IN THE SUPREME COURT OF MISSISSIPPI

SHAWN O'HARA

VS.

THE FORREST COUNTY DEMOCRATIC PARTY C/O BILL JONES

THE MISSISSIPPI DEMOCRATIC PARTY
C/O WAYNE DOWDY

APPEAL FROM THE FORREST COUNTY CIRCUIT COURT HATTIESBURG, MISSISSIPPI CAUSE NO. C107-0065

REPLY BRIEF OF APPELLANT

SHAWN O'HARA
P.O. BOX 15275
HATTIESBURG, MISSISSIPPI 39404
601-271-2700

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B. IN 2006, THE MISSISSIPPI ELECTION COMMISSION, BEING COMPOSED OF THE GOVERNOR, ATTORNEY GENERAL, AND SECRETARY OF STATE,

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TO LET	TWO MISSISSIPPI JUDGES, RUN FOR MULTIPLE IN THE
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СН	ARLES DAVIS OF HATTIESBURG WAS CHALLENGING SHAWN O'HARA IN
AL	L 21 POLITICAL RACES WHICH SHAWN O'HARA QUALIFIED TO RUN.
• •	Ч
E. IN	CIDENTLY, ATTORNEY JENNIFER INGRAM WILKINSON, MS BAR NO.
	265, FILED A BRIEF FOR THE APPELLEE, THE FORREST COUNTY
DE	MOCRATIC PARY, FILED RECORD EXCERPTS FOR THEM, BUT NEVER
FI	LED A N APPEARANCE FORM WITH THE OFFICE OF THE CLERK, OF
TH	E SUPREME COURT OF THE STATE OF MISSISSIPPI. HENCE THE
AP	PPELLEE BRIEF SHE FILED, SIGNING IT AS THE FIRST ATTORNEY
OF	RECORD, AS WELL AS, THE RECORD EXCERPT SHE FILED, SHOULD

IMMEDIATELY BE STRICKEN FROM THE RECORD. AN ATTORNEY WHO

DOES NOT FILE AN APPEARANCE FORM WITH THE MISSISSIPPI
SUPREME COURT, DOES NOT HAVE THE RIGHT TO FILE ANYTHING WITH
SAID COURT. ALSO, SHE HAD FILED HER APPELLEE'S BRIEF, ON
BEHALF OF THE FORREST COUNTY DEMOCRATIC PARTY ON OCTOBER 25,
2007, WHEN IT SHOULD HAVE BEEN FILED ON OCTOBER 24, 2007.
(SEE ATTESTED COPY OF DOCKET SHEET.)

- THE APPELLEES, BEING NAMED THE MISSISSIPPI DEMOCRATIC PARTY,

  C/O WAYNE DOWDY, DID ERR BY NOT ADMITTING THAT THEY DID NOT

  GIVE SHAWN O'HARA A TWO DAY BUSINESS NOTICE, TO DEFEND HIS

  CHALLENGE BY CHARLES DAVIS, CONCERNING RUNNING IN TWELVE

  DIFFERENT STATEWIDE, DISTRICT, SENATE, AND HOUSE OF REPRESENTATIVE RACES, SOME OF WHICH HE HAD NO DEMOCRATIC CHALLENGERS,

  (THE MISSISSIPPI DEMOCRATIC PARTY DID CERTIFY SHAWN TO RUN

  FOR STATE TREASURER.)
- A. EVEN THOUGH THE STATE OF MISSISSIPPI DOES NOT HAVE A LEGAL RATIFIED STATE CONSTITUTION, SHAWN O'HARA, WHO GREATLY LOVES THE DEMOCRATIC PARTY, FOLLOWED THE STATE LAW, WHICH PERMITTED HIM THE RIGHT TO RUN FOR MULTIPLE OFFICES, JUST LIKE DEMOCRATIC TO THE PERRONE HAD DONE IN 2003, WHEN SHE RAN HER SECOND TIME FOR GOVERNOR OF MISSISSIPPI ON THE DEMOCRATIC TICKET, AS WELL AS, WAS CERTIFIED TO RUN FOR HARRISON COUNTY SUPERVISOR, DURING THE SAME 2003 DEMOCRATIC PRIMARY.....
- B. IN 2006, THE MISSISSIPPI ELECTION COMMISSION, BEING COMPOSED OF THE GOVERNOR, ATTORNEY GENERAL, AND THE SECRETARY OF STATE, VOTED IN A 2-1 DECISION, ON AUGUST 16, 2006, OR THERE -ABOUT, TO LET TWO MISSISSIPPI JUDGES, RUN FOR MULTIPLE

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OFFICES IN THE NOVEMBER 2006 GENERAL ELECTION. THE LAW GAVE THEM
THE RIGHT TO EXERCISE THEIR POLITICAL FREEDOM OF SPEECH....

- C. JUDGE GARDNER SHOULD HAVE RECUSED HIMSELF FRO HEARING THIS

  CASE, SINCE HE HAD AN EX PARTE TELEPHONE CONFERENCE WITH

  WAYNE DOWDY, BOTH OF WHOM DISCUSSED ISSUES ABOUT SAID CASE,

  DENYING SHAWN O'HARA HIS RIGHT TO PARTICIPATE IN THAT

  CONFERENCE, WHICH HAPPENED ON FRIDAY, APRIL 13, 2007. (A

  TAPE RECORDING OF THAT EX PARTE CONFERENCE, IS AN EXHIBIT.)
  - IN THIS APPEAL....
- D. ON JUNE 10, 2007, JUDGE GARDNER RULED THAT SHAWN O'HARA'S MOTION FOR RECONSIDERATION, AS WELL AS, MOTION TO VACATE ORDER, REGARDING SHAWN O'HARA'S DESIRE TO AGAIN BE PLACED ON THE BALLOT IN ALL TWELVE RACES, WHICH THE MISSISSIPPI DEMOCRATIC PARTY, C/O WAYNE DOWDY, WAS PREVENTING HIM TO RUN, JUDGE GARDNER DENIED BOTH OF SHAWN O'HARA'S MOTION. (PLEASE NOTE, ON THE LAST PAGE OF THE TRANSCRIPT OF THAT JUNE 19, 2007 HEARING, JUDGE GARDNER STATES, (IN REFERENCE TO THOSE TWO MOTION).

"THE COURT: MR. INGRAM, YOU MAY, IF YOU WILL, INCLUDE THAT IN
THE SAME ORDER. THESE RULINGS OF DISMISSAL -- BECAUSE THIS WAS
ALL FILED IN ONE ACTION, I CONSIDER IT TO BE STILL ALIVE, BUT
I WILL SO RULE AND PUT THAT TO REST.")

OR IN OTHER WORDS, ON JUNE 25, 2007, SAID JUDGE SIGNED THE ORDER ENDING THE CIRCUIT COURT CASE. THEN IT WAS APPEALED, WHICH INCLUDES TWENTY OF THE TWENTY-ONE RACES, WHICH SHAWN O'HARA WAS DENIED HIS RIGHT TO RUN.

E. LET THE RECORD STATE, THE MISSISSIPPI DEMOCRATIC PARTY, C/O

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WAYNE DOWDY HAS FAILED TO RESPOND TO THIS APPEAL. EVEN
THOUGH HE RECEIVED COPIES OF ALL PLEADINGS, APPEAL BRIEFS,
ETC., CONCERNING THIS CIVIL ACTION.
HENCE, SHAWN O'HARA ASKS THE MISSISSIPPI SUPREME COURT TO
ORDER HIS NAME BE PLACED ON THE BALLOT FOR ALL EIGHT STATE -
WIDE OFFICES, THE TWO DISTRICT OFFICES, ONE SENATE SEAT, AND
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#### INTRODUCTION

BEFORE THE 2007 ELECTION QUALIFYING DEADLINE, SHAWN O'HARA HAD QUALIFIED TO RUN FOR 21 POLITICAL RACES IN MISSISSIPPI.

THE FORREST COUNTY DEMOCRATIC PARTY, C/O BILL JONES FAILED
TO PROVIDE SHAWN O'HARA WITH A TWO BUSINESS DAY NOTICE, GIVING
SHAWN THE CHANCE TO DEFEND HIMSELF AGAINST THE CHALLENGES OF
CHARLES DAVIS, WHO CHALLENGE SHAWN IN ALL OF HIS POLITICAL RACES.

ON JUNE 19, 2007, '.

COURT, MAKING IT LOOK LIKE SHAWN O'HARA WAS NEVER CHALLENGED IN

ANY OF HIS FORREST COUNTY RACES, EVEN THOUGH TWO EXHIBITS THAT

HAD BEEN FILED WITH THE COURT, EXHIBIT B AND EXHIBIT C,

BEING DIFFERENT HATTIESBURG AMERICAN STORIES NAMING CHARLES DAVIS

AS CHALLENGING SHAWN O'HARA IN ALL HIS 2007 POLITICAL RACES, Exists,

FURTHERMORE, DURING THIS APPEAL CASE, JENNIFER INGRAM WILKIN -SON DID NOT FILE AN APPEARANCE FORM WITH THE CLERK'S OFFICE, BUT HAS ACTED AS ATTORNEY OF RECORD FOR APPELLEE, THE FORREST COUNTY DEMOCRATIC PARTY. HER APPELLEE'S BRIEF, AS WELL AS, RECORD EXCER -PTS SHOULD BE STRICKEN FROM THE RECORD, SINCE SHE FAILED TO FILE AN APPEARANCE FORM WITH THE COURT, BEFORE OCTOBER 26, 2007.

LET THE RECORD STATE, SHAWN O'HARA DID FILE A \$300.00 CASH BOND WITH THE CIRCUIT COURT OF FORREST COUNTY, MONEY THEY STILL ARE HOLDING.

PLUS, LET THE RECORD STATE, SHAWN O'HARA HAS COURT CASES IN

PENDING IN FEDERAL COURTS IN THREE STATES, AS WELL AS, HAS CASES PENDING IN COURTS IN MISSISSIPPI, INCLUDING THE FORREST COUNTY CHANCERY COURT.

IN SPECIFIC, ON MARCH 12, 2007, SHAWN O'HARA HAD FILED A MOTION TO DISMISS ON ONE OF HIS CHANCERY COURT CASES, WHICH, A FEW DAYS AFTER FILING IT, SAID CASE WAS DISMISSED.

HOWEVER, SHAWN O'HARA RECEIVED NO TWO BUSINESS DAY WRITTEN
NOTICE ABOUT WHERE, OR WHEN ANY DEMOCRATIC MEETING WOULD BE HELD,
CONCERNING SHAWN O'HARA'S NINE FORREST COUNTY DEMOCRATIC RACES.

WITHOUT SUCH NOTICE BEING GIVEN, SAID CHALLENGES AGAINST SHAWN O'HARA BECOME NULL AND VOID.

IN 2003 AND IN 2006, CANDIDATES WERE GIVEN THE OPPORTUNITY
TO RUN FOR MORE THAN ONE POLITICAL RACE AT A TIME.

BY THE WAY, JUDGE GARDNER, WHO HAD HELD AN EX PARTE TELEPHON
-E CONFERENCE, WITH ONE OF THE OPPOSING LAWYERS, SHOULD HAVE
RECUSED HIMSELF FROM THIS CASE, RATHER THAN HELD A JUNE 19, 2007
HEARING, IN WHICH, HE REFUSED TO TESTIFY AS A SUBPOENAED HOSTILE
WITNESS, PLUS, REFUSED TO LET SHAWN O'HARA'S COURT REPORTER TYPE
ONE WORD OF SAID HEARING.

THE MISSISSIPPI DEMOCRATIC PARTY, C/O WAYNE DOWDY HAS FAILED TO FILE AN APPELLEE'S BRIEF IN THIS CASE, PLUS FAILED TO SUBMIT A RECORD EXCERPT.

IN PARTICULAR, ON MARCH 10, 2007, THE MISSISSIPPI DEMOCRATIC PARTY FAILED TO GIVE SHAWN O'HARA AND OTHERS A TWO BUSINESS DAY NOTICE THAT THEY WERE BEING CHALLENGED IN THEIR POLITICAL RACES. HENCE, THAT MEETING WAS CANCELED.

ON MARCH 17, 2007, THE MISSISSIPPI DEMOCRATIC PARTY MET SOME

-WHERE IN MISSISSIPPI, AND FAILED TO GIVE A PROPER TWO BUSINESS
DAY NOTICE TO SHAWN O'HARA AND JEFF SMITH, CONCERNING CHALLENGES
ABOUT THEIR ELECTIONS.

LET THE RECORD STATE, CHARLES DAVIS HAD CHALLENGED SHAWN O'HARA IN ALL THE RACES HE ENTERED IN 2007.

THE MISSISSIPPI DEMOCRATIC PARTY CERTIFIED SHAWN O'HARA TO RUN FOR STATE TREASURER, BUT DISQUALIFIED HIM FROM HIS OTHER RACES.

SHAWN O'HARA HAD PAID NEARLY \$2,300.00 IN QUALIFYING FEES, AND WAS ONLY CERTIFIED FOR ONE RACE. THE PARTY KEPT THE REST OF THAT MONEY.

PLEASE NOTE, SHAWN O'HARA STATED THE MISSISSIPPI DEMOCRATIC PARTY DID NOT HAVE PROPER MINIMUM QUORUM, ON MARCH 17, 2007, EVEN KICKING GEORGE DALE OUT OF THE PARTY WITH 27 OF THE 80 VOTING MEMBERS PARTICPATING, WHEN IN FACT, THEY NEEDED A TOTAL OF 28 VOTING MEMBERS.

AFTER FILING HIS APPEAL TO THE FORREST COUNTY CIRCUIT COURT, SHAWN O'HARA ATTEMPTED TO GET A COPY OF THE MARCH 17, 2007 MISSISSIPPI DEMOCRATIC PARTY RECORDS, BUT WAS TOLD BE MR. SANDERS, AT THE JACKSON DEMOCRATIC HEADQUARTERS, THE MARCH 17, 2007 MINUTE -S HAD SEVERAL MISTAKES IN THEM AND THEY WERE BEING REVISED.

INDEED, SHAWN O'HARA WARNED MR. SANDERS THAT CHANGING THE OFFICIAL MINUTES, AFTER A LAWSUIT WAS FILED, COULD BE CONSIDERED TAMPERING WITH EVIDENCE.

ON APRIL 13, 2007, BOTH THE JUDGE AND WAYNE DOWDY HAD AN EX PARTE TELEPHONE CONFERENCE, REGARDING SHAWN O'HARA, BUT THEY EXCLUDED HIM FROM PARTICIPATING IN THAT CALL. SUCH ACTIONS ARE

ILLEGAL.

PLEASE NOTE, ON JUNE 19, 2007, THE TRIAL JUDGE, ON THE LAST TWO PAGES OF THE TRIAL TRANSCRIPT RULED SHAWN O'HARA'S MOTION FOR RECONSIDERATION, AND HIS MOTION TO VACATE THE JUDGE'S ORDERS, IN REFERENCE TO THE MISSISSIPPI DEMOCRATIC PARTY BEING DISMISSED FROM THIS CASE WERE FINALLY RULED UPON. THEN ON JUNE 25, 2007 THE JUDGE SIGNED HIS FINAL ORDER.

AS A RESULT, SHAWN O'HARA FILED AN APPEAL AGAINST BOTH THE FORREST COUNTY DEMOCRATIC PARTY, C/O BILL JONES, AS WELL AS, AGAINST THE MISSISSIPPI DEMOCRATIC PARTY, C/O WAYNE DOWDY.

THE MISSISSIPPI DEMOCRATIC PARTY, C/O WAYNE DOWDY HAS NOT RESPONDED TO THE MISSISSIPPI SUPREME COURT APPEAL.

#### ARGUMENT AND AUTHORITIES

!. THE FORREST COUNTY DEMOCRATIC PARTY, C/O BILL JONES DID NOT GIVE SHAWN O'HARA A TWO DAY "BUSINESS NOTICE", REGARDING THE NINE FORREST COUNTY CHARGES, CHARLES DAVIS HAD PUT AGAINST SHAWN'S NINE COUNTY RACES.

WITHOUT GIVING SHAWN O'HARA PROPER NOTICE ABOUT A CHALLENGE, SAID CHALLENGE IS NULL AND VOID.

2. THE MISSISSIPPI DEMOCRATIC PARTY, C/O WAYNE DOWDYDID NOT
GIVE SHAWN O'HARA A "TWO DAY "BUSINESS NOTICE", REGARDING THE
TWELVE STATEWIDE, DISTRICT, SENATE, AND HOUSE OF REPRESENTATIVE
RACES SHAWN ENTERED, CHARGES CHARLES DAVIS HAD PUT AGAINST SHAWN.

WITHOUT GIVING SHAWN O'HARA PROPER NOTICE ABOUT A CHALLENGE, SAID CHALLENGE IS NULL AND VOID.

(PLEASE NOTE, MARCH 17, 2007, THE MISSISSIPPI DEMOCRAT
-IC PARTY DID CERTIFY SHAWN O'HARA TO RUN FOR STATE TREASURER.)

#### CONCLUSION

SHAWN O'HARA ASKS THE MISSISSIPPI SUPREME COURT TO ORDER THE FORREST COUNTY DEMOCRATIC PARTY, AS WELL AS, THE FORREST COUNTY CIRCUIT CLERK, TO PLACE SHAWN O'HARA'S NAME ON THE BALLOT FOR THE NINE LOCAL RACES WHICH HE QUALIFIED.

SHAWN O'HARA ASKS THE MISSISSIPPI SUPREME COURT TO ORDER THE MISSISSIPPI DEMOCRATIC PARTY, AS WELL AS, ORDER ALL 82 MISSISSIPP -I CIRCUIT CLERKS TO PLACE SHAWN O'HARA'S NAME ON THE BALLOT. FOR THE OTHER SEVEN STATEWIDE RACES, TWO DISTRICT RACES, ONE SENATE RACE, AND ONE HOUSE OF REPRESENTATIVE RACE WHICH HE ENTERED TO RUN IN 2007.

SHAWN O'HARA ASKS THE MISSISSIPPI SUPREME COURT TO GIVE THE FORREST COUNTY DEMOCRATIC PARTY THE CHANCE TO WRITE SHAWN O'HARA AN IMMEDIATE APOLOGY LETTER, OR IN THE ALTERNATIVE PAY SHAWN O'HARA \$1,000,000 IN PUNITIVE DAMAGES FOR ELECTION FRAUD.

SHAWN O'HARA ASKS THE MISSISSIPPI SUPREME COURT TO GIVE THE MISSISSIPPI DEMOCRAT PARTY THE CHANCE TO WRITE SHAWN O'HARA AN IMMEDIATE APOLOGY LETTER, OR IN THE ALTERNATIVE PAY SHAWN O'HARA \$1,000,000 IN PUNITIVE DAMAGES FOR ELECTION FRAUD.

OCTOBER 31, 2007

SHAWN O'HARA - APPELLANT

P.O. BOX 15275

HATTIESBURG, MISSISSIPPI 39404

601-271-2700

# **General Docket Report**

2007-EC-01162-

#### Case Number 2007-EC-01162-SCT

Title Shawn Richard O'Hara v. The Forrest County Democratic Party and The Mississippi Democratic Party

# **Forrest County Circuit Court**

Ruling Judge Thomas J. Gardner, III

Parties	Side	Represented by	Firm	City
Shawn Richard O'Hara	Appellant			-
Democratic Party of Mississippi	Appellee			
Forrest County, Mississippi	Appellee			
		Ingram, Carroll H.	Ingram & Associates, P.L.L.C.	Hattiesburg
		Wilkinson, Jennifer Ingram	Ingram & Associates, P.L.L.C.	Hattiesburg

Date	Description	
07/05/2007	Notice of Appeal Filed	
07/12/2007	Trial Court Order received - Hon. Lou Ella Adams	
07/18/2007	Designation of Record received - Hon. Lou Ella Adams	
07/18/2007	Certificate of Compliance received - Trial Court Clerk - Hon. Lou Ella Adams	
07/23/2007	Appearance Form received - Carroll H. Ingram	
08/06/2007	Motion # 2007 - 2171 Motion for Stay of August 7, 2007 Primary Elections	
08/06/2007	Order Entered Motion # 2007 - 2171	
08/14/2007	Notice of Retention by the Supreme Court	ATTEST
09/18/2007	Demand Letter Issued - Trial Court Clerk - Lou Ella Adams	A True Copy
09/26/2007	Record Filed	This the 30 Par and day of
09/26/2007	Order Entered	Office of the Clerk
09/27/2007	Order Entered	Supreme Court and Court of Appeals
10/10/2007	Appellant's Brief filed on behalf of Shawn Richard O'Hara	State of Mississippi
10/24/2007	Record Excerpts filed on behalf of Forrest County, Mississippi	By
10/25/2007	Appellee's Brief filed on behalf of Forrest County, Mississippi	·

## CERTIFICATE OF SERVICE

I, SHAWN O'HARA, HAVE MAILED TRUE AND ACCURATE COPIES OF MY
REPLY BRIEF FOR APPELLANT TO THE FOLLOWING INDIVIDUALS...(POSTAGE
PREPAID

THOMAS J. GARDNER P.O. DRAWER 1100 TUPELO, MS. 38802

WAYNE DOWDY P.O. BOX 30 MAGNOLIA, MS. 39652

CARROLL INGRAM
211 S. 29TH AVE.
SUTIE 201
HATTIESBURG, MS. 39401

JENNIFER INGRAM WILKINSON 211 S. 29TH AVE. SUITE 201 HATTIESBURG, MS. 39401

BILL JONES 333 MOSS LANE PETAL, MS. 39465

WITNESS MY SIGNATURE, ON OCTOBER 31, 2007

SHAWN O'HARA - APPETIANT