

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RICHARD GOODEN, et al.,	*	
	*	
Plaintiffs,	*	
	*	
v.	*	CASE NO. 2:05-CV-02562-WMA
	*	
NANCY WORLEY, etc., et al.,	*	
	*	
Defendants.	*	

BRIEF OF JEFFERSON COUNTY REGISTRAR NELL HUNTER

Comes now Nell Hunter, the Registrar for Jefferson County, Alabama, and submits this brief in response to the Plaintiffs' Section 5 Enforcement Action Brief. The Jefferson County Registrar asserts that the Plaintiffs have not satisfied the test for standing established by the Supreme Court of the United States in *United States v. Hayes*, 515 U.S. 737 (1995). That test is as follows:

It is by now well settled that the irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an injury in fact – an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of.... Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

515 U.S. at 742-743.

In other cases, the Supreme Court has held that a plaintiff lacks standing unless he can “show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant” and that he has suffered an injury that “is likely to be redressed by a favorable decision.” See *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 472 (1982), quoting *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 99 (1979).

The undisputed facts of this case demonstrate the following:

1. Plaintiff Ekeyesko Doss was convicted of a crime of moral turpitude and is not qualified to vote under Alabama law.
2. Plaintiff Richard Gooden was extended the right to vote before he filed this suit.
3. Plaintiff Andrew Jones was extended the right to vote before he filed this suit.

These undisputed facts prove that the Plaintiffs have not demonstrated an “actual or threatened injury” that “is likely to be redressed by a favorable decision” from this Court. It follows that their claims do not satisfy the test for standing established by the Supreme Court and should be dismissed.

/s/ Jeffrey M. Sewell

Bar Number: ASB-1228-E58J

Assistant County Attorney

280 Jefferson County Courthouse

716 Richard Arrington Jr. Blvd. North

Birmingham, Alabama 35203

Phone: (205) 325-5688

Fax: (205) 325-5840

Email: sewellj@jccal.org

/s/ T. A. Lawson, II

Bar Number: ASB-3840-L72T

Assistant County Attorney

280 Jefferson County Courthouse

716 Richard Arrington Jr. Blvd. North

Birmingham, Alabama 35203

Phone: (205) 325-5688

Fax: (205) 325-5840

Email: lawsont@jccal.org

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Norman J. Chachkin
nchachkin@naacpldf.org

Margaret L. Fleming
mfleming@ago.state.al.us

Bart G. Harmon
bharmon@webbeley.com

Ryan Paul Haygood
rhaygood@naacpldf.org

John J. Park, Jr.
jpark@ago.state.al.us

C. Lynwood Smith
smith_chambers@alnd.uscourts.gov
smith_helpdesk@alnd.uscourts.gov
lisa_waters@alnd.uscourts.gov

Edward Still
docket@votelaw.com

Kendrick E. Webb
kwebb@webbeley.com

Charles R. Wilson
charles_wilson@call.uscourts.gov

Respectfully submitted,

/s/ Jeffrey M. Sewell
Assistant County Attorney