

**IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI****CASE NO. 2013-M-01220-SCT****STATE OF MISSISSIPPI****PETITIONER****v.****ROBERT SHULER SMITH ET AL.****RESPONDENTS**

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**MOTION OF GOVERNOR PHIL BRYANT FOR LEAVE TO FILE  
BRIEF AS *AMICUS CURIAE* IN SUPPORT OF THE COMBINED  
PETITION FOR INTERLOCUTORY APPEAL AND MOTION  
TO VACATE PERMANENT INJUNCTION**

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**Motion for Leave to File *Amicus* Brief**

Pursuant to Rule 29 of the Mississippi Rules of Appellate Procedure and for the reasons stated in the Brief in Support of Motion below, Governor Phil Bryant respectfully moves this Court for leave to file a brief as *amicus curiae* in support of the Combined Petition for Interlocutory Appeal and Motion to Vacate Permanent Injunction. A copy of the Governor's proposed *amicus curiae* brief accompanies this Motion as required by Rule 29(b) of the Mississippi Rules of Appellate Procedure.

**Brief In Support of Motion**

The Governor respectfully requests that this Court grant this motion and permit the filing and consideration of the accompanying brief. Under Mississippi Rule of Appellate Procedure 29(a)(3) and (4), the Governor should be allowed to file a brief as an *amicus*

*curiae* because of his substantial interests in the outcome of this case and because the proposed brief raises additional points and is not duplicative of the Combined Petition and Motion filed by the Attorney General.

Respondents challenge the constitutionality of House Bill 2, which the Legislature passed and Governor Bryant signed into law during the 2013 regular session. House Bill 2 amends state laws regarding the carrying of concealed weapons to make clear that those laws regulate only the carrying of weapons that are hidden or obscured from common observation (*i.e.*, concealed) and not the open carrying of weapons, which is protected by Article 3, Section 12 of the Mississippi Constitution. However, the injunction issued by the Circuit Court in this case has prevented House Bill 2’s clarifying amendments from taking effect in Hinds County and has caused uncertainty and confusion in other parts of the State.

Governor Bryant has substantial and legitimate interests in this case and in seeing that the Circuit Court’s injunction is vacated. As the State’s chief executive officer, MISS. CONST. art. 5, § 116, the Governor is charged by the Mississippi Constitution with “see[ing] that the laws are faithfully executed.” *Id.*, § 123. The injunction issued by the Circuit Court bears directly upon this constitutional duty because it not only purports to enjoin the operation of duly enacted laws but also could be interpreted to require the State’s executive branch to take some undefined steps to prohibit the open and lawful carrying of firearms. In this respect, the injunction also raises serious separation-of-powers concerns under the Mississippi Constitution. MISS. CONST. art. 1, §§ 1–2. Governor Bryant also has a substantial interest in seeing that the primary purpose of House Bill 2—to clarify citizens’ constitutional right to keep and bear arms—is accomplished.

Governor Bryant respectfully submits that his proposed *amicus curiae* brief is not duplicative of the Combined Petition for Interlocutory Appeal and Motion to Vacate Permanent Injunction filed by the Attorney General last week. Governor Bryant supports and fully agrees with the arguments made by the Attorney General on behalf of the State. For the reasons given by the Attorney General, the ruling of the Circuit Court should be reversed summarily. This *amicus curiae* brief does not duplicate the Attorney General's Petition and Motion but rather provides additional historical and legal context regarding Mississippi's constitutional right to keep and bear arms and calls attention to the numerous other states nationwide that also permit the open carrying of weapons.

### **CONCLUSION**

Governor Bryant respectfully moves this Court for leave to file the proposed *amicus curiae* brief.

This, this 29<sup>th</sup> day of July, 2013.

Respectfully submitted,

GOVERNOR PHIL BRYANT

By: s/Jack Wilson  
Jack Wilson (MS Bar #101482)  
Office of Governor Phil Bryant  
P.O. Box 139  
Jackson, MS 39205  
601.359.3150  
[jack.wilson@governor.ms.gov](mailto:jack.wilson@governor.ms.gov)

**CERTIFICATE OF SERVICE**

I certify that I have this 29<sup>th</sup> day of July, 2013, served a true and correct copy of the foregoing document on the following:

*By e-mail and hand delivery:*

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

*By e-mail and first-class mail:*

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

Honorable Winston L. Kidd  
407 East Pascagoula Street  
Jackson, MS 39206  
[wkidd@co.hinds.ms.us](mailto:wkidd@co.hinds.ms.us)

s/Jack Wilson  
Jack Wilson