

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2007-EC-01162-SCT

SHAWN RICHARD O'HARA

APPELLANT

V.

THE FORREST COUNTY DEMOCRATIC  
PARTY AND THE MISSISSIPPI  
DEMOCRATIC PARTY

APPELLEES

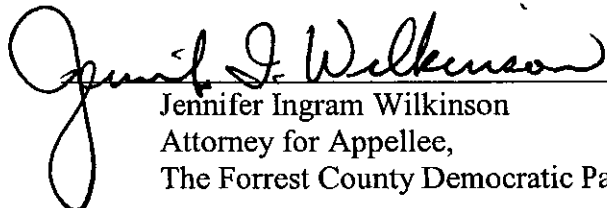
CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal.

1. Shawn Richard O'Hara, Plaintiff/Appellant
2. The Forrest County Democratic Party, Defendant/Appellee
3. The Mississippi Democratic Party, Defendant/Appellee
4. William H. Jones, Esq., Chairman of the Forrest County Democratic Party
5. Wayne Dowdy, Esq., Chairman of the Mississippi Democratic Party
6. Carroll H. Ingram and Jennifer Ingram Wilkinson of the law firm of Ingram | Wilkinson, PLLC; Attorneys for Appellee The Forrest County Democratic Party.

So certified, this the 24<sup>th</sup> day of October, 2007.

Brief of Appellee

  
Jennifer Ingram Wilkinson  
Attorney for Appellee,  
The Forrest County Democratic Party

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## **STATEMENT OF ISSUES**

The issues presented for appeal as stated by the Plaintiff, Shawn Richard O'Hara, are as follows:

**Issue 1:** Shawn O'Hara was not given a two day notice regarding the Forrest County Democratic Party's March 12, 2007 meeting, in which, he was denied ballot access to run in nine different Forrest County Elections.

**Issue 2:** Shawn O'Hara was not given a two day notice regarding The Mississippi Democratic Party's March 17, 2007 meeting, in which, he was denied ballot access to run in an additional eleven statewide and district elections.

The Defendant, The Forrest County Democratic Party, asserts that the issues for this particular appeal are as follows:

1. Whether Mr. O'Hara complied with §23-15-961 (6) when he filed his Notice of Appeal ten (10) days after the Circuit Court entered Judgment, and where he failed to file a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions stating any points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law signed by the trial judge or by two disinterested attorneys.
2. Whether this Court has jurisdiction over this matter when Mr. O'Hara failed to comply with the Mississippi Rules of Appellate Procedure, and has wholly failed to follow a specific directive of The Supreme Court of Mississippi given by way of an Order entered on September 27, 2007 in which all parties were directed to address whether this Court has appellate jurisdiction over this appeal and specifically whether this appeal is timely and properly perfected pursuant to MS Code Ann. §23-15-961.
3. Whether Mr. O'Hara has properly brought forth any appealable legal issue for this Court's review.
4. Whether Mr. O'Hara's appeal is frivolous pursuant to Mississippi Rule of Appellate Procedure 38 when he failed to identify any legal issue for appellate review, has made a mockery of the judicial system and the political process, and has made numerous unsupported and false allegations against the trial judge, parties, and legal counsel through his pleadings filed in the trial court below and through his Brief filed with this Court.
5. Whether Mr. O'Hara's Brief filed with the Supreme Court of Mississippi should be stricken, in its entirety, pursuant to Mississippi Rule of Appellate Procedure 28(k) which states that any brief containing language showing disrespect or contempt for the trial court will be stricken from the files, and the appropriate appellate court will take such further action as it may deem proper.

## **STATEMENT OF THE CASE**

### **Procedural History**

This is an appeal arising from the Circuit Court of Forrest County, Mississippi in which the Plaintiff, Mr. Shawn O'Hara, appealed the Forrest County Democratic Executive Committee's denial of his application to be placed on the ballot for nine (9) county office elections to be held in the Democratic Primary on August 7, 2007. The Supreme Court appointed Judge Thomas Gardner, III, as Special Judge to hear Mr. O'Hara's appeal. Named as Defendants in his appeal to the Forrest County Circuit Court were the Forrest County Democratic Party and the Mississippi Democratic Party. On May 24, 2007, the trial court dismissed the Mississippi Democratic Party as a Defendant, citing lack of jurisdiction pursuant to Miss. Code Ann. §23-15-961(4) which provides for the filing of "a petition for judicial review [in] the Circuit Court of the county in which the executive committee ... sits." Because the Mississippi Democratic Party sits in Hinds County, the appeal to the Circuit Court of Forrest County was dismissed as to the Mississippi Democratic Party.

As to the Forrest County Democratic Party, a trial of Mr. O'Hara's appeal was held on June 19, 2007. At the close of the Plaintiff's case, the Defendant Forrest County Democratic Party moved for directed verdict citing the fact that the Plaintiff had failed to bring forth any credible evidence that the Defendant had acted contrary to law, capriciously, or unreasonably. The trial court granted the Defendant's motion for directed verdict and dismissed the Plaintiff's appeal. The trial court's judgment was reduced to writing and entered on June 25, 2007. The Plaintiff attempted to perfect an appeal on July 5, 2007 by the filing of a "Notice of Appeal" and the payment of a \$100.00 filing fee. On September 26, 2007 the Supreme Court accepted Mr. O'Hara's appeal as a preference case pursuant to Miss. Code Ann. §23-15-961(6) and held that the case should be retained and expedited. A briefing schedule was set. On September 27, 2006

another Order was issued from the Supreme Court requiring that “the parties should address in their briefs whether this Court has appellate jurisdiction over this appeal and specifically whether this appeal is timely and properly perfected. *See* Miss. Code. Ann. §23-15-961 (Rev. 2007).”

### **Statement of the Relevant Facts**

The Plaintiff, Shawn O’Hara, filed qualifying documents to run in the 2007 Forrest County Democratic Primary for nine (9) different public offices. The offices for which he filed qualifying papers prior to the deadline for filing are as follows:

1. Justice Court Judge, District 1
2. Justice Court Judge, District 2
3. Justice Court Judge, District 3
4. Justice Court Judge, District 4
5. Tax Collector
6. Chancery Clerk
7. Tax Assessor
8. Supervisor, District 1
9. County Coroner

The Forrest County Democratic Party/Forrest County Democratic Executive Committee, according to its proceedings, held appropriate meetings, hearings and consideration of the Shawn O’Hara applications for the above nine (9) Forrest County offices. In the matters before the Party, it was noted that Shawn O’Hara had also filed for qualification for seven (7) statewide offices and four (4) district offices. These filings were with the Mississippi Democratic Party. The Constitution of the Democratic Party of the State of Mississippi, Article X, Section 3 provides:

“County Executive Committees shall certify party candidates on the County level, shall conduct party primaries and shall canvas and certify election returns in accordance with the Election Laws of the State of Mississippi.”

In carrying out its duties as set forth above and required by The Constitution of the Democratic Party of the State of Mississippi, Article X, Section 3, the Forrest County Democratic Executive

Committee found that it would be an undue burden and, in fact, would unreasonably distort the primary process for Shawn O'Hara to be certified as a candidate for nine (9) different Forrest County offices. Further, the Forrest County Committee found that if it were to certify Mr. O'Hara for all nine (9) offices it could not meet the legal requirements for conducting party primaries pursuant to the election laws of the State of Mississippi. To certify Shawn O'Hara for nine (9) different County offices, the primaries for all of which are conducted on the same day, is an unreasonable abuse of the election process.<sup>1</sup>

Such actions by Mr. O'Hara are, in his own words, an attempt to "take advantage of a poorly written law"<sup>2</sup> and to further his frivolous attempt to be recognized by the "Guinness Book of Records."<sup>3</sup> Mr. O'Hara's desire to be on the ballot in nine (9) county elections would inflict chaos and obstruction in the election process. The Forrest County Democratic Executive Committee acted reasonably and in the best interest of the Democratic Party and the citizens of Forrest County, Mississippi. Mr. O'Hara failed to bring forth any credible evidence that the Democratic Party acted unlawfully or unreasonably, and the trial judge correctly dismissed Mr. O'Hara's civil action against the Forrest County Democratic Executive Committee.

Throughout the proceedings in the Circuit Court of Forrest County, Mississippi, Mr. O'Hara made wild and unsupported allegations of misconduct against the trial judge and the parties to this civil action,<sup>4</sup> the most egregious of which are found in the June 19, 2007

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<sup>1</sup> See May 14, 2007, Affidavit of William H. Jones, **RE Tab 8, pp. RE 0130-0132; [Record, pp. 0185-0187]**.

<sup>2</sup> See page 6 of O'Hara's March 27, 2007 "Petition for Judicial Review (Before a Jury), or, In the Alternative, Petition for Writ of Certiorari"; **RE Tab 7, p. RE 0109; [Record, p. 0026]**, wherein Mr. O'Hara states: "Shawn is just taking advantage of a poorly written law."

<sup>3</sup> See p. 4 of O'Hara's April 16, 2007 "Response to the Honorable Judge Thomas J. Gardner, III and the Honorable Attorney Wayne Dowdy's April 13, 2007 Telephone Conference About this Civil Action, Styled Shawn O'Hara VS. The Forrest County Democratic Party, C/O Bill Jones, et al."; **RE Tab 7, p. RE 0093; [Record, p. 112]**, in which Mr. O'Hara states: "It sounds like the Guinness Book of Records will be interested in this court decision . . ."

<sup>4</sup> See generally **RE Tab 7** for samples of Mr. O'Hara's pleadings containing unsupported allegations and irrelevant inflammatory statements. Specifically, see **pp. RE 0098-0103; 0121-0122; [Record pp. 117**

Transcript of the proceedings before Judge Gardner in the Circuit Court of Forrest County, Mississippi, in which he threatened to sue the trial judge for corruption; accused the judge of obstructing justice; labeled the judge as an accessory to bank fraud, wire fraud and extortion; and called the trial judge a “disgrace to America.”<sup>5</sup> Mr. O’Hara has continued his pattern of abusive and unfounded allegations in his Brief filed with the Supreme Court of Mississippi in which he accuses the Democratic Party of committing election fraud, lying to the Court and misusing the legal system,<sup>6</sup> and he further slanders the trial court by three times referring to him as a “tainted judge,”<sup>7</sup> and twice referring to him as a “corrupt judge.”<sup>8</sup> Mr. O’Hara’s actions throughout these proceedings evidence an abuse of the legal process, an abuse of the judiciary, and blatant contempt for the rules of the Courts. Such conduct should not be allowed in the Mississippi judicial system.

### **SUMMARY OF THE ARGUMENT**

Though Mr. O’Hara is a *pro se* litigant in this matter, he must still be held to substantially the same standards of litigation conduct as members of the bar.<sup>9</sup> The rules are not suspended for

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– 122, 162, and 163], in which Mr. O’Hara demands the immediate removal of the trial judge and “demands that the F.B.I. out of Washington, D.C., be immediately brought into this case to investigate criminal wrong-doing on behalf of [the trial] judge and [Wayne Dowdy] who are members of the Mississippi Bar Association, residing within the corrupt state of Mississippi . . .” and “Such actions by the two Respondents is 100% illegal, and is 100% criminal. Election fraud and extortion must never be accepted within the wonderful Democratic Party of the State of Mississippi.”

<sup>5</sup> See **RE Tab 4, pp. RE 0012-0016; [Transcript of Hearing, pp. 2-6]**: Mr. O’Hara said to Judge Gardner: “I’m going to civilly sue you for corruption . . . Your Honor, it’s no threat. I will sue you because I’m entitled to a court reporter for my own personal record. . . . The United States Constitution gives me the right. You, sir, have an 1890 state constitution that was never voted on by the people. You raise your hand and you swear to uphold something that is a bastard, illegitimate state constitution . . . I object to the fact that you, as a corrupt judge, you as a judge who has committed obstruction of justice, failed the election fraud [sic], you as a judge who is an accessory to bank fraud and wire fraud and extortion [sic] will not remove yourself from this case. Sir, you’re a disgrace to America.”

<sup>6</sup> See O’Hara’s Brief, p. 7- 8

<sup>7</sup> See O’Hara’s Brief, p. 3.

<sup>8</sup> See O’Hara’s Brief, pp. 31 and 32.

<sup>9</sup> *Perry v. Andy, et al*; 858 So.2d 143 (Miss. 2003), quoting *Ivy v. Merchant*, 666 So.2d 445, 449-50 (Miss. 1995); see also *Stringer v. Am. Bankers Ins. Co. of Fla.*, 822 So.2d 1011, 1014 (Miss. Ct. App. 2002).



Mr. O'Hara because he is not himself an attorney or because he is unrepresented. Further, a review of the Record from the trial court reveals that Mr. O'Hara is no stranger to the courtroom. For these reasons, Mr. O'Hara should be held to substantially the same standards as any practicing member of the Mississippi Bar.<sup>10</sup>

The appeal filed by Shawn O'Hara is baseless and frivolous and should be summarily dismissed. He has failed to comply with the specific directive of the Mississippi Supreme Court issued by Order dated September 27, 2007 instructing all parties to address the issue of whether the Supreme Court has appellate jurisdiction, and specifically whether the appeal was timely and properly perfected pursuant to Miss. Code Ann. §23-15-961(6). He has failed to abide by the procedure for perfecting an appeal specifically set forth in the statute upon which he relies for his stated issues of appeal, Miss. Code Ann. §23-15-961(6), in that he attempted to perfect his appeal ten (10) days after the Circuit Court entered its Judgment instead of the three (3) days required by the statute; and he failed to post a cost bond in the amount of \$300.00 along with a bill of exceptions signed by the trial judge or two disinterested attorneys setting forth the legal issues to be appealed. He has failed to identify any legally appealable issue for this Court to consider. He has failed to abide by the Mississippi Rules of Appellate Procedure by failing to abide by the explicit instructions regarding the form and content of his brief, and he has wholly failed to prepare and file the mandatory record excerpts as required by Mississippi Rule of Appellate Procedure 30. Mr. O'Hara's appeal is untimely, does not meet the legal requirements of §23-15-961, and does not meet the procedural requirements of Mississippi Rules of Appellate Procedure 28, 30, and others. For these reasons Mr. O'Hara's appeal should be dismissed.

Further, Mr. O'Hara has abused the legal process in all of his filings before the trial court and the Supreme Court by repeatedly and continually making false, unsubstantiated accusations

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<sup>10</sup> *Id.*

of wrongdoing by the trial judge and the parties to this civil action. For these reasons, pursuant to Mississippi Rule of Appellate Procedure 28(k) Mr. O'Hara's brief should be stricken in its entirety and his appeal dismissed. The Defendant/Appellee should be awarded just damages and double costs pursuant to Mississippi Rule of Appellate Procedure 38.

### **ARGUMENT**

#### **Mr. O'Hara, as a *pro se* litigant should be held to substantially the same standard of conduct as any practicing member of the Mississippi Bar.**

Mr. O'Hara is not an attorney. He is representing himself in this matter as a *pro se* litigant. Though he is *pro se*, Mississippi law requires that he be held to substantially the same standards of litigation conduct as members of the bar.<sup>11</sup> The trial court was extremely patient with Mr. O'Hara, and stated in the record that he purposely gave a certain amount of leeway to Mr. O'Hara because he was litigating *pro se*.<sup>12</sup> The rules are not suspended as to Mr. O'Hara as a *pro se* litigant; in fact, the law requires that he comply with the rules and the law, regardless of whether he is knowledgeable of the rules. Mr. O'Hara's submission to this Court and his pleadings and conduct at the trial court level are contrary to the rules of court and contrary to the expected litigation conduct of members of the bar; therefore his appeal should be dismissed.

#### **Mr. O'Hara's appeal was neither timely nor properly perfected pursuant to Miss. Code Ann. §23-15-961(6), and should therefore be dismissed.**

Mr. O'Hara seems to rely upon Miss. Code Ann. §23-15-961 for his stated issues of appeal (though he does not specifically cite the statute), and the Supreme Court accepted this appeal as a preference case pursuant to Miss. Code Ann. §23-15-961. Further, the Supreme Court has specifically directed that each party address whether Mr. O'Hara complied with Miss.

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<sup>11</sup> *Perry v. Andy, et al*; 858 So.2d 143 (Miss. 2003), quoting *Ivy v. Merchant*, 666 So.2d 445, 449-50 (Miss. 1995); see also *Stringer v. Am. Bankers Ins. Co. of Fla.*, 822 So.2d 1011, 1014 (Miss. Ct. App. 2002).

<sup>12</sup> See June 19, 2007 Transcript of Proceedings, RE Tab 4, p. RE 0063, lines 18-25; [Transcript, p. 53, lines 18-25.]

Code Ann. §23-15-961(6) in attempting to perfect his appeal. Mr. O'Hara ignored the September 27, 2007 Order of the Mississippi Supreme Court and did not address this issue.

This statute sets forth the specific parameters by which an appeal to the Mississippi Supreme Court may be had. Miss. Code Ann. §23-15-961(6) reads in pertinent part as follows:

Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions which shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception.

Mr. O'Hara failed to comply with any of the provisions for perfecting an appeal pursuant to Miss. Code Ann. §23-15-961. The Judgment by the Circuit Court was rendered from the bench on June 19, 2007, and was reduced to writing and signed on June 25, 2007. Mr. O'Hara's Notice of Appeal was filed with the Forrest County Circuit Clerk on July 5, 2007, sixteen (16) days after the Judgment was rendered from the bench and ten (10) days after the judgment was signed by the Circuit Court. Mr. O'Hara did not file a \$300.00 cost bond, and he did not file a bill of exceptions stating the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. Mr. O'Hara did file a Notice of Appeal. However, the Notice of Appeal did not fully disclose the bearing and relevancy of any points of law. Further, the Notice of Appeal was not signed by the trial judge or two (2) disinterested attorneys. Only Shawn O'Hara signed it. For all of these reasons Mr. O'Hara's appeal should be dismissed.

**Mr. O'Hara fails to identify any legally appealable issue for this Court to consider.**

Mr. O'Hara assigns two issues on appeal for this Court to consider: 1) that he did not receive two days notice for the Forrest County Democratic Executive Committee meeting held

on March 12, 2007; and 2) that he did not receive two days notice for the Mississippi Democratic Executive Committee meeting held on March 17, 2007. The second issue is directed toward a Defendant no longer a party to this action. The Mississippi Democratic Party was dismissed from the underlying civil action on May 24, 2007 for lack of jurisdiction. The undersigned counsel represents only the Forrest County Democratic Party and does not represent the Mississippi Democratic Party. Therefore, only the first issue assigned by Mr. O'Hara will be addressed herein.

The issue as presented by Mr. O'Hara is a factual issue. He claims that he did not receive notice for the March 12, 2007 meeting of the Forrest County Democratic Executive Committee, in which the Committee certified candidates for the primary elections of August 7, 2007. The trial court found that no two-day notice was required to be given to Mr. O'Hara because there was no petition filed challenging Mr. O'Hara as a candidate, but even so, the trial court further found that Mr. O'Hara had notice of the meeting at least by Friday of the week before the Monday night meeting, and that Mr. O'Hara was at the courthouse where the meeting was taking place on the date and at the time of the meeting, but failed to appear before the Committee when called for.<sup>13</sup> Mr. O'Hara failed to present any credible evidence to contradict Mr. William H. Jones' testimony of June 19, 2007 or his Affidavit filed in this civil action.<sup>14</sup> As the trier of fact in this *de novo* review by the Forrest County Circuit Court, the trial judge's ruling as to factual issues must be given deference. In fact, it is well-settled law in Mississippi that when a trial judge sits without a jury, the appellate court will not disturb the trial court's factual determinations where there is substantial evidence in the record to support those findings.<sup>15</sup> Generally, the trial court's findings of fact will be affirmed unless, based upon substantial

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<sup>13</sup> See Judgment of the Circuit Court, **RE Tab 3, pp. RE 0004-0008; [Record, pp. 0251-0255];** and Excerpts of June 19, 2007 Transcript, **RE Tabs 5 and 6, pp. RE 0083-0089.**

<sup>14</sup> *Id.* And, see Affidavit of William H. Jones, **RE Tab 8, pp. RE 0130-0132; [Record, pp. 0185-0187].**

<sup>15</sup> *Jackson Public School District et al v. Tasha Smith, et al*; 875 So.2d 1100, 1102.

evidence, the court is manifestly wrong.<sup>16</sup> The trial judge was present during the hearing, he heard the witnesses' testimony, and made his decisions based upon his perception of the credibility of the witnesses and the testimony offered. Mr. O'Hara did not bring forth any credible evidence whatsoever that 1) he had been challenged by a Petition being filed with the Forrest County Democratic Executive Committee, or 2) that he had no notice of the meeting. The only stated issue upon which Mr. O'Hara appeals is the issue of "notice." The trial court properly determined this issue of fact at the trial below, and absent *substantial* evidence to the contrary, the trial court's decision must be upheld. The Appellant has failed to offer evidence of any legal error by the trial judge, and has therefore failed to set forth any appealable issue for this Court. Mr. O'Hara's appeal should be dismissed.

**Mr. O'Hara failed to abide by the Mississippi Rules of Appellate Procedure 28 and 30**

Mississippi Rule of Appellate Procedure 28 sets forth explicit instructions regarding the form and content of the briefs filed in the Mississippi Supreme Court, presumably to afford uniformity and ease of reading and understanding the issues presented for appeal. To say the least, Mr. O'Hara's brief is in a format that is extremely confusing and difficult to read. He inserts exhibits in the middle of the body of his brief, he fails to cite to the official Record or any legal authorities, and he seeks oral argument where, according to Miss. Code Ann. §23-15-961(6), no oral argument is allowed unless specifically called for by the court. He further violated Rule 28(k), which prohibits the use of disrespectful language in any brief filed with the Supreme Court. As delineated above in the *Relevant Facts* portion of this brief, Mr. O'Hara's brief contains multiple unsubstantiated, false allegations against the trial court and the parties against whom this civil action was filed.

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<sup>16</sup> *Id.*

Mississippi Rule of Appellate Procedure 30 mandates that Record Excerpts be filed by the Appellant at the time the Appellant's brief is filed, to be indexed and bound together, but not in the brief. Mr. O'Hara failed to file the mandatory Record Excerpts, but instead inserted extraneous exhibits into the middle of his brief.

For all of these reasons Mr. O'Hara's brief should be stricken in its entirety and his appeal should be dismissed.

**Mr. O'Hara's Appeal is frivolous on its face, and pursuant to Mississippi Rule of Appellate Procedure, the Court should award just damages and double costs to the Appellee, The Forrest County Democratic Party.**

The entirety of the proceedings at trial below and in this appeal evidence Mr. O'Hara's contempt for the judicial process. The pleadings filed in the Circuit Court of Forrest County, Mississippi and the brief filed in this Supreme Court are full of extraneous, irrelevant and misplaced political rants. Mr. O'Hara apparently believes that Mississippi's courtrooms are part of his political platform. Further and most disturbing, Mr. O'Hara's pleadings in the Circuit Court of Forrest County, Mississippi and submission to this Supreme Court are replete with disrespectful, hurtful, erroneous, false and unsubstantiated accusations of criminal wrongdoing against a fine, upstanding member of Mississippi's judiciary, Judge Thomas Gardner, III, and reputable, upstanding members of the Mississippi Bar, Wayne Dowdy and William H. Jones. Mr. O'Hara is not an attorney, and refers to himself as a "political maverick."<sup>17</sup> His political and legal stunts have wreaked havoc upon the judicial process. This Court would not tolerate such conduct by members of the Mississippi Bar; likewise, such conduct should not be tolerated from Mr. O'Hara. The Forrest County Democratic Party has been required to defend itself, not only in the media, but also in the courts of law, against Mr. O'Hara's unsubstantiated, unlawful, and frivolous filings. Mr. O'Hara's untimely, ill-perfected, non-conforming and frivolous appeal

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<sup>17</sup> See, for example, O'Hara's "Motion to Recuse", RE Tab 7, p. RE 0098; [Record, p. 0117], for one such self proclamation.

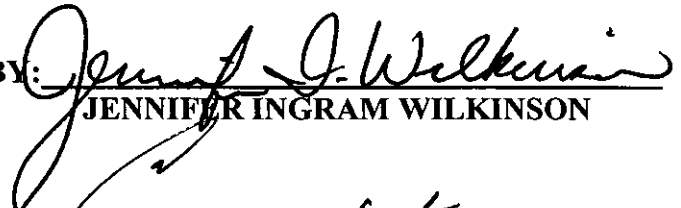
should be summarily dismissed, and the Appellee, The Forrest County Democratic Party, should be awarded just damages and double costs for said frivolous appeal.

**CONCLUSION**

For all of the foregoing reasons, the Appellee, The Forrest County Democratic Party, respectfully requests that this Court summarily dismiss Mr. O'Hara's untimely, ill-perfected, non-conforming, frivolous appeal, and further respectfully requests, pursuant to Mississippi Rule of Appellate Procedure 38, that this Court would award just damages and double costs to the Appellee.

**RESPECTFULLY SUBMITTED, THIS THE 24<sup>th</sup> DAY OF OCTOBER, 2007.**

**APPELLEE, THE FORREST COUNTY  
DEMOCRATIC PARTY**

BY:   
JENNIFER INGRAM WILKINSON

BY:   
CARROLL H. INGRAM

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**CERTIFICATE OF SERVICE**

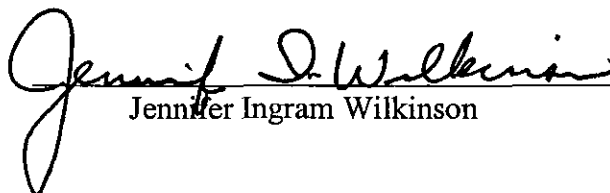
I, Jennifer Ingram Wilkinson, attorney for Appellee, The Forrest County Democratic Party, do hereby certify that I have this day served via First Class U.S. Mail or Federal Express, postage fully prepaid, the above and foregoing Appellee's Brief to the following:

Shawn O'Hara  
P.O. Box 15275  
Hattiesburg, MS 39404  
**Appellant, *pro se***

Hon. Thomas J. Gardner, III  
P.O. Drawer 1100  
Tupelo, MS 38802  
**Special Judge, Forrest County Circuit Court**

Wayne Dowdy, Esq.  
P.O. Box 30  
Magnolia, MS 39652

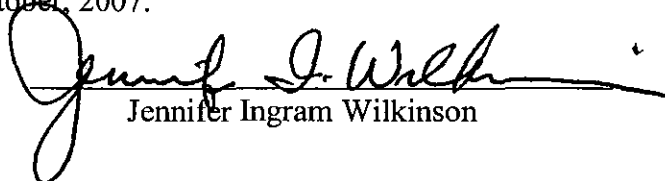
So certified, this the 24<sup>th</sup> day of October, 2007.

  
Jennifer Ingram Wilkinson

**CERTIFICATE OF SERVICE PURSUANT TO MRAP 25(a)**

I, Jennifer Ingram Wilkinson, attorney for Appellee, The Forrest County Democratic Party, do hereby certify that I have prepared for delivery to the Mississippi Supreme Court Clerk at via Federal Express, next day delivery, to 450 High Street, Jackson, Mississippi 39201, the original and nine (9) copies of the above and foregoing Appellee's Brief, and that I will deliver said original and nine (9) copies to the Federal Express depository for such delivery today, October 24, 2007, so that the Appellee's filing is timely pursuant to MRAP 25(a).

So certified, this the 24<sup>th</sup> day of October, 2007.

  
Jennifer Ingram Wilkinson