

The Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk
Betty W. Sephton
P.O. Box 249
Jackson, MS 39205-0249



November 30, 2007

Re: Cynthia J. Hills v. Paul Henry Hills
NO. 2006-CP-01989
Lamar County, Case# 1994-0161-GN-W

Answer to Appellant's Brief

Comes now the Defendant, Paul Hills, to file this answer to the Appellant's, Cynthia J. Hills, brief dated November 23, 2007.

Along with my answer, please find enclosed the following exhibits:

- Exhibit A Judgment of Modification and Abatement of Child Support
- Exhibit B Summary of Benefits Selections
- Exhibit C Notarized Affidavit signed by Daniel Hills
- Exhibit D Letter from Oak Grove High School concerning Daniel Hills
- Exhibit E Statement of Transcript error allegedly signed by Daniel Hills

Please note that I did not stop paying child support. The Chancery Court of Lamar County, Mississippi found that I should not be paying child support and so ordered

it. Daniel Hills was at the time, and still is, working a full time job and is able to support himself.

I did not have my son, Daniel Hills, taken off my insurance. Daniel is still listed on my insurance. However, all insurance companies have policies. I do not know if my insurance will actually pay health benefits on Daniel since he is 20 years old and is not in school full time. But Cynthia Hills' accusations that I had Daniel removed from coverage is not true.

Daniel Hills did not sign any statement pertaining to the transcript being wrong as Cynthia Hills alleges.

Daniel Hills was not living with his mother at the time of the Judgment of Modification and Abatement of Child Support. Daniel Hills is at present still living on his own and not with his mother Cynthia Hills.

I would also like to make the issue clear that I have never asked my son, Daniel Hills to quit school. Daniel Hills quit school because he wanted to. I did not want him to, but he wanted to. He was not pushed out of school either. He was told that he could not graduate with his class because he had missed too much school. That did not mean that he could not make up what he had lost and graduate at a later date. Daniel and Daniel alone made his decision to not attend school.

Cynthia Hills has stated that I owe her child support. This is not true. I do not know how she has come to believe that. I have always paid my child support for Daniel.

Cynthia Hills seems to think that everyone owes her. How many people can she sue for her own financial gains? She is suing attorneys, schools, and judges. Maybe it is time for Cynthia Hills to behave as an adult and support herself financially instead of relying on others to do it for her.

I am also extremely tired of the harassment that I receive from Cynthia Hills.

I will end my answer with this:

Daniel Hills is my son. I love him very much. There is nothing that I would not do for him. I am always available for my son. Daniel and I see and talk with each

other three or four times a week. I have not turned my back on him and resent the fact that his mother, Cynthia Hills, could even suggest that I have to anyone.

I do pray that the Supreme Court of Mississippi will see that the Appellant, Cynthia Hills, is looking out for herself only and is not pursuing this for the well being of our son, Daniel Hills.

Respectively Submitted,

Paul H. Hills
478 Harold Tucker Road
Hattiesburg, MS 39401

PAUL HENRY HILLS

PLAINTIFF

V.

CAUSE NO. 1994-0161-GN-W

CYNTHIA J. HILLS

DEFENDANT

**JUDGMENT OF MODIFICATION AND
ABATEMENT OF CHILD SUPPORT**

THIS CAUSE came on to be heard on 3rd day of October, 2006, on Plaintiff's Complaint for Modification filed against Defendant Cynthia J. Hills, who was present in Court and acting Pro se, and on Defendant's Counterclaim, and the Court having heard the testimony and being fully advised in the premises does hereby **FIND, ORDER AND ADJUDGED** as follows:

1. Plaintiff is an adult resident citizen of Forrest County, Mississippi.
2. Defendant is an adult resident citizen of Lamar County, Mississippi, residing at 20 Valley Lane, Hattiesburg, Mississippi 39402.
3. This Court has continuing jurisdiction and venue of both the parties and the subject matter of this cause pursuant to West's A.M.C. 93-27-202 (Supp. 2005).

divorced by Judgment of this Court on August 16, 1994.

5. Pursuant to the Judgment of Divorce, Plaintiff and Defendant were awarded the joint legal custody and Defendant was awarded the physical care, custody and control of the minor child, namely, Daniel Clellan Hills, a male, born August 13, 1987 and Plaintiff was required to pay child support.

6. An Agreed Order for modification of child support was entered on April 14, 2004, modifying Plaintiff's child support payments to Three Hundred Dollars (\$300.00) per month to be paid by the 15th of each month. Plaintiff has paid his child support through April 2006, and is current as provided herein.

7. Since the granting of the Judgment of Divorce and Agreed Order, there have been material and substantial changes in circumstances warranting a modification of the Divorce Decree, modifying the amount paid in child support payments for the minor child. Daniel Clellan Hills is now nineteen years of age and is no longer attending high school having quit school on or about February 24, 2006, and began working at a full time job. The Court at this time will not emancipate Daniel Clellan Hills, but because he is not in school and is working, the child support will be abated as of June 14, 2006. (Child support was paid through June 14, 2006, and shall be abated as of that date.)

8. The Final Judgment of Divorce entered on August 16, 1994 and any subsequent Judgments or Orders in this Cause shall be modified in regards to child

14, 2006.

9. Any and all prior child support obligations ordered by this Court have been paid by Paul Henry Hills and there is no arrearage and the Mississippi Department of Human Services and Chancery Clerks of Forrest and Lamar Counties, Mississippi, shall so provide in their records, if applicable.

SO ORDERED AND ADJUDGED this 9th day of October, 2006.


CHANCELLOR

Presented By:

M. Channing Powell
Attorney for Paul Henry Hills
PO Box 4253
Gulfport, MS 39502

Rule 5 Process may be had through:

Cynthia J. Hills
20 Valley Lane
Hattiesburg, MS 39402
Pro Se

STATE OF MISSISSIPPI, COUNTY OF LAMAR
WAYNE SMITH, Clerk of the Chancery Court in and for said
County and State, hereby certify that this instrument is a true
and correct copy of the original as recorded in Minute Book no. 176
of the Records of Lamar County, Miss.
Given under my hand and seal of office
this 10th day of October, 2006.
WAYNE SMITH, CHANCERY CLERK

*NOTE: Your actual payroll deductions may vary slightly.

CHANGES

If you would like to make a change to one of your selections, you can call the Enrollment Center at 1-800-498-8705 no later than Tuesday, November 13, 2007. Changes received after this date will not be processed.

The benefit counselor who is assisting in your enrollment in your employer's benefit plans and possibly in other types of benefit programs works for Univers Workplace Benefits. ("UNIVERS"). Please note that UNIVERS may receive compensation as a result of your participation in some or all of the plans or programs which are being offered to you. However, the only compensation your UNIVERS benefit counselor receives is his or her salary. UNIVERS will be pleased to provide you, at your request, with details of any compensation UNIVERS may receive as a result of your enrollment in any of these plans or programs.

Boston Mutual Life Insurance - Policies are effective upon signing the application. Deductions start with the first paycheck in January 2008, and the policies will be issued on or about February 15, 2008.

Highmark Group Critical Illness - Policies are effective on January 1, 2008. Deductions start with the first paycheck in January 2008, and the policies will be issued on or about January 1, 2008.

Hartford Life - Optional life insurance coverage on yourself and your eligible dependents: Evidence of insurability may be required if you have exceeded the guaranteed issue limit for yourself or your eligible dependents. Any requests for coverage in excess of the guaranteed issue limits are subject to approval by the insurance carrier.

Hartford Life - The following applies to new dependent spouse or child elections: If spouse/child is "confined" in a hospital or at home, coverage is not in effect until the individual is able to perform the normal daily activities of a person of the same age, for at least 15 days.

Counselor: 1564 ComplD: 4242 Client: Tire Centers Inc City: HATTIESBURG State: MS Date/Time: 11-05-2007 5:10:24 PM

FAMILY INFORMATION

| UNI VER S ID | ER ID | LAST NAME | M | FIRST NAME | SSN | DOB | GEN | REL | STUD ENT | TOBA CCO | HD CP |
|--------------------|----------|-----------|---|------------|-------------|------------|-----|----------|-------------|-------------|----------|
| 00 | | HILLS | H | PAUL | ***-**-2378 | 12/14/1954 | M | Self | N | Y | |
| 01 | | HILLS | | GLENDA | ***-**-0000 | 7/27/1955 | F | Wife | N | N | N |
| 02 | | Hills | | Daniel | ***-**-0000 | 8/13/1987 | M | Son | N | N | N |
| 03 | | ALVARADO | R | LAUREN | ***-**-XXXX | 4/29/1989 | F | Daughter | Y | N | N |

BENEFIT INFORMATION

| PLAN | OPTION | COVERAGE | RIDERS | FAMILY MEMBERS | PRE -TAX | COST | INDEX |
|----------------------|------------------------|---------------------|--------|-------------------|-------------|----------|-------|
| Medical | UHC Gold PPO | Family | | 00,01,03 | Y | 88.15 | 0 |
| Dental | Delta | Family | | 00,01,03 | Y | 39.73 | 1 |
| Vision | Spectera | Family | | 00,01,03 | Y | 5.12 | 2 |
| Basic Life/AD&D | | 1X Salary | | | N | 0.00 | 3 |
| Opt EE Life | | Waive | | | N | 0.00 | 4 |
| Opt Spouse Life | | Waive | | | N | 0.00 | 5 |
| Opt Child Life | | \$10,000 | | | N | 0.17 | 6 |
| STD | | 60% | | | N | 0.00 | 7 |
| LTD | | 50% | | | N | 0.00 | 8 |
| LTD BuyUp | | Waive | | | N | 0.00 | 9 |
| Health FSA | Health FSA | | | | Y | 19.23 | 10 |
| Dependent FSA | | Waive | | | Y | 0.00 | 11 |
| Retirement | 401K | Not Enrolled | | | Y | 0.00 | N/A |
| Vol Life | Vol Life | EE+Spouse+ Child | | | N | 48.14 | 13 |
| WeCare | Exist Critical Illness | EE/\$10,000 | | | N | 23.88 | N/A |
| Vol Critical Illness | Vol Critical Illness | Enrolled | | | Y | 6.56 | 15 |
| TOTAL COST | | | | | | \$230.98 | |

BENEFICIARY INFORMATION

| | | | | | | | |
|----------------|---------|-----------------|-------------|------------------|----|--------|--|
| PLAN TYPE NAME | | Basic Life/AD&D | | UNIVER S ID | 01 | ER ID | |
| NAME | XXXXXX | SSN | ***-**-0000 | RELATIONSHI P | | XXXXXX | |
| ADDRESS | | CITY | | STATE | | ZIP | |
| TYPE | Primary | PERCENT | 100 | HOME PHONE | | | |

AFFIDAVIT

DANIEL C. HILLS being duly sworn, deposes and says:

1. I, DANIEL C. HILLS, am the son of Cynthia J. Hills and Paul H. Hills, and reside at 112 COX AVE Apt #3. My date of birth is 8-13-87 and Social Security number is XXX-XX-427-67-8692

2. I have at no time ever signed any papers to my knowledge that pertained to the transcript regarding the Emancipation case filed by my father, Paul H. Hills, in the Chancery Court of Lamar County, Mississippi NO. 1994-0161-GN-W. Nor to my knowledge have I agreed to any changes made to said transcript.

3. I am currently living on my own. My address is 112 COX AVE Apt #3, and have lived here since 8-11-07.

4. I am currently full time employed with M.D. South Diesel, and have so been since 7-11-07.

5. I do not live with my mother, Cynthia J. Hills, and have not lived with her since 4 mths before trial. After the trial in the matter of the emancipation I lived with Jerry & Sherrie Pate at their address of 57 Ralph Pauls Rd.

6. I am not in school and have not been in school since February 24, 2006.

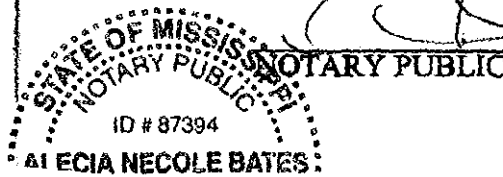
FURTHER, AFFIANT SAITH NAUGHT.

Daniel C. Hills
DANIEL C. HILLS

SWORN TO AND SUBSCRIBED BEFORE ME, this 23rd day of

November, 2007.

My Commission Expires: 11/11/11



LAMAR COUNTY
SCHOOL DISTRICT
P.O. Box 609
Purvis, MS 39475

BOARD MEMBERS

President
Mr. Joel Dunagin

Vice President
Mr. Chris Ryals

Secretary
Mr. Steve Lampton

Members
Mr. Chris Hudson
Dr. Kyle Hill

SUPERINTENDENT

Glenn A. Swan
Phone: 601-794-1030
Fax: 601-794-1012
gswan@mde.k12.ms.us

**ASSISTANT
SUPERINTENDENT**
Johnny Downs
Phone: 601-794-1030
Carolyn Adams
Phone: 601-794-5256

**DEPUTY
SUPERINTENDENT**
Betty Rose Breazeale
Phone: 601-794-5236

March 28, 2006

EX-RR-2

Mrs. Cynthia Hills
20 Valley Lane
Hattiesburg, MS 39402

RE: Daniel Hills - Oak Grove High School Student

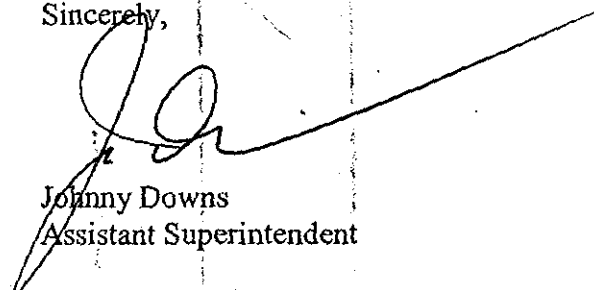
Dear Mrs. Hills:

As you know, the Lamar County School District Attendance Committee held a hearing on March 28, 2006, concerning your son Daniel's absences. The findings of the hearing were:

- Daniel to have a loss of credit for Learning Strategies, English IV, and Life Skills Science.
- Daniel's loss of these three credits would not enable him to graduate in May 2006.

If you have any questions regarding this matter, you may contact me at 794-1030.

Sincerely,

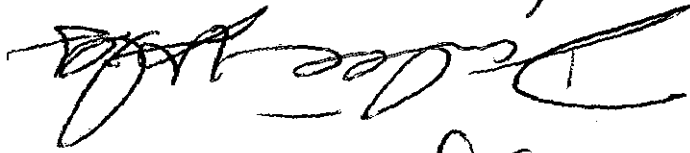

Johnny Downs
Assistant Superintendent


cc: Wayne Folkes

JD/sc

To Whom It May Concern,
I, Daniel G. Mills, did
live in my Mothers home, rent-
free until on or about January 20,
2007. Around this time I did sign
a lease with a friend and move out
of her home.

Sincerely Yours,


7/22/07


Daniel
Mills
Thurs 1
Signed aff. about
not sign this
not

Comes new Defendant item.
 Please, to certify that I have
 this day served a copy of this
 motion for the answer of the
 Appellants Brief, with the footage
 and an copies sent to the
 person at the following addresses:

Appellants Cynthia J. Hill
 20 Valley Lane
 Wattingburg MS 39422

Honorable Judge John L. Hill
 P/O Box 247
 Wattingburg MS 39475

Mississippi Court of Appeals
 Betty L. Seyton
 P.O. Box 249
 Jackson, MS
 39205 - 0249

FILED
 LAMAR COUNTY
 DEC - 4 2007
 CHANCERY CLERK

478 Harold Turner Rd
 Wattingburg MS
 39401

Respectfully,
[Signature]

RECEIVED
 DEC 05 2007
 BY:

LOU E. SPEARS

appellant's rebuttal brief

APPELLANT

VS.

MISSISSIPPI WILDLIFE, FISHERIES
AND PARKS

APPELLEE

TABLE OF CONTENTS

| | | |
|-------------|--|---|
| 1. | The initial orders of the Employee Appeals Board, dated January 9, 2003, and the Full Board, dated May 6, 2003, were based on substantial evidence; and the Circuit Court erred when it remanded the matter for a second hearing. | 1 |
| 2. | Ms. Spears' concerns that her name had been forged in the past were justified. | 3 |
| CONCLUSION | | 4 |
| CERTIFICATE | | 5 |

TABLE OF CASES

| | |
|---|---|
| <i>Holly v. Miss. Dept. Of Corr.</i> , 722 So. 2d 632, 634 (Miss. 1998) | 1 |
| <i>Westmoreland v. Landmark Furniture, Inc.</i> , 752 So. 2d 444, 449 (Miss. 1999) | 3 |
| MISS. CODE. ANN. (1972), as amended SECTION 25-9-132(2) | 1 |

time to those PARs and again asked for copies, but none were produced. (R.E. 19) Even though Mr. Cook admitted that he knew the issue of someone signing Ms. Spears' name to the previous PARs was going to come up at the hearing, he did not go through her personnel file to search for them. (R.E. 20)

Spears testified that she worked for the department for a total of four years prior to being terminated, and that up until March, 2001, she never saw a PAR to sign. (R.E. 21) She testified that she was asked to sign the PAR in March, 2002, but was not given an opportunity to read it or have a copy of it. (R.E. 22) Spears discovered that Mr. Godbold had signed her name to a time slip and believed that he had previously signed her name to the PARs because she did not. (R.E. 23) In a letter from Ms Kincaid to Ms. Rogers and Ms. Spears, she stated that she had found a PAR in the file but did not specify whether it pertained to Ms. Rogers or Ms. Spears. (R.E. 24) Kincaid stated that "as to whether or not you had a previous PAR on file in Jackson, I did find one." However, this PAR, presumably signed, has still not been produced by the department even after repeated requests and letters sent to Ms. Kincaid asking for copies. The implications are obvious.

CONCLUSION

In its appeal to the Circuit Court it was the duty of MDWFP to request and provide a transcript of the initial hearing, in which both the hearing officer and the Full Board of the Employee Appeals Board ruled in favor of Ms. Spears. It now admits that it failed to do so because it "did not think a transcript was necessary." In its appeal of the rulings adverse to it, it told the circuit court that no such transcript existed, and the circuit court erroneously remanded the matter for another full hearing, thus providing MDWFP a "second bite at the apple". Furthermore, the opinions of the hearing officer and Full Board in favor of Spears were based on substantial evidence, finding that

insubordination.

Respectfully submitted:

LOU E. SPEARS, Appellant

By: 
JOHN H. OTT, Her Attorney

John H. Ott
Attorney at Law
P.O. Box 1684
McComb, Mississippi 39649
(601)684-6155 FAX (601)249-0264
Mississippi Bar No. 3950

CERTIFICATE

I, the undersigned attorney for Lou Spears, do hereby certify that I have this day mailed, postage prepaid, a true copy of the foregoing Brief to:

W. Douglas Mann, Jr.
Special Assistant Attorney General
1505 Eastover Drive
Jackson, Mississippi 39211-6374

DATED: December 10, 2007.


JOHN H. OTT

AMENDED CERTIFICATE

I, the undersigned attorney for Lou Spears, do hereby certify that I have this day mailed, postage prepaid, a true copy of the foregoing Brief to:

Hon. David H. Strong, Jr.
Circuit Judge
P.O. Box 1387
McComb, Mississippi 39649

W. Douglas Mann, Jr.
Special Assistant Attorney General
1505 Eastover Drive
Jackson, Mississippi 39211-6374

DATED: December 10, 2007.



JOHN H. OTT