

IN THE MISSISSIPPI SUPREME COURT

No. 2013-M-10220-SCT

*STATE OF MISSISSIPPI*

*Petitioner*

v.

*ROBERT SHULER SMITH, ET AL.*

*Respondents*

**COMBINED MOTION FOR LEAVE TO FILE *AMICUS* BRIEF  
AND BRIEF IN SUPPORT OF MOTION**

COME NOW, Citizen Supporters of HB2, and, pursuant to the provisions of Rule 29, Miss. R. App. Proc., move the Court for leave to file an *amicus* brief herein and they would respectfully show:

1. "Citizen Supporters of HB2" is an association of over 1,000 individual Mississippi residents and legal gun owners who support the provisions of House Bill 2, enacted by the Legislature during the 2013 Regular Session, which has been enjoined from implementation by the Circuit Court of Hinds County, Mississippi.

2. Citizen Supporters of HB2 are desirous of filing an *amicus* brief with the Court in support of the *State of Mississippi's Combined Petition for Interlocutory Appeal and Motion to Vacate Permanent Injunction*. These citizens, as legal gun owners, are directly affected by the Permanent Injunction granted by the Circuit Court of Hinds County, Mississippi, as they wish to be able to exercise their constitutional right to bear arms without fear of arrest, trial, imprisonment or fine under current Mississippi law penalizing the carrying of concealed weapons. *See* § 97-37-1, Mississippi Code of 1972 (as amended).

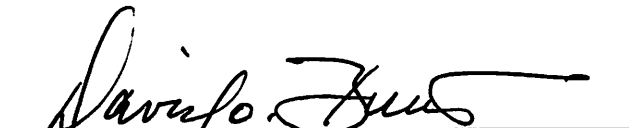
3. Mississippi Citizen Supporters of HB2 seek leave to file an *amicus* brief under the provisions of Rule 29 (3). As hopefully demonstrated by the their proposed *Amicus* Brief, there

are matters of fact and law that otherwise may escape the Court's attention. Movants' *Amicus* Brief offers additional authority supporting the State of Mississippi's *Combined Petition for Interlocutory Appeal and Motion to Vacate Permanent Injunction* and, in addition, provides other authority demonstrating that the lower court's enjoinder, and its pronounced reasons supporting its enjoinder of HB2, is fundamentally and legally flawed. Further, Movant's *Amicus* Brief demonstrates that the lower court (and with all due respect to it) has engaged in "judicial activism," – a philosophy denounced by this Court. It is the belief of the movants that allowing the filing of their *Amicus* Brief will be of genuine assistance to the Court and facilitate a more thorough understanding of the facts and the law. *Taylor v. Roberts*, 475 So. 2d 150 (Miss. 1985).

PREMISES CONSIDERED, Movants respectfully request that the Court grant them leave to file an *amicus* brief in this cause.

Respectfully submitted,

**CITIZEN SUPPORTERS OF HB2**



---

David O. Butts, MB #7642  
Attorney for Mississippi Citizen Supporters of HB2  
Post Office Box 3310  
Tupelo, MS 38803  
Tel: (662) 841-1234  
Fax: (662) 841-0357  
[davidbutts@davidbuttslawfirm.com](mailto:davidbutts@davidbuttslawfirm.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, do certify that I have this day I have served a copy of the foregoing by electronic means, pursuant to the provisions of Rule 5, Miss. R. Civ. Proc., upon:

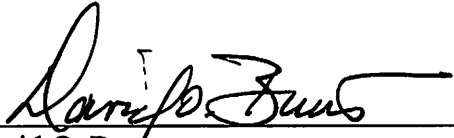
Honorable Jim Hood  
Attorney General for the State of Mississippi  
Assistant Attorney General Harold E. Pizzetta, III  
Chief, Civil Litigation Division  
Office of the Attorney General  
Post Office Box 220  
Jackson, MS 39205  
[jhood@ago.state.ms.us](mailto:jhood@ago.state.ms.us)  
[hpizz@ago.state.ms.us](mailto:hpizz@ago.state.ms.us)

Lisa Mishune Ross, Esq.  
514 E. Woodrow Wilson Avenue, Building E  
Jackson, MS 39216  
[lross@lmrossatlaw.com](mailto:lross@lmrossatlaw.com)

And by U.S. Mail, postage prepaid, to:

Honorable Winston L. Kidd  
Circuit Judge  
407 East Pascagoula Street  
Jackson, MS 39206

This the 25<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
David O. Butts