

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**MYLES SPIRES JR., et al.**

\*

Plaintiffs

\*

v.

\*

Case No. **CAL07-06382**

**THE TOWN OF FOREST HEIGHTS, et al.**

\*

Defendants

\*

**ORDER**

Upon consideration of the plaintiffs' request for declaratory judgment against the defendants' for violation of the Forest Heights Town Charter and the Maryland Open Meetings Act, a trial having been held on January 20, 2009, it is this 22 day of January 2009, by the Circuit Court for Prince George's County, Maryland,

**WHEREAS**, that upon consideration of all evidence presented this Court finds that a "special" election was held on March 5, 2007 to fill a vacancy on the Forest Heights Town Council and that as a result Carmelita Lynn Smith-Barnes was "elected";

**WHEREAS**, this Court finds that there is no provision in the Forest Heights Town Charter for filling vacancies on the Town Council by "special" election;

**WHEREAS**, this Court further finds that a general election was conducted on March 14, 2007, and that as a result three additional Council members (Jacqueline Goodall, Anne K. Reifsneider and William E. Clarke, Jr.) were elected and sworn in;

**WHEREAS**, this Court finds that upon the swearing in of Goodall, Reifsneider and Clarke Jr., the Council legally voted to re-appoint Carmelita Lynn Smith-Barnes to fill the seat she was currently holding. It is hereby;

**ORDERED**, that the “special” election of March 5, 2007 was in violation of the Forest Heights Town Charter, specifically section 33-11; and it is further

**ORDERED**, the March 5, 2007 election of Carmelita Lynn Smith-Barnes is declared **NULL AND VOID**; and it is further

**ORDERED**, that the general election held on March 14, 2007 is upheld as **VALID**; and it is further

**ORDERED**, that the appointment of Carmelita Lynn Smith-Barnes in late March 2007 is **VALID**;

**ORDERED**, that this Court declines to void any resolution, vote or appointments since March 5, 2007 as requested by plaintiffs as plaintiffs have failed to meet their burden of proof concerning what, if any, resolutions, votes or appointments were passed in reliance on the affirmative vote of Carmelita Lynn Smith-Barnes between the March 5, 2007 “special” election and the later re-appointment of Carmelita Lynn Smith-Barnes.



---

Nicholas E. Rattal  
Judge