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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

REV. CHRIS AUGUSTINE, REV. VERNON SIMON  
and REV. CHARLES E. GUILLORY

Plaintiffs

VERSUS

**1:06CV1662**  
**JUDGE DRELL**  
**MAGISTRATE KIRK**

AVOYELLES PARISH POLICE JURY, HENRY HINES  
ELZIE R. BRYANT, KIRBY ROY, III, MARK A. BORRELL,  
DALE LABORDE, ANTHONY DESSELLE, MCKINLEY  
KELLER, TYRONE DUFOUR and KEITH W. LACOMBE

Defendants

## **PLAINTIFFS' COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

### **1. The Nature of the Case**

1. This is an action for declaratory and injunction relief to enforce the provisions of the Fourteenth and Fifteenth Amendments to the Constitution of the United States of America and §2 of the Voting Rights Act of 1965, 42 U.S.C. §1973, and to prevent deprivation of the rights, privileges and immunities secured by the aforementioned federal constitutional provisions and statute.

### **II. Jurisdiction**

2. The jurisdiction of this Court is invoked under Title 28 of the United States Code, §§1331, 1343(3), 1343(4), and 2201; this complaint being authorized by Title 42 of the United States Code, §1983.

### **III. Parties**

3. Plaintiffs, REV. CHRIS AUGUSTINE, REV. VERNON SIMON and REV. CHARLES

E. GUILLORY, are African-American adult citizens and registered voters of Avoyelles Parish, Louisiana. Plaintiffs desire to participate in the electoral and political process and to have their votes counted and be represented proportionately with white citizens in Avoyelles Parish.

4. Defendant AVOYELLES PARISH POLICE JURY is a body corporate and politic and political subdivision of the State of Louisiana, duly established under the laws and constitution of said State. It has policy making and administrative responsibilities of the PARISH OF AVOYELLES and has the power of suing and being sued in its own name.

5. Defendants, AVOYELLES PARISH POLICE JURY, HENRY HINES, ELZIE R. BRYANT, KIRBY ROY, III, MARK A. BORRELL, DALE LABORDE, ANTHONY DESSELLE, MCKINLEY KELLER, TYRONE DUFOUR and KEITH W. LACOMBE, are the president and jury members respectively of the AVOYELLES PARISH POLICE JURY. They are sued in their official capacities only.

6. At all times set out herein, defendants were and have been acting under color of the statutes, ordinances, regulations, customs and usages of the State of Louisiana and Avoyelles Parish.

#### **IV. Facts**

7. According to the 2000 United States Bureau of the Census, the population of Avoyelles Parish is 41,481 of which 28,402 are white and 12,362 are African American.

8. African Americans constitute thirty percent of the population of Avoyelles Parish.

9. African-Americans are mal-appropriated and under-represented on the Avoyelles Parish Police Jury.

10. African-Americans constitute a minority of the population in Avoyelles Parish.

11. The AVOYELLES PARISH POLICE JURY is composed of nine districts. Terms of office are four years. Elections are partisan and candidates must receive a majority of the votes in the primary in order to run in the general election.

12. There has been a history of official discrimination against African-Americans in Avoyelles Parish, including discrimination against African-Americans attempting to exercise their rights to the franchise.

13. Elections in Avoyelles Parish are polarized along racial lines.

14. The AVOYELLES PARISH POLICE JURY has used, and continues to use, voting procedures which enhance the opportunity for discrimination against minorities.

15. The political processes leading to election in Avoyelles Parish are not equally open to participation by African-Americans, in that African-Americans have less opportunity than other members of the electorate to participate in the political process and to elect candidates of their choice.

16. The African-American population in Avoyelles Parish is sufficiently compact and geographically insular to certainly constitute a majority in three of the nine single-member districts and substantial influence in several other districts.

17. The AVOYELLES PARISH POLICE JURY currently has two majority Black districts.

18. The African-American vote is further diluted and influence reduced when the nine member plan was adopted to which African-American voters object.

19. African-Americans in Avoyelles Parish bear the effects of discrimination in such areas as education, employment and health which hinder their ability to participate effectively in the political process.

20. In the entire history of the AVOYELLES PARISH POLICE JURY there has been two

majority African-American districts in which African-Americans were elected.

21. The AVOYELLES PARISH POLICE JURY adopted a redistricting plan which provided for two minority districts previously had under the 1990 census resulting in a possible reduction of representation and is therefor retrogressive.

22. The current plan, which dilutes minority voting strength, was adopted with a majority of yes votes from the majority white members.

23. The purpose and result of having nine members on the AVOYELLES PARISH POLICE JURY with only two minority district, is to deny or abridge the right of African-Americans to vote on account of race or color. The result is the dilution of minority voting strength, in violation of the 1965 Voting Rights Act and the 15th Amendment to the United States Constitution, and a denial of Equal Protection as guaranteed by the 14th Amendment to the United States Constitution.

24. The next primary election for the AVOYELLES PARISH POLICE JURY is scheduled for April 5, 2003. The next general elections are scheduled for May 3, 2003.

25. The Avoyelles Parish School Board had a redistricting plan which was co-terminus with the AVOYELLES PARISH POLICY JURY's nine member plan with two majority-minority districts. Through intervention by this Honorable Court a compromise plan was adopted which provides for three majority-minority districts out of nine.

## **V. Causes of Action**

26. The decrease of the AVOYELLES PARISH POLICE JURY from thirteen members to nine members, with only two minority districts, one of which is a suspect district, results in the denial or abridgment of the rights of Plaintiffs to vote on account of race or color in violation of §2 of the Voting Rights Act of 1965, 41 U. S. C. §1973, and these election

structures were adopted and are being maintained purposefully to dilute, minimize and cancel out the voting strength of African-Americans in violation of the rights of Plaintiffs secured by the Fourteenth and Fifteenth Amendments to the Constitution of the United States and §2 of the Voting Rights Act of 1965, 42 U.S.C. §1973.

## **VI. Equitable Relief**

27. There is a real and actual controversy existing between the parties. Plaintiffs have no adequate remedy at law other than this action for injunctive and declaratory relief. Plaintiffs are suffering and will continue to suffer irreparable injury as a result of the acts of Defendants complained of herein unless said acts are declared to be unlawful and enjoined by this Court.

WHEREFORE, Plaintiffs respectfully pray that this Court take jurisdiction of this case and:

(1) enter a declaratory judgment that the present method and plan of and for electing the members of the AVOYELLES PARISH POLICE JURY is in violation of the Fourteenth and Fifteenth Amendments to the United States Constitution and §2 of the Voting Rights Act of 1965, 42 U.S.C. §1973, and enter a permanent injunction directed to the defendants against its further use;

(2) enjoin the qualifying period which begins September 4, 2007 and the primary election set for October 20, 2007;

(3) order into effect new procedures or plans for election of AVOYELLES PARISH POLICE JURY members which provides Plaintiffs a remedy for the violations of their rights described above;

(4) award Plaintiffs attorney fees and costs of this litigation as prevailing parties;

(5) retain jurisdiction of this action and grant to Plaintiffs any further relief which may, in the discretion of this Court, be necessary and proper to insure that racially fair election procedures are employed in the selection of the AVOYELLES PARISH POLICE JURY; and

(6) set a hearing on Plaintiffs' complaint prior to the date set for the October 20, 2007 primary election.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles D. Jones", written over a horizontal line.

CHARLES D. JONES  
141 DESIARD STREET, SUITE 315  
MONROE, LA 71201  
318/325-2644  
BAR ROLL NO. 07476

**VERIFICATION**

STATE OF LOUISIANA

PARISH OF AVOYELLES

BEFORE ME, the undersigned Notary Public in and for the State and Parish aforesaid,

PERSONALLY CAME AND APPEARED: REV. CHRIS AUGUSTINE, REV. VERNON SIMON and REV. CHARLES E. GUILLORY, who, after being duly sworn, did state as follows:


That they are the plaintiffs in the foregoing Complaint for Injunctive and Declaratory Relief; that they have read same and all allegations of fact contained therein are true and correct to the best of their information, knowledge and belief.

  
REV. CHRIS AUGUSTINE

  
REV. VERNON SIMON

  
REV. CHARLES E. GUILLORY

SWORN TO AND SUBSCRIBED before me this 22 day of September  
2006.

  
NOTARY PUBLIC  
Martha E. Tribble

Please serve:

Avoyelles Parish Police Jury  
through its President, Henry Hines  
312 N. Main Street, Courthouse Building  
Marksville, LA 71351

Henry Hines, President  
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