

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

CEOLA JAMES

PETITIONER

VS.

CASE NO, 16,0091-CI

LATRICE WESTBROOKS and
BENNIE THOMPSON, In his
Individual Capacity

RESPONDENTS

FILED

NOV 28 2016

JAN HYLAND DAIGRE, CIRCUIT CLERK

BY [Signature] D.C.

JURY TRIAL REQUESTED

PETITION TO CONTEST ELECTION

EXPEDITED HEARING REQUESTED

COMES NOW, **CEOLA JAMES**, and files this her Petition to Contest Election, which is the general election for the Mississippi Court of Appeals, District 2, Place 2, which took place on November 8, 2016, and as cause, would state the following:

I.

JURISDICTION

Jurisdiction is involved pursuant to MCA, 1972, Section 23-15-951 and 9-7-811.

II.

PARTIES

That the **Petitioner, Ceola James**, is an adult resident citizen of Vicksburg, Warren County, Mississippi, and her address is 101 Canterbury Hill Road, Vicksburg, MS 39180.

The Respondent, Latrice Westbrooks is listed as an adult citizen of Lexington, Holmes County, Mississippi, whose address is P.O. Box 1138, Lexington, MS 39095.

The Respondent, Bennie Thompson, is listed as an adult resident citizen of Bolton, Hinds County, Mississippi, who may be served with process at: 107 West Madison Street, Bolton, MS 39041.

Election Commissioners - It appears that the Election Commissioners for the 24 counties in the second district should not be made parties to this action as this matter involves a legal issue to be resolved by the court. Petitioner has formerly notified the office of the Secretary of State, the Attorney General and the Mississippi Bar's Special Commission on Judicial Elections of the special "Official Democrat Sample Ballot distributed throughout the District for the Appellate Court, District 2, Place 2. Pursuant to MCA, 1972, Section 21-15-935, upon proper notice, the election commissioners, shall attend the hearings in the county where the case is filed or transferred, subject to provision in said statute on absent or disabled election commissioners.

III.

VENUE

Pursuant to MCA, Section 23-15-937, Venue is proper in all twenty-four (24) counties located in District 2, Place 2 for the Mississippi Court of Appeals because the complaint involves a state office and all of the wrongful acts complained of occurred throughout the entire district. Pursuant to said statute, the appointed judge shall have the power to transfer the case to a more convenient county.

The twenty four Counties in this District are: All Voting Precints in These Counties: Tunica, Cohoma, Bolivar, Quitman, Sunflower, Leflore, Carroll, Washington, Humphreys, Holmes, Sharkey, Issaquena, Yazoo, Warren, Claiborne, and Jefferson; Designated Voting Precints in the Following Counties: Panola County Precints: Crenshaw, Longhorn, Como, and Pleasant Mount, West and South Sardis, Curtis and Pleasant Grove; Tallachie County Precints: Tutwiler, Brazil, Summer Beats 2 and 5, Webb Beats 2, 4, and 5, Blue Cane, Glendora and Tippo; Grenada County Precints: Geeslin, Grenada Boxes 1 through 5, Holcomb, Futhyville, Gore Springs, Pleasant Grove, Sweethome, Tie Plant and Elliott; Montgomery County Precints: North Duckhill, Mount Pigsah, Duckhill, North Mount Pigsah, Sweethome, North, South, East, West, and South East Winona, North Kilmichael and Kilmichael; Attala County Precints: Hesterville, Possumneck, North Central, North East, Sallis, McAdams, Southwest and Newport; Leake County Precints: Thomastown, Conway, Oklahoma, Wiggins, and West Carthage; Madison County Precints: Cameron, Couparle, Camden, Canton, Precints 1, 4, and 5, Sharon, Luther Branson School, Virllia, Ratliff Ferry, Magnolia Heights, Liberty, New Industrial Park, Smith School, Flora, Gludstadt and Madison County Lt. CT.; Hinds County Precints: Bolton, Brownsville, Pochantas, Tinnin, Cynthia, Pinehaven, St. Thomas, Edwards, Cayuga, Learned, Utica 1 and 2, and Chappell Hill. This list was obtained from the office of the secretary of state prior to the 2016 election, and the precinct locations may have shifted.

IV.

FACTUAL DISCUSSION

1. Latrice Westbrook has been unofficially declared the winner of the 2016 general election for the Mississippi Court of Appeals, District 2, Position 2 Westbrook received 86,525 votes or 57 percent and Petitioner received 65,145 votes or 43 percent of the votes, according to the unofficial returns on November 8, 2016. Petitioner received 106,458 votes or 63.31 percent of the votes in 2012, but the present false ballot without the Petitioner's name was too much for Petitioner to overcome, especially without knowing it existed. Petitioner did receive calls saying she was not on the ballot, but Petitioner

checked the state's ballot and noted that she was on the ballot. Petitioner drove as far as Drew, MS on election day and asked a poll worker to give her a copy of the sheet that he was using to work the election. He handed her a copy of the fake ballot. See Exhibits 1 and 2. Petitioner would show that Thompson has "piggybacked" his candidate for every attempt that the Petitioner has made to run for a seat on the appellate court. See Exhibits 3 to 5. The conduct of Thompson constitutes a tortious interference with Petitioner's attempts to run for public office, for which he should be held personally liable. See also Exhibit 6. Petitioner should be declared the winner since she received the greatest number of legal votes.

2. Petitioner alleges that Latrice Westbrooks violated MCA, 1972, Sections 23-15-973 and 23-15-976 by willfully and intentionally aligning herself with Bennie Thompson in order to win the election for the seat on the Mississippi Court of Appeals, District 2, Place 2. That the close collaboration and friendship of the parties were apparent throughout the election, which includes, but is not limited to:

A. Placing a picture of herself and Congressman Thompson on her campaign card.

B. Petitioner was informed that Congressman Thompson appeared at the 2016 Democratic meeting with Latrice Westbrooks, introducing Westbrooks as his friend who was running for the Mississippi Court of Appeals.

C. Appearing with Congressman Thompson at the 2016 Domestic Violence Parade and gathering in Yazoo city, Mississippi,, where Thompson also introduced Westbrook as a candidate for the Mississippi Court of Appeals. Petitioner was present at this event. Thompson failed to recognize the Petitioner as the sitting judge even though Petitioner was visible, and by doing so he exhibited conduct that was not appropriate for a U. S. Congressman.

D. The yard signs of Westbrook and Thompson were often seen together throughout the district.

E. A major fundraiser was held for Westbrook on November 27, 2016 in Jackson, MS with Bennie Thompson being listed as the guest of honor.

3. Petitioner further alleges that Thompson assisted Westbrooks in violating MCA, 1972, Sections 23-15-973 and 23-15-976 by willfully and intentionally aligned himself with Latrice Westbrooks in order to assist her in winning the election for the seat on the Mississippi Court of Appeals, District 2, Place 2. For the purpose of this petition, a political alignment is an identifiable group who votes for the same party over a long period of time. An endorsement differs from an alignment in that an alignment is composed of voters who are aligned with a political party and vote for the party's candidate in every election.

4. Petitioner would show that Bennie Thompson's creation of an alignment ballot for Mississippi's non partisan judges is against Mississippi State Law, and that he should be ordered to refrain from creating such ballots. Thompson has unlawfully created an alignment ballot against the Petitioner for every election that she has attempted for the appellate court. Petitioner would also show that Bennie Thompson is using his official authority to control the outcome of the Mississippi non partisan judicial elections which appears to be in violation of federal law for federal employees, but this issue under the Hatch Act is not being litigated before this court

5.

For the 2016 general election, Bennie Thompson created a false ballot which did not include the Petitioner's name. Other candidates names were also omitted. Thompson and Westbrook knew, or reasonably should have known, that the 2016 fake ballot that served as an alignment sheet would cause the Plaintiff to loose considerable votes, the effect of which would make it hard if not impossible to win the 2016 general election. It appears that these ballots were used to work the polls on election day and to be distributed throughout the district by both Westbrook and Thompson. This ballot was named "Official Democrat Sample Ballot." The ballot also contained the name of the county in which it was circulated. The ballot was designed to deliberately, knowingly and willfully align Westbrook with Thompson so that Thompson could "piggyback" Westbrook into office; It was also designed to willfully and intentionally mislead the voters and undermine their intentions..

V.

REQUEST FOR RELIEF

WHEREFORE, Petitioner requests the following relief:

1. Pursuant to MCA, 1972, Section 23-15-951, the circuit clerk of the shall cause a copy of this Petition to be served on the Respondents, which shall serve as notice to the Respondents.
2. Petitioner requests that upon a hearing of this Petition, the election of Latrice Westbrooks during the 2016 general election based on Westbrook's deliberately, knowingly, and willfully aligning herself with Bennie Thompson, should be declared void pursuant to MCA, 1972, Section 23-15-973.
3. In the alternative, Petitioner requests that the election of Latrice Westbrook be voided based on Westbrooks and Thompson deliberately, knowingly, and willingly undermining the will of the voters by willfully circulating and working the polls with a false ballot wrongfully created by Bennie Thompson and not generated and approved by the state.
4. That the Petitioner should be declared the winner of the 2016 general election for the Mississippi Court of Appeals, District 2, position 2; or in the alternative, a new election should be held for this position without the circulation of an alignment sheet base of a false ballot, or any other alignment sheet created by Bennie Thompson or any other person.
- 5, And Petitioner requests such general relief that the Court may deem proper in this case.
6. Petitioner also requests Attorney fees and damages from Respondent Bennie Thompson for his deliberately, knowingly, willfully and wrongful creating, circulating and working the polls with a false ballot in order to align himself with Westbrook and to assist Westbrooks in aligning herself with Thompson in order to undermine the will of the voters and thereby causing Petitioner to suffer monetary damages.

Respectfully submitted



CEOLA JAMES

STATE OF MISSISSIPPI
COUNTY OF WARREN

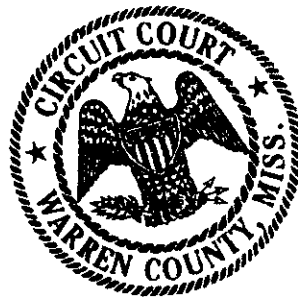
PERSONALLY APPEARED BEFORE ME, the undersigned authority, in and for the above mentioned jurisdiction, the Petitioner, **Ceola James**, who, after having been first duly sworn by me, states on her oath that the matters alleged and set forth in the above petition, based on information and belief, and to the best of her knowledge, are true and correct as are therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 28 day of

November, 2016.


NOTARY PUBLIC

MY COMMISSION EXPIRES;
My Commission Expires Jan. 6, 2020



Elect: P.

SAMPLE OFFICIAL DEMOCRATIC ELECTION BALLOT
State of Mississippi
Sudrow County
2016 General Election
Tuesday, November 8, 2016

For United States President and Vice President
DEMOCRAT

Hillary Clinton for President
and Tim Kaine for
Vice President

For US House of Reps 02
2nd Congressional District
DEMOCRAT

NON-PARTISAN JUDICIAL ELECTION
For Supreme Court Justice
Supreme Court District 02
 J. Kitchens

For Court of Appeals 02
District 2 Position 2

Larrice Westbrook

MISSISSIPPI STATE ELECTION COMMISSION

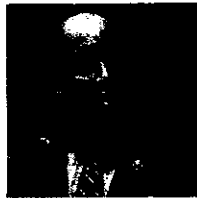
SAMPLE OFFICIAL DEMOCRATIC ELECTION BALLOT
State of Mississippi
Warren County
2016 General Election
Tuesday, November 8, 2016

exhibit 2



For United States President and Vice President
DEMOCRAT

- Hillary Clinton for President
And Tim Kaine for
Vice President



For US House of Rep 02
2nd Congressional District
DEMOCRAT

- Bennie G. Thompson



NONPARTISAN JUDICIAL ELECTION
For Supreme Court Justice
Supreme Court District 1 (Central)

- Jim Kitchens



NONPARTISAN JUDICIAL ELECTION
For Court of Appeals 02
District 2 Position 2

- Latrice Westbrooks

FOR A RIDE TO THE POLL:
1-866-4BENNIE (423-6643)

PAID FOR BY FRIENDS OF BENNIE THOMPSON



W. B. Thompson

SAMPLE ELECTION BALLOT
STATE OF MISSISSIPPI
WARREN COUNTY
General Election
Tuesday, November 04, 2008
All Precincts



VOTE Democrat
TUESDAY, November 4, 2008

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TO VOTE: YOU MUST DARKEN THE OVAL (●) COMPLETELY. USE ONLY A #2 PENCIL OR DARK PEN.
DO NOT USE A RED PEN, FELT TIP PEN OR RED PENCIL!!
DO NOT CROSS-OUT OR ERASE - IF YOU MAKE A MISTAKE, YOU MAY REQUEST A NEW BALLOT

For United States
President and Vice President
VOTE FOR ONE SLATE OF ELECTORS ONLY

PRESIDENTIAL ELECTORS FOR
 John McCain for President and Sarah Palin for Vice President *Republican*

PRESIDENTIAL ELECTORS FOR
 Barack Obama for President and Joe Biden for Vice President *Democrat*

PRESIDENTIAL ELECTORS FOR
 Chuck Baldwin for President and Darrell L. Castle for Vice President *Constitution*

PRESIDENTIAL ELECTORS FOR
 Bob Barr for President and Wayne A. Root for Vice President *Libertarian*

PRESIDENTIAL ELECTORS FOR
 Cynthia A. McKinney for President and Rosa Clemente for Vice President *Green*

PRESIDENTIAL ELECTORS FOR
 Ralph Nader for President and Matt Gonzalez for Vice President *Independent*

PRESIDENTIAL ELECTORS FOR
 Ted C. Weill for President and Frank McEnulty for Vice President *Reform*

Write-In

FOR
UNITED STATES
SENATE
(VOTE FOR ONE)

Thad Cochran *Republican*
 Erik R. Fleming *Democrat*
 Write-In

FOR
UNITED STATES
SENATE FOR UNEXPIRED TERM
(VOTE FOR ONE)

Ronnie Musgrove
 Roger Wicker
 Write-In

FOR
US HOUSE OF REP 02
2ND CONGRESSIONAL DISTRICT
(VOTE FOR ONE)

Richard Cook *Republican*
 Bennie G. Thompson *Democrat*
 Write-In

FOR ELECTION COMMISSIONER
DISTRICT 2
(VOTE FOR ONE)

Retha L. Summers
 Write-In

FOR A RIDE TO THE POLL:
1-866-4BENNIE (423-6643)

TURN BALLOT OVER TO CONTINUE VOTING

**FOR
SUPREME COURT JUSTICE
District 1 (Central) Position 3
(VOTE FOR ONE)**

- Ceola James
- Jim Kitchens
- Jim Smith
- _____
Write-In

**NONPARTISAN JUDICIAL ELECTION
For Court of Appeals 02
District 2 Position 2
Vote for ONE**

- Leslie D. King
- _____
Write-In

Exhibit 4

**SAMPLE ELECTION BALLOT
STATE OF MISSISSIPPI
HUMPHREYS COUNTY
2010 General Election
Tuesday, November 02, 2010**



**VOTE
TUESDAY, November 2, 2010**

**TO VOTE: YOU MUST DARKEN THE OVAL (●) COMPLETELY. USE ONLY A #2 PENCIL OR DARK PEN.
DO NOT USE A RED PEN, FELT TIP PEN OR RED PENCIL!!
DO NOT CROSS-OUT OR ERASE - IF YOU MAKE A MISTAKE, YOU MAY REQUEST A NEW BALLOT**

**For US House of Representatives
2nd Congressional District
Vote for ONE**

- Bill Marcy Republican
- Ashley Norwood Reform
- Bennie G. Thompson Democrat**
- _____
Write-In

**NONPARTISAN JUDICIAL ELECTION
For Chancery Court 9-2
Chancery Court Judge, District 9-2
Vote for ONE**

- Jane R. Weathersby Non Partisan
- _____
Write-In

**NONPARTISAN JUDICIAL ELECTION
For Circuit Court 21
Circuit Court Judge, District 21
Vote for ONE**

- Jannie M. Lewis Non Partisan
- _____
Write-In

**NONPARTISAN JUDICIAL ELECTION
For Court of Appeals Judge
District 2, Position 1
Vote for ONE**

- Tyree Irving Non Partisan**
- Ceola James Non Partisan
- _____
Write-In

**SPECIAL ELECTION
For District Attorney 21
For Unexpired Term - District 21
Vote for ONE**

- Akillie Malone Oliver**
- Steven E. Waldrup
- _____
Write-In

FOR A RIDE TO THE POLL: 1-866-4BENNIE (423-6643)

PAID FOR BY FRIENDS OF BENNIE THOMPSON

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Sample General Election Ballot

STATE OF MISSISSIPPI
WARREN COUNTY
2012 General Election
Tuesday, November 6, 2012



VOTE

Tuesday November 6, 2012

TO VOTE: YOU MUST DARKEN THE OVAL (●) COMPLETELY. USE ONLY A #2 PENCIL OR BALLPEN.
DO NOT USE FELT TIP PEN, FELT TIP PEN OR RED PENCIL!!
DO NOT CROSS-OUT OR ERASE. IF YOU MAKE A MISTAKE, YOU MAY REQUEST A NEW BALLOT

For President and Vice President of the United States
Vote For ONE SLATE OF ELECTORS ONLY

Barack Obama for President and **Joe Biden** for Vice President Democrat

Mitt Romney for President and **Paul Ryan** for Vice President Republican

Virgil Goode for President and **Jim Clymer** for Vice President Constitution

Gary Johnson for President and **James P. Gray** for Vice President Libertarian

Jill Stein for President and **Cheri Honkala** for Vice President Green

Barbara Dale Washer for President and **Cathy L. Toole** for Vice President Reform

Write-In

For United States Senate
VOTE for ONE

Albert N. Gore, Jr Democrat

Roger F. Wicker Republican

Thomas Cramer Constitution

Shawn O'Hara Reform

Write-In

For US House Of Representatives
2nd Congressional District
VOTE for ONE

Bill Marcy Republican

Bennie G. Thompson Democrat

Cobby Mondale Williams Independent

Lajena Williams Reform

Write-In

NONPARTISAN JUDICIAL ELECTION
For Supreme Court Justice
District 1 (Central) Position 1
VOTE for ONE

Earle S. Banks Non Partisan

William L. Waller, Jr. Non Partisan

Write-In

NONPARTISAN JUDICIAL ELECTION
For Supreme Court Justice
Supreme Court District 1 (Central)
Position 2
Non Partisan

Leslie D. King Non Partisan

Write-In

LOCAL ELECTIONS
For Election Commissioner District 1
Vote for ONE

Petesy Smith Republican

Jan Whalley Republican

Write-In

SPECIAL NONPARTISAN JUDICIAL ELECTION
SPECIAL NONPARTISAN JUDICIAL ELECTION
For Court of Appeals 02
District 2 Position 2
Vote for one

Coala James Non Partisan

Ernest E. Russell Non Partisan

Write-In

FOR A RIDE TO THE POLL:
1-866-4BENNIE (423-6643)

END OF BALLOT

PAID FOR BY FRIENDS OF BENNIE THOMPSON

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OFFICIAL GENERAL ELECTION BALLOT
STATE OF MISSISSIPPI
WARREN COUNTY
Tuesday, November 8, 2016
Precinct: Goodrum

TO VOTE: YOU MUST DARKEN THE OVAL () COMPLETELY. USE ONLY A #2 PENCIL OR DARK PEN.
Do not use a red pen, felt tip pen or red pencil!
Do not cross out or erase. If you make a mistake, you may request a new ballot.

FEDERAL OFFICE ELECTIONS

**For President and Vice President
of the United States
Vote for ONE**

- PRESIDENTIAL ELECTORS FOR** Democrat
Hillary Clinton
for President and
Tim Kaine
for Vice President
- PRESIDENTIAL ELECTORS FOR** Republican
Donald J. Trump
for President and
Michael R. Pence
for Vice President
- PRESIDENTIAL ELECTORS FOR** Constitution
Darrell Castle
for President and
Scott N. Bradley
for Vice President
- PRESIDENTIAL ELECTORS FOR** American Delta
'Rocky' Roque De La Fuente
for President and
Michael Steinberg
for Vice President
- PRESIDENTIAL ELECTORS FOR** Prohibition
Jim Hedges
for President and
Bill Bayes
for Vice President
- PRESIDENTIAL ELECTORS FOR** Libertarian
Gary Johnson
for President and
Bill Weld
for Vice President
- PRESIDENTIAL ELECTORS FOR** Green
Jill Stein
for President and
Ajamu Baraka
for Vice President
- Write-in**

**For US House Of Representatives
2nd Congressional District
Vote for ONE**

- John Bouie II** Republican
- Bennie G. Thompson** Democrat
- Johnny McLeod** Reform
- Troy Ray** Independent
- Write-in**

NONPARTISAN JUDICIAL ELECTIONS

**For Supreme Court Justice
District 1(Central) Position 3
Vote for ONE**

- Kenny Griffis**
- Jim Kitchens**
- Write-in**

**For Court Of Appeals Judge
District 2 Position 2
Vote for ONE**

- Ceola James**
- Latrice Westbrooks**
- Write-in**

SAMPLE