

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 19 2015

JAMES W. McCORMACK, CLERK
By: [Signature] [Signature]
DEP. CLERK

DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DIVISION OF ARKANSAS
LITTLE ROCK DIVISION

Case: 4:15-cv-00521 JM/BD

We, the People,
Constituents of District 50 of Arkansas State

VS.

ARKANSAS BOARD OF ELECTION COMMISSIONERS
CROSS COUNTY ELECTIONS COMMISSION
CRITTENDEN COUNTY COMMISSION
Judge Mary McGowan
Governor Mike Bebe STATE OF ARKANSAS
Mark Martin Secretary of State of Arkansas

48 ***** 48

CLASS ACTION
COMPLAINT
OF
VOTER FRAUD, DISCRIMINATION, "RICO",
OF
ELECTION AND VOTER REGISTRATION LAWS,
"HAVA" Help America Vote Act,
VOTING RIGHTS ACT 42 USC 1973,

48 ***** 48

This case assigned to District Judge MOODY
and to Magistrate Judge JEERE

STATEMENT

Constituents for the 50th District of Arkansas, by now former representative, was applying for re-election and was denied without cause, to 'register' with the Elections Board where his constituency was prime to vote for him as "Democrats" and they were told at the polls they could not vote for Fred Smith with no explanation. Even though his name was on the Ballot and Fred Smith qualified to be on the ballot by obtaining the required "Certificate" do so, ultimately he was elected under the "Green Party" back in the seat for the 50th district. As such, the constituents where turned away at the polls to vote for Fred Smith Democrat without cause, with ballots showing his name on them.

BACKGROUND FACTS

That on or about March 13, 2012; Mr. Smith was denied the opportunity to re-apply for the Legislative seat for the District 50 in the House of the State Representatives to be on the ballot to run for the office seat again as a Democrat. DPA [Democratic Party Arkansas] Chairman told Mr. Smith when he came to register; DPA Chairman made a legal determination from scandalous un-factual information of no criminal trial, court hearing convicting Mr. Smith of any criminal activity. Mr. Smith was denied access and told he could not register on the Ballot because he was a convicted felon. DPA Chairman had not verified his accusation was true, he decided to deny Mr. Smith from his personal vistas because he did not like Mr. Smith because he was not 'white' or 'Caucasian' so, he determined Mr. Smith could not register. He further stated that Mr. Hudson Hallum had already been accepted as the Democrat candidate although voters of the District desired Mr. Smith to be the Democratic candidate on the Ballot. The Secretary of State signed off allowing Mr. Smith to be on the ballot and he was cleared after signing a *United States* pledge and statement that Mr. Smith had never been convicted of a crime. The action of the DPA Chairman constitutes various violations of law that include but not limited to, Racial Discrimination, violation of the 14th amendment for Due Process, Libel, Slander, Defamation against Mr. Smith's reputation and character in violation of **Ark. Ann. Code 16-56-105 (5),(6)** inter alia.

That on or about April 5, 2012, Candace Martin, Spokeswoman and Executive Director filed a lawsuit claiming that Mr. Smith was a convicted Felon to further deny him the right to be on the ballot against Mr. Hallum who is a Caucasian candidate. This information was crafted and fostered by the DPA Chairman and Spokeswoman together as a group that amounted to be damaging and in direct conflict of the "Rule of Law", truth about the matter in regards to Mr. Smith's background, personal conduct and behavior in office. To campaign for office and get eligibility for the seat of State Representative, through another party shows racketeering and influence that if Fred Smith was not convicted because if he was he could not re take the seat as a State Representative.

CONSTITUENTS CLAIM OF VOTER FRAUD

- 1 Constituents in unison by the attached 'petition' complain of the acts, behavior of state workers at the polls in the 50th district who denied us the **14th amendment Sec. 2** privilege of the Constitution of the United States, to vote for the candidate on a ballot within a State where we were told at the polls by the poll workers together, that "we cannot vote for Fred Smith" without a explanation.
- 2 The poll workers when asked why we cannot vote for Fred Smith they told us that "...they were given instructions from Mark Martin of the Arkansas Board of Election Commissioners in Little Rock who sent word to Crittenden County

Elections Commission who told all poll workers not to allow anyone to vote for Fred Smith and to announce to all voters if you are voting for Fred Smith, you may not vote for him today, even though his name is on the ballot.

- 3 We were not told why; we could not vote for him but, only told we could not vote for him with any explanation, substantial cause. We began to tell the poll workers that this is “blatant discrimination”, and forced slavery. Biased and prejudice that violates the Civil Rights Voters Act; our Civil Liberties under the 14th Amendment, RICO, and voter fraud to the highest.
- 4 No one in the 50th district could vote for Fred Smith at all because we were being monitored to make sure we did not vote for Fred Smith by certain poll workers. This action created mental stress, anguish to be followed and monitored like slaves, and pushed around like a slave master would force his slave to only do the thing he told them to do, caused fear in us constituents. Because we did not know if we were going to be arrested for even showing up to vote for Fred Smith.

ADDITIONAL FACTS CREATED THE ENVIRONMENT OF VOTER FRAUD

1 April 9th 2014 Judge Mary Spencer McGowan deliberately adhered to her own personal prejudice and in her personal bias preference instead of “Rule of Law” and saying for the record “...*This court agrees with counsel for Fred Smith in that it now appears that Mr. Smith’s case has been dismissed and he does not have a felony conviction on his record. However, regardless of this court’s opinion on the legality of the Dismissal Order entered on March 14th, 2012, at the time of filing, there was no expunction of the finding of guilt by the Court and therefore, Mr. Smith was ineligible at the time of filing on March 1st, 2012...*” She violated **AC 5-51-205** where she “uttered”, “declared”, in open court false statements of law and encouraged the people of Pulaski County, clerk of court, court officers, the infliction of personal injury – Mr. Smith’s reputation as a State representative.

Judge knew or should have known that she may not bring any frivolous, groundless, malicious prosecution where such as is, that she violated **AC 5-53-131**. [See her order April 9, 2012]

- 2 Judge April 9, 2012 made a legal determination under color of law without authority to do so, by order granting a defendants motion request, to not count the votes for Mr. Smith ‘voter tampering’ or impeding the will of the people who have the final say so, not Mary Spencer McGowan who violated **AC 25-16-1101**.
- 3 Judge Mary Spencer McGowan, behaved with corruption in public office violating **AC 5-52-107**.
- 4 Judge McGowan knowingly encouraged malicious prosecution that she was going to ignore that there was no conviction violating **AC 5-53-131** all under color of law.

5 Mark Martin Secretary of State and Chairman of State Board of Elections, around April 10th 2014 obtained the order from Judge McGowen, and then proceeded to deny Fred Smith access to be placed on the ballot. This act constitutes 'corruption in office' AR5-52-105 and AR 5-52-107.

6 This violation is egregious and violates the Arkansas '**Conduct of Elections**' 7-5-309, 314, and the amendment section within the Constitution of Arkansas amendment 51.

7 He then sent the order to the local county commissioner to show that Fred Smith was denied access to be placed on the ballot and for him to gather his workers to deny any citizen the right to place their vote for Fred Smith by telling them they cannot vote for Fred Smith AR 7-1-103, AR 7-4-118.

8 This action was done without consulting the rules and procedure manual for situations just as this. He showed deliberate indifference to the *Rules of the Election Commission and State and Federal Law* i.e. 42 USC 1973; *Anderson v. United States* 411 US 211(1974); 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 52 USCA 10301; all from color of law.

SCHEME OF CONSPIRATORIAL BEHAVIOR DENYING THE RIGHT TO VOTE

- 1 March 1st 2012 Fred Smith registered to be placed on the ballot of the Democratic Party.
- 2 Chairman Will Bond told Fred Smith he could not register because I was a convicted felon.
- 3 The following week, Will Bond and DPA decided they were going to sue Fred Smith to keep him off the ballot because he was convicted. They did not investigate those issues but rather on their own volition filed a suit against Fred Smith.
- 4 Will Bond and Candace Martin together went before the media expressing Fred Smith being convicted when no such court action, hearing, or jury verdict to convict him was established where they stated he will have to get it expunged.
- 5 No expungement was needed because there was no criminal behavior or actions violating the law.
- 6 Before a hearing, the Secretary of State had cleared Fred Smith to be placed on the ballot.
- 7 Fred Smith then went before judge McGowen, and she stated he was not convicted but ruled against him anyway.
- 8 In her order, she agrees there is no conviction and that case has been dismissed and Fred Smith does not have a felony conviction on his record.
- 9 The order was then sent to State Commissioner Office to have Fred Smith denied

access to the Voting laws of the State. Also, her denial by her crafted order denied us constituents the right to a free unencumbered process to exercise our right to suffrage, for the candidate of our choice.

- 10 On the voting day we were told we could not vote for Fred Smith even though his name was on the ballot; cleared by the Secretary of State.
- 11 The State commissioner sent a bogus order to the local county commissioner of Fred Smiths district that caused damage to our right to vote.
- 12 Neither the local county nor the State did follow the 'complaint procedures' as listed in "Rules for Citizen Complaints of **Non-HAVA**"= **Help America Vote Act**. By enforcing a bogus order that was biased and prejudiced towards Fred Smith and his constituents in that he was denied to participate in the voting process and attacked for being clean, honorable, in all his dealings as State Representative.
- 13 Where the Judge and Secretary of State who is the Chairman of the Election Commission of Arkansas displayed a clear conspiratorial, theft of office and conflict of interest against the constituents ability to vote, sanctioned by the Governor who knew or should have known that a appointed official of the State is a state employee for the Citizens and the office is public.
- 14 Mark Martin ruled or ordered that Fred Smith not be allowed to be voted for, we were denied without complying with the procedures of the Election Commission to not be voted for a felony crime, which Fred Smith was not.
- 15 He denied Fred Smith upon his own volition playing the fence both sides to continue to make true a false bogus order and tell the media that Fred Smith was convicted beyond repair.
- 16 The Judge, Secretary of State along with the Governor, who together as a group, had a meeting of the minds to craft a scheme to deny, keep off the ballot Fred Smith and deny the constituents of the 50th district right to vote.
- 17 No one from the DPA investigated the allegations, researched the allegations, verified the allegations just adhered to their personal bias & prejudice where upon Mark Martin, Mary McGowen, Will Bond, Candace Martin, Crittenden County Election Commission and Mike Bebe failed with deliberate malice, violated their oaths of office, displayed willful intentions to defraud, deny and abuse the position as a State official simply because they did not like Fred Smith, is clearly "Racial Profiling" by targeting a "African American" who ultimately became the first one to be elected to a State office of the Green Party.
- 18 These actions ultimately denied the 50th district's right to vote.
- 19 After being denied by his former party the Democratic Party, all from color of law.

CONSPIRACY

Claim of RICO, and Sherman Act Violations

20 Petitioners hereby incorporate the factual allegations of all previous paragraphs as though those allegations were fully set forth herein.

21 This pattern of Racketeering and Corrupt influence by Defendants is wide spread throughout Arkansas. This complaint also alleges violations under the Organized crime Control Act of 1970, Pub. L. No. 91-452, section 901(a), 84 Stat. 941, Racketeering Influenced and Corrupt Organizations (RICO), Sherman Anti Trust Act, that Constituents complain – where Mary McGowen Judge, Mark Martin Secretary of State, Will Bond Chairman DNC AK by and thru the enterprise STATE OF ARKANSAS-Mike Bebe; and by an thru the principal enforcer Mark Martin.

22 With participant Mary McGowan, Will Bond, by and thru orders from the affairs of the enterprise “STATE OF ARKANSAS” Mike Bebe influence acts, and displays of conduct from this pattern of influence and has violated Article 4, Sec. 2 Constitution of the United States, 18 USC 1962(c), (a),(b), and is brought against “ARKANSAS BOARD OF ELECTION COMMISSIONERS et al” organization, thru Mark Martin, in connection to victim of a monopoly scheme devised, conducted, and/or participated in by Defendants Governor-Mike Bebe-STATE OF ARKANSAS-enterprise, Mary McGowan, Will Bond, where each of whom are employed by or associated with STATE OF ARKANSAS.

23 Mary McGowen participant of STATE OF ARKANSAS, receives income derived from the enterprise, where *It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.* By conduct and participants Mary McGowen, Will Bond, Mark Martin, in the affairs of the enterprise where *It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise’s affairs through a pattern of racketeering activity or collection of unlawful debt.*

24 Mary McGowen’s conduct or participation, directly or indirectly, in the conduct of the affairs of the STATE OF ARKANSAS, through a pattern of racketeering activity, creating, establishing, to monopolize the person, Living Beneficiary where defendants association, participation with the enterprise affairs, who conspired to do so, and to wrongfully and unlawfully divert the right OF Constituents to vote for the candidate of choice thru false claims while voters of the 50th district of Arkansas were told you cannot vote for Fred Smith, without cause, reason for denial.

25 Conspiracy past down to voting poles to systematically in a scheme to defraud voters and Constitutionally taken away their right to vote that’s guaranteed by the 14th

amendment without cause is egregious, absurd, willful, deliberate indifference to the privileges and immunities guaranteed by Article 4 sec. 2 Constitution of the United States.

26 Against defendants, where petitioners have been injured in their property of right to vote. Forced slavery, to not be able to accept votes, for Fred Smith from a bogus order sent from a color of law court proceeding conducted by willful participant Mary McGowen where Mark Martin is chairman for the local Bar Association in the jurisdiction of Mary McGowen and recruited her to assist him and participate in the affairs of the enterprise, where if she would devote a significant amount of energy to conspire with him and others she would be guaranteed income derived from her participation in the scheme to deny, take away the 50th Districts Constitutional privilege to seek public official of choice shocks the conscious. To the detriment of Representative Fred Smith, violating, Sherman Anti Trust Act, RICO and Constitution of the United States, inter alia.

CAUSE OF ACTION

Title 42 U.S.C. 1981, Equal Protection under the law,
Title 42 U.S.C 1983, Due Process and
Title 42 U.S.C.1985, the Voting rights Act codified at Title 42 U.S.C.1973 et.seq.

1 Plaintiff re-alleges all allegations contained in Paragraphs above, that the Defendants on or about March 13, 2012 through April 13, 2014 committed said acts of the Complaint are incorporated herein as set forth in full and that the Defendants actions violate the organic Constitution for the united states as well as for the organic Constitution of the Republic of Arkansas; Ark. Code Ann. §§ 16-56-105 (5),(6) *et seq.*, for Discrimination and damages to our voting right.

The Defendants are organized as a corporation operating within the State of Arkansas DPA, BOARD OF ELECTIONS COMMISSIONERS, and CRITTENDEN COUNTY ELECTION COMMISSION, et al.

2 Also, these discriminating actions caused direct immediate damage to us Constituents not being allowed to vote for the candidate of our choice was a act of forced slavery in violation of the 14th Amendment of the Constitution of the United States and violated Voting Rights Act by defendants to deny the Plaintiffs' the privilege to choose a candidate of choice.

The DPA Chairman, Will Bonds, and Candace Martin, Spokesman and Executive Director; All Defendants violated 42 U.S.C.A. § 1983 failing to provide due process to Constituents in making public false statements to all Citizens who entered the polls to vote for Fred Smith in exercising freedom of right to vote but defrauded Mr. Mark

Martin, Will Bond with defamatory instructional information for their own professional gain and Representation to seat another Candidate.

3 That Defendants violated Title 42 U.S.C. 1985 committing conspiracy by all whom Participated in the scheme to have Fred Smith disqualified as a candidate for the District 50 seat and confirmed this through their filing of a lawsuit in court on a matter that was false; violates our right to vote for the Candidate of choice who was on the ballot shocks our conscious.

SECOND CAUSE OF ACTION

Title 42 U.S.C. 1973 et. seq,

Violation of the Voting Rights Act,

1 Plaintiff re-alleges all allegations contained in Paragraphs 1- 12, that the Defendants on or about March 13, 2012 through April 13, 2014 committed said acts of the Complaint are incorporated herein as set forth in full and that the Defendants actions violate the organic Constitution for the united states as well as for the organic Constitution of the Republic of Arkansas; **Ark. Code Ann. §§ 16-56-105 (5),(6) et seq.**, for, Discrimination and damages to Right to Vote in violation of the voting right act denying his representation of the peoples choice and his right to be on the Ballot as a Democrat. The Defendants: Will Bonds, Candice Martin and the DPA are organized as a corporations operating within the State of Arkansas. That these defamatory instructions given by Mark Martin, Candice Martin, and the DPA Chairman, Will Bonds caused direct immediate damage to voters to deny Mr. Smith's the opportunity to run for the seat which damaged the free exercise of right to vote, of constituents which causes a great deal of stress and anxiety to the constituents of District 50 economically because specific legislation that could have been brought in favor of the 50th district at lease could have been brought up on the concerns of the people that was completely annihilated as a slave.

RELIEF SOUGHT

WHEREFORE Plaintiffs, constituents demands judgment against the defendants, jointly and severally, as follows:

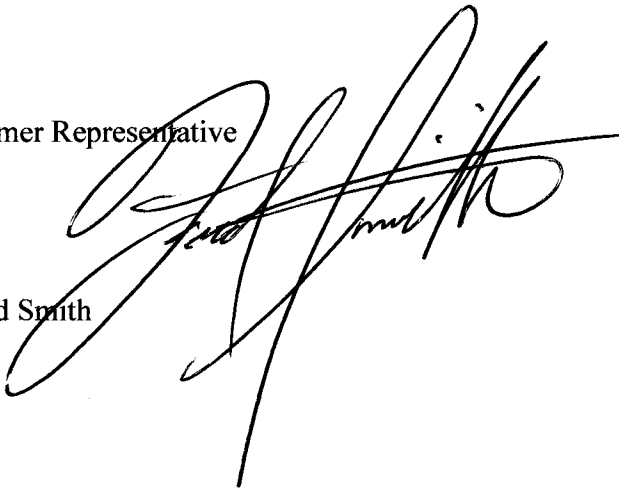
- a.) as compensatory damages, the sum of \$500,000, Five Hundred Thousand Dollars for each constituent listed;
- b.) as punitive damages to the Plaintiff's free exercise of right to vote, in the sum of \$500,000 Five Hundred Thousand Dollars for the Defendants willful, arbitrary and negligent actions in treble damages for each constituent;

- c.) Exemplary and emotional damages be imposed for the Plaintiff's emotional distress in restitution for their economic losses in the sum of \$500,000 Five Hundred Thousand Dollars in that the loss our personal representation and undue stress upon our family life;
- d.) Attorneys' fees imposed in prosecuting this action pursuant to the Defendants actions;
- e.) And that other such further relief as to the Court deems proper.

For Constituents see our signatures affixed to the petitions

Former Representative

Fred Smith

A large, stylized handwritten signature in black ink, likely belonging to Fred Smith, is written over the text "Former Representative" and "Fred Smith". The signature is fluid and cursive, with a prominent loop at the end.

FREDERICK SMITH

DATE: APRIL 10, 2015

NO.

V.

ARKANSAS BOARD OF ELECTION COMMISSIONIONERS AND JUDGE M. MCGOWAN,
MARK MARTIN, CHAIRMAN and SECRETARY OF STATE, CROSS COUNTY
ELECTION COMMISSION, CRITTENDEN COUNTY ELECTION COMMISSION

COMPLAINT

Comes Now, Fred Smith, Former State Representative of District 50 and on behalf of the Voters of District 50 petitions against the ARKANSAS BOARD OF ELECTION COMMISSIONIONERS, MARKMARTIN, CHAIRMAN and SECRETARY OF STATE, CROSS COUNTY ELECTION COMMISSION, CRITTENDEN COUNTY ELECTION COMMISSION for violation of Voters fraud pursuant to 42 U.S.C.A. 1981 and 42 U.S.C.A. 1973; case reference Anderson v. United States 411 US 211(1974); 18 U.S.C.A. 241, 242; and will respectively sign and show as follows:

NAME	ADDRESS	PHONE
1. Lee Barton	215 S. 15 th St.	(901) 355-2013
2. Betty Willis	215 S. 18 W. Memphis	870-735-6545
3. Willie Lee Willis	215 S. 15 th W. Memphis	901-650-2145
4. Willie M. Barton	1515 Apple Ln Crawfordville	901-356-7658
5. Martha Donerson	" " " "	" " "
6.		
7.		

FREDERICK SMITH

DATE: APRIL 10, 2015

NO.

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ARKANSAS BOARD OF ELECTION COMMISSIONIONERS AND JUDGE M. MCGOWAN,
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NAME	ADDRESS	PHONE
1. <i>Taberta Simpson</i>	P.O. Box 425 205 South St. Cville AR 72327	890-823-5892
2. <i>Rosie Shaffer</i>	P.O. Box 310, Cville AR 72327 306 Snipes	870-823-6003
3. <i>Johnnie Cohen</i>	P.O. Box 218, 501 Hocher, Cville AR 72327	870-823-6003
4. <i>Jonny L. Marshall</i>	395 N. Beechwood Cove marion, AR 72364	870-394-6926
5. <i>Bernice Marshall</i>	395 N. Beechwood Cove marion, AR 72364	870-394-6772
6. <i>Dyana Bryn</i>	816 S. 10th St West Memphis AR 72301	870-636-5927
7. <i>Martha Murray</i>	814 S. 10th St West, Memphis, AR 72301	901-503-3276

- Phone
- Address
- Page 2. (PETITION)
8. Willie Merritt 510 Rice West Memphis AR. 72301-901-601-4551
 9. Dorothy N. Taylor 513 Ingram, West Memphis AR 72301 - 870-733-0655
 10. Denise Taylor 513 Ingram Blvd. West Memphis, AR 72301 (870) 733-0655
 11. Mrs. Edith Merritt 522 Ingram West Memphis AR 870 7354405
 12. W.C. Merritt Sr. 522 Ingram Blvd West Mem. Ark 870-735-4405
 13. Bessie Brown 5509 N. Woodlawn West Memphis AR 72301 735-1328
 14. Charles Merritt 510 Rice Street West Memphis, AR 72301-901-337-0157
 15. Elma Barber 200 Snipes, P.O. Box 283, Cuille, AR 72327 - 870-823-5265
 16. Tyra Barber sign with ex Bernie Marshall 7. D. Box 104 Cranfordville Ark 870-514-2329
 17. Johnny Boykin P.O. Box 104, 102 South Cuille, AR 72327-870-514-2329
 18. Mattie Nelson P.O. Box 144, 412 Boone, Cuille AR - 870-823-5944
 19. Margaret Nelson P.O. Box 144, 412 Boone, Cuille AR - 870-823-5944
 20. Joann Falkner 1204 Goodwin Ave W. Mph AR 870 733 5785
 21. Roy Jennie. 1204, Goodwin Ave, West Memphis AR. 72301 870-733-5785
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FREDERICK SMITH

DATE: APRIL 10, 2015

NO.

V.

ARKANSAS BOARD OF ELECTION COMMISSIONIONERS AND JUDGE M. MCGOWAN,
 MARK MARTIN, CHAIRMAN and SECRETARY OF STATE, CROSS COUNTY
 ELECTION COMMISSION, CRITTENDEN COUNTY ELECTION COMMISSION

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NAME	ADDRESS	PHONE
1. Frederick Lee Pitchford	218 Alabama Street Earle, Arkansas 72331	870-636-8157
2. Reginald Abram	1501 3rd St Earle, AR 72331	870-636-2936
3. Stacy Abram Jr	309 Wash St, Earle AR 72331	870-636-2364
4. Luvenia Sanders	1016 Main St	870-792-7777
5. Tomorrow Rice	126, Royal St	870-636-0737
6. Caroline Rice	1501 3rd. Earle, Ar.	870-638-4284
7. Willie Mobley	309 Rhodes St Earle, AR 72331	870-362-1353

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8. Cameron Johnson 2304 Smokey Alley Rd 870-514-1779
Crawfordsville, AR 72327
9. TreKena Caldwell 1115 Smith St Earle, AR 72331 870-514-6902
10. Peggy Kegler 1129 Smith St Earle, AR 72331 870-514-5498
11. Lertis Caldwell 142 Shirra Earle, AR 72331 870-636-0302
12. Melissa Halk Hill 1128 Throgmartin Earle, AR 870-317-0689
13. Joy Abram 1407 5th St Earle, AR 72331 870-636-6321
14. Lisa Caldwell 142 Shirra Earle, AR 72331 870-792-4047
15. Tarsha Caldwell 518 N. 14th West Memphis, AR 870-636-3147
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There will be
More peoples
to sign up...
Later...