

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPI

BUL GARANG MABIL

PLAINTIFF

vs.

CAUSE NO. G-2024-429

KARISSA BOWLEY,
MISSISSIPPI CAPITOL POLICE,
MISSISSIPPI STATE CRIME LAB,
JOHN DOE PERSON(S) 1-5, AND
JOHN DOE ENTITY(IES) 1-5

DEFENDANTS

MOTION TO CLARIFY, MOTION TO REALIGN THE PARTIES, AND/OR MOTION
TO MODIFY THE INJUNCTION AND SUPPORTING MEMORANDUM OF LAW

Mrs. Karissa Bowley, wife and next-of-kin of Dau Mabil, hereby submits this Motion for Clarification, Motion to Realign the Parties in this case, and/or Motion to Modify the Injunction.

Karissa’s husband, Dau, went missing on March 25, 2024. Since that day, Karissa has fought tirelessly to find him; to organize her and Dau’s many loved ones in the local community to help find him; and to pressure the police to help her find him—including by organizing neighborhood canvassing; camera footage-gathering; and actions at the Capitol Police offices.

Karissa was served a copy of the Complaint at 5:00 p.m. yesterday at her and Dau’s home. She never received notice of this morning’s 9:00 a.m. hearing. She would have attended had she known. She would have testified that she embraces the Court’s granted relief to the extent described below; she would have granted the Plaintiff’s request had he asked.¹

¹ See Miss. Code. Ann. § 41-37-25 (“**No [independent] autopsy shall be held over the objection of the surviving spouse**, or if there be no surviving spouse, of any surviving parent, or if there be neither a surviving spouse nor parent, then of any surviving child.”) (emphasis added); *see also, e.g.*, Miss. Code. Ann. § 41-43-59 (defining which “next of kin” are authorized to disinter buried remains as the following persons **in the priority listed** [...]: (a) **The decedent’s spouse**, if the spouse has not remarried. (b) The decedent’s children. (c) The decedent’s parents. (d) The decedent’s siblings.”) (emphasis added). Additionally, the state’s autopsy report will go to one adult member of Dau’s family, *see* Miss. Code. Ann. § 41-61-65; the Capitol Police have advised Karissa that, as Dau’s next of kin, the report shall go to her.

As Dau's surviving spouse, Karissa has the statutory authority to determine the appropriateness of any independent autopsy.² She therefore writes to clarify and/or respectfully request that the Court modify its injunction to accommodate her exercise of this authority as follows:

1. The additional autopsy that the Plaintiff requests may only occur after all law enforcement entities which are or which will be, in the future, investigating Dau's death have completed all aspects of their investigation which may require access to Dau's remains;
2. The additional autopsy that the Plaintiff requests may only be conducted by a pathologist who is *at least as qualified* as is generally required of pathologists conducting autopsies for the State of Mississippi; specifically, he or she must be (1) "an M.D. or D.O. who is certified in anatomic pathology by the American Board of Pathology," and (2) "a competent pathologist who is designated by the State Medical Examiner or the Department of Public Safety as a pathologist qualified to perform postmortem examinations and autopsies";³ and
3. The additional autopsy that the Plaintiff requests must be completed within one month after the last law enforcement entity investigating Dau's death has completed its investigation.

WHEREFORE, PREMISES CONSIDERED, this Motion is to inform the Court that Karissa did not receive notice of the hearing this morning and that there is no adversity of interest. She embraces the Court's ordered relief with the modification requested above. Because there is no case or controversy between Karissa—who is Dau's legal next-of-kin—and the Plaintiff, the Plaintiff lacks standing to sue Karissa. However, this standing issue can be remedied if the Court grants Karissa's alternative Motion to Realign the Parties to make Karissa a co-Plaintiff.

To the extent it would be helpful for the Court to consider this Motion at a hearing, she respectfully requests one.

² Miss. Code. Ann. § 41-37-25.

³ Miss. Code. Ann. § 41-61-65 (providing statutory eligibility requirements for pathologists conducting autopsies for the State Medical Examiner).

In further support of this motion, Karissa submits the following:

Exhibit A: Dau and Karissa's Marriage Certificate (Hinds County, Mississippi)

Dated: April 18, 2024

Respectfully submitted,

/s/ Paloma Wu

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Counsel for Karissa Bowley, Defendant

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were filed on the MEC system on this 18th day of April, 2024, which electronically served copies on all counsel of record in this litigation.

Paloma Wu
Counsel for Defendant Karissa Bowley