

25-5807

ORIGINAL

No. _____

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

TAMATHA LYNN MELOM, PRO SE — PETITIONER
(Your Name)

vs.

STATE OF MISSISSIPPI — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF MISSISSIPPI, COURT OF APPEALS OF THE STATE OF MISSISSIPPI
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TAMATHA LYNN MELOM, PRO SE
(Your Name)

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QUESTION(S) PRESENTED

1. Whether the seizure, destruction, and permanent transfer of a citizen's lawfully owned dogs, based on untested hearsay, without production of police reports, and without an opportunity to confront witnesses, violates the Due Process Clause of the Fourteenth Amendment.
2. Whether a state court violates the Sixth and Fourteenth Amendments by relying on testimony from a witness who was subpoenaed but never appeared, and by prohibiting the accused from presenting exculpatory evidence such as sworn affidavits and physical proof.
3. Whether judicial bias and selective enforcement - including mischaracterizing a private custody agreement as a "court order" to claim a violation - violate the Equal Protection Clause and the right to a fair trial.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceedings in the court whose judgment is the subject of this petition is as follows:

Attorney General of Mississippi
P. O. Box 220
Jackson, MS 39205

Thomas M. Matthews III, County Prosecutor
Stone County, Mississippi
125 West College Avenue
Wiggins, MS 39577

Matthew Graves, Assistant District Attorney
Stone County District Attorney's Office
323 East Cavers Avenue
Wiggins, MS 39577

RELATED CASES

- Tamatha Lynn Melom v. Stone County, Mississippi, No. 2024-KM-00782-SCT, Supreme Court of Mississippi, Court of Appeals of the State of Mississippi. Judgment entered June 19, 2025.
- State of Mississippi v. Tamatha Melom, No. 66CI1:24-cr-00042, Second Circuit Court, District of Mississippi, Stone Circuit Court (Appeal from Justice Court). Judgment entered July 1, 2024.
- State of Mississippi County of Stone v. Melom Tamatha Lynn, No. 24-03088, 204-1538, 204-1539, 204-1540, 204-1541, 213-1548, 213-1549, 213-1550, 213-1551, 213-1552 Justice Court of Stone County, Mississippi. Judgment entered May 1, 2024.

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APPENDIX A

Mandate of the Supreme Court of Mississippi dated Thursday, June 19, 2025.

APPENDIX B

Judgment of the Circuit Court of Stone County, Mississippi, dated July 1, 2024.

APPENDIX C

Judgment of the Justice Court of Stone County, Mississippi, dated May 1, 2024.

APPENDIX D

Final Order Entering Consent Judgment, dated February 8, 2023; Defendant's Motion to Dismiss for Lack of Evidence dated February 2, 2023; Defendant's Motion To Dismiss for Willful Trespass dated February 2, 2023; Order Requiring Proposed Final Order by February 9, 2023, dated February 2, 2023; Order Setting Bench Trial on February 2, 2023, dated November 28, 2022, in the Circuit Court of Mobile County, Alabama, Case No. CV-2022-000120.00.

APPENDIX E

Letter from Debra Hoffmann, LMSW, dated January 15, 2023, regarding Tamatha Melom's need for her emotional support dogs.

APPENDIX F

Photo of Beauty wearing her only collar, the gray collar. Photo of Melom's seized dogs.

TABLE OF AUTHORITIES

CASES

Cole v. Arkansas, 333 U.S. 196 (1948); *In Re Oliver*, 333 U.S. 257 (1948)

Pointer v. Texas, 380 U.S. 400 (1965)

Powell v. Alabama, 287 U.S. 45 (1932)

Tumey v. Ohio, 273 U.S. 510 (1927)

Brady v. Maryland, 373 U.S. 83 (1963)

STATUTES AND RULES

- U.S. Const. Amend. IV (unreasonable seizure)
- U.S. Const. Amend. V & XIV (due process and equal protection)
- U.S. Const. Amend. VIII (cruel and unusual punishment)
- 42 U.S.C. § 1983

ARTICLES

<https://www.apa.org/news/podcasts/speaking-of-psychology/memory-manipulated>

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgment below.

OPINIONS BELOW

The decision of the Mississippi Supreme Court dated June 19, 2025 (Case No. 2024-KM-00782-SCT), affirming the lower court's ruling, is attached in Appendix A.

JURISDICTION

Jurisdiction is invoked under 28 U.S.C. § 1257. The final judgment of the highest court of the State of Mississippi was entered on June 19, 2025. This Petition is timely filed within 90 days thereof.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. Amend. IV (unreasonable seizure)
- U.S. Const. Amend. V & XIV (due process and equal protection)
- U.S. Const. Amend. VIII (cruel and unusual punishment)
- 42 U.S.C. § 1983

Middleton then walked to the road to get Beauty, who was coming out of the woods, and returned to the property. Middleton witnessed a male, on a 4-wheeler, come to Melom's residence with a shotgun, chasing Beauty. The man was later identified as Aries Fairley. Melom called the police. Melom's call came in at 5:36 p.m.

Fairley said that Melom's dog had bitten his child. Beauty is a tan and white, Black Mouth Cur with white around her mouth, neck, and chest. She had no blood on her, which was pointed out to Fairley, who at that time admitted to Middleton and Melom that their dog had not bitten the boy, but was there and ran off.

The Stone County Sheriff's office arrived on scene. Sgt. Scott issued five Citation Summons 213/1548, 213/1549, 213/1550, 213/1551, and 213/1552 to Melom for offenses 41-53-1, no proof of rabies shots for each of the five (5) dogs on her property, with a court date set for July 10, 2024. The Sheriff's Department seized Beauty.

On April 22, 2024, Melom was served with a Notice To Owner of Determination by Sheriff's Office Representative that Owner's Dog is a Potentially Dangerous Dog and/or a Dangerous Dog, an Order For Removal and Impoundment of Potentially Dangerous or Dangerous Dog, and Request for Order for Removal of Potentially Dangerous or Dangerous Dog on Gabby (a Black Mouth Cur), Mercy (a Black Mouth Cur), Struggle (a German Shepherd Mix), and Mojo (a Black Mouth Cur), with a Case No. 24-03088, each only cited alleged past events that occurred in Alabama that had already been settled. There were no new charges involving the Wiggins dog attack. Melom was given five business days to file a petition with the Justice Court seeking

review of the determination. Melom has no vehicle, no driver's license, and only five days to file a pro se petition in defense of what she believed to be about no rabies shots, making the dogs dangerous.

On April 24, 2024, Melom received a Trial Notice or Review Notice scheduled for May 1, 2024, for Case Nos. 204-1538, 204-1539, 204-1540, and 204-1541 for five (5) dogs, the Dangerous Dog Ordinance, and the No Rabies Vaccines.

This court date was moved up to May 1, 2024, by the Sheriff's Department or Court, from initially being set for July 10, 2024, only allowing seven (7) days for Melom to prepare for what she believed to be no rabies shots. No incident reports, evidence, or witness lists were provided to Melom.

One week is not enough time to allow a proper defense and contact witnesses to testify on Melom's behalf. Melom was denied a copy of the incident report, which would have provided witness names, times of 911 calls, and what was witnessed and by whom. The witnesses testified about the Wiggins dog bite, even though Melom was never served with anything, listing it in her charges.

The Sheriff's Department investigation led them to the Mobile County District Court of Mobile, Alabama, Thirteenth Judicial Circuit Court, Case number DV-2022-000015.00, and Melom's appeal to Circuit Court of Mobile, Alabama, Case number CV-2022-000120.00, which is what the Stone County Sheriff's Department based their dangerous dog charges on.

In the Alabama cases, none of Melom's alleged victims showed up to testify, even after multiple requests by the prosecution, violating her right to a fair trial by not allowing her to cross-examine accusers and defend herself.

In the District Court of Mobile, Alabama, Thirteenth Judicial District case number DV-2022-000015.00, the first hearing was set for September 21, 2020. None of the alleged victims appeared for the hearing. The Plaintiff requested to reset the trial to subpoena witnesses. The defense objected, but the Court reset the trial to November 2, 2022, causing additional hardship for Melom. At trial, one subpoenaed witness appeared who wasn't on the Prosecution's Witness List provided to Melom.

Melom was able to obtain an attorney to represent her at the hearing, but neither knew the case enough to provide a proper defense. The Court awarded custody of Beauty, Mercy, Struggle, Gabby, and Mojo to the Mobile County Animal Shelter for euthanasia on November 14, 2022. The Court granted Melom's Affidavit for Substantial Hardship, and she filed a Notice of Appeal to Circuit Court.

In Melom's appeal to the Circuit Court of Mobile, Alabama, Case number CV-2022-000120.00, on November 28, 2022, the Judge issued an Order Setting Bench Trial for February 2, 2023. In the Order, it reads, "The parties are advised that this date shall not be extended or continued absent a showing of exceptional circumstances." On January 31, 2023, two days before the

scheduled hearing, the Prosecution filed a Notice of Conflict for the scheduled Bench Trial date and asked that it be moved.

On February 2, 2023, Melom appeared without an attorney. The Assistant District Attorney in Mobile, Alabama, made a motion to continue since the alleged victims failed to appear for the trial. The motion was granted, even though the Court stated previously that no extension or continuance would be granted. Melom filed a Defendant's Motion to Dismiss for Lack of Evidence and a Defendant's Motion to Dismiss for Willful Trespass. The parties met informally to reach a resolution, with the details due by February 9, 2023. (See Appendix D) The Mobile County Animal Shelter vetted all five (5) dogs. Struggle was returned to Melom; Beauty, Mercy, Gabby, and Mojo were released for adoption. None of the dogs would have been allowed to be adopted if they were found to be dangerous by the Mobile County Animal Shelter.

The Stone County Justice Court found Melom guilty of failing to have proof of proper vaccination for the five (5) dogs, fined \$3,113, deemed five (5) dogs as dangerous or potentially dangerous under the Stone County, Mississippi, ordinance governing and regulating ownership of dangerous and potentially dangerous dogs, and ordered the five (5) dogs to be euthanized after a 30-day appeal period expired. On May 22, 2024, Melom filed a Notice of Appeal in the Circuit Court in Stone County.

On June 14, 2024, Melom was notified that the trial was set for June 18, 2024, which only allowed four (4) days to contact witnesses to determine their availability, which is not enough

time to subpoena witnesses, obtain discovery, or prepare a defense, thereby violating her constitutional right to a fair trial.

On June 18, 2024, Melom requested a continuance to properly prepare for trial. Melom had called the Circuit Clerk several times from May 29th through June 14th to set a court date and ask questions about filing subpoenas, so she could subpoena her witnesses with the actual court date they needed to attend. The Clerk mistakenly thought she meant she wanted a court date right away, so the Court denied the continuance. (Transcripts P2-P11) Only two of Melom's witnesses were able to appear at short notice. Melom still had not received a copy of the incident report or any evidence.

During the trial, Melom cross-examined Chief Deputy Steve Taylor of the Stone County Sheriff's Department, "Is it also true I have requested the police report and been denied?" Mr. Matthews, representing the State of Mississippi, objected to the question, stating, "It's irrelevant." The Court replied, "It's irrelevant." (Transcripts P38, L1-6)

Melom asked Taylor why he took Gabby, Mercy, Struggle, and Mojo. Taylor testified that the dogs had been deemed vicious or dangerous in Mobile, Alabama, and were being held because further investigation revealed they may have been involved with other acts, deeming them vicious under the Stone County ordinance, and **not** because of the Wiggins dog bite incident. (Transcripts P39-40)

The two alleged Wiggins incidents involved one neighbor, William Maxwell, who testified that Melom's dogs killed fourteen (14) chickens over a period of time in the early Spring. He testified he saw the dogs at different times on video. Yet, he didn't provide any videos, nor did he call animal control or file any police reports for his dead chickens at the various times the events occurred.

The other incident involved a neighbor, Renika Martin, who testified that around December 2023 to January 2024, her thirteen (13) year old nephew was feeding their three (3) labs, when four (4) dogs came out of the woods and into her backyard, growling and chasing her nephew, who was able to escape into the house. No police report was filed, nor was animal control called.

The Court allowed testimony from Sergeant Demetrius Scott with the Sheriff's Department about the Wiggins dog bite incident, even though no charges were filed against Melom for the incident, and there was no mention of the Wiggins dog bite incident in the documents served on Melom. (Transcripts P43-45)

Devyn Phillips, mother of the injured child, testified that there were three dogs. "Two were actively mauling the child's legs. One was more so..." (Transcripts P49 L1-3). The Court cut her off, and she never finished her sentence, which could have lined up with what Fairley, Phillips' boyfriend, admitted to Melom and Middleton, which was that Beauty didn't do anything; she just ran off.

Melom cross-examined Phillips about a Facebook posting by Phillips on April 20, 2024, regarding the two dogs that had been killed, and one was being tested. Phillips denied saying the dogs had been killed and said she only said that they were taken care of by Stone County. (Transcripts P52, L 1-24) The now-deleted Facebook post actually reads, “I just verified with my neighbor...the two that were killed, the cops found them running around with my son’s blood in their mouth.” This posting was two days before Melom was served with the Dangerous Dog citations. Melom’s dogs were not running around when they were seized.

The State rested its case. (Transcripts P53, L4) Then the Court allowed the State to recall Phillips to answer questions of the Court to name the dogs alleged to be involved in the Wiggins dog bite. The Court said, “...all I can see is two dogs were biting. All three dogs were there. What three dogs were there?” (Transcripts P55, L8-11). “The only name I’ve heard so far is Beauty.” (Transcript P55, L14-15) Phillips testified that the dogs involved were Beauty, Gabby, and Mojo.

Melom had only two witnesses who were available with four days’ notice to testify on her behalf. Middleton testified that he had put the three dogs, Mojo, Gabby, and Struggle, on a leash when a delivery driver appeared after delivering the Walmart package to the neighbor. The dogs barked and jerked him down the steps, and Beauty slipped out of the camper before he could close the door. He put the three dogs in the large fenced-in pen and locked it before going to the street to get Beauty.

Middleton testified that Beauty ran back to the property and ran circles around the dog pen when Fairley, the young man on a four-wheeler carrying a shotgun, arrived at Melom’s camper. Fairley

told Middleton that he had killed the two dogs that bit his child, and he said Beauty was there, and he was going to shoot her. So, they put Beauty in the camper and called 911.

Amanda McClain of North Star Rescue, Inc., a dog rescue, testified that she had Mojo, Gabby, and Beauty in her care and around her children every day, and they never showed any signs of aggression. McClain testified that she specializes in reactive breeds and has been in rescue for over 15 years. During cross-examination by Matthews, photographs of the dog bite injuries were shown to this witness, even though no charges or evidence of the Wiggins dog bite were presented, proving that any of Melom's dogs, including Beauty, were involved in the incident.

The Stone County Circuit Court ordered that Beauty, Gabby, and Mojo be euthanized pursuant to the Ordinance of Stone County, Mississippi, Regulating Ownership of Dangerous and Potentially Dangerous Dogs, and ordered Struggle and Mercy released to the custody of Amanda McClain and the North Star Animal Rescue in Lucedale, Mississippi, with the condition that they will not be adopted out but provided sanctuary at this facility. The Court also ordered Melom prohibited from owning or possessing any dogs for one (1) year from the date of the Order, July 1, 2024.

Melom appealed to the Supreme Court of Mississippi, Court of Appeals, Case No. 2024-KM-00782-SCT on July 8, 2024, which affirmed the lower Court's ruling on June 19, 2025. Beauty, Gabby, and Mojo were euthanized, and Amanda McClain of North Star Rescue, Inc. was given custody of Struggle and Mercy.

The newly received Stone County Sheriff's Department Incident Report, Stone County EMC 911 detail, and video footage from the Stone County Sheriff's Department withheld from Melom have revealed further evidence that would have proven her dogs' innocence of the dangerous dog charges or being involved in the Wiggins dog bite incident.

The 911 call came in at 5:23 p.m. The original dispatch remarks read, "Baby was attacked by two (2) dogs, one brown, and one black and white. They took off behind the house." Beauty is described as tan and white. Beauty does not fit the description of brown or black and white.

The Stone County Sheriff's Department Incident Report Narrative read, "Fairley observed two dogs, one wearing a green collar, biting his son. Mr. Fairley then advised that he pulled out a knife he had in his pocket and ran towards his son, and the dogs fled the area to 162 Thelma Andrews." However, Fairley indicates that the dogs fled in a different direction in the police video.

The Sheriff's Department body camera has Fairley providing more detail than what was in the Incident Report. Fairley said, "It was a brown dog with a lime green collar, the other was black or red. The one who had the child's leg in his mouth had a lime green collar." When Fairley described where the dogs fled, he said the brown one with the lime green collar headed... then he turned his body to the left and pointed left down the street, in the opposite direction of Melom's property. When he discussed the black one or the red one, he pointed to the right toward Melom's property, but also further past her property, and said he didn't know.

The Sheriff's Department asked Fairley to look at all the dogs in Melom's pen to see if any of them looked like the dog(s) he saw. Fairley said that none of the dogs in the pen were involved in the attack. The dogs in the pen were Struggle, Mojo, and Gabby.

Also, at no time in the video did the Sheriff's Department actually have Fairley identify Beauty while being held in the Sheriff's vehicle. They only spoke about "the one with the green collar." Melom states that none of her dogs had a lime green collar. Beauty, the one that Fairley chased after he picked up his gun, was wearing a gray collar. Melom has photos of Beauty wearing a gray collar. (See Appendix F)

REASONS FOR GRANTING THE PETITION

This case presents an important constitutional question affecting poor and disabled individuals whose animals are taken through questionable civil proceedings without adequate legal process or recourse based on hearsay only, when actual evidence is to the contrary.

A. Due Process - Notice and Opportunity to Defend U.S. Const. Amend. XIV; *Cole v. Arkansas*, 333 U.S. 196 (1948); *In re Oliver*, 333 U.S. 257 (1948) - Petitioner was served with paperwork stating the sole issue for the Stone County hearing was failure to provide proof of updated rabies vaccinations for her dogs. - Petitioner arrived prepared to provide those vaccinations that day. - Without advance notice, the Assistant District Attorney expanded the proceeding into a "dangerous dog" determination under Mississippi law. - Witnesses testified about alleged dangerousness, a matter Petitioner had no notice would be addressed.

B. Right to Confront Witnesses U.S. Const. Amend. VI; *Pointer v. Texas*, 380 U.S. 400 (1965) - Witnesses testified about alleged dangerousness without prior notice to Petitioner. - In

the related Alabama case, the key accuser never appeared despite subpoenas, yet statements attributed to him were admitted. - The lack of preparation time rendered confrontation rights meaningless.

C. Right to Counsel in Complex Proceedings U.S. Const. Amends. VI & XIV; Powell v. Alabama, 287 U.S. 45 (1932) - The court refused to appoint counsel in a complex, high-stakes proceeding, leaving Petitioner to represent herself.

D. Equal Protection - Selective Enforcement & Speech Restrictions U.S. Const. Amend. XIV - The complainant spoke publicly while Petitioner was ordered silent. - Similar cases in Mississippi and Alabama did not result in such severe penalties.

E. Protection Against Cruel & Unusual Punishment U.S. Const. Amend. VIII - Three dogs euthanized without credible evidence of dangerousness. - One-year ban on ownership was disproportionate given Petitioner's disability.

F. Right to Property U.S. Const. Amends. IV & XIV - Two dogs transferred without lawful justification or a proper ownership chain.

G. Judicial Bias and Conflict of Interest U.S. Const. Amend. XIV; Tumey v. Ohio, 273 U.S. 510 (1927) - Judge had ties to the rescue receiving Petitioner's dogs.

H. Suppression of Exculpatory Evidence U.S. Const. Amend. XIV; Brady v. Maryland, 373 U.S. 83 (1963) - Police report, photographs, and videos withheld despite requests. - Sworn affidavit proving dogs were secured was ignored.

CONCLUSION

In summary, for the afore-going reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted on this the 16th day of September 2025.

Tamatha L. Melom

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