

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JEROME BELL, JAMES SHEPPARD,  
MARTEZE HARRIS, DOMONIC  
BUTLER, MICHAEL DAVIS, RICKY  
LAMBERT, JARMALE WALKER, et al.**

**PLAINTIFFS**

**v.**

**Case No. 3:15-cv-00732-TSL-RHW**

**THE CITY OF JACKSON, MISSISSIPPI**

**DEFENDANT**

**DECLARATORY JUDGMENT**

It violates the Constitution to incarcerate an individual, either before or after trial, solely because an individual does not have the ability to make a monetary payment. *See Bearden v. Georgia*, 461 U.S. 660 (1983); *Cassibry v. State*, 453 So.2d 1298 (Miss. 1984); *Thompson v. City of Moss Point*, 1:15cv182-LG (doc. no. 18) (S.D. Miss. November 6, 2015). Based upon this constitutional principle, no individual may be held in jail for nonpayment of fines, fees, and/or costs imposed by a court without a determination, following a meaningful inquiry into the individual's ability to pay, that the individual willfully refuses or willfully failed to make payment. The meaningful inquiry into the individual's ability to pay includes, but is not limited to, notice and an opportunity to present evidence.

This the 20<sup>th</sup> day of June, 2016.

/s/Tom S. Lee

TOM S. LEE

United States District Judge  
Southern District of Mississippi