

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

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2006 JUN 29 A 10:15

EMILIA STRONG SYKES
133 Furnace Run Drive
Akron, Ohio 44307,

and

BARBARA SYKES
133 Furnace Run Drive
Akron, Ohio 44307,

and

VERNON SYKES
133 Furnace Run Drive
Akron, Ohio 44307

Plaintiffs,

vs.

BENJAMIN F. PAYTON
President
Tuskegee University
Tuskegee, Alabama 36088

and

DEAN PETER SPEARS
Tuskegee University
Tuskegee, Alabama 36088

and

MINNIE R. AUSTIN
Director
Student Life and Development
Tuskegee University
Tuskegee, Alabama 36088

Case No.

3:06cv 582-MHT

Judge

Thompson

and

TUSKEGEE UNIVERSITY
Tuskegee, Alabama 36088

Defendants.

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CLERK OF DISTRICT COURT
FEDERAL DISTRICT ALA

**VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER AND
FOR INJUNCTIVE RELIEF**

INTRODUCTION

1. This action is brought by Emilia Strong Sykes, a citizen of Ohio and student at Tuskegee University and her parents Barbara and Vernon Sykes, also citizens of Ohio. On April 20, 2006, Emilia Sykes was crowned by Defendants as Miss Tuskegee University. On June 12, 2006, notwithstanding Ms. Sykes' justifiable detrimental reliance upon defendants representations and acts conferring the title of Miss Tuskegee University upon her, circumstances which estop Defendants from acting contrary to their representations, Defendants, without notice or opportunity to be heard purportedly revoked the title of Miss Tuskegee University from Emilia Sykes, all as set forth in the correspondence at Exhibit "A". By reason of defendants' representations, on which Emilia Sykes and her parents detrimentally relied, and in violation of Plaintiffs' right to due process of law, this action has been filed seeking an immediate order with temporary restraint that prohibits defendants from revoking Miss Sykes Miss Tuskegee University title.

JURISDICTION

2. Jurisdiction in this district court over this action arises under the provisions of 28 U.S.C. §1331 and 1332. Plaintiffs due process claims are cognizable in federal court by reason of the provisions of 42 U.S.C. §1983 and the Fourteenth Amendment to the

United States Constitution. Plaintiffs are citizens of Ohio. All Defendants are Alabama citizens. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. Accordingly, jurisdiction is also founded upon diversity of citizenship.

VENUE

3. Venue in this action is properly laid in the Middle District of Alabama for the reason that jurisdiction is not founded solely on diversity of citizenship, defendants all reside in the Middle District of Alabama, and a substantial part of the events which give rise to this action occurred in the Middle District of Alabama.
4. Plaintiff, Emilia Strong Sykes, is a student at Tuskegee University. Ms. Sykes is a citizen of Ohio. Ms. Sykes has instituted this action to avoid injustice by reason of her detrimental reliance upon representations of Defendants and violation of her right to due process of law.
5. Barbara and Vernon Sykes are the parents of Emilia. In reliance upon representations of Defendants, Barbara and Vernon Sykes detrimentally altered their positions. Specifically, both Barbara and Vernon Sykes, candidates for political office in Ohio, have altered their schedules, made public representations to third parties and expended funds all in reliance upon Defendants representations that Emilia was Miss Tuskegee University and that the decision was final, notwithstanding claims that the University had made an error in its Miss Tuskegee University scoring process.
6. Benjamin F. Payton is the President of Tuskegee University and a citizen of Alabama. On April 20, 2006, Defendant Payton crowned Emilia Sykes, Miss Tuskegee University, placed a robe on her and authorized the issuance of press releases to the

national and local news media proclaiming that Emilia was Miss Tuskegee University. Defendant Payton is being sued in both his personal and official capacities.

7. Dean Peter Spears is a citizen of Alabama. Dean Spears is being sued in both his personal and official capacities. On April 24, 2006 Plaintiffs met with Dean Spears. Dean Spears represented to Plaintiffs that although a question had been raised concerning the scoring of certain portions of the Miss Tuskegee University pageant, the university intended to stand by the April 20, 2006 result. Dean Spears represented that the results were final and that there would be no further review or investigation into the pageant's results.
8. Defendant Minnie R. Austin is the Director of Student Life and Development and Tuskegee University. Ms. Austin is a citizen of Alabama. Ms. Austin is being sued in both her personal and official capacities. Notwithstanding the representations of Defendants Payton and Spears, which induced Plaintiffs to detrimentally alter their positions and activities in reliance thereon, on June 12, 2006, roughly two months following the announcement of Emilia as the winner of the Miss Tuskegee University pageant, Defendant Austin issued to Emilia Sykes without notice or opportunity to be heard, the correspondence at Exhibit "A", revoking the title and related property interests, that accompany the position of Miss Tuskegee University.
9. Defendant Tuskegee is an Alabama corporation and educational institution. Defendant Tuskegee receives substantial economic aid from both the state of Alabama and the United States.

FACTUAL BACKGROUND

10. Plaintiff Emilia Strong Sykes, a student at Tuskegee University, competed for the title of Miss Tuskegee University.
11. On April 20, 2006, Defendant Payton, acted upon the results announced by judges in the Miss Tuskegee University pageant and personally crowned Ms. Sykes and conferred the title Miss Tuskegee University upon her, all as set forth in the affidavit and photos at Exhibit "B" which are incorporated herein.
12. Following the announcement of Emilia as the pageant winner, rumors began among certain students that the pageant results were in question. Purportedly one of the pageant judges had wrongfully penalized a contestant thereby reducing the contestants' score from first place to second place.
13. In an effort to determine whether there was any validity to the rumors concerning the pageants results, Plaintiffs traveled to Tuskegee. Plaintiffs met with Dean Spears to determine the contest status as fully explained in the affidavit at Exhibit "C". Dean Spears, represented unequivocally that the contest results were final and that there would be no review or investigation.
14. In reliance upon the representations of Defendants Payton and Spears, Plaintiffs, *inter alia*, did the following:
 - a) Changed the respective schedules to accommodate the conference and appearance schedule of Emilia as Miss Tuskegee University. For instance, Emilia, a McNair Scholar, decided not to attend certain academic activities by reason of the requirement to attend a conference for university pageant winners;

- b) Plaintiffs modified their political campaign schedules and activities, i.e. appearances, fundraisers, etc. in order to accommodate Emilia's Miss Tuskegee University schedule;
- c) Plaintiffs have appeared in news articles nationally and received accolades from numerous organizations based upon the representations of Defendants, that Emilia was Miss Tuskegee University;
- d) Plaintiffs have expended funds to increase Emilia's wardrobe and related items to accommodate her role as Miss Tuskegee University;
- e) Plaintiffs have made representations to third parties, based upon Defendants representation that Emilia was Miss Tuskegee University.

COUNT ONE – PROMISSORY ESTOPPEL

15. Plaintiffs incorporate the allegations in Paragraphs 1 through 14 above as though fully stated herein.
16. Under Alabama law where a promise or representation has been made by a party such as the defendants representations here, with the intention or reasonable expectation that it will be acted upon by the other party, the quasi contractual or equitable doctrine of promissory estoppel is available to prevent harm or injustice. See, Wyatt v. Belsouth, Inc, 18 F. Supp. 2d 1324, 1998 U.S. Dist. LEXIS 13784 (D. Ala. 1998). A representation which the promisor should reasonably expect to induce action by a promisee and does induce action, is binding if injustice can be avoided only by enforcement of the representation. Id.
17. Here, Defendants clearly represented that Emilia Sykes was Miss Tuskegee

University, Defendants issued press releases, conferred property upon Miss Sykes and stated in reliance upon the representations of Defendants that Miss Sykes was Miss Tuskegee University and there would be no appeal or other review. Based upon defendants' representations Miss Sykes did not participate in cheerleading, something she had done since her first year at Tuskegee, received news attention in the Akron Beacon Journal and Reporter newspapers, did not avail herself of a \$2,600.00 stipend available through the McNair Scholars Summer Research Institute and missed the opportunity for research experience, graduate training and college visits. Miss Sykes also received gifts or congratulations from the Girl Scouts of America, Ohio Representative Dixie Allen, Alpha Kappa Alpha Sorority, Inc., the Mayor of Toledo, Ohio and U.S. Senator Barak Obama.

18. Now by reason of Plaintiff's detrimental reliance upon Defendants representations, Mrs. Sykes has been subjected to extreme mental and physical anguish, is unable to respond to persons who believe she is Miss Tuskegee University and has experienced public embarrassment and personal psychological distress.
19. The events described above give rise to an imminent threat of grave and irreparable harm for which there is no adequate remedy at law.
20. Plaintiffs are able to demonstrate (a) (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the preliminary injunction is not granted; (3) that the threatened injury to the movant outweighs the threatened harm that the injunction may cause the opposing party; and (4) that granting preliminary injunctive [*3] relief is not adverse to the public interest." *Digitel Corp. v. Deltacom*,

Inc. 953 F.Supp. 1486, 1495 (M.D. Ala. 1996) (citing Ferrero v. Associated Materials, Inc., 923 F.2d 1441, 1448 (11th Cir. 1991).

21. For the above reasons, an immediate order with temporary restraint in the form at Exhibit “D”, should issue. No bond should be required for as the correspondence at Exhibit “A” indicates, Defendants admit their error and acknowledge causing Ms. Sykes anguish.

SECOND COUNT – PROCEDURAL DUE PROCESS

22. Plaintiffs restate the allegations in paragraphs 1 through 21 as though fully stated therein.

23. On April 20, 2006, Defendants conferred a property interest in the title Miss Tuskegee University and its allied emoluments, upon Ms. Sykes.

24. Defendant Tuskegee University receives substantial financial support from both the State of Alabama and the United States.

25. The actions of Defendants in revoking the Miss Tuskegee University title were taken under color of Alabama law, inasmuch as Tuskegee University is an Alabama Corporation.

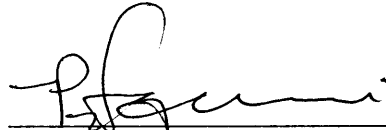
26. Defendants acted in secret, without notice or opportunity to the heart, and have not disclosed the evidentiary basis for their action, revocation of the Miss Tuskegee University title.

27. Defendants’ action violated Miss Sykes’ right to due process of the law and have caused her harm for which there is no adequate remedy at law.

Wherefore, Plaintiffs request the following:

- a. An immediate order with temporary restraint in the form at Exhibit "D", which states by reasons of justifiable detrimental reliance, Defendants are estopped from revoking the Ms. Tuskegee University title from Miss Sykes, pending a hearing on Miss Sykes' Motion for a Preliminary Injunction;
- b. An accelerated hearing on the motion for a preliminary injunction and consolidation of the hearing with the trial on the merits;
- c. Reasonable attorney fees under the provisions of 42 U.S.C. 1988; and
- d. Such other relief, including interest and costs, as the Court deems just.

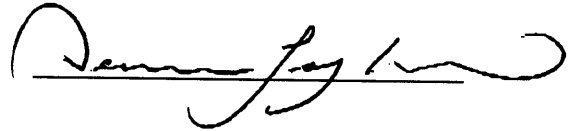
Respectfully submitted,



Percy Squire, Esq.(0022010)
Percy Squire Co., LLC
65 E. State Street, Suite 200
Columbus, Ohio 43215
614-224-6528 Telephone
614-224-6529 Facsimile
psquire@sp-lawfirm.com
Proposed Counsel for Plaintiffs


VERIFICATION

I, Vernon Sykes, have read the foregoing Complaint and attached affidavits and they are true to the best of my knowledge, information and belief.



Vernon Sykes, personally appeared before me this day and personally swore as the truth of the foregoing.

Sworn and subscribed before me this 20th day of June, 2006.


Notary Public, State of Ohio

MEGAN PAVELKO
Notary Public, State of Ohio
My Commission Expires Sept. 20, 2009

EXHIBIT “A”



Student Life and Development

Tuskegee University

Founded by Booker T. Washington

June 12, 2006

Miss Emilia Sykes
133 Furnace Run Drive
Akron, Ohio 44307

Dear Miss Sykes:

It is with regret that I write this letter concerning the results of the Miss Tuskegee University Pageant that was held on April 20, 2006, in the Daniel "Chappie" James Center Arena.

The University conducted a thorough investigation to determine the discrepancy that related to the timing of Joy McCampbell's speech, the only factor affecting the final decision of the Miss Tuskegee Pageant winner. The findings indicated that the time given by the timekeeper to the judges was incorrect. Miss McCampbell's speech was, indeed, under the 3-minute timeline, and should not have received a penalty. In view of these facts, we must do what is right and honorable. Therefore, the University has declared Miss Calida Joy McCampbell the winner of the Miss Tuskegee University Pageant, and you as the First Attendant. Miss Christie Haygood will continue as the Second Attendant.

Tuskegee University regrets that this error was made. We regret, also, the anguish that this error has produced among those involved in the Pageant. For this, we apologize most sincerely.

I look forward to working with you as a member of the Miss Tuskegee Court during the coming year.

Sincerely,

Minnie R. Austin, Director
Student Life and Development

EXHIBIT “B”

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

Emilia Strong Sykes, *et al.*

Plaintiffs,

vs.

Benjamin F. Payton, *et al.*,

Defendants.

:
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: Case No. _____
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: Judge _____
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AFFIDAVIT OF EMILIA SYKES

COUNTY OF SUMMIT

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STATE OF OHIO

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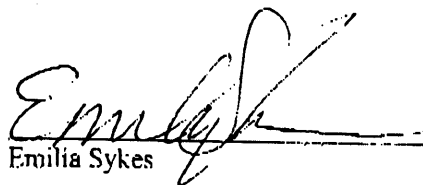
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Emilia Sykes being first duly sworn deposes and says that:

1. I have direct knowledge of the facts herein set forth.
2. I am a student at Tuskegee University and I participated in the 2006 Miss Tuskegee University Pageant at Tuskegee University on April 20, 2006.
3. At the end of the pageant, there was a three-way tie among contestants 1, 3, and 4.
4. I was contestant 3.
5. On April 20, 2006, I was announced as the winner of the Miss Tuskegee University Pageant pursuant to the tie break policy.
6. Contestant 4 was named first attendant and contestant 1 was named second attendant.
7. The first and second attendants challenged the results and requested the scores of the pageant.
8. On April 21, 2006, I attended a meeting with my mother, Barbara Sykes, my campaign manager, and Mr. Brown, Assistant to Student Life Director for the university, to discuss the results of the pageant and the subsequent challenge of the results.

9. Mr. Brown also explained the election results including the formula used to name the court members.
10. Mr. Brown explained that the first attendant was penalized for exceeding her time limit for her speech, which led to the tie.
11. Mr. Brown further explained that when there is a tie, the contestants' scores in the talent category break the tie.
12. According to Mr. Brown, I had the highest score in the talent category and therefore I was the winner of the pageant.
13. On April 22, 2006, Mr. Lewis, a representative of the university, directed me to attend the Kellogg Conference Center to make an appearance as Miss Tuskegee to welcome the Girl Scouts of America.
14. The first attendant later informed me that she and the second attendant would not be attending the President's Essay Contest because, according to Minnie Austin, Director of Student Life and Development, there was an investigation concerning the pageant results and that the court would not be announced because the members of the court had not yet been determined.
15. I was directed to attend the President's Essay Contest and told that the court would be announced whether or not all members were present.
16. On April 23, 2006, I attended the President's Essay Contest and the first and second attendants were not present.
17. I tried to contact the first and second attendants, one did not respond and the other stated that she would not be attending because no court would be announced since the program stated that the court was to be announced.
18. I was not formally announced as Miss Tuskegee University at the event.
19. On April 24, 2006, I attended a meeting with my mother, my father, Dean Peter Spears, Dean of the University, and Iolantha Spencer.
20. At the April 24, 2006 meeting, Dean Spears explained that he did not announce me as the pageant winner at the event on April 23, 2006 because the other court members were not in attendance and he thought that I may have been there to collect another award.
21. Dean Spears also explained that there was no problem with my title as Miss Tuskegee, that the university had followed the rules in reaching the results, that there would be no investigation, and that the university stands by the results of the pageant.

22. My family and I later met with Iolantha Spencer, Minnie Austin, Director of Student Life and Development, who indicated that she informed President Payton that I had won both the pre-pageant and the pageant, and that President Payton stated that the decision naming me Miss Tuskegee would stand.
23. On June 12, 2006, Minnie Austin, called my home to speak with me and informed my parents, that the results of the pageant would be changed, that there was an investigation that determined that the university made a mistake and that I was no longer Miss Tuskegee.
24. Minnie Austin also explained that, after a private investigation conducted by legal counsel, the university believed it had to correct the discovered mistake and announce a new winner of the pageant because it wanted to avoid a law suit.
25. I also received multiple messages concerning the university's decision to change the pageant results.
26. I later received a letter from Minnie Austin, dated June 12, 2006, informing me that the university had declared the previous first attendant the winner and I was first attendant.
27. During the intervening roughly two month period between April 20 and June 12, 2006 I appeared in numerous press articles, received commendations and informed third parties that I was Miss Tuskegee. The information enclosed at Exhibit 1 is an example.
28. FURTHER AFFLIANT SAYETH NAUGHT.


Emilia SykesNOTARY PUBLIC

Emilia Sykes appeared before me this 20th day of June, 2006, and did swear
and confirm that the above statement which she signed in my presence is true to the best
of his knowledge, intention and belief.


Notary Public

My commission expires _____ **MEGAN PAVELKO**
Notary Public, State of Ohio
Date: 6/28/09 **My Commission Expires Sept. 20, 2009**

The Reporter News

Email: www.reporter14@juno.com

News of Northeastern Ohio comprehensively, fairly, and accurately. 5/13-5/20/06 A Light In The Darkness

Oberlin • Ravenna • Sandusky • Warren • Youngstown & Northeast Ohio

MAY 20, 2006

SECTION A

25 Cents Per Copy

nching' rham, N.C.

says brutally beat, kicked, strangled and sodomized her at a wild off-campus party the morning of March 14.

A third unidentified suspect is expected to be indicted by May 15, when a second set of DNA results, and the next court hearing in this case, are expected to occur.

If convicted those felonies carry a minimum of 12 years in prison each.

Both of the accused are Duke University sophomores, who have since been suspended from the elite university, were arrested and brought to the Durham County Detention Facility in handcuffs. But before noon, Seligmann and Finnerty met the \$400,000 bond each imposed by a judge, and were released.

Their attorneys claim they are innocent, and have a timeline, alibis, documents and witnesses they say prove neither was at the

party at the time the accuser alleges the assault occurred. Durham District Attorney Mike Nifong, who is personally prosecuting this case, counters that a rape examination of the victim done at Duke Medical Center that morning revealed evidence of bruising "consistent" with a brutal sexual assault, with the most likely place it happened at lacrosse team party.

Sources say there may also be a toxicology report that shows evidence of a date rape drug in the victim's system. The second woman who was hired to dance at the party along with the accuser has alleged that a drink given to the woman may have been spiked, because her perfectly sober demeanor when they arrived changed dramatically, deteriorating into an incoherent stupor that went well beyond being drunk.

Continued to Page A3

State In Court

municipal employees unconstitutional

side of the city. Mayor Plusquellic responded with a letter to all municipal employee union leaders asking for a list of their employees they felt were unqualified to do their jobs.

Plusquellic said today, "Every argument in favor of this bill benefits the employee; there isn't one argument advanced that benefits the municipality, or the people who voted for us to protect their interests and do what's right for them."

The United States and the Ohio Supreme courts have ruled that residency requirements by municipalities are constitutional. Some of the reasons cited by the courts in favor of residency include:

- Quicker emergency response

time

- Improved performance in public service due to employees having a stake in the community
- Greater knowledge by employees of conditions within the community
- Improved community attitudes toward employees
- Reduced absenteeism
- Increased presence by safety officers while off duty

Plusquellic argues that residency stabilizes and strengthens neighborhoods. "Citizens feel a greater measure of security knowing that people who work for the city live nearby," the mayor said.

The municipal government of the city of Akron employs 2,400 workers.

Emilia Sykes Named Miss Tuskegee University



Miss Emilia Sykes is crowned Miss Tuskegee University by Dr. Benjamin F. Payton - Tuskegee University president.

University officials announced Emilia Sykes as the 2006-2007 Miss Tuskegee University.

Emilia is a 2003 graduate of Firestone High School, where she served as President of the Student Council. She is the daughter of Dr. Vernon Sykes and Rep. Barbara Sykes.

Miss Sykes was recently inducted into Alpha Kappa Mu Honorary Society. She is a member of Alpha Kappa Alpha Sorority and was a Tuskegee Cheerleader during the 2004 and 2005 school year.

A junior majoring in psychology from Akron, Ohio, Emilia Sykes will represent Tuskegee University along with her court, which includes first attendant Calida "Joy" McCampbell, a junior chemical engineering major from Linden, Ala.; and second attendant Cristi Haygood, a junior mechanical engineering major from Tuskegee, Ala.

All three competed during a pageant on Thursday, April 20, in the General Daniel "Chappie" James Center where they were judged on talent, public speak-

ing and poise and appearance. Their final scores came from a combination of the popular vote by their fellow students and the judges' final scores.

"Miss Tuskegee represents the University as one of the official ambassadors," said Minnie Austin, coordinator of the Miss Tuskegee pageant. "A lot of traveling is required of her. She and the court appear at different University events and attend all the football games. She also visits the coronations of other campus queens."

In addition to her first and second attendants, Miss Tuskegee is also joined by Mr. Tuskegee, Ralph Gordon and his court first attendant Aaron Chapman, and second attendant Raemont Pickney.

One of the first duties Sykes and Gordon perform in their roles will be this summer when they attend queen and king leadership training in Winston-Salem, N.C., Austin said.

Congratulations Emilia on your accomplishments and may you continue to have much success.

EXHIBIT

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dents and local performers.

The annual Arts on the Green is sponsored by the Booker T. Washington High School Friends of the Arts.

Native American drummers ... Chief Futmobul at the left



Collis Wright Native American Dancers ... Wright joined by local youngster



Miss Tuskegee University Court

Emilia Sykes was crowned Miss Tuskegee University for 2006-07 last week. Shown here is the court for Miss Tuskegee University. At the left is Cristi Haygood of Tuskegee, who is second runner-up. She's a junior in mechanical engineering. First attendant, Calida "Joy" McCampbell, a junior chemical engineering major from Linden, Ala.

Akron Beacon Journal • Sunday, May 14, 2006

www.ohio.com

COMMUNITY NEWS

CELEBRATIONS

Community news

• **Nathan Brant** is the new executive director of camping services at the Akron Area YMCA. He brings nearly 10 years of broad-based YMCA service to this position. He previously worked for the Carlisle Area Family YMCA in Pennsylvania.

• The Akron Area YMCA recognized Green resident **John Torok** as the winner of the 2005 Service to Youth Award. The award honors an individual who exemplifies the Y's core values of caring, honesty, respect, responsibility and faith. He was instrumental in creating the Green Family YMCA and was the mayor of Green from 1991 to 1997.

• **Sgt. Beverly Fraser** of the Medina County Sheriff's Office received the Ohio Practitioner of the Year Award from the Ohio Crime Prevention Association for her work in crime prevention. She is also the department's training officer.

• Sixteen members of the Girl Scouts of the Western Reserve Council have earned the organization's highest honor, the Gold Award. They are **Hannah Brown**, Troop 518, Hudson; **Jennifer Chapman** and **Amanda Stripe**, Troop 1111, Coventry Township; **Deena Dombrosky**, **Jessica Ingalls**, **Paula Monaco**, **Samantha Omilion**, **Kathleen Rege** and **Diana Sloan**, Troop 58, Macedonia; **Erin Dremann**, Troop 907, Cuyahoga Falls; **Kaitlyn Grigsby**, Troop 730, Brunswick; **Kelli Hughes**, Troop 1052, Hudson; **Nicole Juppe**, Troop 1157, Hudson; **Jennifer Weber**, Troop 3, Uniontown; **Kristen Wigle**, Troop 678, Akron; and **Stephanie Wilke**, Troop 1053, Twinsburg.

• **Alexander James Varga** of Akron Boy Scout Troop 304 received his Eagle Scout Award. He is a senior at Green High School.



Chemistry Achievement Award at the 75th annual Muskingum College Scholarship Recognition Day.

• The Ohio Foundation of Independent Colleges presented **W.R. Timken Jr.** and **Ward J. Timken** of Canton with its Volunteer Lifetime Achievement Awards. The Timken family has supported the mission of the association for almost 50 years.

• **Joyce Dindo**, daughter of **Kitty** and **Tom Dindo** of Akron, was elected to Phi Beta Kappa, national honor society, at Wittenberg University. She is a graduate of Walsh Jesuit High School.

• **Emilia Sykes** was named the 2006-07 Miss Tuskegee University. She is a junior psychology major from Akron.



• **Charlotte Jaske** of Akron received a Dean's Scholarship from Bethel College in Mishawaka, Ind..

• **Christina Martini Barry**, daughter of **Maria Barry** of Akron, was elected a member of the Honor Council at Mary Baldwin College, Staunton, Va.

• The United States Achievement Academy announced that **Jeanna M. Lott** of Mogadore was recognized for academic achievement. She attends Field High School and is the daughter of **David** and **Joyce Lott**.

• These area high school seniors are winners of National Merit Scholarships worth \$2,500: **John M. Shaul** and **Christine M. Glendon**, St. Vincent-SL Mary High School, Akron; **Ryan J. Stevenson**, home-schooled; **Jessica L. Tung**, Aurora High School; **Kathleen E. Powers**, Canton McKinley High School; **Tracy L. Meng**, Copley High School; **Peter C. Mushonhelm**, Archbishop Hoban High School, Akron; **Andrew D. Vanburen**, Western Reserve Academy, Hudson; and **Amanda J. Hight**, Stow-Mun-

Two Tuskegee shootings result in one death, serious injuries

The Tuskegee News
May 4, 2006

Tuskegee has been the location of two recent shootings, one ending in a homicide.

Tuskegee Police investigators arrested

21-year-old

Reginald Howard of Clemmie Street

Monday, May 1,

and charged him with

murder in the

Sunday night shoot-

ing of 36-year-old Presley Bell.

Bell, of 904 Cox Street, in Tuskegee, was

shot around 11:30 p.m., Sunday night in

the area of 903 Williams Street. The sus-

pect and victim were reportedly involved in

an altercation.



Reginald Howard

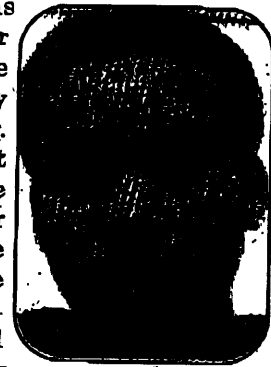
Howard was charged with murder and placed in the Macon County Detention Center. His bond was set at \$100,000. The case remains under investigation by the Tuskegee Police Department.

Then 18-year-old Alexander P. Moore of Tuskegee was

arrested by Tuskegee Police investigators, also on Monday, May 1. He was charged in the Wednesday, April 26, shooting of 22-year-old, Okechokwu Akpa.

Akpa, a Tuskegee University student,

(See SHOOTINGS, P. A-3)



Alexander Moore

Baxley speaker for Democrats of 82nd District

The Democrats of the 82nd District will be having their Annual Banquet on Sunday, May 7 at 3 p.m. in the Kellogg Conference Center.

The Honorable

Lucy Baxley, lieut-

enant governor for

the State of

Alabama, will be

the guest speaker.

Other Democratic

party candidates--

local and statewide--

are also expected

to attend and be

allowed to speak at

the event. For ticket

information, call (334) 727-2101.

"I am sure this special time will be full

of wonderful camaraderie as fellow

Democrats from the 82nd District gather

and fellowship as they prepare for the

(See DEMOCRATS, P. A-3)



Lucy Baxley



Photo courtesy Tuskegee University

Miss Tuskegee University

Tuskegee University officials last week announced Emilia Sykes as the 2006-2007 Miss Tuskegee University. Sykes is a junior psychology major from Akron, Ohio, who will represent the University at numerous functions. See additional picture on Page B-1.

h headed to Handley. B-2

EXHIBIT “C”

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

Emilia Strong Sykes, <i>et al.</i>	:	
	:	Case No. _____
Plaintiffs,	:	
	:	
vs.	:	
	:	Judge _____
Benjamin F. Payton, <i>et al.</i> ,	:	
	:	
Defendants.	:	

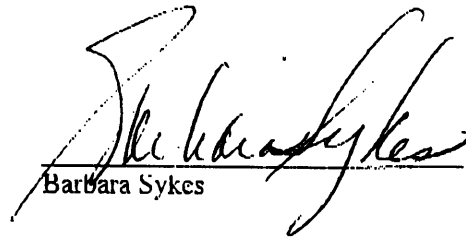
AFFIDAVIT OF BARBARA SYKES

COUNTY OF)	
)	SS
STATE OF OHIO)	

Barbara Sykes being first duly sworn deposes and says that:

1. I have direct knowledge of the facts herein set forth.
2. I am the mother of Emilia Sykes, who participated in the 2006 Miss Tuskegee University Pageant at Tuskegee University on April 20, 2006.
3. I attended and observed the Miss Tuskegee University Pageant.
4. At the end of the pageant, there was a three-way tie among contestants 1, 3, and 4.
5. On April 20, 2006, my daughter, Emilia Sykes, who was contestant 3, was announced as the winner of the Miss Tuskegee University Pageant pursuant to the tie break policy.
7. Contestants 1 and 4 challenged the results and requested the scores of the pageant.
8. On April 21, 2006, I attended a meeting with Emilia, Emilia's campaign manager, and Mr. Brown, Assistant to Student Life Director for the university, to discuss the results of the pageant and the subsequent challenge of the results.
9. Mr. Brown also explained the election results including the formula used to name the court members.
10. Mr. Brown explained that contestant 4 was penalized for exceeding her time limit for her speech, which led to the tie.

11. Mr. Brown further explained that when there is a tie, the contestants' scores in the talent category breaks the tie.
12. According to Mr. Brown, Emilia had the highest score in the talent category and therefore was the winner of the pageant.
13. On April 22, 2006, in light of the challenge of the pageant results, I discussed the issues with Iolantha Spencer, a representative of the university, who told me there would be no investigation of the results.
14. On April 24, 2006, I attended a meeting with Emilia and Dean Peter Spears, dean of the university.
15. At the April 24, 2006 meeting, Dean Spears explained that he did not announce Emilia as the pageant winner at an award event on April 23, 2006 because the other court members were not in attendance and he thought that Emilia may have been there to collect another award.
16. Dean Spears also explained that there was no problem with Emilia's title as Miss Tuskegee University, that the university had followed the rules in reaching the results, that there would be no investigation, and that the university stands by the results of the pageant.
17. My family and I later met with Minnie Austin, Director of Student Life and Development, who indicated that she informed President Payton that Emilia had won both the pre-pageant and the pageant, and that President Payton stated that the decision naming Emilia Miss Tuskegee University would stand.
18. On June 12, 2006, Minnie Austin, called my home to speak with Emilia and informed me and my husband, Vernon Sykes, that the results of the pageant would be changed, that there was an investigation that determined that the university made a mistake and that Emilia was no longer Miss Tuskegee University.
19. Minnie Austin also explained that, after a private investigation conducted by legal counsel, the university believed it had to correct the discovered mistake and announce a new winner of the pageant because it wanted to avoid a law suit.
20. I later read a letter from Minnie Austin to Emilia, dated June 12, 2006, informing Emilia that the university had declared contestant 4 the winner and Emilia was first attendant.
19. FURTHER AFFIANT SAYETH NAUGHT.



Barbara Sykes

NOTARY PUBLIC

Barbara Sykes appeared before me this 20th day of June, 2006, and did swear and confirm that the above statement which she signed in my presence is true to the best of his knowledge, intention and belief.



Notary Public

My commission expires _____ MEGAN PAVELKO
Notary Public, State of Ohio
My Commission Expires Sept. 20, 2009
Date: 10/28/06

EXHIBIT “D”

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

EMILIA STRONG SYKES
133 Furnace Run Drive
Akron, Ohio 44307,

and

BARBARA SYKES
133 Furnace Run Drive
Akron, Ohio 44307,

and

VERNON SYKES
133 Furnace Run Drive
Akron, Ohio 44307

Plaintiffs,

vs.

BENJAMIN F. PAYTON
President
Tuskegee University
Tuskegee, Alabama 36088

and

DEAN PETER SPEARS
Tuskegee University
Tuskegee, Alabama 36088

and

MINNIE R. AUSTIN
Director
Student Life and Development
Tuskegee University
Tuskegee, Alabama 36088

Case No. _____

Judge _____

and

TUSKEGEE UNIVERSITY
Tuskegee, Alabama 36088

Defendants.

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ORDER

This matter came on for hearing in accordance with Plaintiffs' request under Fed. R. Civ.P. 65 for an order with temporary restraint. Having considered the relevant authorities and arguments presented, it is hereby,

ORDERED, ADJUDGED AND DECREED, that Defendants are restrained from any and all acts contrary to the April 20, 2006 declaration of Plaintiff Emilia Strong-Sykes as Miss Tuskegee University, pending a hearing on Miss Sykes' motion for a preliminary injunction which shall be heard on July _____, 2006, United States Courthouse, Montgomery, Alabama.

No bond is required.

It is so ordered.

Date

Judge