

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ROBERT SHULER SMITH, DISTRICT ATTORNEY
FOR HINDS COUNTY, MISSISSIPPI; TYRONE LEWIS,
SHERIFF FOR HINDS COUNTY, MISSISSIPPI;
JERRY MOORE, CONSTABLE FOR HINDS COUNTY,
MISSISSIPPI; JOHN BROWN, CONSTABLE FOR HINDS
COUNTY, MISSISSIPPI; LAWRENCE FUNCHESS,
CONSTABLE FOR HINDS COUNTY, MISSISSIPPI;
JON C. LEWIS, CONSTABLE FOR HINDS COUNTY,
MISSISSIPPI; BENNIE C. BUCKNER, CONSTABLE
FOR HINDS COUNTY, MISSISSIPPI ; WILLIE SIMMONS,
SOLLIE NORWOOD, JOHN HORHN, AND HILLMAN
FRAZIER, CITIZENS OF HINDS COUNTY, MISSISSIPPI,

PLAINTIFFS

VS.

CAUSE NO. _____

STATE OF MISSISSIPPI.

DEFENDANT

**MOTION FOR TEMPORARY RESTRAINING
ORDER AND INJUNCTIVE RELIEF**

Plaintiffs, Robert Shuler Smith, Tyrone Lewis, Jerry Moore, John Brown, Lawrence Funchess, Jon C. Lewis, Bennie C. Buckner, Willie Simmons, Sollie Norwood, John Horhn, and Hillman Frazier ("Plaintiffs") file this Motion for Temporary Restraining Order and Injunctive Relief pursuant to Mississippi Rules of Civil Procedure 65, and would state the following:

PARTIES

I.

Plaintiffs District Attorney Smith and Sheriff Lewis seek a temporary restraining order and other injunctive relief pursuant to Mississippi Rule of Civil Procedure 65.

II.

District Attorney Smith is the chief legal officer of the State of Mississippi, charged with bringing suits which affect the public interest and Sherriff Lewis is the chief law enforcement officer of the State of Mississippi, charged with protecting the public interest and the public's safety, health, and welfare.

III.

Jerry Moore, John Brown, Lawrence Funchess, Jon C. Lewis, and Bennie Buckner, Constables for Hinds County, are law enforcement officers charged with protecting the public's safety, health, and welfare.

IV.

Willie Simmons, Sollie Norwood, John Horhn, and Hillman Frazier are citizens of the State of Mississippi.

V.

The Defendant is the State of Mississippi, charged with establishing laws which promote the public's safety, health, and welfare.

NATURE OF THE ACTION

IV.

Pursuant to Rule 65(b) of Mississippi Rules of Civil Procedure, the Court maintains authority to grant a temporary restraining order without prior notice to the adverse party if (1) the facts demonstrate that plaintiffs will suffer "irreparable injury, loss, or damage" before the defendant is afforded an opportunity to be heard in opposition to the motion and (2) the plaintiffs' attorneys have attempted to provide the defendant with notice of the hearing on the motion for temporary restraining order.

