

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, October 1, 2019

4:00 PM

Council Chambers

City Council - Agenda Review

Review of the October 2, 2012, Agenda

Citizens Forum

2012-1265

10-1-12 Citizens Forum Sign-In Sheet

2012-1264

Hattiesburg Patriot Investigative Summary

Attachments:

Hattiesburg Patriot investigative summary



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2012-1265

File ID: 2012-1265

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

File Created: 10/15/2012

Brief Title: 10-1-12 Citizens Forum Sign-In Sheet

Final Action:

Minute Book Number:

Title:

10-1-12 Citizens Forum Sign-In Sheet

Notes:

Sponsors:

Enactment Date:

Attachments:

Enactment Number:

Contact:

Meeting Date: 10/01/2012

Drafter: Debbie Bernardo

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	10/01/2012					

Text of Legislative File 2012-1265

Title

10-1-12 Citizens Forum Sign-In Sheet

Summary

10-1-12 Citizens Forum Sign-In Sheet

Budget Information

Expenditure Type

Purchasing Item

Publication Information



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2012-1264

File ID: 2012-1264

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

File Created: 10/15/2012

Brief Title: Hattiesburg Patriot Investigative Summary

Final Action:

Minute Book Number: MB 2012-1/359-360

Title:

Hattiesburg Patriot Investigative Summary

Notes:

Sponsors:

Enactment Date:

Attachments: Hattiesburg Patriot investigative summary

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Hattiesburg Patriot Investigative Summary

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The Hattiesburg Patriot Investigative Summary

City Of Hattiesburg Municipal Court Corruption Scandal



**An Investigative Summary
For the People
By the People
Submitted October 01, 2012**

*"If people have concerns about our court, our court is fine." Mayor Johnny Dupree
"I said it last week and I'll say it again now. There's no corruption in our court system."
Mayor Johnny Dupree" "The investigation uncovered mostly poor job performance
which is being addressed by the administration," Mayor Johnny Dupree.*

Amicus Curiae Statement to Hattiesburg City Council | September 27, 2012

"If people have concerns about our court, our court is fine." Mayor Johnny Dupree "I said it last week and I'll say it again now. There's no corruption in our court system."

Mayor Johnny Dupree *"The investigation uncovered mostly poor job performance which is being addressed by the administration," Mayor Johnny Dupree.*

NOW INTO COUNCIL, through the undersigned advocate of the people, comes the Hattiesburg Patriot, and hereby notifies the council and affected parties of it's intent to introduce intrinsic evidence of crimes, wrongs, and acts, in it's case-in-chief, or alternatively, notifies the council and affected parties of it's intent to introduce other crimes, wrongs, and acts in it's case-in-chief.

I. INTRODUCTION & SUMMARY OF ARGUMENT

Pursuant to evidence brought forth and articulated by Hattiesburg Police Department's internal affairs report (the HPD report), made public on September 20, 2012, which shows a pattern of behavior that harmonizes with acts in violation of the Mississippi Code and reflects the corrupt intent and patterns of conduct of the municipal court clerks of the City of Hattiesburg, and which this advocate intends to introduce to the District Attorney's office for the Twelfth Judicial District of the State of Mississippi, the US Attorney's office for the Southern District, State of Mississippi, and the Attorney General of the State of Mississippi.

The Hattiesburg Municipal Court Clerks (clerks), namely **Rosaland Betts, Anna Clark, Nicki Hampton, and Sharon Mark**, and John and Jane Does 1-100, engaged in a wide-spread pattern of abuse of their official public positions and allegedly violated their duties for private gain in a number of different ways. This statement alleges ways in which the above mentioned parties sought to allegedly enrich themselves by abusing their positions. (1) Accepting bribes and pay-offs from, among others, an **un-named bail-bond agent, Sandra Willis, Pearlie Mae Barney, Camilya Woods, and Melvin Trotter**.

- Clerks receipt of things of value from persons seeking relief at court, including purses, money, clothing, and gasoline.
- Altering of official legal records.
- Clerks engaging in fraud of the public welfare assistance program (EBT card).
- Failure to perform duty.

- Lying to law enforcement personnel conducting an official investigation.
- Impersonating a municipal officer.
- Practicing law without a license.

As set forth in more detail below, the nearly identical characteristics (including purpose, time, personnel, and subject matter) between the above listed wrongful conduct and the inter-departmental alleged conduct reflects the intrinsic nature of this evidence....they are merely uncharged overt acts in furtherance of the alleged conspiracy.

II. FACTUAL BACKGROUND

The council is well aware of the facts of this case and therefore, they will only be repeated to the extent necessary for purposes of this statement. A more detailed summary of the facts can be found in the internal affairs report of the Hattiesburg Police Department.

III. NOTICE OF EVIDENCE OF ADDITIONAL ACTS

Through this pleading, the Hattiesburg Patriot puts the council and affected parties on notice of its intent to forward evidence to the appropriate law enforcement agencies of the following wrongful acts, all of which are relevant, probative, and necessary to provide this council with a complete picture of the overarching conspiracy set forth in this statement.

- Anna Clark's based on her own admission in the internal police report accepted things of value, such as money, gas, clothing, purses, and EBT cards, are in violation of: **MS Code 97-11-13. Bribery; penalty when officer, agent or trustee accepts bribe.**
- Ms. Clark, allegedly, on several occasions, acted in the role of City Prosecutor, in violation of: **MS Code 97-7-43. Impersonating state, county or municipal officer or employee.**
- Ms. Clark, while allegedly acting as prosecutor in open court, did engage in the unauthorized practice of law in violation of: **MS Code 97-23-43. Profession; practicing without license.**
- Ms. Clark also allegedly failed to carry out her appointed duties in violation of: **MS Code 97-11-37. Failure to perform any duty.**
- Nicki Hampton, by "scratching through" court paperwork, after the judge already set an amount for the defendant to get out of jail, did allegedly knowingly, maliciously, and unlawfully engage in the alteration of records in violation of: **MS Code 97-11-1. Alteration of records.**

- Ms. Hampton, according to the aforementioned HPD report, allegedly withdraw twenty-one (21) warrants over her time of employment for Jarvis Leggett, an uncharged party, in direct violation of: **MS Code 97-9-3. Court records and public papers; stealing, concealing, destroying, withdrawing, etc.**
- It is alleged that Ms. Hampton did, willfully and purposefully, mislead Judge Schmidt into believing that Mr. Leggett had served his time, when in fact, there was no documentation presented to the judge or for the file showing that he had been in jail to back up the TIME SERVED condition. This overt action is in direct violation of: **MS Code 97-7-10. Fraudulent statements and representations.**
- It is alleged that Ms. Hampton did, on several occasions, conspired with "others" to defraud the City of Hattiesburg by unlawful means, the payment of a just claim or penalty due the City of Hattiesburg, and did, through unlawful means, prevent the prosecution of suit for the proper enforcement of a claim or penalty, and when one or more such parties shall do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be guilty of a felony. The act to effect the object of the conspiracy was the directing of Ms. Betts to enter said fraudulent documentation into the system, thereby, releasing Mr. Leggett from jail, in violation of: **MS Code 97-7-15. Conspiracy to defraud state; each party guilty of felony when one or more conspirators act.**
- It is alleged that Ms. Hampton, while over the Community Service Program, would allow some people to (a) sign up and complete the program without collecting the \$35/\$50 sign-up fee, and (b) allow people to exit the program with court abstracts in-hand showing that the fines had been settled with the City of Hattiesburg, thus depriving the City of Hattiesburg of prosecution of suit for the proper enforcement of a claim or penalty. This allegation is a violation of **MS Code 97-7-15. Conspiracy to defraud state; each party guilty of felony when one or more conspirators act.**, this violation would include any and all parties (co-conspirators) which were benefactors of this scheme.
- By the aforementioned litany of violations, Ms. Hampton failed to perform her duties. This, as well as neglecting to collect the program fees constitute dual violations of: **MS Code 97-11-37. Failure to perform any duty.**
- Sharon Mark, as bureau commander, instructed Rosaland Betts to only charge her God-son, Eric Bryant, One-hundred dollars (\$100) for expunging of eight (8) charges, when the proper amount to be collected was \$400.00 (fifty dollars (\$50) per case expungement) In so doing, Ms. Mark did willfully and knowingly deprive the City of Hattiesburg of Three-hundred dollars (\$300), which did deprive the City of Hattiesburg of enforcement of a claim or penalty in direct violation of: **MS Code 97-7-15. Conspiracy to defraud state; each party guilty of felony when one or more conspirators act.**; this action also constitutes the alleged violation of **MS Code 97-1-1. Conspiracy.**

- Ms. Mark, as bureau commander, would allow clerks to do their paperwork in whatever manner they saw fit up to and including expunging records. She also allegedly allowed cases to not be filed after the cases were completed in the court system as well as allegedly not properly overseeing storage of said cases. This is yet another alleged violation, by Ms. Sharon Mark, of MS Code 97-11-37.
Failure to perform any duty.
- Ms. Mark was also aware that Anna Clark was acting as city prosecutor on several occasions and allowed her to continue this act, thus allegedly violating: MS Code 97-1-1. Conspiracy. *Subsection (a) and (f). Any municipal judge and city of Hattiesburg Attorney who knowingly allowed an unlicensed person to act as city prosecutor violated MS CODE 97-1-1 subsection (f), a felony.
- Ms. Sharon Mark, Roseland Betts and Eric Bryant allegedly engaged in violation of MS Code 97-11-15 **A FELONY** when Sharon Mark directed Roseland Betts to accept only \$100.00 for eight expunged records when legally required amount was \$50.00 per charge or in this instance \$400.00; thereby defrauding the city of Hattiesburg of \$300.00

Alleged Professional Code of Conduct violations and statutes against

City Attorney Charles Lawrence

When Mayor Johnny Dupree and City Attorney Charles Lawrence produced a sanitized document to the city council attempting to obfuscate the truth, the Hattiesburg Patriot alleges possible violations of the following:

ALLEGED VIOLATION Code of Conduct of Section 8.1 subsection (b)

RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) **fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter**, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

ALLEGED VIOLATION Code of Conduct of RULE 8.2 subsection (a)

8.2 JUDICIAL AND LEGAL OFFICIALS

- (a) A lawyer shall not make a statement that the lawyer knows to be false or with **reckless disregard as to its truth** or falsity concerning the qualifications or integrity of a judge, adjudicating officer or public legal officer, or of a candidate for election or

appointment to judicial or legal office. (*PATRIOT NOTE A Clerk is a public legal officer)

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

The Hattiesburg Patriot alleges that the statement in the Administrative summary, "The investigation uncovered mostly poor job performance which is being addressed by the administration," is a reckless disregard for the truth.

ALLEGED VIOLATION Code of Conduct of RULE 8.3 subsection (b)

RULE 8.3 REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) A lawyer having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority. (Patriot Note - This would include a city attorney.)

When a judge allegedly allows a city clerk to act as prosecutor and that clerk is not a member of the Mississippi Bar that is not ethical. If City Attorney did not report this, he allegedly violated Rule 8.3 subsection (b)

ALLEGED VIOLATION Code of Conduct of RULE 8.4 subsection (c) and (d)

RULE 8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

ALLEGED VIOLATION SEC. 97-1-1. Conspiracy subsection (f)

If two (2) or more persons conspire either:

(f) To commit any act injurious to the public health, to public morals, trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws;

(PATRIOT NOTE - See Administrative Summary submitted to council. It is alleged that Mayor Johnny Dupree and City Attorney Charles Lawrence engaged in a conspiracy to obfuscate the truth; thereby covering up felonies which occurred in the Municipal Court. This allegation is further supported in a unanimous letter from the city council to Mayor Johnny Dupree in response to the Mayor's administrative summary give to coucil. This Administrative Summary allegedly constitutes an overt act in furtherance of a criminal conspiracy to defraud the city of Hattiesburg in violation of SEC. 97-7-10. Fraudulent statements and representations. SEC. 97-7-15. Conspiracy to defraud state; each party guilty of felony when one or more conspirators act.

Alleged Statute Violations Against Mayor Johnny Dupree

SEC. 21-8-17 General powers and duties of mayor; approval of ordinances.

Alleged Violation SEC. 21-8-17. Subsection (1)

(1) The mayor shall enforce the charter and ordinances of the municipality and all general laws applicable thereto. He shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall, from time to time, make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual report and such other reports of its work as he may deem desirable.

Alleged Violation SEC. 97-11-37. Failure to perform any duty.

If any person, being sheriff, clerk of any court, constable, assessor, or collector of taxes, or holding any county office whatever, or mayor, marshal, or constable, or any other officer of any city, town, or village, shall knowingly or wilfully fail, neglect, or refuse to perform any of the duties required of him by law, or shall fail or refuse to keep any record required to be kept by law, or shall secrete the same, or shall violate his duty in any respect, he shall, on conviction thereof, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail not exceeding six (6) months, or both.

ALLEGED VIOLATION SEC. 97-1-1. Conspiracy subsection (f)

If two (2) or more persons conspire either:

(f) To commit any act injurious to the public health, to public morals, trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws;

(PATRIOT NOTE - See Administrative Summary submitted to council. It is alleged that Mayor Johnny Dupree and City Attorney Charles Lawrence engaged in a conspiracy to obfuscate the truth; thereby covering up felonies which occurred in the Municipal Court. This allegation is further supported in a unanimous letter from the city council to Mayor Johnny Dupree in response to the Mayor's administrative summary give to coucil. This Administrative Summary allegedly constitutes an overt act in furtherance of a criminal conspiracy to defraud the city of Hattiesburg in violation of SEC. 97-7-10. Fraudulent statements and representations and SEC. 97-7-15. Conspiracy to defraud state; each party guilty of felony when one or more conspirators act.)

Mr. Lawrence, after reading the HPD internal affairs report, knew or should have known that Anna Clark committed the felony of bribery and that other felonies had taken place. Mr Lawrence not only failed to act, but allegedly conspired with Mayor Johnny Dupree to omit the facts in the executive summary. This is evidenced in a unanimous letter to the mayor and on video record in an open meeting by Hattiesburg City Council.

IV. CONCLUSION

For the reasons mentioned above, the Hattiesburg Patriot respectfully submits that the evidence of the clerks acts, as set forth above and attached documentation, as well as possible crimes allegedly committed by the administration should be considered during its case-in-chief here today as being relevant, and also extremely probative, as they relate to the acts alleged in this investigative summary. We feel this investigative summary provides probable cause to terminate City Attorney Charles Lawrence and appoint a new attorney who can adequately represent the people of this municipality in carrying out transparency and the accurate reporting of possible crimes to our elected officials. We further ask the council to submit a complaint to the Mississippi Bar Association in connection with these allegations for a fair and impartial investigation into these allegations.

"The investigation uncovered mostly poor job performance which is being addressed by the administration," Mayor Johnny Dupree.

Respectfully Submitted,

The Hattiesburg Patriot