

209-EC-1789T

IN THE SUPREME COURT OF MISSISSIPPI

ANTHONY J. HUDSON

APPELLANT

VS

CIRCUIT NO. 2009-50-CV6
SCT NO. 2009-AP-959
SCT NO. 2009-EC-01789

CITY OF LAUREL, ET AL

APPELLEES

CERTIFICATE OF INTERESTED PARTIES

Appellant pro se, Anthony J. Hudson the undersigned certifies that the following listed person have an interest in the outcome of this case.

1. Anthony J. Hudson Appellant
2. The City of Laurel and Municipal Election Commissioner Appellees
3. Jones County Circuit Clerk Wendall Bart Gavin Appellee
4. Hon. David Ratcliff Attorney on Record for the City of Laurel
5. Hon. Wayne Thompson Attorney on Record for Jones County Circuit Clerk Wendell Bart Gavin.

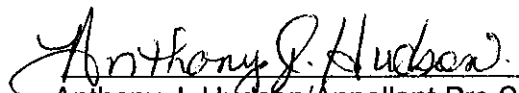

Anthony J. Hudson/Appellant Pro Se

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CONSTITUTION

14TH Amendment of the United States Constitution
Mississippi Constitution, Article 3, Section 14

MISSISSIPPI CODE OF 1972

Section 23-15-951	6
Section 23-15-931	6
Section 23-15-955	6
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STATEMENT OF FACTS

Hudson filed a Contest of his election on June 10, 2009. After receiving the hearing date of August 20, 2009, Hudson complied with 23-15-931 and summonsed his witnesses to the hearing. During the August hearing, Hudson plead to the judge that the Commissioners should have been summonsed by the Circuit Clerk. The Judge set a trial date for October 26, 2009. Hudson also got the judge to Order his witnesses back for the October 26, 2009 trial. While waiting for the October 26th trial date, Hudson subpoena the rest of his witnesses but on October 13, 2009, the judge agreed to allow the defendants a hearing on their motion for dismissal. The Court dismissed Hudson's case on the proportional deduction theory and admonished Hudson for his failure to get the witnesses he ordered into court on October 26, 2009 to the hearing on October 13, 2009. The trial judge even failed to inquire as to why the circuit clerk failed to perform his ministerial duty pursuant to 23-15-931. He even failed to examine why Mr. Gavin had went to great effort to intimidate Ms. Allen and Mr. Hudson during this election contest. Exhibit 1

SUMMARY OF ARGUMENT

The Court erred when it dismissed Appellant's contest without at lease summonsing the Election Commissioners and based on proportional deduction when the Appellant had submitted evidence of actual voter fraud and violations of mandatory election laws. The Court further erred when it dismissed appellant's case because witnesses were not present that he himself had ordered back to court on October 26th, 2009. The Court further erred because if the Circuit Clerk was going to continue to violate 23-15-931, it was the duty of the court to give the Circuit Clerk a directive to summons them. The Judge further erred because the method of seating a jury was by statute and he failed to comply with 23-15-931.

ARGUMENT

Appellant avers that Section 23-15-951 and 23-15-931 was willfully and intentionally circumvented by the Jones County Circuit Clerk and upheld by the appointed Judge from the Mississippi Supreme Court.

Mississippi Code Ann. Section 23-15-951 addresses general election contest stating, in part:

{e}except as otherwise provided by section 23-15-955 or 23-15-961, a person desiring to contest the election of another person returned as elected to any office within any county, may, within twenty (20) days after the election, file a petition in the office of the clerk of the circuit court of the county, setting forth the

grounds upon which the election is contested; and the **clerk shall thereupon issue a summons to the party whose election is contested, returnable to the next term of the court, which summons shall be served as in other cases; and the court shall, at the first term, cause an issue to be made up and tried by a jury**, and the verdict of the jury shall find the person having the greatest number of legal votes at the election. If the jury shall find against the person returned elected, the clerk shall issue a certificate thereof, and the person in whose favor the jury shall find shall be commissioned by the Governor, and shall qualify and enter upon the duties of his office.

The method of seating a jury is within the sound discretion of the trial judge except in circumstances where the method is set by statute. *Peters v. State*, 314 So. 2d. 724, 728 (Miss) cert. denied, 423 U.S. 1010 (1975).

Mississippi Code Ann. Section 23-15-931. addresses the duty Clerk, the Court and the Commissioners, stating, in part:

When the day for the hearing has been set, the circuit clerk shall issue Subpoenas for witnesses as in other litigated cases, and he shall also issue a Summons to each of the five (5) election commissioners of the county, unless They waive summons, requiring them to attend said hearing, throughout which Hearing the said commissioners shall sit with the judge or chancellor as Advisors or assistants in the trial and determination of the facts, and as Assistants in counts, calculations and inspections, and in seeing to it that Ballots, papers, documents, books and the like are diligently secured against Misplacement, alteration, concealment or loss both in the sessions and during Recesses or adjournments; the judge or chancellor being, however, the Controlling judge both of the facts and the law, and to have all the power in Every respect of a chancellor in term time; and the tribunal shall be attended by the sheriff, and clerk, each with sufficient deputies, and by a court reporter. The special tribunal so constituted shall fully hear the contest or complaint de novo, and the original contestant before the party executive committee shall have the burden of proof and the burden of going forward with the evidence in the hearing before the special tribunal. The special tribunal, after the contest or complaint shall have been fully heard anew, shall make a finding dictated to the reporter covering all controverted material issues of fact, together with any dissents of any commissioner, and thereupon, the trial judge shall enter the judgment which the county executive committee should have

entered, of which the election commissioners shall take judicial notice, or if the matter be one within the jurisdiction of the State Executive Committee, the judgment shall be certified and promptly forwarded to the Secretary of the State Executive Committee, and in the absence of an appeal, it shall be the duty of the State Executive Committee forthwith to reassemble and revise any decision theretofore made by it so as to conform to the judicial judgment aforesaid; provided that when the contest is upon a complaint filed with the State

Executive Committee and the petition to the court avers that the wrong or irregularity is one which occurred wholly within the proceedings of the state committee, the petition to the court shall be filed in the circuit or chancery court of Hinds County and, after notice served, shall be promptly heard by the circuit judge or chancellor of that county, without the attendance of commissioners.

During hearings, Hudson repeatedly told the Judge that it was the duty of the clerk to summons the committee;

Mr. Hudson: Yes, I do understand, but it wasn't our duty to serve them. As far as election law is concerned it's the clerk's duty to summons the committee that we are suing and it's upon us to subpoena our witnesses. (Exc. EE) (Tr. P. 5 12-17).

The Court: Well that's true, but it's up to you to see that the services are done. And you have to-----you don't have a lawyer do you. (Exc EE). (Tr. P. 5 lines 12-21).

Mr. Hudson: That's what I'm reading from, your honor, is the statute from the municipal election handbook which states that the election commissioners would be summonsed by the clerk and would be standing up there on your side to help you determine if this information is valid or not. It did not say that we had to serve the City or the County. It just says serve your contest to the clerk and the clerk will summons the committee. And then the committee come in and they are to be your right hand. (Exc. EE). (Tr. P. 15 lines 10-22)

The Court: Well, you may or may not be right. I'm not going to tell you that you're wrong, but both of you need lawyers. (Exc. EE). (Tr. P. 15 lines 23-25).

Mr. Gavin had two opportunities to perform his Statutory and Ministerial duty. The circuit clerk's duties were not discretionary. Under the discretionary function exemption, "Only those functions which by nature are policy decisions, whether made at the operational or planning level are protected *Id.* (citing *U. S. V. Gaubert* 499 U. S. 315 322 (1991)).

An act is not discretionary if the duty is one which has been positively imposed by law and its performance required at a time and in a manner or under conditions which are specifically designated the duty to perform under the conditions specified not being dependent upon the officer's judgment or discretion. *Stewart ex rel. Womack v. City of Jackson*, 804, So. 2d 1041 (15) (Miss 2002) *Leflore County v. Givens*, 754 so. 2d. 1223, 1226 (Miss. 2000) (quoting *L. W. McComb Separate Mun. Sch. Dist.* 754 So. 2d 1136, 1141 (Miss (1999)).

The due course of Justice has been impeded in violation of the 14th amendment of the Constitution of these United States and the Mississippi

Constitution, Article 3 Section 14.

1. Exc. A. Election Summary Report (**unofficial results**) and certified returns to Secretary of State.

Wards	Times counted	Total votes	Precincts Reporting
1	110	98	100%
2	364	361	100%
3	189	173	100%
4	129	111	100%
5	155	139	100%
6	0	0	0
7	355	345	100%
1302 votes		1227 votes	All but 6

If the Court would examine the unofficial results, it will notice that total votes counted was 1227, they would have needed 273 affidavit ballots to reach 1500. If we used the total votes counted by the machine, 1302, they would need 198 affidavit ballots to reach 1500.

If you add Ward 6, which were the only votes not calculated in the unofficial report, adding 110 votes to 1302 will give you 1412 votes needing 88 votes to reach 1500 votes. If you add that same 110 votes to the total votes reported, 1227, you will get a total of 1337 votes needing 163 votes to reach 1500. Either way, they told us that all but Ward 6 had not been counted... These numbers changed in the official certification to the Secretary of State's Office.

Pursuant to 23-15-591, the receipt book containing the signed names of the voters who voted and the number of ballots voted did not correspond with the number of sign in on the receipt book.

2. Exc. AA **Certified Returns** from the June 2, 2009 City of Laurel Election to the Honorable Delbert Hosemann. This document was submitted into Court by the Defendants and the appellant objected.

Mayor	Regular Votes	Affidavit Votes	Total
Darby	88	0	88
Hudson	113	1	114
Mack	1286	12	1298
Total	1487	13	TOTAL VOTES 1500

Councilperson	Ward	Regular Votes	Affidavits	Total
Evans	1	98	0	98

				Total Votes	98
Keys	2	155	2	157	
Wheat	2	228	3	231	
				Total Votes	388
Thaxton	3	172	3	175	
				Total Votes	175
Carmichael	4	109	4		
				Total Votes	113
Jones	5	153	0		
				Total Votes	153
Magee	6	110	0		
				Total Votes	110
Allen	7	99	1		
Chinn	7	282	2		
				Total Votes	383
<hr/>					
TOTALS		1308	15		1420

As outlined in Exc. AA, after totaling up all regular votes and Affidavits they only came up with 1420 votes counted from all Wards. This does not match the 1500 votes reported to the Secretary of State. Further, this report does not reflex how many votes, Hudson, Darby, and Mack received from each Ward. So where did Hudson get the 113 from? What Wards did Mack and Darby get their votes from?

As the evidence has shown, they only had 1420 votes counted on the official certification. Where did they get 1487 votes from in the Mayoral total, when after calculations from Ward 1-7 they only reported 1420 votes? Where did the other 67 votes come from?

Pursuant to 23-15-591, the receipt book containing the signed in names of the voters who voted and the number of ballots voted did not correspond with the number of sign in on the receipt book and does not match the total sent to the Secretary of State.

Appellant would like to refer the court back to Exc. a & AA. How did Ward 2 change from 361 votes, with 100% reported on the unofficial copy to 383 total votes reported on the certified copy mailed to the Secretary of State?

Ward 4 changed from 111 to 109, and Ward 5 changed from 139, unofficial copy to 153 on the certified copy to the Secretary of State. Ward 7 changed from 345 on the unofficial copy with 100% reported to 380 on the certified copy mailed to the Secretary of State. Between the unofficial copy and the certified copy, in all wards except one and six, the votes either decreased or increased.

Mr. Hudson: And what we are complaining about in this contest is we got evidence of intentional voter fraud of people coming in from the county voting in a city election. Exc. AA. (Tr. P. 7 line 28-29 and P. 8 lines 1-4).

Mr. Hudson: We also can prove that something went wrong with the machines because for instance, they told the Secretary of State they had 110 regular voters to go through that machine, but you got 127 people on the pole book. So what happened to those other votes? Exc. AA. (Tr. P. 8 lines 4-11).

Mr. Hudson: We also are complaining about on the voter rolls is some of these names look like maybe a infant wrote them, that you can't understand the names. We also have information in there to prove that some voters wrote in two people name. Now it's hard to determine--since we don't have cameras in the courtroom--I mean, in the voting poll, it's hard to determine whether or not that person was actually there to do that vote. Exc. AA (tr. P. 8 lines 12-22).

The only evidence allowed to be entered was the certified results sent to the Secretary of State, Mr. Hosemann. Exc. AA

Mr. Ratcliff: I'm going to offer those into evidence at this time on behalf of our Motion for Summary Judgment. Exc. AA (Tr. P. 47 lines 5-7)

The Court: Do either of you have any objections to him offering these results that were sent to the Secretary of State? Exc. AA (Tr. P. 47 lines 8-10).

Mr. Hudson: Yes, I have an Objection. They're not true results. Exc. AA (Tr. P. 47 lines 11-12).

The Court: Is that your basis for your Objection. Exc. AA (Tr. P. 47 lines 13-14).

Mr. Hudson: Excuse me, Your Honor? Exc. AA (Tr P. 47 line 15).

The Court: is that your basis for your objection that they're not true results.
Exc. AA (Tr. P. 47 line 16-17).

Mr. Hudson: yes sir, your Honor, that these are not accurate results. And that I can't even tell from these results what I received in Ward 1, Ward 2, Ward 3, Ward 5, Ward 5, Ward s, Ward 7. There's nothing on here that shows what I got in these precincts, so this is not a valid----Exc. AA (Tr. P. 47 lines 18-23).

The Court: May I see that? Exc. AA (Tr. P. 47 line 24).

Mr. Hudson: So I object to that being entered. Exc. AA (Tr. P. 47 line 24).

The Court: What do you say to his objection? Exc. AA (Tr. P. 47 line 27).

Mr. Ratcliff: Well, first of all, your Honor, we're presenting them, we're presenting these as the official results that the City calculated or tabulated during the course of the election and sent to the secretary of state. Exc. AA (Tr. P. 47 line 29-4 P. 48).

Mr. Ratcliff never got around to answering the appellant's objection to the certification. Mr. Ratcliff tried to say that the appellant was giving a total of votes at the top of the certification but he could not explain where these votes came from because the certificate never told the secretary of state how many votes were obtained from each Ward for Hudson.

Mr. Ratcliff: The mayor's race is he one he's talking about, and that's the first one on there and it gives his total vote and that's all that's required to give. He's got the opportunity at anytime, and I assume he did, was go down and check his votes in each ward, what he got and where he got them and those records were available to him to look at any time he wanted. Exc. AA Tr. P. 48, lines 8-15).

3. Did the trial Court err when it granted final judgment for defendants on Proportional Deduction when the Appellant submitted direct evidence of willful violations of the voter laws and its own failure to comply with Ms. Codes?

Appellant further objected to this contest being dismissed on the proportional deduction because of the fraud and intentional violation of voter laws. If allowed due process, Plaintiff could have proven that the irregularities were done with fraudulent intent to help the other candidate. Even the Circuit Clerk of Jones County went to great lengths to prevent this contest because of the similar signatures on Exc. HH.

Further, Proportional Deduction will not pass muster because Appellant can prove illegal interference with the process of this election from the voting

machines to the Poll Managers to the Voters. As pled in the lower court, In Harpole v. Kemper County Democratic Executive Comm, 908 So. 2d 129, 137-39 (Miss 2005) (explaining Mississippi's rule of requiring a new election only if fraud or willful violations of election laws took place, or if the illegal votes cast amount to more than thirty percent of total votes cast). This election was certainly filled with fraud and willful violations of election laws. There are different calculations from the unofficial results to the official certified results sent to the Secretary of the State.

VIOLATION OF VOTER LAWS AND FRAUD THAT'S PART OF THE RECORD

- Exc. B Registered Voters Report and Land Roll Maintenance for Robert C. Mayfield who was deceased at the time of the June 2 Election and Robbie Mayfield is the overseer of the Estate of Robert C. Mayfield located at 843 N. 8th Ave. Robert Sr. was subpoenaed from 843 N. 8th Ave; return states that no one lives at this address. Robbie was then subpoenaed from 607 W. 14th Street. No one was at home. Robert Mayfield Jr. subpoena, and Landroll Maintenance report attached to Exhibit B. Robert Mayfield Jr was not a registered voter in the City of Laurel, if so; his name would have been below his Father's Name on the Registered Voters Report. (Tr. P. 32, lines 1-7).
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- Exc. C Registered Vote Report and Land Roll Maintenance and picture of abandon home (1932 Queensburg Ave) which Alvin L. Cook voted from. Mr. Cook was the Election Manager for the Mayor and was possibly told to vote in Ward 7 to change the outcome of that election. The true address of Mr. Alvin L. Cook is 523 Laurel Drive which is not in Ward 7.
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- Exc .D Poll list was never signed and sworn to by the poll managers in direct violation of 23-15-237. The poll list also contains similar signatures at Lines 22, 23, 25, 36 and 37. Apparently someone signed these names with the same penmanship.
-
- Exc. E Ward 2 Similar Signatures 82, 83, 91, 92, 101, 102, 111, 112, 119, 120, 127, 128. As to 101 and 102, William S. and Barbara Mullins, the appellant is sure he could have subpoenaed someone from the firm of, Hortman Harlow Bassi Roberinson & McDaniel, PLLC (WHO REPRESENT THE CITY IN THIS CASE) to authenticate Mr. Mullins signature. A person's hand writing may be authenticated by a handwriting expert or by a lay witness with a prior familiarity with that person's hand writing. Hentz v. State, 542 So. 2d. 914, 917 (Miss 1989).
-
- Exc. F Ward 2 Similar signatures 130, 131, 132, 133, 155, 156, 174, 175, 189, 190, (Violation of 23-15-541). and the signature of the deceased Robert C. Mayfield at Line 141. Cannot not tell who wrote 161,164 179and 184.

in direct violation of 23-15-237 and similar signatures on Lines 22 and 23.

-
- Exc. R Poll List for Ward 3, similar signatures, Lines 91, 92, 96, 97, (If you examine lines 96 and 97, the Last name Loper was signed by the same person in exc. Q lines 22 and 23), 112 and 113. Lines 80, 101, 111, 121 and 124 do not reveal who signed the poll book. There are a lot of these spaces in all wards that should have been reviewed by the Election Commissioners and the Jury.
-
- Exc. S Registered voters Report, voters, Wash, Alice L, Ben A Wash, and Betty Roshnda Wash, Ben A and Betty was subpoenaed to Court and was served at 1108 Bartlett St. As shown on the tecum returns, the Process server was told that Betty, and Ben didn't live there and to get the f.... out of the yard. Exc. S. also includes copies of Absentee votes and a true picture of the resident of Ben Wash. Mr. Wash violated 23-15-627; he could not certify that he lived at the address voted from.
-
- Exc. T Poll List for Ward 7, Mary Wash (# 73) was served at 1205 Barlette St, Laurel. At the time of voting, this home was empty. Mr. Larry C. Wash (#151) was subpoenaed from 1108 Bartlett Street, the process server was told that he did not live there and to get the f.....out of the yard.
-
- Exc. U That Rickey Holden Beat 5 Election Commissioner's son fraud by voting in ward 7 using 1134 McConkey Street. Mr. Holden's true address is 1904 General Pershing St as shown on his Landroll Maintenance Report which is included in exc. u.
-
- Exc. V Subpoena DucesTecum for Alonzo Holden and Linda Holden, Son and Daughter-in-law of Beat 5 Election Commissioner intentionally voted from 1133 McConkey Street in Ward 7 to affect the outcome of that election. That Alonzo Holden and Linda Holden, # 176 & 177 on Exc. K, true address was 2015 Iris Dr, as shown on Mr. Holden's Landroll Maintenance report.
-
- Exc. W Registered Voters Report for Latrice Myers Daniels who intentionally voted from 1608 S. 11 Avenue to affect the outcome of the Ward 7 election. Ms. Daniels true address was 530 Flower Dr as shown on her LandRoll Maintenance Report.
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- Exc. X That Betty S. Hyde voted in the election but when served at home 356 Houston Rd located in the County, the process server stated that no one lived at the address voted from. Sign in # 41 on Exc. Z.
-
- Exc Y That Richard Davis voted in Ward 7 as a city employee under Mayor Mack to change the outcome of the election in Ward 7. Richard Davis lives with his wife at 1515 N. 3rd Ave, as shown on their LandRoll

Maintenance Report.

-
- Exc.Z those managers did not swear to their duties and fill out the poll list information. That on this poll list, 2 and 3 was written by the same person, Plaintiff could not tell who wrote Numbers 8, 11, 13, 44, and 45.
-
- Exc. BB That the city Clerk broke the seal on the voter's boxes and removed the information pertaining to the managers for Ward 2 and 3. This information should have been inside of the sealed Ballot Boxes. In violation of 23-15-911.
-
- Exc.CC Alice L. Wash, (ID# 6325267) 1205 Bartlett St, is the deceased wife of Qunicy Lee Clayton who also voted from 1205 Bartlett St/(Empty home) who truly homesteaded at 186 Brown Dr, Laurel, Ms which is located in the County. Picture of empty 1205 is attached to the property pictures for Qunicy Lee Clayton.
-
- Exc.DD Ramona Q. Blackledge-tax assessor was subpoenaed to attest to the Landroll Reports retrieved from her office computer.
-

In the October 13, 2009 hearing, the Court dismissed Hudson cause due to proportional Deduction without the aid of the election commissioners and based on the fact that Hudson had not subpoenaed his witness to the hearing.

- Mr. Hudson: Well, you Honor, we subpoenaed them to court. We subpoenaed them on October 12, because I haven't gotten all my subpoenas in before we went to the hearing, and you determined indigence, so I went and I subpoenaed the rest of my witnesses to prove voter fraud. Exc. FF (Tr. 11-16).
- Mr. Ratcliff: Your Honor, it would be my contention that the opportunity to offer his proof in whatever fashion he desires would be today and he had adequate notice according to the rules. We were going to have this hearing, Motion for Summary Judgment, and that's his opportunity to produce facts that show that there is a genuine material issue of the fact, and that that's where we are. Exc.FF (Tr. p. 49 lines 17-24).

In the August 20th hearing, the Appellant asked the Judge to Order the Witnesses back to the October 26, 2009 hearing.

- Mr. Hudson: Will the subpoenas stay good and they return on October 26, 2009? Exc. GG (Tr. p. 28 lines 2-3).
- The Court: Yes. All of you who have been subpoenaed here, this case has been reset for October 26th. You will return on that date as if you were personally served. It's going to be at nine O'clock. Exc. GG (Tr. p.

28 4-8).

- Exc.HH Ward 3 Similar signatures at # 101 and 102. Gavin was written by the same person. Included is the affidavit of Bart Gavin.

CONCLUSION

There has been only one case where a judge did not convene a special tribunal with the five election commissioners. While the record was silent as to the reason, judge Smith ruled in his opinion that 23-15-911 had been violated. Debera Waters vs. James Gnemi, Cause No. 2004-EC-00007.

The Circuit Clerk and appointed Judge violated Mississippi Code 23-15-951 and 23-15-931. The due course of Justice was impeded. The Supreme Court has long held that where a statute is plain and unambiguous there is no room for construction. Callahan v. Leake County Democratic Executive Comm, 773 So. 2d. 938, 940 (Miss 2000).

Appellant further conclude that the Poll Managers violated 23-15-233 and 23-15-237. They did nothing to take care that the election was conducted fairly and agreeably to law.

Appellant further learned that while investigating the voter roll that it was hard to determine correctly the names of the qualified electors and the voting precinct of each. 23-15-123.

The lower court erred by dismissing this cause based on Proportional Deduction because Fraud and willful violations of election laws were presented to the Court and those alleged violators had been Ordered to trial judge by the judge on October 26, 2009. Hudson performed his statutory duty. Ecx. GG (Tr. P. 28, lines 2-8).

The lower court further erred because the Appellant allege Voting Machine calculations problems. Between the unofficial copy and the certified copy of calculated votes, the votes either decreased or increased between reports. Ecx. GG (Tr. P. 28, lines 2-8). Exc A & AA

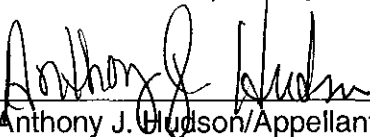
The October 13, 2009, hearing was set up to dismiss this case before the commissioners could be summons, and before testimony or evidence that was already part of the record could be heard in trial before a jury. The Legislation has determined that general election contests shall be tried in a court of law before a jury. 23-15-931. The failure of the special judge to deny such action is error requiring reversal and remand to the circuit court,

An election with fraud and without integrity subverts the purpose of a democratic election and cannot be considered fair and equitable. The Judges of

Courts have had to become the gatekeepers to democracy. In *Roger v. Holder*, 636, So. 2d. 645 (Miss 1994), the court found that a special election was indeed a proper remedy due to the fact that illegal votes were attended by fraud.

WHEREFORE, APPELLANT, ANTHONY HUDSON respectfully urges this Court for emergency relief. Appellant further urges this court to reverse the trial court and to remand this case back to the Circuit Court.

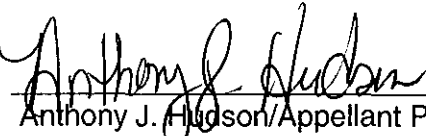
Respectfully Submitted



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CERTIFICATE OF SERVICE

I, Anthony J. Hudson on this date, ~~March 4, 2010~~ ^{August 24, 2010} certify that I have hand delivered a copy of this forgoing brief to Wayne Thomas and D. Bassi Attorneys for the Defendants.



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