

**IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI**

**STATE OF MISSISSIPPI**

**VS.**

**CAUSE NO.: LK25-147**

**SHELDON TIMOTHY HERRINGTON, JR.**

**DEFENDANT**

**MOTION FOR CHANGE OF VENUE**

**COMES NOW**, counsel for Defendant Sheldon Timothy Herrington, Jr., in the above styled and numbered cause of action and makes this his Motion For Change of Venue, and in support thereof would show unto the Court the following:

**I. FACTS**

1. Sheldon Timothy Herrington, Jr. was indicted by the Grand Jury of Lafayette County, Mississippi on February 7, 2025, in a two-count indictment charging Capital Murder under section 97-3-19(2)(e) of The Mississippi Code of 1972 (Count I) and tampering with physical evidence (Count II) for conduct alleged to have occurred on or about July 8, 2022. The purported victim of the crime is Jimmy Dale "Jay" Lee, III. A copy of the indictment is attached hereto as **Exhibit "A"** and incorporated herein by reference.
2. Herrington was arraigned on the new indictment on February 11, 2025, and entered a plea of not guilty. Herrington's bond was subsequently revoked at a hearing on February 27, 2025, and he is currently in custody.
3. The Defendant hereby adopts and incorporates all arguments and findings of the Court in granting the previous change of venue motion in the earlier proceedings related to this case.
4. Since July 8, 2022, and continuing to the present time, there has been extensive news coverage of the alleged facts concerning this case. Every step of the investigatory process

as well as court proceedings since the initial investigation of this matter has been widely published and well documented in the media, and counsel for Defendant has good reason to believe that it will only continue and potentially worsen moving forward. Additionally, countless social media posts related to the alleged facts have been made/posted by individuals from Lafayette County. These posts contain negative and false information about Herrington, and positive information and support of "Jay" Lee. There has been so much publicity about this case that Defendant Herrington cannot get a fair trial in Lafayette County, Mississippi.

5. Additionally, at the Bond Revocation hearing on February 27, 2025, the State egregiously and prejudicially publicized the jury deliberations in the previous trial. The State argued at this hearing that the juror's decision was based on information obtained through an internet search, further demonstrating the prejudicial effect of publicity and online information in this case. This erroneous and prejudicial assertion served to only taint any jury pool in Lafayette County against the Defendant and further ensure that he in no way could have fair trial in Lafayette County.

## **II. ARGUMENT**

6. The Mississippi Rules of Criminal Procedure allow for a Defendant to request a change of venue if that Defendant can demonstrate to the Court that they cannot receive a fair trial in the current venue. Mississippi Rule of Criminal Procedure 11.1(a) states that,
7. The trial judge, for good cause, may grant the defendant a change of venue. Good cause includes a satisfactory showing made to the court in writing, supported by the affidavits of two (2) or more credible persons, that the defendant cannot have a fair and impartial trial in the county where the offense is charged to have been committed. MRCrP 11.1(a).

8. The Defendant adopts the affidavits of nineteen persons who live in Lafayette County that attested under oath that Herrington cannot receive a fair trial in Lafayette County, Mississippi. See affidavits attached hereto as **Exhibits "B.1" - "B.19"** and incorporated herein by reference. Defendant asserts that these nineteen individuals' opinions have likely not changed and in fact only strengthened since the first trial ended in a hung jury.
9. The Defendant can also make a showing of prejudicial pretrial publicity in asking for a change of venue. Mississippi Rule of Criminal Procedure 11.1(2) states that, "[w]henver the grounds for a change of venue are based on pretrial publicity, the trial judge shall consider the level of adverse publicity (both in extent of coverage and its inflammatory nature) and the potential effect of such publicity on the venire." MRCrP 11.1(b). There are numerous articles in the media and on social media about this trial and it will prejudice potential jurors against the Defendant.
10. The following sections highlight the extensive media coverage in this case. The motion adopts the previously stated coverage submitted as exhibits and adds additional coverage since the trial, reindictment, bond hearing and the states egregious release of discovery materials and jury information. The new articles and coverage are bold and underlined.
11. WTVA is a Saltillo, Mississippi based television station that is a major news source across Northern Mississippi that broadcasts and covers an area with a population of more than 800,000. WTVA has published numerous articles related to the alleged incident as well as extensive television coverage of the procedural timeline surrounding Herrington's case. The motion adopts the outlet's articles previously submitted as exhibits published on July 13, 2022, July 22, 2022, October 3, 2022, December 1, 2022, March 29, 2023, and July 10, 2023. A copy of WTVA's articles published on **December 3, 2024**,

December 7, 2024, December 11, 2024, February 3, 2025, February 11, 2025, February 19, 2025, February 27, 2025, and March 7, 2025 have been attached hereto as Exhibits "C.1-C.8" and incorporated herein by reference.

12. The *Oxford Eagle* is a newspaper with general circulation in Lafayette County, Mississippi that has published numerous articles that not only relate to the alleged incident, but also articles that contain testimony, transcriptions of testimony, and evidence presented from previously held court hearings in this cause. The motion adopts the newspaper's articles previously submitted as exhibits published on July 23, 2022, July 27, 2022, August 3, 2022, August 13, 2022, October 8, 2022, and July 12, 2023. A copy of the *Oxford Eagle's* articles published on December 3, 2024, December 4, 2024, December 5, 2024, December 6, 2024, December 9, 2024, February 11, 2025, February 27, 2025, and March 7, 2025 have been attached hereto as Exhibits "D.1-D.8" and incorporated herein by reference.
13. The *Daily Mississippian* is the newspaper of the University of Mississippi with general circulation in Lafayette County, Mississippi. The *Daily Mississippian* has published numerous articles that not only relate to the alleged incident, but also articles that contain testimony, transcriptions of testimony, and evidence presented from previously held court hearings in this cause. The motion adopts the newspaper's articles previously submitted as exhibits published on August 10, 2022, October 6, 2022, December 19, 2022, March 22, 2023, and March 30, 2023. A copy of The *Daily Mississippian's* articles published on December 3, 2024, December 4, 2024, December 6, 2024, December 8, 2024, December 11, 2024, February 11, 2025, February 27, 2025, and March 20, 2025, have been attached hereto as Exhibits "E.1-E.8" and incorporated herein by reference.

14. The *Mississippi Free Press* is a media company located in Jackson, Mississippi who has a vast online presence and following. The *Mississippi Free Press* has published numerous articles that not only related to the alleged incident, but also articles that contain testimony, transcriptions of testimony and evidence presented from previously held court hearings in this cause. The motion adopts the outlet's articles previously submitted as exhibits published on July 29, 2022, August 10, 2022, and March 30, 2023. A copy of the *Mississippi Free Press's* articles published on **December 4, 2024, December 5, 2024, December 6, 2024, December 9, 2024, December 11, 2024, February 6, 2025, February 14, 2025, and February 27, 2025**, have been attached hereto as **Exhibits "F.1-F.8"** and incorporated herein by reference.
15. There is substantial social media activity regarding the alleged incident, and they are primarily made by individuals and citizens from Lafayette County, and others with substantial ties to Lafayette County.
16. Social media accounts on Facebook, Instagram and TikTok with the name/handle of "JusticeForJayLee" have been created for the purpose of informing and influencing their following of the status of this cause. Their posts frequently include defamatory statements towards Herrington. The "JusticeForJayLee" TikTok account has over 430,000 views, 36,000 likes and **1,282** followers. The "JusticeForJayLee" Instagram account has made **86** posts, has **4,067** followers and follows **571** people.
17. The Defendant adopts the exhibits previously listed and presented as a list of social media in the previous Motion for Change of Venue.
18. Additionally, to coincide with the social media posts, there have previously been numerous letters in support of Lee and #JusticeForJayLee sent to the Lafayette County

Circuit Clerk's office and subsequently been filed in the court file in the previous case, making them public record.

19. The alleged victim's family, as well as any friends, supporters and otherwise have the right to talk about and/or publicize their thoughts and concerns about the alleged incident, giving rise to the indictment in this cause. However, Sheldon Timothy Herrington, Jr., is also entitled to have the trial of his criminal charges in a county where he can receive a fair trial. Due to the amount of pretrial publicity and the local knowledge of the persons and events involved, Herrington cannot receive a fair trial in Lafayette County.
20. The information that has been publicized online and in newspapers has been severely prejudicial to the Defendant to the extent that the potential jury pool in Lafayette County has been irreversibly tainted. Pursuant to Mississippi Rule of Criminal Procedure 11.1(b), "[w]henver the grounds for a change of venue are based on pretrial publicity, the trial judge shall consider the level of adverse publicity (both in extent of coverage and its inflammatory nature) and the potential effect of such publicity on the venire."
21. In addition to the heavy coverage of the alleged incident, the alleged victim in this case, Jimmy Dale "Jay" Lee, III, was a extremely well known resident of Lafayette County and it is clear from all the social media posts his extensive supporters prior to the previous trial, during and presently have already reached their conclusion that "justice" must be served and that Herrington is "guilty." Their overwhelming public calls for justice for "Jay Lee", not only proclaim Herrington's guilt, but are void of any appreciation for the "presumption of innocence" that Mr. Herrington and all defendants charged with a crime are clothed in judicial system.

22. The fact that, the District Attorney's office has adopted as true and published in a court filing and argued in open court, that the previous trial ended in a hung jury stating the alleged vote count, and the State based this argument on outside information obtained through internet searches, further demonstrates that Defendant cannot receive a fair trial in Lafayette County due to the continued and pervasive publicity surrounding this case.
23. To have a trial on Sheldon Timothy Herrington, Jr.'s murder charges in Lafayette County, Mississippi, where the community has made it apparent of its strong feelings and prejudices towards Herrington, will violate his rights to due process and a fair trial by an impartial jury contrary to the privileges afforded to him under the 5th, 6th, and 14th Amendments to the United States Constitution as well as the same privileges afforded to him under the Mississippi Constitution of 1890.

**WHEREFORE PREMISES CONSIDERED**, the Defendant, Sheldon Timothy Herrington, Jr., respectfully requests that this Court grant a change of venue and have his charges heard in a county other than Lafayette County, Mississippi in order that said Defendant may receive a fair trial by an impartial jury.

THIS the 19<sup>th</sup> day of May 2025.

Respectfully submitted,

**SHELDON TIMOTHY HERRINGTON, JR.**  
*Defendant*

/s/ Aafram Y. Sellers

**AAFRAM Y. SELLERS, MSB #100261**  
*Attorney for Defendant*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the electronic filing system which sent notification to all counsel of record and via email.

THIS the 19<sup>th</sup> day of May 2025.

/s/ Aafram Y. Sellers

**AAFRAM Y. SELLERS, MSB #100261**