

J.C. Herrington Files Legal Action Against Dupree, Election Commission, Candidates, and City of Hattiesburg Over Tainted Process



Hattiesburg Attorney Tal Braddock (right) and Ward 1 Democratic Candidate Justin Herrington (left) enter the Forrest County Circuit Court House to file an injunction, seeking justice in Hattiesburg's tainted election

process.

Hattiesburg Ward 1 Democratic candidate J.C. Herrington has filed an injunction against Mayor Johnny Dupree, the city of Hattiesburg, the Hattiesburg Municipal Election Commission, and three independent candidates. Herrington and Hattiesburg Attorney Tal Braddock filed the action in Forrest County Circuit Court at 4:50pm Wednesday, May 22nd. The action demands that three of the independent candidates be disqualified, since they did not meet election law requirements to run for office. The Law requires that an independent candidate for councilman obtain 50 signatures from within the candidate's ward in which they were running. These candidates all failed to meet that requirement. Herrington also has the Mississippi Attorney General's opinion backing up his action.

Prior to this action the Hattiesburg election commission requested a legal opinion from the Mississippi Attorney General's Office. Hattiesburg Election Commission President George Decoux said in a public hearing that the commission would honor the Attorney General's opinion. When the May 3rd, 2013 opinion came down and stated the candidates were not qualified under [Mississippi Code Annotated 23-15-361](#) and should not be certified by the Hattiesburg Municipal Election Commission, the commission ignored the Mississippi Attorney General's opinion and voted 4 to 1 to certify the three independent candidates. Mr. Decoux was the only commissioner who voted in line with the Mississippi Attorney General. Election council members Mary Lee Bourne, Nina Arrington, Smith, Christy Thornton, and Daisy Lee Wade all ignored the opinion and voted in favor of certifying the independent candidates. Now, Mayor Dupree, the city of Hattiesburg, three independent candidates, and five election commissioners must answer to the action in Circuit Court. The three candidates affected are:

(1) Ward 4 Petra Arnold-Wingo – Wingo is running against [Mary Dryden](#)

(2) Ward 5 candidate Kavadji Beverly – Beverly is a code enforcement officer with the city and running against incumbent Henry Naylor. Beverly works at Pastor Ken Fairley's Church.

(3) Ward 1 candidate Derrick Ware – This candidate is like an onion. He is employed at Hall Fairley Mortuary. On May 10th, he withdrew from the race; then he was allowed to reenter the following Monday, which Herrington and his attorney allege is a violation of election law (See documents below). Derrick Ware is closely associated with convicted felon [William Vaston Fairley](#). Vaston Fairley is the son [Pastor Kenneth Fairley](#). According to sources, Vaston Farley is working closely with both the Kavadji Beverly and Derrick Ware campaigns.

Herrington is also asking for a new primary since the city of Hattiesburg was in egregious violation of [Mississippi Code Annotated 23-15-649](#). This statute required the city to have absentee ballots ready at least 45 days before the primary. The responsibility for this largely falls on the city clerks office. Eddie Myers is city clerk. Absentee ballots were over 20 days late for the primary.

The plaintiff, J.C. Herrington told the Hattiesburg Patriot

There is no right way to do a wrong thing. I believe everyone should have to play by the same set of rules and it's clear that these candidates and the election commissioners with the exception of George Decoux the lone election commissioner to vote against qualifying the candidates disagrees. The election commissioners all agreed before the AG opinion came in that they would honor the opinion. Well what happened between their commitment to me and the opinion coming in? I'd guess the same thing that happened to me which were threats, harrasment, and intimidation.

I will no longer bow down to this kind of nonsense. Everyone and I mean everyone no matter who you are or who you know or who you are affiliated with should have to abide by the same rules. It's time for Hattiesburg to do things the right way and it's time that everyone is put on an equal playing field. Bottom line is again everyone should have the same rules to go by and this lawsuit is an attempt to level the playing field so that everyone has the same set of rules and I will push this all the way to the Mississippi Supreme Court if I have to.

J.C. Herrington, Ward 1 Candidate for City Council

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<http://www.mississippimedianetwork.com/wp-content/blogs.dir/94/files/2013/05/injunction.pdf>