

**IN THE MUNICIPAL COURT OF THE CITY OF BILOXI  
HARRISON COUNTY, STATE OF MISSISSIPPI**

CITY OF BILOXI, Prosecution,

v. Cause No. 260301169

YURI PETRINI, Defendant.

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**DEFENDANT'S MOTION FOR MANDATORY DISCLOSURE AND FOR  
DECLARATORY AND CORRECTIVE RELIEF**

COMES NOW Defendant Yuri Petrini, appearing *pro se*, and respectfully requests that this Court enter an order, in advance of the May 11, 2026 arraignment, directing the City of Biloxi to produce the documents underlying this prosecution, declaring void any condition of release not contained in a written order of this Court, reducing bail to a sum consistent with the statutory penalty, and referring the matters described herein to the authorities competent to investigate them.

**I. INTRODUCTION**

Defendant comes before this Court not as a defendant, but as a refugee. He is not predicting persecution. He is documenting it. The persecution has occurred. The persecution is occurring. The persecution will continue if this Court does not act. He is not alone in this petition. At his right side stands the Constitution — displaced where the prosecutorial apparatus brought against him should have honored it, and now seeking, in this Court, the forum where it can be restored. At his left stand the citizens of Biloxi, processed through that same prosecutorial apparatus, in silence, for years. All three are in need of remedy. All three petition this Court today, and all three look to this Court for it.

To this Court — to the Special Judge sitting on this matter — the present filing is not an accusation. It is an opportunity. The warrant of May 5, 2026 issued on the affidavit of an interested party, but the prosecution that followed has been carried by other hands — by an undisclosed Special Prosecutor, by City personnel who have refused to produce the underlying

documents on six separate occasions, by an unidentified third-party operator negotiating extrajudicial content removal under threat of process the operator himself concedes will not stand, and by a complainant who, on the operator's own admission, has not been asked to give a sworn statement. **The Special Judge presiding here is uniquely positioned to do what the apparatus surrounding the prosecution has not done:** to call for the record, to examine its sufficiency, and — if the record will not bear examination — to say so on the docket. The relief requested in this Motion is calibrated to give this Court that opportunity, on a timeline (in advance of the May 11, 2026 arraignment) that permits the proceeding to go forward, if it goes forward at all, on a record this Court has itself made whole. **The integrity the surrounding apparatus has, on the present record, failed to safeguard, this Court can restore — by a single order, on this docket, this week.**

The conduct documented in this Motion admits of no innocent explanation. Six refusals to produce charging documents in two days, to two journalist-defendants and to the regional press; bail set at twice the statutory maximum monetary penalty against a peaceful voluntary surrender; an x-ray exposure administered without informed consent and an invasive bodily search applied to a misdemeanor defendant who had disclosed his ADA status and his medication need and was denied accommodation; verbal-only bond conditions never reduced to writing; concealed prosecutorial and judicial identities; an unidentified third-party operator who knew the contents of the concealed affidavit before any member of the public could; a City public-information apparatus telling the regional press the complainant is "a private citizen" while that same operator referred to her in writing as "a public official"; and a complainant who, on the operator's own admission, has not been asked to give a sworn statement underlying the very affidavit on which the warrant issued — these elements do not assemble themselves by accident, and they do not assemble themselves in good faith. They are the operational signature of a coordinated suppression scheme deployed against a federal civil rights plaintiff and his co-publisher journalist, leveraging criminal process the actor coordinating the negotiation himself describes as one that "fails vs 1st amendment."

On May 5, 2026, this Court issued a warrant for Defendant's arrest on the affidavit of an interested party. **Two days later, Defendant has no affidavit, no warrant, no bond order, no written conditions of release, no order of any kind from this Court, no name for the Special Judge who issued the warrant, and no name for the Special Prosecutor now handling the matter.** Six distinct requests over two days — by telephone on May 5; at booking before **Officer J. Johnson** of the Biloxi Police Department on May 5; at the **Harrison County Adult Detention Center** on May 5; by **WLOX News (Channel 13)**, the principal regional news outlet, also on May 5; by Co-Defendant Jarrod Lewis Fusco appearing in person at the **Biloxi Police Department** at approximately 11:00 p.m. on May 5; and by Defendant appearing in person before the Clerk of this Court ("**Clerk Ashley**") at approximately 2:40 p.m. on May 6 — have produced no document, no written denial citing a specific exemption under Miss. Code Ann. § 25-61-11, and no reason. Co-Defendant Fusco's pre-arrest written Mississippi Public Records Act request, served on the City of Biloxi six days **before** the arrest, on April 29, 2026, has likewise produced no response. The proceeding this Court is being asked to administer on May 11, 2026 has, as of the filing of this Motion, **no record on which Defendant can be arraigned.**

The arrest was an affirmative judicial act, taken on a record this Court found sufficient at the time. This Motion respectfully asks the Court to take a further affirmative act, on the same docket, in response to facts the Court did not have when the warrant issued.

The facts are these. **First**, the affidavit of probable cause underlying the warrant has not been produced — to Defendant at booking, to Co-Defendant Jarrod Lewis Fusco's written Mississippi Public Records Act request submitted on April 29, 2026, or to WLOX News on the day of arrest. **Second**, Defendant has been subjected to a verbally-asserted "no contact" condition forbidding communication with Co-Defendant Fusco — Defendant's co-plaintiff in pending federal civil rights action *Petrini and Fusco v. Glavan*, No. 1:26-cv-00094-LGJ-BWR — without any written order of this Court being shown to Defendant. **Third**, bail was set at \$1,000 surety — twice the statutory maximum monetary penalty of \$500 provided by Miss. Code Ann. § 97-29-45(2). **Fourth**, the Special Judge who issued the warrant and the Special Prosecutor now

handling the matter have not been identified to Defendant by name, appointing authority, or any disclosure of conflict status. **Fifth**, an unidentified third party initiated direct electronic communication with Defendant within hours of the arrest, demonstrated possession of, and described the contents of, the concealed affidavit, expressly tied the criminal proceeding to a private content-removal demand, and stated that the case "cant proceed without her statement which she has not been asked to give." Reproductions of that communication, in its native form, appear within Section II.E of this Motion.

The third party preserved in Section II.E is, on information and belief, **Anthony Chastain**, identified by Defendant as the operator of the Operation Icebreaker Facebook page. The conduct documented in his communication with Defendant — possession and description of a concealed charging affidavit, coordination with the named complainant, transmission of public threats and racially-charged remarks against a Biloxi City Councilman, and the structural extortion of a misdemeanor charge against a federal civil rights plaintiff — is the conduct of a conspirator in the suppression scheme this Motion describes, not the conduct of a neutral third party.

Read that admission word by word. The conspirator told Defendant, **in writing**, that the substantive predicate of the entire criminal prosecution — the conduct that allegedly violates Miss. Code Ann. § 97-29-45 — is **one instance of using the word "whore" in published journalism about a public official**. That is the predicate. One word. In one published article. About a public official. The Mississippi Legislature has not made political invective in protected journalism about a public officer a misdemeanor; the United States Supreme Court has held repeatedly that it could not. *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964); *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988); *Boos v. Barry*, 485 U.S. 312 (1988); *Cohen v. California*, 403 U.S. 15 (1971). The conspirator's own assessment of his own predicate — "*fails vs 1st amendment*" — is the only honest characterization of it.

For that predicate — one rhetorical noun in protected journalism about a public official — Defendant was subjected on May 5, 2026 to three separate handcuffing events on a peaceful

voluntary surrender; an **inter-county transport** from the City in which the offense was allegedly committed to a county detention facility, when **this Court itself possessed the authority to set and accept bond on the same record on which it issued the warrant**, and no operational reason for transport out of the corporate limits of Biloxi has been disclosed; an **x-ray scan administered without Defendant's consent or informed permission**, and an invasive bodily search of the kind reserved by *Bell v. Wolfish*, 441 U.S. 520 (1979), and *Florence v. Board of Chosen Freeholders*, 566 U.S. 318 (2012), for institutional safety concerns absent in a peaceful misdemeanor surrender; denial of telephone access despite Defendant's status as a pro se litigant in four pending federal civil rights actions; delayed release beyond what processing of a \$1,000 misdemeanor surety would have required; and a \$1,000 surety bond against a \$500 statutory maximum monetary penalty. Co-Defendant Jarrod Lewis Fusco — an active-duty Master Sergeant in the United States Air Force, an SPJ-credentialed journalist, and Defendant's co-plaintiff in pending federal civil rights action *Petrini and Fusco v. Glavan*, No. 1:26-cv-00094-LGJ-BWR — was, on the same day and on the same statutory charge, subjected to the same custodial treatment.

The disproportion between the predicate (one word) and the punitive intake (the cumulative treatment described above, applied to two journalist-defendants on the same day) is the disproportion the continued document-withholding is designed to keep off the public record. Production of the affidavit, the bond order, the conditions of release, and the appointing authority of the Special Judge and Special Prosecutor would not merely close the disclosure question. It would put the disproportion in front of any reader of the docket. The City has elected, instead, to refuse production at six separate request points across two days, to two different defendants and to the regional press — to telephone callers, to the booking officer of record, to Harrison County Adult Detention Center personnel, to **WLOX News (Channel 13)** on the day of arrest, to Co-Defendant Fusco appearing in person at the Biloxi Police Department on the night of May 5, and to Defendant appearing in person before the Clerk of this Court on the afternoon of May 6 (Section II.B). That is the **fraudulent concealment** the operator's own correspondence has now

made unsustainable; this Motion respectfully asks the Court to end it.

The conspirator's First Amendment admission is the keystone. A charge brought by actors who, **on their own contemporaneous written admission, know the charge cannot survive the First Amendment**, is not a good-faith prosecution. It is a fabricated proceeding, deployed for the purpose disclosed in the same correspondence — to extract content removal under threat of process the actor concedes will not stand. The operator's "*fails vs 1st amendment*" line is therefore not merely a forecast about the future of the case; it is, on the record now before the Court, **proof that the case was fabricated from the outset**, because no actor proceeding in good faith files a charge he simultaneously concedes is constitutionally void. The fabrication is the predicate. The handcuffings, the transport, the x-ray, the bail amount, the verbal "no contact" condition, the document-withholding, the operator's negotiation, and the City's "private citizen" misrepresentation are all consequences of it.

"To perform its high function in the best way," the United States Supreme Court has instructed, **"justice must satisfy the appearance of justice."** *In re Murchison*, 349 U.S. 133, 136 (1955). A prosecution lodged on the affidavit of an interested party who is herself a court officer; brought by a Special Prosecutor whose identity is concealed; before a Special Judge whose identity is concealed; supported by a charging affidavit the City has refused to produce on six separate occasions to two defendants and to the regional press; conducted under verbal-only bond conditions never reduced to writing; for a substantive predicate the actor coordinating the negotiation describes in writing as one use of a rhetorical noun in protected journalism about a public official, and as a charge that "*fails vs 1st amendment*" — does not satisfy the appearance of justice. It negates it.

The Court is not asked to adjudicate any federal civil rights claim. The Court is asked to ensure that the proceeding it is being asked to administer — by virtue of a warrant it issued — rests on documents that exist, on conditions it has authorized in writing, on bail proportionate to the offense charged, on officers whose identity and authority can be tested by the accused, and on a substantive predicate that, on the conspirator's own admission, is the recitation of one rhetorical

noun in a year of investigative journalism about a public official.

## II. STATEMENT OF FACTS

### A. The arrest, the bond, and the conditions

On May 5, 2026, Defendant surrendered to the Biloxi Police Department on a warrant issued by an unidentified Special Judge of this Court alleging a violation of Miss. Code Ann. § 97-29-45. He was transported to the Harrison County Adult Detention Center, posted a \$1,000 surety bond, and was released. At no point was a written order of this Court setting forth the conditions of release produced to him. Personnel of the Harrison County Adult Detention Center verbally informed him that the conditions of release included "no talking to" Co-Defendant Fusco. No writing memorializing that condition has been shown to Defendant.

Defendant is, at all relevant times, a person with a disability within the meaning of the **Americans with Disabilities Act**, 42 U.S.C. § 12101 *et seq.*, requiring prescription medication on a sustained schedule. Defendant disclosed his ADA status and his medication need on May 5, 2026 to **Officer J. Johnson** at booking by the Biloxi Police Department, and again to intake personnel at the **Harrison County Adult Detention Center**. **No accommodation of any kind was extended.** Defendant was held in custody without access to his prescribed medication for the duration of detention, in conditions developed in Sections II.A above and II.B below — three handcuffings, inter-county transport, x-ray exposure without informed consent, invasive bodily search, denial of telephone access, and delayed release — all administered to a disability-disclosed defendant on a \$500-maximum-fine misdemeanor charge.

### B. The documented sequence of refusals to produce the charging documents

The City has refused production of the affidavit of probable cause, the warrant, and the related charging documents on at least six distinct occasions, to two different defendants and to the regional press, across two days:

- (1) **Telephone request, May 5, 2026, daytime.** Defendant requested by telephone the production of the affidavit and related charging documents. The request was refused.
- (2) **Booking refusal, May 5, 2026, by Officer J. Johnson, Biloxi Police Department.** At booking, Defendant requested production of the affidavit and related charging documents from the booking officer of record, identified to Defendant as Officer J. Johnson. The request was refused.
- (3) **Harrison County Adult Detention Center refusal, May 5, 2026.** Following transport to the Harrison County Adult Detention Center, Defendant again requested production of the affidavit and related charging documents from intake personnel. The request was refused.
- (4) **WLOX News (Channel 13) press request, May 5, 2026.** WLOX News, the principal regional news outlet, requested the charging affidavit from the City of Biloxi on the day of arrest. The City refused production. The City separately characterized the complainant to WLOX as "a private citizen" — a characterization developed at Section II.D below — while concealing the document that would have falsified the characterization.
- (5) **In-person request by Co-Defendant Fusco, May 5, 2026, approximately 11:00 p.m., Biloxi Police Department.** Co-Defendant Jarrod Lewis Fusco appeared in person at the Biloxi Police Department on the evening of May 5, 2026, at approximately 11:00 p.m., and requested production of the affidavit and related charging documents in his case and in Defendant's. The requests were refused.

**(6) In-person request by Defendant, May 6, 2026, approximately 2:40 p.m., to the Clerk of the Municipal Court ("Clerk Ashley").** Defendant appeared in person on May 6, 2026, at approximately 2:40 p.m., and requested production of any documentation related to the case from the Clerk of the Municipal Court, identified to Defendant as "Clerk Ashley." The request was refused; no document of any kind related to the case was provided.

These six refusals are in addition to the City's failure, as of the date of this filing, to respond to Co-Defendant Fusco's pre-arrest written Mississippi Public Records Act request submitted on April 29, 2026 (Section II.C below).

### **C. The pre-arrest public records request**

On April 29, 2026 — six days before the arrest — Co-Defendant Fusco submitted a written Mississippi Public Records Act request to the City of Biloxi seeking records concerning Code Enforcement Administrator Tara Busby. As of the date of this filing, no response, no written denial citing a specific exemption under Miss. Code Ann. § 25-61-11, and no production has been received. The seven-working-day window provided by Miss. Code Ann. § 25-61-5(1)(a) expires on or about May 8, 2026.

### **D. The post-arrest media interactions — and the City's affirmative misrepresentation of the complainant's status**

WLOX News (Channel 13) requested the charging affidavit on May 5, 2026. The City refused production. The City separately represented to WLOX, on or about May 5–6, 2026, that the complainant Tara Busby is "a private citizen." On information and belief, Tara Busby is in fact: (i) a public employee of the City of Biloxi (Code Enforcement Administrator); (ii) a named individual federal civil rights defendant in three consolidated S.D. Miss. actions (1:25-cv-00178/233/254); and (iii) **a clerk of this very municipal court system.**

The City's "private citizen" characterization is the operative concealment that has permitted the prosecution to proceed in the press unchallenged. Production of the affidavit would

have falsified the characterization. Suppression of the affidavit was therefore necessary to the characterization's continued viability. The two acts — **document concealment plus affirmative misrepresentation of a court officer's status** — are mutually reinforcing components of a single information-control posture, and they are the concrete predicate for Section III.F below ("the appearance of justice").

The City's own coordinator contradicts the City. The third party preserved in Section II.E — on information and belief, Anthony Chastain, the operator who coordinated with the named complainant and described the contents of the concealed affidavit at a moment when the public could not — referred in writing to the affidavit's subject as "**a public [sic] official**". The City told WLOX she is "a private citizen." The operator running the negotiation on her behalf told Defendant she is "a public official." Both characterizations cannot be true. The City's continued refusal to produce the affidavit is the procedural mechanism by which that contradiction is kept off the record — because production of the affidavit would resolve the question on the operator's side, and the City has elected to keep it open.

#### **E. The third-party communication — and the complainant's direct participation and coordination**

Within hours of Defendant's surrender, an unidentified third party — operator of a Facebook page known as "Operation Icebreaker" — initiated direct electronic communication with Defendant. The communication is reproduced verbatim, in its native form, on the pages immediately following this section, and is authenticated by the sworn declaration of Defendant accompanying this Motion.

The Court's attention is respectfully directed to four specific statements made by the operator at his own initiative:

- (1) that the criminal charge against Defendant "**fails vs 1st amendment**";
- (2) that the case "**cant proceed without her statement which she has not been asked to give**";

- (3) a description of the content of the charging affidavit — "**only cite was one instance of calling a public [sic] official a 'whore'**" — at a moment when the City was simultaneously refusing to produce the affidavit to Defendant, to Co-Defendant Fusco, and to WLOX News; and
- (4) an explicit demand for "**some sort of affirmative action from your side for [the case] to not proceed**", paired with an offered one-to-two hour compliance window — i.e., the operator tendered the criminal proceeding as leverage in exchange for the removal of two specified articles published by Defendant about Tara Busby.

The complainant Tara Busby is not merely the nominal subject of the operator's negotiation. The reproduced communication on its face establishes her **direct participation and coordination** with the operator. The operator describes himself as the conduit to her ("**i can let her know**"); reports her future intentions ("**she was poised for real payload later, i will inform her if she chooses to proceed that is of her own choosing**"); explains the case posture in operational terms requiring her cooperation ("**case cant proceed without her statement which she has not been asked to give**"); and negotiates on her behalf the terms of a content-removal demand whose subject is two articles **about her**. The operator's repeated locutions of the form "I will inform her" and "if she chooses to give . . . then she chooses her path" are not the language of an independent intermediary acting on his own initiative. They are the language of a coordinator transmitting between two principals — and the complainant is identified, throughout, as the principal on the operator's side.

The reproduced communication, moreover, contains the operator quoting the complainant's own real-time words back to Defendant. While the negotiation was in progress, the operator told Defendant: "**how long the commit take to show up on these rubes computers they are saying 'I CAN STILL SEE MY PAGE'**". The double-quoted phrase "**I CAN STILL SEE MY PAGE**" is the operator's reported transmission of the complainant's own contemporaneous statement — the complainant herself, in real time, monitoring peoplevsbiloxi.com to confirm

whether Defendant had taken down the two specified articles in compliance with the operator's content-removal demand. That monitoring is not the conduct of a private citizen who happens to have lodged a complaint and stepped back. It is the conduct of an active participant in the content-removal negotiation, performing the verification function on the operator's side of the table while the criminal proceeding she instigated remains pending against the Defendant whose articles she is checking.

The native-form reproductions follow on the next two pages, in chronological order of chat content.

it should be obvious if one of them directly challenges they are back on the table

i dont save from drowning twice

let me ask

tara current attached to filed affidavit. assuming that goes nowhere she is still in clear from you?



i assure you the charge offered against you fails vs 1st amendment

I will expect some sort of affirmative action from your side for it to not proceed

8 PM

only cite was one instance of calling a public official a "whore" rest easy on it



I know it fails, but I'm not very fond of dealing with this, because it will triple my defendant list



she was poised for real payload later, i will inform her if she chooses to proceed that is of her own choosing

The municipal court personnel already got served today a notice

For instance

Its just that im kind busy now

We can chat another time



how long the commit take to show up on these rube computers they are saying "I CAN STILL SEE MY PAGE"



Facebook user



she was poised for real payload later, i will inform her if she chooses to proceed that is of her own choosing



The municipal court personnell already got served today a notice

For instance

Its just that im kind busy now

We can chat another time



how long the commit take to show up on these rubes computers they are saying "I CAN STILL SEE MY PAGE"

But you are expected to take affirmative action and serve to undo that,

It takes sometime to reflecg

timefram i can give them an hour a two hour?

case cant proceed without her statement which she has not been asked to give

if she chooses to give....then she choose her path



i can let her know



**F. The Operation Icebreaker page's public content — and the funded distribution of racist content**

The same Facebook page operated by the third party described in Section II.E has, on the public side of its operations, transmitted communications that warrant the Court's notice. Those public communications include (i) threatening communications and racially-charged remarks targeting a member of the Biloxi City Council; (ii) threatening and disparaging communications targeting Defendant; and (iii) communications attacking Co-Defendant Fusco's status and conduct as an active-duty Master Sergeant in the United States Air Force. The public-facing posts are part of the same operational pattern as the private communication reproduced above, and are referenced here so that the Court has a complete picture of the actor whose private demands are described in Section II.E.

Critically, the racially-charged and threatening content distributed by the Operation Icebreaker page has been **paid distribution** — that is, the operator (or a payor coordinating with the operator) has purchased Facebook advertising to amplify it. One such advertisement — captioned, in part, "**BUSTED**" — appears in the Facebook Ad Library under **Library ID 1670255857345451**, where it is independently retrievable by the Court or any reader. Because Facebook Ad Library disclosures do not always identify the underlying account or natural-person payor, Defendant intends, in connection with the parallel federal civil rights actions referenced in Section II.E, to **subpoena Meta Platforms, Inc. (the parent company of Facebook) to identify the account or accounts that paid for the distribution of the Operation Icebreaker advertisements**, including but not limited to the BUSTED advertisement (Library ID 1670255857345451). The identity of the funder is material to the conspiracy framework set out in this Motion: paid distribution of racist and threatening content targeting a Biloxi City Councilman, Defendant, and Co-Defendant Fusco — coordinated with the same operator who, in private, negotiated extrajudicial content removal under the leverage of this prosecution — establishes a coordinated, funded suppression and harassment scheme rather than the

spontaneous expression of an isolated private actor.

### **G. Notification of the Federal Bureau of Investigation**

In view of the matters described above, Defendant has notified the **Federal Bureau of Investigation, Jackson Field Office**, of (i) the third-party communication described and reproduced in Section II.E, (ii) the public Operation Icebreaker page content described in Section II.F, and (iii) the documented refusal pattern set forth in Sections II.A through II.D of this Motion. The notification was made by Defendant in good faith, in advance of this filing, so that whatever federal investigative interest may attach to these matters is preserved independent of the disposition this Court ultimately makes. Defendant respectfully informs the Court of the notification in the same spirit — to ensure that the Court, in exercising its supervisory authority over its own warrant process, does so on a record that includes the fact of federal-investigative interest.

## **III. ARGUMENT**

### **A. The conditions of release must be in writing — MRCrP Rule 8.5(a)**

Mississippi Rule of Criminal Procedure 8.5(a) is categorical: "When a defendant is brought before a court for initial appearance, a determination of the conditions of release shall be made. **The judge shall issue an order containing the conditions of release and shall inform the defendant of the conditions**, the possible consequences of their violation, and that a warrant for the defendant's arrest may be issued immediately upon report of a violation." The rule's two "shalls" — written order and personal communication — are mandatory. Rule 8.4(b)(5) authorizes "restrictions on the defendant's direct or indirect contact with any specified person(s)," but only as a component of an "order of release" of the kind Rule 8.5(a) requires to exist. A verbally-asserted "no contact" condition that has no written counterpart, that has been communicated to Defendant only by jail intake personnel, and that purports to restrain Defendant's communication with his co-plaintiff in pending federal civil rights litigation, is not a

Rule 8.4(b)(5) condition. It is no condition at all.

The Court is respectfully asked to declare so, and to make explicit that any subsequent enforcement of such a verbal condition would itself be without lawful basis.

**B. The bail is excessive on its face**

The maximum monetary penalty for a first-offense violation of Miss. Code Ann. § 97-29-45 is five hundred dollars (\$500). Miss. Code Ann. § 97-29-45(2). The bail set in this matter — \$1,000 surety — is twice the worst-case monetary penalty the State can impose if Defendant is convicted. The Eighth Amendment to the United States Constitution and Article 3, § 29 of the Mississippi Constitution forbid bail set "at a figure higher than an amount reasonably calculated [to assure appearance]." *Stack v. Boyle*, 342 U.S. 1, 5 (1951). Defendant surrendered voluntarily on a non-violent misdemeanor. There is no flight history. There has been no allegation of risk to the community. The \$1,000 surety is not reasonably calculated to assure appearance; it exceeds what is so calculated by a factor of two against the entirety of the State's worst-case monetary stake in the prosecution.

**C. The disclosure obligations are constitutional and statutory**

The right of an accused to know the charges against him is foundational. U.S. Const. amends. V, VI, XIV; Miss. Const. art. 3, § 26; *Cole v. Arkansas*, 333 U.S. 196, 201 (1948). The right of the public to access the documents underlying a criminal prosecution is foundational. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986). The Mississippi Public Records Act prescribes a maximum waiting period of seven working days from receipt for production, with a one-working-day default if the public body has not adopted published procedures. Miss. Code Ann. § 25-61-5(1)(a). The affidavit of probable cause supporting the warrant in this matter, the warrant itself, the bond order, the written conditions of release (if any), and the appointing-authority documents for the Special Judge and Special Prosecutor are all properly produced under each of these authorities. They have been produced under none of them.

#### **D. The statement-or-certification test**

The third party whose communication is reproduced within Section II.E volunteered to Defendant that the case "cant proceed without her statement which she has not been asked to give." That statement, on its face, admits that no sworn statement of the complainant supported the affidavit on which this Court relied in issuing the warrant. The Court need not adjudicate the truth or falsity of the third party's admission. The Court is asked, simply, to direct the City to produce **either** the sworn statement of complainant Tara Busby underlying the charging affidavit, **or** a written certification, sworn under penalty of perjury by the affiant of record, that no such statement was taken or exists. If the statement exists, the question is closed. If a sworn certification confirms that none exists, the Court will be in a position to consider what relief follows from a warrant issued in the absence of the complainant's account.

#### **E. The risk of post-request sanitization warrants an immediate preservation order**

Six separate refusals to produce, across two days, to two different defendants and to the regional press, by personnel as varied as a telephone-line operator, a booking officer (Officer J. Johnson), Harrison County Adult Detention Center intake personnel, the City's public-information apparatus refusing WLOX News, and the Clerk of this Court ("Clerk Ashley"), are not consistent with ordinary administrative delay. They are consistent with a pattern in which the documents requested either (i) do not yet exist in the form an inquirer would expect, (ii) exist in a form the City is actively reluctant to surface, or (iii) are being held while the City decides how to respond. In any of those scenarios, the longer the materials remain in the City's exclusive possession without judicial oversight, the higher the risk that what is eventually produced will not be what was originally created.

The Court has supervisory authority over its own warrant process. A preservation order is a routine and proportionate exercise of that authority. Defendant respectfully asks the Court to direct, as part of any disclosure order entered, that the City of Biloxi (and its agents, contractors, and outside counsel of record) **preserve, in unaltered form, all documents, communications,**

**electronic records, audio recordings, video recordings, body-camera footage, dispatch logs, intake records, custody logs, jail telephone logs, court calendaring records, internal correspondence, and external correspondence** related to the warrant, the arrest, the booking, the bond, the conditions of release, the appointing authority of the Special Judge and Special Prosecutor, the complainant's status and statements (if any), and any communications with or concerning the operator of the Operation Icebreaker page — from January 1, 2026 through the date the Court enters its disclosure order.

#### **F. The appearance of justice**

"To perform its high function in the best way, justice must satisfy the appearance of justice." *In re Murchison*, 349 U.S. 133, 136 (1955). On information and belief, the named complainant in this matter is not only a public employee and a federal civil rights defendant in three consolidated S.D. Miss. actions; she is also a clerk of the very municipal court system in which the complaint underlying this prosecution was lodged. The City has affirmatively misrepresented her status to the press as that of "a private citizen." A private third party — outside the prosecutorial apparatus on the surface, demonstrably inside it on the substance of the affidavit's contents — has used the prosecution as leverage to demand the removal of journalism about her. The ordinary apparatus of this Court — judge, prosecutors — has recused. The Court, in the exercise of its supervisory authority over its own warrant process, may take notice of these matters and may take the affirmative steps requested in Section IV to ensure that the proceedings of May 11, 2026 go forward, if they go forward at all, on a record this Court has made whole.

#### **IV. PRAYER FOR RELIEF**

**WHEREFORE**, Defendant respectfully requests that this Court **GRANT** this Motion and enter an order that:

(a) **directs** the City of Biloxi, within twenty-four (24) hours of the entry of this order, to produce **either (i) the sworn statement of complainant Tara Busby underlying the charging**

**affidavit, or (ii) a written certification, sworn under penalty of perjury by the affiant of record, that no such statement was taken or exists;**

(b) **directs** the City of Biloxi, within the same twenty-four (24) hours, to produce the **affidavit of probable cause, the warrant, the bond order, the written conditions of release** (if any), and the **appointing-authority documents** for the Special Judge and Special Prosecutor;

(c) **directs** the City of Biloxi, within seven (7) calendar days, to produce the records responsive to Co-Defendant Fusco's April 29, 2026 Mississippi Public Records Act request, with any redactions specifically justified in writing under Miss. Code Ann. § 25-61-11;

(d) **declares void and unenforceable** any condition of release not contained in a written order of this Court issued in compliance with **MRCrP Rule 8.5(a)** and personally communicated to Defendant — and specifically, any verbally-asserted "no contact" condition restraining Defendant's communication with Co-Defendant Jarrod Lewis Fusco, Defendant's co-plaintiff in pending federal action *Petrini and Fusco v. Glavan*, No. 1:26-cv-00094-LGJ-BWR;

(e) **reduces bail** from \$1,000 surety to recognizance, or, in the alternative, to a sum not exceeding the statutory maximum monetary penalty of five hundred dollars (\$500) provided by Miss. Code Ann. § 97-29-45(2);

(f) **takes notice** of the third-party communication reproduced within Section II.E of this Motion and the accompanying sworn declaration of Defendant authenticating the same;

(g) **directs** the City of Biloxi (and its agents, contractors, and outside counsel of record) to **preserve in unaltered form** all documents, communications, electronic records, audio and video recordings, body-camera footage, dispatch logs, intake records, custody logs, jail telephone logs, court calendaring records, and internal and external correspondence related to the warrant, the arrest, the booking, the bond, the conditions of release, the appointing authority of the Special Judge and Special Prosecutor, the complainant's status and statements (if any), and any communications with or concerning the operator of the Operation Icebreaker page — from January 1, 2026 through entry of this order;

(h) **refers**, by written order of this Court, the matters described in this Motion to:

(i) the **Civil Rights Division of the United States Department of Justice**, for whatever investigation under 34 U.S.C. § 12601 and 18 U.S.C. §§ 241 and 242 the Division deems appropriate;

(ii) the **United States Attorney for the Southern District of Mississippi**;

(iii) the **Federal Bureau of Investigation, Jackson Field Office** (which has been notified by Defendant in advance of this filing — *see* Section II.F);

(iv) the **Mississippi Bureau of Investigation**;

(v) the **Mississippi Attorney General**; and

(vi) the **Mississippi Bar Office of General Counsel**, for whatever attorney-discipline review of any City of Biloxi attorney or outside counsel of record whose conduct is implicated; and

(i) **grants** such further relief as this Court deems just and proper.

Respectfully submitted this 7th day of May, 2026.

**YURI PETRINI**

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/s/ Yuri Petrini

**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2026, I personally delivered the foregoing Defendant's Motion for Mandatory Disclosure and for Declaratory and Corrective Relief to the Clerk of the Municipal Court of the City of Biloxi, Harrison County, State of Mississippi, for filing.

The Special Prosecutor and Special Judge have not yet been formally identified to Defendant by name, official appointment authority, or address as of the date of this filing. Service upon any such party will be effected upon formal notice of that party's identity and appearance in this matter, and Defendant reserves the right to supplement this Certificate accordingly.

A courtesy copy is also being delivered to the Office of the City Attorney for the City of Biloxi.

/s/ Yuri Petrini