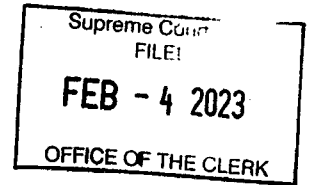


22A 735

In the United States Supreme Court



George Dunbar Prewitt, Jr. Applicant

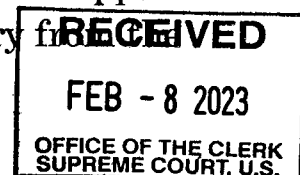
v. No. _____

Charles Shamoun Respondent

Application for Stay to Mr. Justice Clarence Thomas and Mr. Justice Samuel A. Alito, Jr.

I submit this request to two U.S. Supreme Court Justices, Mr. Justice Thomas and Mr. Justice Alito whose Circuits are the 5th and 11th Courts of Appeal, because the underlying issues may affect governmental and congressional seats in the states of Mississippi and Alabama. In the underlying case, I have raised the issue of whether the Mississippi Supreme Court has legal adjudication authority because of the following issues;

1. Whether the State of Mississippi violated Reconstruction Era, Federal statutes found at 14 Stat. 428 (March 2, 1867), 15 Stat. 2 (March 23, 1867), and 16 Stat. 67 (February 23, 1870) by replacing the 1868 Mississippi Constitution, which was submitted to, and ratified by, a vote of the "colored" majority following the Civil War and subsequently approved by the U.S. Congress in 16 Stat. 67, with an 1890 Mississippi Constitution that was not submitted to the Mississippi "colored" majority for ratification nor subsequently approved by the U.S. Congress?
2. Whether the State of Mississippi, in the 1890 Mississippi Constitution, unlawfully moved its eastern boundary from



Northwest Corner of the 19th Century Washington County (which was, and is, located on the Mississippi water monument called the Pearl River) to a mobile site in Alabama in order to eliminate the 1890 “colored” voting majority of 73% by unlawfully annexing white majority counties from Alabama?

3. Whether the 1890 boundary change violates the U.S. Constitution’s “Article IV, Section 3, Clause 1 which states the following;

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress”? (emphasis added).

4. Whether the 1890 theft of an entire state, (a) by disenfranchising and diluting the voting power of the “colored” voting majority, which consisted of “190,000 colored voters and 69,000 white voters” as indicated in *Williams v. Mississippi*, 170 U.S. 213 (1898) and (b) moving the state’s east boundary line, constitutes an ongoing criminal enterprise which operates at the highest levels of Mississippi government?

5. Whether a 1993 Northern District of Mississippi decision in a Section 5 Voting Rights Act (VRA) case is void because (a) two members of the three-judge federal panel should have recused themselves before rejecting a challenge to Mississippi’s filling of judicial vacancies by judicial appointments rather than by the special elections in Section 3312 on (b) the false premise that Section 3312 had not been used since 1935, a date prior to the November 1, 1964 effective date of the Voting Rights Act, because a certified document (attached as exhibit 1) indicates that Section 3312 was used in 1968 after the November 1, 1964 effective date of the Voting Rights Act?

I. Facts

1. In *Ratliff v. Beale*, 20 So. 865 (1896), the Mississippi Supreme Court wrote the following concerning the 1890 Mississippi Constitution;

But it must be remembered that our constitution was never submitted to the people. It was put in operation by the body which framed it, and therefore the question is what that body meant by the language used. (emphasis added).

2. On June 4, 1800, Mississippi Territorial Governor Winthrop Sargent issued a proclamation that established Washington County whose western border was the Pearl River. (Exhibit 2).

“... I have thought proper ... to erect a new county, and by these letters made patent, do ordain and order that all and singular the lands lying and being within the following, viz. the territorial boundaries upon the north, east and south, **and the Pearl River on the west**, shall constitute the same to be named and hereafter to be called the County of Washington....” **The Western boundary line of Washington County in 1809 was Pearl River** (Turner's Digest, p. 87, part 21, **Proclamation of Governor Winthrop Sargent**). (emphasis added).

3. In 3 Stat. 98, the original Mississippi boundaries were established by the March 1, 1817 Congress as follows;

Sec. 2. And be it further enacted, That the said state shall consist of all the territory included within the following boundaries, to wit: Beginning on the river Mississippi at the point where the southern boundary line of the State of Tennessee strikes the same, thence east along the said boundary line to the Tennessee river, thence up the same to the mouth of Bear Creek, thence by a direct line **to the north-west corner of the county of Washington**, thence due south to the Gulf of Mexico, thence westwardly,

including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne, thence up said river to the thirty-first degree of north latitude, thence west along the said degree of latitude to the Mississippi River, thence up the same to the beginning. (emphasis added).

4. An 1803 federal law found at 2 Stat. 230 states the following;

SEC. 4. And be it further enacted, That for the disposal of the lands of the United States within the Mississippi territory, two land-offices shall be established in the same, one at such place in the county of Adams, as shall be designated by the President of the United States, **for the lands lying west of "Pearl river," sometimes called "half-way river "** and one at such place in the **county of Washington, as shall be designated by the President of the United States, for the lands lying east of Pearl river:...** (emphasis added).

5. The original 1890 Mississippi Constitution **overtly** changed the 1817 Congress' boundary language for Mississippi in the following manner;

The limits and boundaries of the State of Mississippi are as follows, to-wit: Beginning on the Mississippi river (meaning thereby the center of said river or thread of the stream) where the southern boundary line of the State of Tennessee strikes the same, as run by B. A. Ludlow, D. W. Connelly and W. Petrie, commissioners appointed for that purpose on the part of the State of Mississippi in A.D., **1837**, and J. D. Graham and Austin Miller, commissioners appointed for that purpose on the part of Tennessee; thence east along the said boundary line of the State of Tennessee to a point on the west bank of the Tennessee river, six four-pole chains south of and above the mouth of Yellow Creek; thence up the said river to the mouth of Bear Creek; **thence by a direct line to what was formerly the northwest corner of the county of Washington, Alabama**; thence on a direct line to a point ten miles east of the Pascagoula river on the Gulf of Mexico; thence westwardly, including all the islands within six leagues of

the shore, to the most eastern junction of Pearl river with Lake Borgne; thence up said Pearl river to the thirty-first degree of north latitude; thence west along the said degree of latitude to the middle or thread of the stream of the Mississippi river; thence up the middle of the Mississippi river, or thread of the stream, to the place of beginning, including all islands lying east of the thread of the stream of said river, and also including any lands which were at any time heretofore a part of this State.

5. My standing for raising the above issue(s) is that (a) I am a current citizen, and resident, of Mississippi who is a lineal descendant of the “colored”, former American Slaves in 1890 who constituted 73% of the voters in Mississippi, and that (b) I challenge the jurisdiction of the Mississippi Supreme Court to issue a non-compensatory judicial fine in the amount of \$2,150.50, without criminal procedure protections, for allegedly filing “frivolous” documents that merely sought **permission to appeal** certain issues on the authority of the First and Fourteenth Amendments, including the failure of a Mississippi trial court to comply with bright line rules issued by the Mississippi Supreme Court and the failure of Mississippi to submit its 1890 Constitution to the Mississippi voters for ratification as required by the federal laws in 14 Stat. 428 (March 2, 1867), 15 Stat. 2 (March 23, 1867), and 16 Stat. 67 (February 23, 1870), the latter statute being the Congress’ approval of Mississippi’s ratification of the 1868 Mississippi Constitution that was

replaced, without Congressional approval, by the 1890 Mississippi Constitution.

II. Narrative

If what I have related above is factually correct, and the cited references above appear to plausibly support the allegations I have made concerning (a) the failure of Mississippi to submit its 1890 Mississippi Constitution for ratification by the voters as required by federal law and (b) the apparent movement of Mississippi's east boundary line from the Pearl River to a fictitious site in Alabama to dilute the voting power of the "colored" majority in 1890, the above Justices should stay the underlying Mississippi decree for two reasons; (a) a stay would permit me to file a petition for writ of certiorari without violating the Mississippi Supreme Court order which requires me to tender the \$2,150.50 by February 10, 2023 despite the fact that I have presented that amount to the Mississippi Supreme Court for deposit in its court registry during the pendency of this matter but the Mississippi Supreme Court has not acted on my stay motion before it, and (b) it may be that this matter requires the original jurisdiction of the U.S. Supreme Court for if my allegations are correct, federal and state

election districts in two states, Mississippi and Alabama, will have to be re-drawn and the state boundaries of both states will have to be re-drawn in conformity with the U.S. Constitution and federal law.

The affliction of the white supremacy doctrine, as indicated above, is a disease for which the only remedy is strict adherence to the principle that the people, i.e., the voters, are their own rulers. When the Congress, after considerate prodding from a movement led by Dr. Martin Luther King, Jr., passed the Voting Rights Act in 1965 with an effective date of November 1, 1964, Mississippi's officials set out to circumvent that federal statute by various devices, including maintaining control over the elected state judiciary, which included district attorneys, by eliminating the special elections to fill vacancies in such offices under Sections 3312 and 3316 of the 1942 Mississippi Code, and replacing those special elections with judicial appointments.

When I raised the above issue in *Prewitt v. Moore*, 840 F. Supp. 428 (1993), a three-judge panel was convened consisting of Glen Davidson, Neal Biggers, and Grady Jolly. Biggers had been a Mississippi state district attorney in the 1st Circuit Court District of Mississippi, and Davidson had been assistant district attorney under Biggers. In 1974,

Biggers was elected to a circuit judge position in the 1st Circuit Court District of Mississippi, and Davidson was appointed to fill the district attorney position, vacated by Biggers' election to the circuit judge position, to serve until a special election was held to fill Biggers' unexpired term as district attorney. (Exhibit 3).

Thus, when my lawsuit came before that three-judge panel, Biggers and Davidson should have recused themselves because they knew, or should have known, that Section 3312 was being used to fill judicial vacancies after the November 1, 1964 effective date of the Voting Rights Act because L.T. Senter had been elected in a 1968 special election to fill a judicial vacancy in the same 1st Circuit Court District of Mississippi where Biggers was the local district attorney and Davidson was his assistant. (see Exhibit 1). Instead, the three judge panel falsely wrote that Section 3312 had only been used, since 1935, in district attorney vacancies, but even that change, which removed circuit judgeships from the scope of Section 3312, should have been submitted for preclearance. Thus, in addition to a failure to present the 1890 Mississippi Constitution for ratification to the "colored" majority, and the 1890 movement of Mississippi's east boundary from the Pearl River

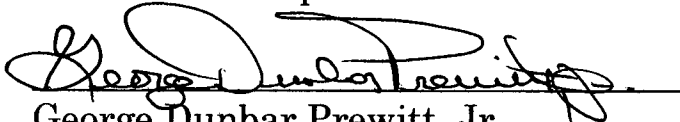
to Alabama to dilute the voting power of the “colored” majority, a three-judge federal panel, in a Voting Rights Act lawsuit decided 103 years after the 1890 violations of federal laws, falsely declared that Mississippi’s recently enacted judicial appointment process, in MCA 9-1-101 et seq., did not violate the Voting Rights Act because Section 3312 had not been used since 1935. It appears that even federal judges, nominated by the President and approved by the Congress, were not impervious to the siren call of white supremacy.

The above Justices may also note that the Mississippi Supreme Court does not, and cannot, have a rule which authorizes judicial sanctions to be imposed on a petition, authorized by the First and Fourteenth Amendments, which merely seeks permission to appeal for a redress of grievances. Because the Mississippi Attorney General is not a party to this matter, and because 28 U. S. C. § 2403(b) may be applicable, a copy of this document will be served on the Mississippi Attorney General at P.O. Box 220, Jackson MS 39205.

I attach the following documents;

1. A May 23, 2022 “Petition for Permission to Appeal”... in which I raised the failure to ratify the 1890 Mississippi Constitution.
2. A January 19, 2023 Motion for Stay pending Certiorari Application.

3. A January 11, 2023 order imposing \$2,150.50 ostensibly to compensate the opposing attorney who filed a 4-page response to my request for permission to appeal that she claimed took over 13 billable hours to prepare, and which I was unable to contest for fear of being sanctioned further for merely seeking permission to appeal.
4. The itemization of expenses filed by the opposing attorney in which she asserts that she, and an associate, spent 13.2 hours in researching a response to my request for permission to appeal issues involving the failure of Mississippi to submit its 1890 Mississippi Constitution for ratification.
5. A December 14, 2022 order which found that my motion for clarification, which was authorized by court rules, was found to be frivolous.
6. My November 2, 2022 Motion for Clarification which was found to be frivolous.
7. An October 20, 2022 order noting that I had filed “numerous unsuccessful petitions” for **permission to appeal** and that I had been sanctioned in other courts, a fact not in the appellate record and which strongly indicates some form of ex parte communications by the Mississippi Supreme Court judges with unknown persons.



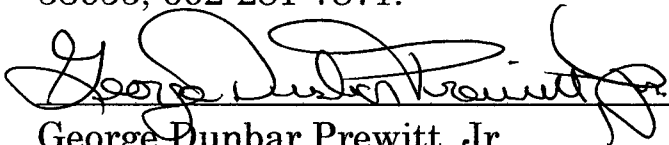
George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701

Certificate of Service

I certify that the foregoing document is believed to be correct, and that I have served the foregoing document on the following by first class mail, postage prepaid, on or about February 4, 2023.

1. Lynn Fitch, Mississippi Attorney General, P.O. Box 220, Jackson, MS 39205, 601-359-3680.

2. Jenessa Carter Hicks, 119 North 9th Street, Oxford, Mississippi 38655, 662-281-7871.

A handwritten signature in black ink, appearing to read "George Dunbar Prewitt, Jr.", written over a horizontal line.

George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701

Mississippi
Executive Department
Jackson

WRIT OF ELECTION

TO THE ELECTION COMMISSIONERS OF TISHOMINGO, ALCORN, PRENTISS, ITAWAMBA, MONROE, LEE, AND PONTOTOC COUNTIES, MISSISSIPPI:

WHEREAS, under the provisions of Senate Bill No. 1618 of the Regular 1968 Session of the Legislature, there was created an additional Circuit Judgeship of the First Circuit Court District of the State of Mississippi and designated as "Place Two"; and

WHEREAS, said Senate Bill No. 1618 provides for a special election, at which time the office of Place Two shall be filled by a person to serve until his successor shall have been elected in the next succeeding regular election for judges of the circuit courts:

Now, therefore, by virtue of the authority vested in me as Governor of the State of Mississippi, under the provisions of Senate Bill No. 1618 of the Regular 1968 Session of the Legislature and under the provisions of Section 3312, Mississippi Code of 1942, Recompiled, I do hereby issue this Writ of Election and do hereby fix and set the 6th day of August, 1968, being the First Tuesday of August, 1968, as the date on which an election shall be held in Tishomingo, Alcorn, Prentiss, Itawamba, Monroe, Lee, and Pontotoc counties, Mississippi, to elect an additional Circuit Judge of the First Circuit Court District of the State of Mississippi for Place Two therein.


Said special election shall be held in accordance with Section 3296, Mississippi Code of 1942, Recompiled, and notice thereof shall be given in accordance with Section 3294, Mississippi Code of 1942, Recompiled. Candidates shall qualify pursuant to Section 3260, Mississippi Code of 1942, Recompiled, and Section 3 of Senate Bill No. 1618 of the Regular 1968 Session of the Legislature.

The Election Commissioners of said counties shall govern themselves accordingly.

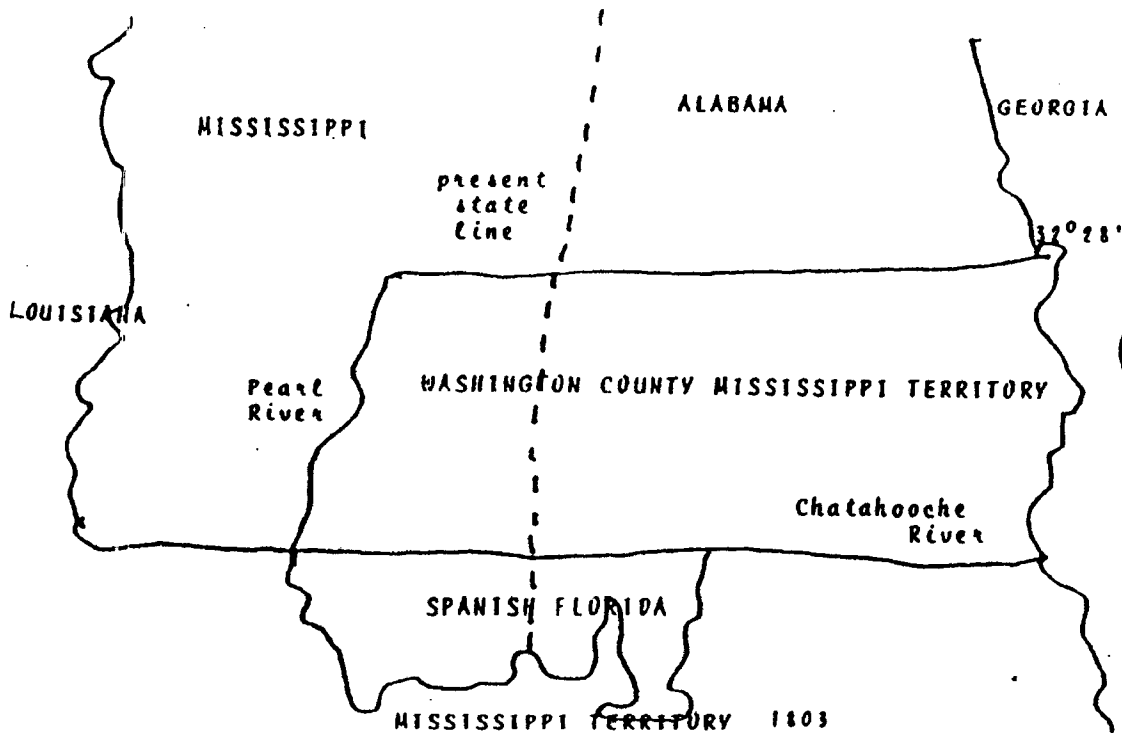
Done at the City of Jackson, in the State of Mississippi, on this 14th day of June, A. D., 1968.


JOHN BELL WILLIAMS
GOVERNOR

BY THE GOVERNOR

 Exhibit 1

Washington County, in the Tombigbee District, was created by proclamation of Governor Winthrop Sargent of the Mississippi Territory on June 4, 1800. The county was named in honor of General George Washington. Its original boundaries extended from the Pearl River eastward to the Chattahoochee River and from latitude $32^{\circ}28'$ on the north to the latitude 31° on the south. The county measured 300 miles east to west and 88 miles from north to south. Out of the area between these original boundaries sixteen counties in Mississippi and twenty-nine counties in Alabama have since been formed in whole or in part. Now located in the southwestern part of the state, Washington County is bounded by Choctaw County to the north, the Tombigbee River to the east (across which lie Clarke and Baldwin Counties), by Mobile County to the south, and by the state of Mississippi to the west.



Map No. 6.

(Brown and Waddell 1989)

Exhibit 2

Post



THE CAPITOL
JACKSON

BILL WALLER
GOVERNOR

December 31, 1974

Honorable Heber Ladner
Secretary of State
Jackson, Mississippi

Dear Mr. Ladner:

I have made the following appointment:

Honorable Glen H. Davidson, Pontotoc, Mississippi,
as District Attorney for the First Circuit Court
District of Mississippi, commencing January 1, 1975,
to serve until his successor shall have been elected
and qualified according to law, vice Honorable Neal
B. Biggers, Jr., resigned.

Please issue a commission accordingly.

Sincerely,

Governor

District Attorney, 1st Circuit Court District
Exhibit 3

2022-M-00509

In the Supreme Court of Mississippi

FILED

MAY 23 2022

George Dunbar Prewitt, Jr.

Petitioner

v.

No. _____

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Entergy Mississippi LLC

Respondent

Petition for Permission to Appeal or, in the alternative, for Mandamus

I. Facts

This petition seeks an order directing the Mississippi Attorney General to intervene in the underlying complaint which is now scheduled for a May 31, 2022 hearing on Entergy Mississippi LLC's motion to dismiss. Entergy's motion to dismiss asserts, in part, that the Mississippi Public Service Commission (PSC), rather than the Mississippi judiciary, has subject matter jurisdiction over a complaint which alleges constitutional injury in the following manner;

At a December 6, 1949 meeting under a charter form of government whose membership was 6 councilmen and a mayor, three white Greenville, Mississippi city council members, i.e., Causey, Paxton, and Garrett, voted .yes" on an ordinance (see attached exhibit) that purportedly granted Mississippi Power & Light the right to construct "a plant or plants and a system for the manufacture or distribution of electric current" in the "municipality" of Greenville, Mississippi to provide electricity to the citizens of Greenville who were, and are, predominantly non-white. ... Because the non-white citizens of Greenville, with few exceptions in 1949, were illegally barred from the right

to vote in violation of (a) the 15th Amendment to the second U.S. Constitution and in violation of (b) the Federal law readmitting Mississippi to the U.S. Congress following the Civil War, the elected officials of Greenville were selected by predominantly white voters. ... Section 3-1 of the Greenville Charter states, in part, that "The mayor shall preside at all meetings of the city council, and have a casting vote, and none other." ... The Mississippi supreme court, in a case involving a special charter city having a 5-member board and a mayor called Tisdale v. City Council of City of Aberdeen, 856 So- 2d 323 (Miss. 2003) indicated that a mayor with a casting vote will only vote in case of a tie vote among the other members of the governmental body, and concluded that only the **eligible** voting members of a governmental body, which excludes mayors with only a casting vote, can enact legislation in the absence of a tie vote. ... Section 1-2 of the city of Greenville's "Definitions and Interpretation" provision in its Code declares that "Joint Authority" requires that "All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority **to a majority of such persons** or officers.". ... Under Tisdale and Section 1-2 of Greenville's "Definitions", the December 6, 1949 purported grant of the right, to construct an electric power plant or plants in the municipality of Greenville to Mississippi Power & Light, is invalid not only **because it lacked a majority vote** from the 6 members of the Greenville City Council who were authorized to vote at the December 6, 1949 meeting, but also because not a single electric power plant has been built in the "municipality" of Greenville despite the passage of 71 years and 51 weeks from the purported grant of the December 6, 1949 franchise to the November 29, 2021 filing date of this civil action.

In my January 14, 2022 filed response to Entergy's motion to dismiss the complaint, including the cited portions above, I wrote the following;

The defendant's motion to dismiss mistakenly assumes that the Mississippi Constitution has authorized the PSC to regulate electric power companies. However, Section 186 of the 1890

Mississippi Constitution states the following with the relevant portions highlighted in italics and underlined;

SECTION 186. Telephone, telegraph and railroad charges. The Legislature shall pass laws to prevent abuses, unjust discrimination, and extortion in all charges of express, telephone, sleeping-car, telegraph, and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping-car companies, and other common carriers in this State. by commission or otherwise, and shall provide adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their franchises.

Section 195 of the 1890 Mississippi Constitution also lists the various categories of common carriers in Mississippi, and it, like Section 186, does not include electric power companies.

SECTION 195. Common carriers designated. Express, telegraph, telephone, and sleeping-car companies are declared common carriers in their respective lines of business, and subject to liability as such.

The panoply of PSC statutes, which purport to supervise common carriers, are unconstitutional to the extent that they authorize PSC supervision of electric power companies which are not common carriers as declared in Sections 186 and 195 of the Mississippi Constitution. Because the constitutionality of the PSC's statutory supervision of electric power companies is at issue, I will serve a copy of this document on the Mississippi Attorney General, pursuant to Rule 24(d), M. R. Civ. P. on whether the PSC's statutory supervision of electric power companies violates Article 7, Section 186 of the Mississippi Constitution. But assuming that the Mississippi courts decide that Sections 186 and 195 of the Mississippi Constitution do not affect the power of the PSC to supervise electric companies, there are other structural reasons why the PSC lacks jurisdiction over what are issues to be determined by a Mississippi jury. First, the 1890 Mississippi

Constitution was cobbled together by a convention of all white men, with the exception of a single token named Isaiah Montgomery, and that convention promptly violated the federal law, found at 16 Stat. (Statutes at Large) on pages 67-68, that readmitted Mississippi to representation in the Congress. The 1870 federal law, at 16 Stat. 67, conditioned the readmission of Mississippi to the Congress on three provisos, one of which was that the Mississippi Constitution could never be changed in a manner which deprived a person of the right to vote except as a punishment for committing a 19th Century common law felony which were the following; murder, manslaughter, arson, burglary, robbery, rape, sodomy, mayhem, and larceny. The 1890 Mississippi Constitution, as originally enacted, listed the following disenfranchising felonies; bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy. The present version of the 1890 Mississippi Constitution lists the following disenfranchising felonies; murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy. The Mississippi Secretary of State's office, on its voter application form, lists the following disenfranchising felonies; voter fraud, murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, bigamy, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor vehicle, statutory rape, carjacking or larceny under lease or rental agreement. Thus, by any standard, it is clear that the State of Mississippi has, for the past 132 years, violated the 152-year-old federal law that readmitted Mississippi to representation in the U.S. Congress. It is also clear, from the above, that the State of Mississippi's government, including the executive, legislative, and judicial branches, has approved the violation of Sections 186 and 195 in the Mississippi Constitution by authorizing the PSC to supervise, ostensibly as a common carrier, the electric power companies which includes the defendant in this case.

The Mississippi Attorney General did not respond to the January 14, 2022 “notice” I provided on whether the PSC’s supervision of electric power companies comports with Sections 186 and 195 of the 1890 Mississippi Constitution and, if so, whether the 1890 Mississippi Constitution, by the failure to obtain ratification of the 1890 Mississippi Constitution by the Mississippi voters and the violation of the 3 conditions which readmitted Mississippi to the U.S. Congress, is in violation of the federal laws, found in the U.S. Statutes at Large at 14 Stat. 428, 15 Stat. 2, and 16 Stat. 67 that readmitted, and conditioned, Mississippi’s readmission to representation in the U.S. Congress on its compliance with the above federal laws and on three conditions in 16 Stat. 67.

On May 18, 2022, Circuit Judge Ashley Hines issued the following order;

It is, hereby, ordered that Defendant Entergy, Mississippi LLC’s Motion to Dismiss shall be and is hereby set for hearing on Tuesday, May 31, 2022, at 10:00 a.m. in Courtroom No. 2 of the Washington County Courthouse located on the Second Floor in the Washington County Courthouse, 900 Washington Ave., Greenville, MS 38702. So ordered and adjudged this the 18th day of May, 2022.

On May 19, 2022, I filed a document, so far undecided by Judge Hines, which is titled "Plaintiff's Motion for an Order directing the Attorney General to intervene in this matter under MCA 7-5-1".

II. *Law*

Entergy claims that the Legislature has plenary power to do whatever it wants, on the issue of the PSC regulating electric power companies like Entergy, because of Section 33 in the Mississippi Constitution. But that legislative power in Section 33 is cabined by this court's prior pronouncements, cited in Harper v. Banks, Finley, White & Co., 167 So. 3d 1155 (Miss. 2015), regarding construction of legal language;

A common rule of statutory construction is *expressio unius est exclusio alterius*, which translates as "expression of the one is exclusion of the other." See *McCoy v. McRae*, 204 Miss. 309, 317, 37 So.2d 353 (Miss.1948). This Court has explained this venerable principle: "where a statute enumerates and specifies the subject or things upon which it is to operate, it is to be construed as excluding from its effect all those not expressly mentioned or under a general clause." *Southwest Drug Co. v. Howard Bros. Pharmacy of Jackson, Inc.*, 320 So.2d 776, 779 (Miss.1975) (citing *Akers v. Estate of Johnson*, 236 So.2d 437 (Miss. 1970)).

The above constitutional issues, including the issue of whether the express limitation on the legislative's commission power in Sections 186 and 195, i.e., to create a commission to supervise common carriers, is

only an additional power to Section 33's language that can be used to imbue the PSC with supplementary, statutory authority to supervise electric companies as well as oversee common carriers, is an issue that needs the intervention of the Mississippi Attorney General because the PSC's statutory authority over electric power companies like Entergy is alleged to be unconstitutional.

Additionally, the entire state governmental apparatus is alleged to be violative of federal law because of the failure to obtain ratification, for the 1890 Constitution, from the Mississippi voters, and because the State of Mississippi has willfully violated the 3 conditions, in 16 Stat. 67, that readmitted Mississippi to representation in the U.S. Congress, i.e., (a) 22 voter disenfranchising felonies are now being used to disqualify potential voters instead of the 9, 19th Century common law felonies cited in the above federal laws, (b) voter disenfranchisement also disqualifies potential candidates from running from office, which is the second of the three readmission conditions and (c) because the State of Mississippi's officials have plundered and looted the school trust fund, i.e., the third readmission condition in 16 Stat. 67, that was

established in the 1868-69 Mississippi Constitution which was ratified by the Mississippi voters.

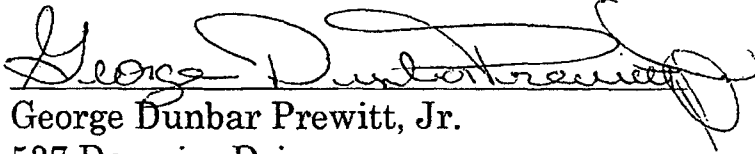
This court has written the following;

"(A)ll public officers, including the Attorney General, are subordinate to the laws of this State." *Frazier v. State*, 504 So.2d 675, 690 (Miss. 1987). (emphasis added).

Determination of whether state statutes are constitutional is a "judicial question" reserved for courts of competent jurisdiction. *Golden v. Thompson*, 194 Miss. 241, 246, 11 So.2d 906, 907 (1943). We have recognized that this Court has "the power to construe the constitution and thus define the powers of the three branches of government." *State v. Wood*, 187 So.2d 820, 831 (Miss. 1966). *In the Interest of RG*, 632 So. 2d 953 (Miss. 1994).

Contrary to the position of Entergy, it is the Mississippi courts, not the PSC, which must decide constitutional issues, particularly issues implicating the constitutional validity of the PSC's statutory power over non-common carriers like Entergy. And, the Mississippi Attorney General is bound by MCA 7-5-1 to intervene when the constitutionality of state statutes are called into question. I ask for permission to appeal the above issues or, in the alternative, an order directing the Mississippi Attorney General to intervene in the above matter at the trial court level which will have the additional salutary effect of

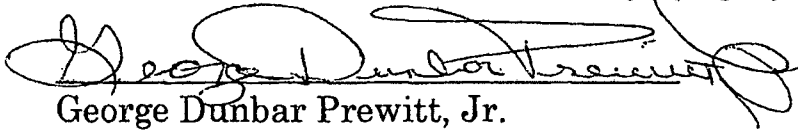
protecting this court's appellate jurisdiction, if needed at some future date.



George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701
662-335-7440

Certificate of Service

I certify that I have served, on May 23, 2022, a copy of the foregoing on the Mississippi Supreme Court Clerk by email to sctclerk@courts.ms.gov, to Circuit Judge Ashley Hines at ah@tecinfo.com, and to Steven Gray at sgray1@entergy.com.



George Dunbar Prewitt, Jr.

ORIGINAL

FILED

JAN 19 2023

In the MS Supreme Court

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

George Dunbar Prewitt, Jr.

Petitioner

v.

2022-M-00982-SCT

Charles Shamoun

Respondent

Rule 5 Petitioner's Motion for Stay of Mandate pending Application for
Certiorari to the U.S. Supreme Court

Pursuant to 28 U.S.C. §2101(f), and U.S. Supreme Court Rule 23, I
am required to seek an initial stay, from this court, of the monetary fine
imposed in this matter. Under MS Sup. Ct. Appellate Rule 41(c), I, the
petitioner, in this MS Sup. Ct. Appellate Rule 5 request-for-permission-
to-appeal matter, move this court to order a stay of the underlying
monetary fine pending application to the United States Supreme Court
for a writ of certiorari which will include the following questions;

1. Whether the MS Sup. Ct. has legitimate jurisdiction (a) due to the failure to submit the 1890 Constitution to the Mississippi voters for ratification as required by federal laws in a state where 73% of the 1890 voters were "colored" citizens, (b) due to the movement of the 1817 MS eastern boundary from Mississippi's Pearl River to an ever-changing spot in the state of Alabama in order to dilute the voting power of the "colored" majority in 1890, and (c) due to the 1972 voting change, from special elections to fill judicial vacancies to filling judicial vacancies by appointment, pursuant to Sections 3312 and 3316 of the 1942 Mississippi Code, which was approved in the 1993 Voting Rights Act case of Prewitt v. Moore 840 F. Supp. 428, a decision that may be void because

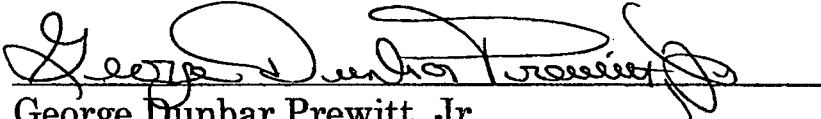
two of the three federal judges in that case were, as former Mississippi officials, within the purview of Section 3312 and should have recused themselves before reaching the dubious conclusion that the foregoing sections had not been used since 1935 despite a 1968 special election which was expressly held under Section 3312 and elected L.T. Senter? (Exhibit 1).

2. Assuming that Mississippi has complied with federal laws regarding ratification of its 1890 Constitution, has not moved its eastern boundary from the Pearl River, and did not violate the Voting Rights Act in 1972 by the removal of the special election provisions in Sections 3312 and 3316 from the Mississippi Code, whether it violates the First Amendment's clauses, the Fifth Amendment's Takings Clause, the Seventh Amendment's right to trial-by-jury, the Fourteenth Amendment's clauses, and constitutes a "Badge-of-Slavery" where the highest court in a state government issues an ipse dixit, monetary penalty of over \$2000 (a) to a U.S. Citizen, a Descendant of American Slaves (a) who simply asked for permission to file an appeal involving, in part, the failure of a state trial court to comply with Rule 78, Mississippi Rules of Civil Procedure, which requires written rules for procedural motions, (b) to a Descendant of American Slaves who earlier sought permission to file an appeal on the question of whether the 1890 Mississippi Constitution violates federal laws issued in the Reconstruction Era that require ratification of post-Civil War, Mississippi constitutions by the "colored" voters of Mississippi who were 73% of the Mississippi voters in 1890?

3. Whether the monetary penalty sanction order issued above "chilled" the petitioner's exercise of his constitutional right(s), cited above, and prevented a challenge to the amount of the monetary penalty imposed?

I, the movant, also file the amount of the monetary penalty imposed, i.e., \$2,150.50, with the Clerk of this court as a "bond or other security" that may be assessed as a condition for the stay of the underlying judgment pending an application, to the U.S. Supreme Court, for

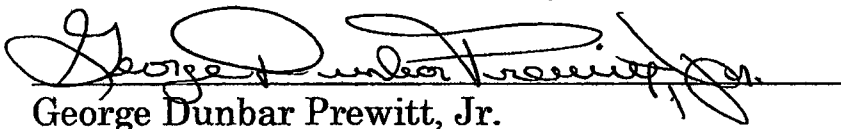
certiorari. I move this court to deposit the \$2,150.50 in the court registry during the pendency of the application for certiorari to the U.S. Supreme Court, and to issue it to the proper party should the application for a U.S. Supreme Court certiorari writ be unsuccessful.



George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701

Certificate of Service

I certify that I have served a copy of the foregoing on Jenessa Carter Hicks, McAngus Goudelock and Courie, LLC, 119 North 9th Street Oxford, MS 38655 by first class mail, postage prepaid, on January 16, 2023 and to Vernita King Johnson by email at vjohnson@co.washington.ms.us, and on Cory L Radicioni at clr@wisecarter.com on January 16, 2023.



George Dunbar Prewitt, Jr.

Mississippi
Executive Department
Jackson

WRIT OF ELECTION

TO THE ELECTION COMMISSIONERS OF TISHOMINGO, ALCORN, PRENTISS, ITAWAMBA,
MONROE, LEE, AND PONTOTOC COUNTIES, MISSISSIPPI:

WHEREAS, under the provisions of Senate Bill No. 1618 of the Regular 1968 Session of the Legislature, there was created an additional Circuit Judgeship of the First Circuit Court District of the State of Mississippi and designated as "Place Two"; and

WHEREAS, said Senate Bill No. 1618 provides for a special election, at which time the office of Place Two shall be filled by a person to serve until his successor shall have been elected in the next succeeding regular election for judges of the circuit courts:

Now, therefore, by virtue of the authority vested in me as Governor of the State of Mississippi, under the provisions of Senate Bill No. 1618 of the Regular 1968 Session of the Legislature and under the provisions of Section 3312, Mississippi Code of 1942, Recompiled, I do hereby issue this Writ of Election and do hereby fix and set the 6th day of August, 1968, being the First Tuesday of August, 1968, as the date on which an election shall be held in Tishomingo, Alcorn, Prentiss, Itawamba, Monroe, Lee, and Pontotoc counties, Mississippi, to elect an additional Circuit Judge of the First Circuit Court District of the State of Mississippi for Place Two therein.

Said special election shall be held in accordance with Section 3296, Mississippi Code of 1942, Recompiled, and notice thereof shall be given in accordance with Section 3294, Mississippi Code of 1942, Recompiled. Candidates shall qualify pursuant to Section 3260, Mississippi Code of 1942, Recompiled, and Section 3 of Senate Bill No. 1618 of the Regular 1968 Session of the Legislature.

The Election Commissioners of said counties shall govern themselves accordingly.

Done at the City of Jackson, in the State of Mississippi, on this 14th day of June, A. D., 1968.


JOHN BELL WILLIAMS
GOVERNOR

BY THE GOVERNOR



Serial: 245035

IN THE SUPREME COURT OF MISSISSIPPI

No. 2022-M-00982-SCT

GEORGE DUNBAR PREWITT, JR.

FILED

Petitioner

v.

JAN 11 2023

CHARLES SHAMOUN

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Respondent

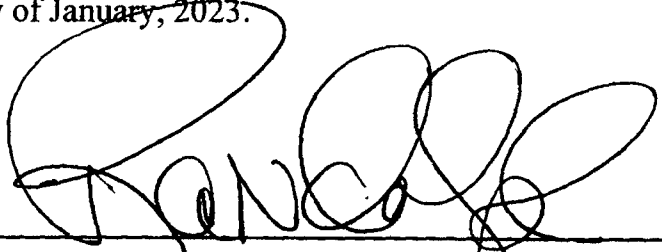
ORDER

This matter is before the panel of Randolph, C.J., Maxwell and Chamberlin, JJ., on the Court's own motion. The panel previously found the Petition for Interlocutory Appeal filed by George Dunbar Prewitt, Jr., to be frivolous. By order entered on December 14, 2022, this panel granted George Shamoun's Motion for Assessment of Fees, Costs, and Expenses and directed Shamoun to submit an itemized statement of his fees and expenses associated with answering Prewitt's frivolous petition. Shamoun has now filed his Itemization of Fees in which he submits that he has incurred \$2,150.50 in attorneys fees in relation to the matter before this Court. Prewitt has filed no objection to the itemized statement. After due consideration, the panel finds that Shamoun's request for attorneys fees is fair and reasonable and should be granted.

IT IS THEREFORE ORDERED that Prewitt shall pay \$2,150.50 in attorneys fees, costs, and expenses incurred by George Shamoun as a result of Prewitt's actions in this

appeal. Payment shall be made to McAngus, Goudelock, and Courie, LLC, within thirty days of entry of this order.

SO ORDERED, this the 11 day of January, 2023.

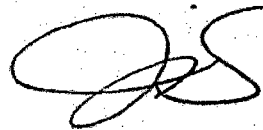


MICHAEL K. RANDOLPH, CHIEF JUSTICE

IN THE SUPREME COURT OF MISSISSIPPI**NO. 2022-M-00982-SCT****GEORGE DUNBAR PREWITT, JR.****PETITIONER****VS.****CHARLES SHAMOUN****RESPONDENT****ITEMIZATION OF FEES, COSTS, AND EXPENSES**

COME NOW, the attorneys for the Respondent, Charles Shamoun, and submit this *Itemization of Fees, Costs, and Expenses* in accordance with this Honorable Court's Order dated December 14, 2022 and would show that the total hours incurred by Jenessa Carter Hicks associated with the proceedings before this Court are 12.1 and the total hours so incurred by Victor Bishop are 1.1 as confirmed in the billing statements attached hereto.¹ The hourly rate for Jenessa Carter Hicks is \$165.00 and the hourly rate for Victor Bishop is \$140.00. The total attorney's fees incurred as a result of the proceedings before this Court are \$2,150.50. There are no associated other costs or expenses which have been billed relative to said proceedings.

Respectfully submitted this the 15th day of December, 2022.



Jenessa Carter Hicks (MSB #103287)
Victor Bishop (MSB #106099)
McAngus Goudelock and Courie, LLC
119 North 9th Street
Oxford, MS 38655
Telephone: 662-281-7871
Email: jenessa.hicks@mgclaw.com

¹ Counsel has redacted the entries for other work performed on this matter not associated with the proceedings before this Honorable Court. Additionally, by way of explanation, on Pages 6 and 7 of the October 21, 2022 bill, there are two hourly rates for Jenessa Carter Hicks. The \$165.00 hourly rate is for work performed and the \$82.50 hourly rate is for travel time (which is inapplicable to this matter).

Vic.bishop@mgclaw.com

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this day filed the foregoing pleading via electronic means. I further certify that I have mailed a true and correct copy of said pleading to the following party:

George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701

This the 15th day of December, 2022.



Jenessa Carter Hicks

FILED

Serial: **244560**

IN THE SUPREME COURT OF MISSISSIPPI

DEC 14 2022

No. 2022-M-00982-SCT

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

GEORGE DUNBAR PREWITT, JR.

Petitioner

v.

CHARLES SHAMOUN

Respondent

ORDER

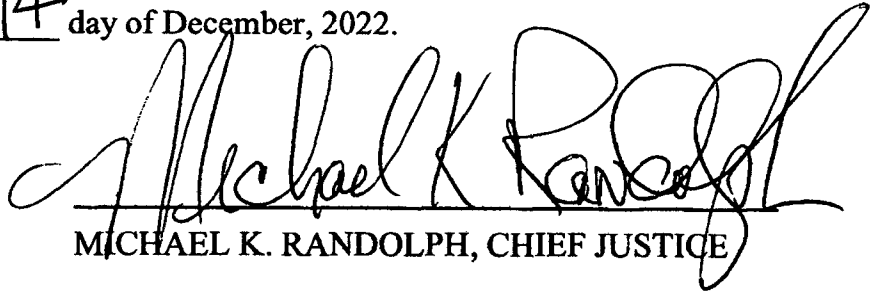
This matter is before the panel of Randolph, C.J., Maxwell and Chamberlin, JJ., on the Motion for Clarification filed by George Dunbar Prewitt, Jr., who asks the panel to clarify the order entered on October 20, 2022, in this matter. The panel finds that the request for clarification should be denied.

Also before the panel is the Motion for Assessment of Fees, Costs, and Expenses Associated with Appeal filed by the attorneys for Charles Shamoun who ask that Prewitt be required to pay the costs related to answering Prewitt's frivolous motions in this matter. In the prior order, this panel warned Prewitt that he could be sanctioned if he continued to submit frivolous filings. The panel finds that Prewitt's Motion for Clarification is frivolous, that Shamoun's motion should be granted, and that sanctions are appropriate. Within ten days of entry of this order, counsel for Shamoun shall submit an itemized statement of all fees, costs, and expenses associated with the proceedings before this Court.

IT IS THEREFORE ORDERED that the Motion for Clarification filed by George Dunbar Prewitt, Jr., is denied.

IT IS FURTHER ORDERED that the Motion for Assessment of Fees, Costs, and Expenses Associated with Appeal filed by counsel for Charles Shamoun is granted.

SO ORDERED, this the 14 day of December, 2022.


MICHAEL K. RANDOLPH, CHIEF JUSTICE

ORIGINAL

FILED

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In the Supreme Court of Mississippi

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

George Dunbar Prewitt, Jr. Petitioner-Movant

v. No. 2022-M-982-SCT

Charles Shamoun Respondent

Motion for Clarification

Pursuant to Mississippi Rule of Appellate Procedure (MRAP)

27(h)(6), I, George Dunbar Prewitt, Jr., respectfully request that the October 20, 2022 order of Chief Justice Michael K. Randolph, Associate Justice James D. Maxwell II and Associate Justice Robert P. Chamberlin be clarified as to (a) whether the legal standard in Mississippi courts for a “frivolous” finding was changed or altered in this instance, (b) whether “unsuccessful petitions” for interlocutory relief concerning procedural due process violations in a trial court are now frivolous as a matter of law, and (c) whether Chief Justice Michael K. Randolph, Associate Justice James D. Maxwell II, and Associate Justice Robert P. Chamberlin included an item not in the appellate record in this instance, i.e., “that Mr. Prewitt ... has been sanctioned in other courts”. The 10/20/2022 order read as follows;

This matter is before the panel of Randolph, C.J., Maxwell, and Chamberlin, JJ., on the Petition for Interlocutory Appeal filed by George Dunbar Prewitt, Jr. After due consideration, the panel finds that the petition should be denied. The panel further notes that Mr. Prewitt has filed numerous unsuccessful petitions in this Court and that he has been sanctioned in other courts. The panel find that Prewitt should be warned that future filings deemed frivolous could result in the imposition of sanctions by this Court. It is therefore ordered that the Petition for Interlocutory Appeal filed by George Dunbar Prewitt, Jr. is denied. So ordered, this the 20th day of October, 2022. Michael K. Randolph, Chief Justice.

The longstanding definition for a frivolous finding is “A claim is frivolous when the claimant has no hope of success.” *Leaf River Forest Prods. v. Deakle*, 661 So.2d 188, 196-97 (Miss. 1995). One of the issues I raised was whether a trial court has to adopt written procedures to comply with Rule 78 of the Mississippi Rules of Civil Procedure (MRCP) which states the following, in part;

“Each court shall establish procedures for the prompt dispatch of business, at which motions requiring notice and hearing may be heard and disposed of; but the judge at any time or place and on such notice, if any, as he considers reasonable may make orders for the advancement, conduct, and hearing of actions....”

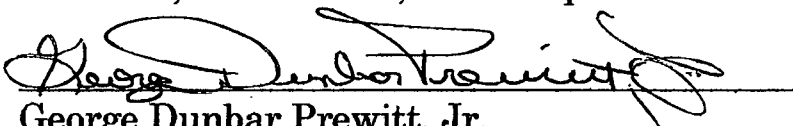
I ask this court to clarify whether the above request, which simply asked this court to require lower court compliance with a rule issued by this court, met the *Leaf River* standard for a frivolous filing.

In *Anderson v. B.H. Acquisition, Inc.*, 771 So.2d 914, 922 (Miss. 2000), this court wrote that “[a]lthough Anderson's claim has proven to be unsuccessful, we cannot say that the claim was frivolous or that Anderson had no hope of success.” Because this court wrote in the 10/20/2022 order that “numerous unsuccessful petitions” have been filed by me, I ask this court to clarify whether the *Anderson* frivolous standard for unsuccessful petitions has been changed or altered in this instance.

This court wrote that “Mr. Prewitt ... has been sanctioned in other courts”. (emphasis added). Because neither I, nor the respondent's attorney, raised the sanctions in “other courts”, I ask that this court clarify the source of its statement as to sanctions of me “in other courts.”

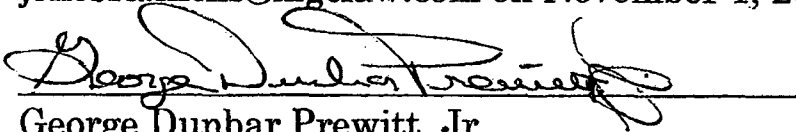
Finally, this court wrote that I “should be warned that future filings deemed frivolous could result in the imposition of sanctions....”

(emphasis added). Such a “warning” should include specific examples of how the filing in this instance contravened this court's frivolous standard, noted above, and I request that clarification.


George Dunbar Prewitt, Jr.

Certificate of Service

I certify that I have served a copy of the foregoing on Judge Vernita King Johnson at her email address of vjohnson@co.washington.ms.us, and on Jenessa Hicks at her email address of jenessa.hicks@mgclaw.com on November 1, 2022.

A handwritten signature in black ink, appearing to read "George Dunbar Prewitt, Jr.", is written over a horizontal line.

George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701

In the United States Supreme Court

George Dunbar Prewitt, Jr.

Applicant

v.

No. _____

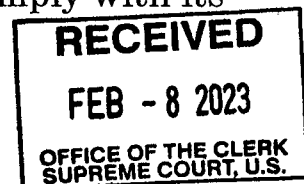
Charles Shamoun

Respondent

Addendum to the Application for Stay to Mr. Justice Clarence Thomas
and Mr. Justice v Samuel A. Alito. Jr.

An Application for Stay of Mississippi Supreme Court orders, including a judicial sanctions order dated January 11, 2023, will be delivered to this Court on February 7, 2023. In the Application for Stay, I wrote that the Mississippi Supreme Court had not ruled on my motion for a stay of the above orders pending an application for writ of certiorari to this Court, and that I had tendered the sanctions fine of \$2,150.50 to the Mississippi Supreme Court and asked that it be deposited in the court registry and disbursed should my petition for certiorari writ be denied by this Court.

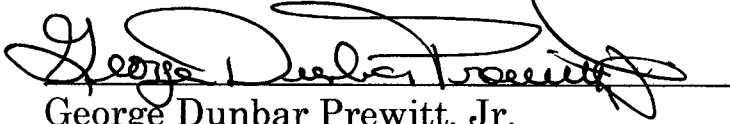
Today, I received, in the U.S. Mail, a Mississippi Supreme Court order which denied my motion for a stay pending my application for a certiorari writ in this Court, and the Mississippi Supreme Court threatened me with additional sanctions if I did not comply with its



sanctions order by February 10, 2023. For the reasons stated in the Application for Stay to Mr. Justice Thomas and Mr. Justice Alito, a short stay of the sanctions orders, to allow me to file a petition for a certiorari writ, would not be harmful to anyone but the Mississippi Supreme Court seems particularly intent on nailing my hide to the wall for my daring to ask **permission to appeal** issues which include (a) the question of whether Mississippi's failure to submit its 1890 Constitution to the voters for ratification violates Reconstruction-era federal laws imposing ratification requirements on most former confederate states including Mississippi and (b) whether Mississippi officials, in an 1890 effort to permanently embed white supremacy in Mississippi's polity, unlawfully moved its 1890 eastern boundary from the Pearl River to an ever-changing land monument in Alabama and, in the process, annexed white majority counties in Alabama to dilute the then "colored" majority's voting percentage of 73% in Mississippi.

Under the First and Fourteenth Amendments, no state court can impose a sanction on a citizen who merely asks for **permission** to present a non-frivolous petition for redress of grievances, and yet, that is what has occurred in the underlying case. I ask that a short stay be

granted, and I attach the January 11, 2023 sanctions order, and the February 3, 2023 sanctions order as Exhibit 1 and Exhibit 2.

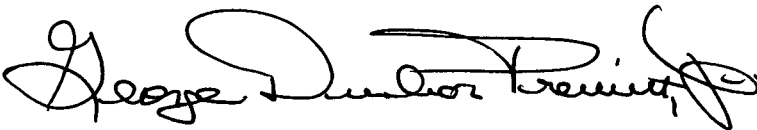


George Dunbar Prewitt, Jr.
537 Dampier Drive
Greenville, MS 38701
662-335-7440
dbaa@tecinfo.net

Certificate of Service

I certify that I have served a copy of the foregoing on the following by first class mail, postage prepaid, on February 6, 2023;

1. Lynn Fitch, Mississippi Attorney General, P.O. Box 220, Jackson, MS 39205, 601-359-3680.
2. Jenessa Carter Hicks, 119 North 9th Street, Oxford, Mississippi 38655, 662-281-7871.



Serial: 245035

IN THE SUPREME COURT OF MISSISSIPPI

No. 2022-M-00982-SCT

GEORGE DUNBAR PREWITT, JR.

FILED

Petitioner

v.

JAN 11 2023

CHARLES SHAMOUN

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Respondent

ORDER

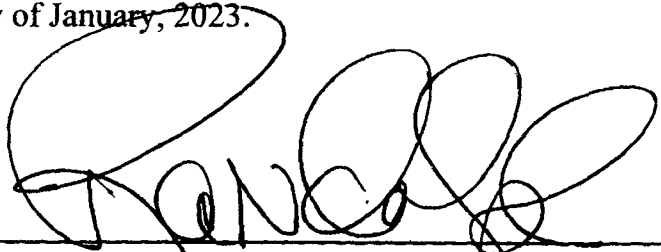
This matter is before the panel of Randolph, C.J., Maxwell and Chamberlin, JJ., on the Court's own motion. The panel previously found the Petition for Interlocutory Appeal filed by George Dunbar Prewitt, Jr., to be frivolous. By order entered on December 14, 2022, this panel granted George Shamoun's Motion for Assessment of Fees, Costs, and Expenses and directed Shamoun to submit an itemized statement of his fees and expenses associated with answering Prewitt's frivolous petition. Shamoun has now filed his Itemization of Fees in which he submits that he has incurred \$2,150.50 in attorneys fees in relation to the matter before this Court. Prewitt has filed no objection to the itemized statement. After due consideration, the panel finds that Shamoun's request for attorneys fees is fair and reasonable and should be granted.

IT IS THEREFORE ORDERED that Prewitt shall pay \$2,150.50 in attorneys fees, costs, and expenses incurred by George Shamoun as a result of Prewitt's actions in this

Exhibit 1

appeal. Payment shall be made to McAngus, Goudelock, and Courie, LLC, within thirty days of entry of this order.

SO ORDERED, this the 11 day of January, 2023.



MICHAEL K. RANDOLPH, CHIEF JUSTICE

Serial: 245268

IN THE SUPREME COURT OF MISSISSIPPI

No. 2022-M-00982-SCT

GEORGE DUNBAR PREWITT, JR.

FILED

Petitioner

v.

FEB 03 2023

CHARLES SHAMOUN

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Respondent

ORDER

This matter is before the panel of Randolph, C.J., Maxwell and Chamberlin, JJ., on the “Rule 5 Petitioner’s Motion for Stay of Mandate pending Application for Certiorari to the U.S. Supreme Court” filed pro se by George Dunbar Prewitt, Jr. Also before the panel is the Response filed by Charles Shamoun. The panel finds that the motion should be denied. The panel further finds that Prewitt is directed to comply with the order of this Court entered on January 11, 2023, or risk additional sanctions.

IT IS THEREFORE ORDERED that the “Rule 5 Petitioner’s Motion for Stay of Mandate pending Application for Certiorari to the U.S. Supreme Court” filed by George Dunbar Prewitt, Jr., is denied.

SO ORDERED, this the 2 day of February, 2023.



MICHAEL K. RANDOLPH, CHIEF JUSTICE

Exhibit 2