complete the application and complete the form "as is appropriate for his particular situation". The inmate voters apparently did not seal the application in a separate envelope for mailing after they completed and executed same.

7. Plaintiff alleges upon information and belief the 36 inmates were not allowed to vote their absentee ballots in secret on May 24th as is required by MCA Section 23-15-721, as amended. The notary, Claudia Hibbler, failed to perform her duties as attesting witness as required by her oath pursuant to MCA Section 23-15-635, as amended.

8. Plaintiff alleges upon information and belief that the inmate absentee voters did not mail the absentee applications and sealed absentee envelopes to the Registrar/City Clerk as required by MCA Section 23-15-721, as amended.

9. In response to Paragraph 4(e), the Plaintiff would show that the individuals listed in Exhibit "2" unlawfully voted in the general election and had been previously convicted of certain disenfranchising felonies. See Miss. Constitution of 1890, Section 241; MCA Section 23-15-11, as amended; Miss. Attorney General Opinion dated July 9, 2009 and other court decisions and legal authorities.

10. In response to Paragraph 4(f), Plaintiff would show that he is still reviewing documentation and information concerning this issue. At this time, Plaintiff has insufficient information to definitely identify any other disenfranchised felons that voted in the general

election, but Plaintiff reserves the right to do so upon complete of his investigation.

11. In response to Paragraph 4(g), Plaintiff would show the following individuals unlawfully voted affidavit ballots in certain precincts where they did not reside contrary to MCA Section 23-15-573, as amended: Jessica Tollivar, Treva Brumfield-Fuller, Kenneth W. Roberts, Eloise Green Huddleston and Arthur Rowell.

12. In response to Paragraph 4(h), the Plaintiff would show as follows:

- a. See Response to Paragraph 9 above and Exhibit “2” as to disenfranchised felons who voted.
- b. Voter who claimed on “Facebook” she lived in Memphis, TN, at the time she unlawfully voted at the Hattiesburg Intermodal Facility precinct is named Latoya Hoard.
- c. Voter who allegedly lives in Petal, MS, claiming her domicile for voting was 513 Perry Street, Hattiesburg, MS, is Hattie McNair. The home at this Hattiesburg address was demolished well before the general election date and no one had resided at that address for quite some time. The poll books showed that Hattie McNair, who may have formerly resided at this address, voted at the Dixie Pine precinct.
- d. Plaintiff has been advised by Marcus Merritt’s mother that her son was not present in the State of Mississippi on the date of the election. Marcus Merritt is shown as voting “car service” at Dixie Pine precinct on June 4, 2013.
- e. The following voters did not vote in the precinct where they live: Charles E. and Dorothy Killingsworth, Sr. (Rowan); Rodney T. Bourne (Train Depot), Nina N. Woodland (Train Depot).

f. Plaintiff has only recently received the video footage for City Hall and has not had sufficient time to review such record to attempt to identify the identity of the person(s) who entered City Hall on the night of the general election after normal business hours. Plaintiff will timely supplement this response upon completion of his review. Plaintiff would show that it has obtained such video footage by a public records requested and such video is equally available to the Defendant from the City of Hattiesburg.

g. Plaintiff made a public records request of the City Clerk for copies of the current oaths of office of the Municipal Election Commissioners and the City Clerk and deputy city clerks as Registrars. Plaintiff has been advised that no such oaths were available for production. A review of the election materials reveals that poll managers at certain precincts and persons handling ballots at the election counting center failed to take the oath as required by law prior to conducting the election. Copies of the Voter receipt books that contained the unsigned oaths for these precincts have recently been made available to the Defendant from the copying of the election materials by Order of the Court.

13. In response to Paragraph 4(i) the Plaintiff states that the according to Paragraph 29 of the Contest Petition the instances of “improper voter assistance, intimidation, and interference” were committed by the “Defendant DuPree, his representatives, and by poll managers” in certain precincts. The witnesses of these instances referenced in the Petition and the precincts where they were referenced include but may not necessarily be limited to David Echevarria in Camp School precinct, Kristy Thompson at the East 6th Street/USO precinct, Linda Watson at the Grace Christian precinct,

Brion Monroe at the East 6th Street/USO precinct, McAllister Marshall at the Camp School precinct, Amber Toper at the Highlands precinct, Joy Davis at the Camp School precinct, Kayla Forbis at the Highland Precinct, Ellen McCurdie at the Kamper Park Precinct, Missy McGee at the Train Depot precinct, Michael Anderson at the Train Depot precinct, Erin Lowery at the Train Depot precinct, Larry Bellipanni at the Rowan precinct, Glenn Nees the East 6th Street/USO precinct, and Glenn Nobles at Rowan precinct. Additionally, observations of the representatives of the Mississippi Secretary of State's office who observed some voting locations and processes support these claims. The Plaintiff contends that the Defendant, his representatives and poll managers violated the Plaintiff's rights as a candidate to have his designated poll watchers properly observe the elections and with regard to other improper and prejudicial conduct at the polling places. See MCA Sections 23-15-245, 23-15-531.2 and 23-15-577, as amended.

14. In response to Paragraph 4(j) the Plaintiff would show that at this time he has not received documents or information from the Municipal Election Commission or the City Clerk's office that all of the voting machines that were used in the general election were properly calibrated and tested for logic and accuracy prior to their use. However, see MCA Section 23-15-531.4, as amended.

15. In response to Paragraph 5, the Plaintiff would show that he has already alleged with sufficient specificity the election irregularities that pertain to regular, absentee, affidavit and other ballots, including certain election misconduct by election officials in conducting the general election. To comply with MRCP Rule 8, the Plaintiff was required to provide a plain and concise statement of the facts that support the claim for relief. Plaintiff has now copied the contents of the boxes containing the election material and on Friday July

12, 2013 advised counsel for DuPree that their copy of all documents so copied were equally available with bates numbers, as requested. These documents clearly demonstrate the identity of each and every application and envelope for absentee voters in the election which fail to comply with particular statutorily mandated requirements. As such, this information is available to counsel for DuPree. However, regarding specific absentee applications and envelopes and other issues raised in Paragraph 18 of Plaintiff's Petition, Plaintiff supplements Paragraph 18 with the following information that is currently available to provide to the Defendant:

- a. The Election Commission rejected an additional eight absentee ballots, six of which had been marked "Accepted" by the poll managers. The MEC had no authority to overrule the ballot determinations made by the poll managers.

Kenneth J Bishop	Constance E R Gallant
Bernice Johnson Goff	Katherine Hogan
Lois A Miles	Ernest Lawrence Goff

Miss. Code Ann. §§ 23-15-631 et seq. ("Absentee Balloting Procedures Law") (including §23-15-641)

- b. In 5 precincts, three of which were overwhelmingly carried by Defendant DuPree, the poll workers failed even to consider the legality of the precinct's absentee ballots, because none of the ballot envelopes from those precincts were marked "accepted" or "rejected" at the polling place, as required by Miss. Code Ann. § 23-15-639. All 166 of those ballots were nonetheless counted when, by law, the envelopes should never have been opened by the election commissioners because they were not accepted by the poll managers. In 4 other precincts, there were 7 ballot envelopes opened that had not been marked "accepted" by the poll managers.

Five precincts in first part of 18(b):

Dixie Pine Central	USM Golf Course
East 6 th Street	Wesley Manor
Grace Christian	

Seven envelopes not marked A/R in other precincts

Nettie Graham	Donna Wheeler
Jerri Whitecotton	Michael A Dent
Nancy Walker	Charles Burchell

Alex Bradley

Miss. Code Ann. §§ 23-15-631 et seq. ("Absentee Balloting Procedures Law")
(including §23-15-641)

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- d. At least 160 of the absentee ballots cast and counted failed to meet at least one of the requirements of Miss. Code Ann. § 23-15-717, which requires, among other things, that a voter's absentee ballot application must specify the reason such voter is eligible to vote absentee, must be properly signed by the voter, and must be witnessed.

Table E – Application sig, witness, and reason (166 identified)

Minnie	Allen	Rosevelt	Dantzler	Adriane	Harris
Gladys Watts	Anderson	Daisha	Danzler	Willena	Harris
Cierra	Arnold	Cora Joyce	Davis	Gracie O.	Hawthorne
James L.	Babin, Sr.	Bettye Jean	Davis	Sarah	Hendry
Jason	Bailey	Horance	Davis III	Dorris Ruth	Herrin
Emily K.	Bailey	Carol	Dixon	Otho	Herrin, Jr.
John	Baldwin	Kelsey	Duda	Dominique C.	Hilton
Kathryn	Barker	Jacqueline	Eashmond	Latoya Necole	Hoard
Agnes	Barnes	Isaiah	Easterling	Pauline N.	Holmes
Ashley	Barnes	Melissa	Engle	Vera	Horne
Philip	Beard	Mary Alice	Evans	Howard R.	Horne
Carmen	Bofill	Eugene L.	Fair	Norman Gene	Hortman, Jr.
Alex	Bradley	Tamekia	Fairley	Nathaniel	Hudson
Dorothy	Bridges	James M.	Fenton	Derrick	Hughes
Maxie	Brooks	Ora	Franklin	Nelson L.	Jackson
Marie	Brown	Shanice	Gatlin	Donald	Johnson
Willie	Brown	Kimberly R.	Gibson	Anthony	Johnson
Anthony C.	Brown	Todd	Gibson		Johnson-
Bobbie Jean	Bullock	Shirley A.	Glaab	Lynn	Wilson
Charles	Burchell	Catherin R.	Glenn	Denise LeShun	Jones
Susan	Burchell	Eugenia Irene	Goff	Stephen	Jones
Carrie V.	Carson	Nelda	Graham	Ophelia	Jones
Paul	Charbonneau	Thomas	Griffin, Sr.	Carol L.	Jones
Tameka	Clark	Lawrence	Gunn	Albert T.	Jones, Jr.
Miriam	Clark	Mary Dent	Gunn	Jean C.	Jordan
Earlene	Coates	Lynn Oden	Hall	Willie	Keys
Contravis	Daniels	Jeff	Hammond	Antonio	Kidd
Michele P.	Daniels	Chris	Hansen	Jamie	Kitch
Mary Ross	Daniels	Earnestine	Harper	Janice	Knight
		Anthony	Harper, Sr.	Myeshia	Knight

Leigh	Kuykendall	Kevin	Reid
Alison	Lee	Alfred	Richards
Douglas	Lewis	Billy Ray	Riley
Debra A.	Locke	Willie R.	Riley
Jessie Charles	Lucas	Regina	Roberts
Cleveland	Madison	Wanda	Robinson
Ashley	Malley	Betty	Ross-Thomson
Maxie Sue	Manning	Bill G.	Russell
James	Massengale	Kathryn	Russum
Lorena	McCann	Anthony D.	Shaw, Jr.
James	McPhail, Jr.	Ninika	Shelby
Flora	Mean	James	Shilnall
Ned	Merrill	Carolyn	Smith
Mark	Miller	Gloria	Smith
Bethany S.	Mills-Rigney	Orena	Smith
Verian D.	Minter	Dorothy Jean	Sullivan
Jack C.	Minter	Parker	Terrance
Catherine	Moody	Fameka	Thomas
Julia	Moore	Derrick	Thomas
Bradford	Moore	Ava	Varnado
Tara	Murphy	Brian	Von Shulz
Vannie Lee	Nicholson	Andrew	Wade
Mock		Michael	Waits
James	Oliver, Jr.	Pamela	Waits
Ben	Pace	Julie	Walker
Joycelynn	Page	Marlon	Walmon
Ernest Ray	Perkins	Eddie	Watson
Gloria Linda	Perry	Curtis	Watts
Grady M.	Person	Ricky	Watts
Henry C.	Phillips	Earl Milton	Wheeler
Jacqueline	Polk	Doris	White
Dennis W.	Polk	Carolyn	Wilkerson
Joan A.	Polk	Jennifer J.	Willoughby
Faye	Pollard	Beverly	Wilson
Charles A.	Ponder	Yamenia	Wilson
Eula Jean	Poole	Juruthin R.S.	Woullard
Robert	Press	Michael	Yates
Betty	Press		
Mary Catherine	Price		
Corsetta	Pruitt		
John	Pruitt Jr.		
Dominic A.	Reed		

- e. At least 208 of the absentee ballots cast and counted failed to meet the requirements of Miss. Code Ann. § 23-15-625, which requires, among other things, that a voter's absentee ballot application must specify the election for which the absentee ballot is to be cast.

Table C – Election Date (207 identified)

John	Sesera	Raymond	Brown, Jr.	Kathleen	Dearman
Jalisa D.	Abrams	Richard		Carol	Dixon
Dwight	Adams	Spencer	Bryant		Drumond-
Sylvia	Allen	Gerald J.	Buisson	Mrs. Jose	Nwachuku
Minnie	Allen	Bobbie		Kelsey	Duda
Gladys		Jean	Bullock	Isaiah	Easterling
Watts	Anderson	Charles	Burchell	Melissa	Engle
Cierra	Arnold	Susan	Burchell	Tamekia	Fairley
Jason	Bailey	Carrie V.	Carson	Minnie L.	Farr
John	Baldwin	Mary		James M.	Fenton
Agnes	Barnes	Russilyn	Castle	Ora	Franklin
Jana	Barnes	Justin	Chaney	Stewart	Gammill
Ashley	Barnes	Paul	Charbonneau	Linda F.	Garry
Cleotha		Margaret	Charbonneau	Shanice	Gatlin
W.	Barnes	Tameka	Clark	Shirley A.	Glaab
Philip	Beard	Miriam	Clark	Catherin	
Kimberly	Benett	Francis	Clark	R.	Glenn
Lena Mae	Blanp	Earlene	Coates	Eugenia	
Brandy	Blue	Lula	Conner	Irene	Goff
Carmen	Bofill	Gia		Thomas	Griffin, Sr.
Alex	Bradley	Cheisse	Croom	Lawrence	Gunn
Erin	Bradley	Contravis	Daniels	Mary Dent	Gunn
Dorothy	Bridges	Michele P.	Daniels	Raymond	Haley
Haley	Britt	Rosevelt	Dantzler	Lynn Oden	Hall
Maxie	Brooks	Daisha	Danzler	Hollis	Hall, Jr.
Mary L.	Brown	Cora Joyce	Davis	Earnestine	Harper
Marie	Brown	Kimberly	Davis	Anthony	Harper, Sr.
Gail	Brown	Terry	Davis	Jonathan	Harris
Joyce		Bettye		Adriane	Harris
Joann	Brown	Jean	Davis	Margval	Harris
Barbara J.	Brown	Horance	Davis III	Willena	Harris
Willie	Brown	Kylie	Dazzo	Loretta Y.	Hawthorne
Anthony		Eartha		Gracie O.	Hawthorne
C.	Brown	Mae	Dear	Keashie	Haynes

Mareka	Haynes
Sarah	Hendry
Dominique C.	Hilton
Mildred D.	Hinton
Jeffrey	Hobson
Pauline N.	Holmes
Vera	Horne
Howard R.	Horne
Norman Gene	Hortman, Jr.
Nathaniel	Hudson
Derrick	Hughes
Alta Kay	Jackson
Elisha	Jackson
Nelson L.	Jackson
Linda Lee	Jemison
Angela P.	Johnson
Donald	Johnson
Anthony	Johnson
Lynn	Johnson-Wilson
Henry M.	Johnstone
Denise	
LeShun	Jones
Lutore	Jones
Erica M.	Jones
Stephen	Jones
Albert T.	Jones, Jr.
Antonio	Kidd
Jamie	Kitch
Janice	Knight
Fannie L.	Knight
Tommy	Knight
Leigh	Kuykendall
Amanda	Ladner
Louis	Latif
Chari-Elyse	Lawrence
Alison	Lee
Debra A.	Locke
Mary	London

Willie Lee	Lucas
Ashley	Malley
Maxie Sue	Manning
James	Massengale
Lorena	McCann
Stephan C.	McClain
William B.	McDaniel
Ina	McFail
Owens	McFarland
Mary Helen	McNeal
John Albert	McNeal
Flora	Mean
Verian D.	Minter
Jack C.	Minter
Julia	Moore
Bradford	Moore
Sarah	Murphy
Mary R.	Myers
Jimmy	Myers
Vannie Lee Mock	Nicholson
James	Oliver, Jr.
Martha	Orman
Horace T.	Overby, JR
Ben	Pace
Joycelynn	Page
Gloria	
Linda	Perry
Henry C.	Phillips
Carolyn	Pittman
Jacqueline	Polk
Dennis W.	Polk
Charles A.	Ponder
Elizabeth R.	Ponder
Robert	Press
Betty	Press
Mary Catherine	Price
Rodney O.	Proctor

John	Pruitt Jr.
Dominic A.	Reed
Kevin	Reid
Billy Ray	Riley
Willie R.	Riley
Hattie M.	Robinson
Wanda	Robinson
Julia M.	Rowell
Bill G.	Russell
Kathryn	Russum
Anthony D.	Shaw, Jr.
Ninika	Shelby
James	Shilnall
Cornelius D.	Smith
William	Smith
Carolyn	Smith
Gloria	Smith
Laurie	Stetelman
Bruce	Tanksley
Parker	Terrance
Kendrick	Thomas
Fameka	Thomas
Ada	Thompson
Amanda	Todd
Ava	Varnado
Brian	Von Shulz
George	Wade
Andrew	Wade
Michael	Waits
Pamela	Waits
Julie	Walker
Adam	Walls
Sybil A.	Wansley
Eddie	Watson
Curtis	Watts
Earl Milton	Wheeler
Donna	Wheeler
Gladys	White
Carolyn	Wilkerson
Lareathak	Williams

Deborah S.	Williams
Beverly	Wilson

Yamenia	Wilson
Larry	Wilson

Michael	Yates
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- f. At least 6 of the absentee ballots cast and counted failed to meet the requirements of Miss. Code Ann. § 23-15-639, which requires that a voter's signature affixed to the absentee ballot application match the voter's signature affixed to his or her absentee ballot envelope.

Table D – Signature Match (6 identified)

Gladys Watts	Anderson
Jana	Barnes
Leonora E.	Burden
James	Pugh, Jr.
Takhara	Smith
Nettie	Graham

- g. At least 115 of the absentee ballots cast and counted failed to meet the requirements of Miss. Code Ann. § 23-15-633, which requires that a voter's signature cross the flap of the absentee ballot envelope and specifies that the printed ballot envelopes so advise absentee voters of that requirement in bold print and in a distinguishing color.

Table B – Envelope Voter (113 identified)

Grace	Allen
Kristyn	Arnold
Henry	Ash
Meredith	Austin
Rebecca Marie	Baker
John	Baldwin
Agnes	Barnes
Elmer	Beardshall, Jr.
Victor	Booth, III
Elizabeth	Bougere
Cantralia Evonne	Bridges

Haley	Britt
Mary L.	Brown
Marie	Brown
Lindsay	Carr
Carrie V.	Carson
Mary Russilyn	Castle
Justin	Chaney
Creshinda	Clark
Tameka	Clark
Tramilla	Clark
William	Craft
Contravis	Daniels
Angela Lee	Davis

Kylie	Dazzo
Kathleen	Dearman
Inez	Dent
Kelsey	Duda
Johnnie L.	Eashmond, Jr.
Jane H.	Ezelle
Peggy	Fluker
Atlean	Franklin
Nelda	Graham
Hollis Lee	Hall
Lynn Oden	Hall
Hollis	Hall, Jr. (D)
Jeff	Hammond

Diane	Hammond
Ester	Hathron
Dolly	Hendricks
Susan	Higgs
Jeffrey	Hobson
Christopher	Holmes
Vera	Horne
Alta Kay	Jackson
Jack	Jeske
Welda L.	Johnstone
Katie L.	Jones
Willie	Kelly
Janice	Knight
Wayne E.	Laird
Morgan	Lambert
Damien	Lee
Jodea Juan	Lee
Alison	Lee
Tara S.	Lee
Mary	London
Tommie L.	Lott
Cleveland	Madison
Courtney	Magee
Stephan C.	McClain
Hattie	McCory
Ebony	McCree
Mary Helen	McNeal (D)
Flora	Mean
Andrew B.	Mercier
Ned	Merrill
Julia	Moore
Evans	Morris
Patsy C.	Mowery
Nancy Carol	Munn
Tara	Murphy
Arlear	Naylor
Shun	Phillips
Nicole	Pollard
Charles A.	Ponder
John	Pruitt Jr.
Hilda	Rankin
Ruby	Reed

Kevin	Reid
Alfred	Richards
Marlon	Richardson
Billy Ray	Riley
Shawn	Roberts
Rebecca	Roppolo
Leroy	Shelton
Cornelius D.	Smith
James Alfred	Smith
Mamie M.	Smith
Laurie	Stetelman
Christine	Thomas
Leedeirdree	Thomas
Charles	Thompkins
Kaitlyn	Thornton
Linda Sue	Todd
Ava	Varnado
Loretta Ednis	Varnado
John	Virgil
George	Wade
Andrew	Wade
Daisey Lee	Wade
Nancy	Walker
Sarah	Walker
Doris	White
Dorothy B.	White
Jerri	Whitecotton
Sophia D	Williams
Jennifer J.	Willoughby
Albert A.	Woulard
Juruthin R.S.	Woullard
Jessica	Wright
Peggy	Yarbrough
Jean C.	Jordan

- h. At least 72 of the absentee ballots cast and counted failed to meet the requirements of Miss. Code Ann. § 23-15-633, which requires that a voter's absentee ballot envelope be properly witnessed by a witness whose signature must also cross the flap of the absentee ballot envelope.

Table A – Envelope Witness (73 identified)

Grace	Allen
La'Sheria	Amones
Jason	Bailey
Emily K.	Bailey
Wallace	Berry
Michael	Bolton
Raylawni G.	Branch
Carrie V.	Carson
Earlene	Coates
Johny C.	Dantzler, Jr.
Cora Joyce	Davis
Kelsey	Duda
Mary Alice	Evans
Tamekia	Fairley
James M.	Fenton
Royal	Fenton
Peggy	Fluker
Laura	Fry
Donald	Galusha
Catherin R.	Glenn
Altra H.	Hamman
Jeff	Hammond
Katherine	Hawthorne
T. Roy	Hibbler
Nelson L.	Jackson
Welda L.	Johnstone
Denise	
LeShun	Jones
Ophelia	Jones
Albert T.	Jones, Jr.
Antonio	Kidd
Perry	Knight
Leigh	Kuykendall
Ada	Lindsey

Sandra S.	Marciani
Linda	Matthews
Jordan	McQueen
Flora	Mean
Bethany S.	Mills-Rigney
Catherine	Moody
Tara	Murphy
Mary R.	Myers
Trikesia	Newsome
Vannie Lee M	Nicholson
Melissa	Ott
Joan A.	Polk
Aaryanne	Preusch
Ruby	Reed
Dominic A.	Reed
James	Shilnall
William	Smith
Carolyn	Smith
Dorothy	
Jean	Sullivan
Curtis	Taylor
Charles	Thompkins
Madeline	Varnado
Ava	Varnado
Andrew	Wade
Josh	Walker
Julie	Walker
James S	Walker
Mary A.	Walker
Gregory J.	Wheeler
Sherry W.	Wheeler
Laura	Yurka
Robert E.	Oats, Jr.

Hollis Lee	Hall
James L.	Babin, Sr.
Victor	Booth, III
Chris	Hansen
Mark	Miller
Kendrick	Thomas
Wilma	Turner
Deborah S.	Williams

16. In response to Paragraph 2, 7 and 8 in the Defendant's Motion where the Defendant alleges the Plaintiff has failed to allege "fraud" with particularity as provided in MRCP Rule 9(b), Plaintiff would show that this Rule generally refers to pleading fraudulent representations. This is not the case here. In the context of the election contest, the Plaintiff alleges in each allegation contained in his Petition that the poll managers and election officials willfully violated the mandatory provisions of the election laws pertaining to the issuance, handling, and counting of absentee, affidavit, regular and other ballots, as well as other statutory provisions for the conduct of the election and counting the ballots.

17. The Plaintiff contends that the election officials, including the poll managers, received mandatory training concerning these issues and their willful violations of these election laws allowed illegal ballots to be counted that prevented the will of the electorate to be accurately determined. These violations constituted a total and radical departure of the election laws that were enacted to preserve the secrecy and integrity of the ballot box and as such, fraudulent misconduct may be reasonably inferred. The Plaintiff has alleged with particularity the facts and circumstances concerning the willful election violations by the election officials with this supplemental information by providing the names of the voters, the precincts where the irregularities occurred, and the particular statutes that were violated on the date of the general election.

Plaintiff offers the foregoing More Definite Statement to supplement and amend his
Petition.

RESPECTFULLY SUBMITTED, this the 15th day of July, 2013.

DAVE WARE, PLAINTIFF

BY: 
DAVID M. OTT (MSB #3948)

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, David M. Ott, do hereby certify that I have this date served a copy of the above motion on all known counsel of record by regular U.S. Mail and by email, as follows:

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Hattiesburg, MS 39403

This the 15th day of July, 2013.



David M. Ott

Exhibit 1

1. John Alan Smith
2. Christopher Brantley
3. Jodeci Juan Lee
4. Twmell Lott
5. Julius Parsons
6. Edward Simmons
7. Montrell Levon Holliman
8. James H. Jones
9. Michael Eugene Killings
10. William Eric Mack, Jr.
11. Charles Geron Moffett
12. Melissa Ott
13. Shun R. Phillips
14. Rico Rondell Roberts
15. Lewis Brown Santee
16. John Virgil, III
17. Mack Charles West
18. Tommy L. Windham
19. Meredith C. Austin
20. Michael A. Dent
21. Jessie W. Edwards
22. Vaughn August Gray, Jr.
23. Johnny Brent Johnson
24. Cleveland Madison
25. Christopher D. Pearson, Sr.
26. Maurice Pope, Jr.
27. LaMarcus Hilton
28. Christopher Rashawn Holmes
29. Shawn Demond Roberts
30. Wiley Terry Payton, Jr.
31. Christopher Earl Harper
32. Gregory B. Jones
33. James Deryl Pugh, Jr.
34. Tahkara Lakia Smith
35. Carlos S. Taylor
36. Malcom D. Futch



EXHIBIT 2

1. William Eric Mack, Jr.
2. Charles Geron Moffett
3. Meredith C. Austin
4. Cleveland Madison
5. Wiley Terry Payton, Jr.
6. Tahkara Lakia Smith



BRYAN NELSON P.A.

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E. S. NED NELSON (1928-1985)

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* Also Admitted in Louisiana

July 15, 2013

VIA HAND-DELIVERY

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HERMAN M. HOLLENSED, JR.
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DAVID M. OTT
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NELSON E. ALLEN, JR.

Lou Ellen Adams, Clerk
Circuit Clerk of Forrest County
P.O. Drawer 992
Hattiesburg, MS 39403

Re: *Dave Ware v. Johnny L. DuPree and Election Commission for the
City of Hattiesburg*
Forrest County Circuit Court Civil Action No.: C113-0152
Our File: 2420-1

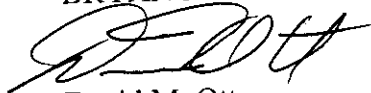
Dear Ms. Adams:

Attached for filing please find the original and one (1) copy of the Plaintiff's More Definite Statement for filing in the above referenced matter:

Please file the originals and return the extra copy to me stamped "filed" for my records. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

BRYAN NELSON P.A.



David M. Ott
For the Firm

DMO:rm
Enclosure

Ms. Adams
July 15, 2013
Page 2

cc: Percy Watson, Esq. (by email and U.S. mail)
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