IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI
CAUSE NO. 2007-TX-00169

LEANDRA TUSHONE BOYD SOLOMON
AND TIM SOLOMON — APPELLANT

VS.

BARBARA ANN ROBERTSON — APPELLEE

Appeal from the Chancery Court of Marion County, Mississippi
Civil Action No.: 2006-0189-G-W and 00-0045-W

BRIEF OF APPELLEE

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1. A Chancellor's decision will not be overturned unless there is manifest error.

2. The Court did not err in granting grandparent's visitation under the pertinent statute.

3. Proceedings in the earlier divorce action have little or no bearing on this appeal concerning grandparent visitation.

4. The Court did not err in not awarding attorney's fees pursuant to Miss. Code Ann. Section 93-16-3.

5. The Court did not err in overruling the Defendants' Motion to Dismiss Tim Solomon as a Defendant.

STATEMENT OF THE CASE

1. On March 9, 2004, Barbara Ann Robertson joined her son and filed Petition for Contempt and Modification.

2. Answer to Petition for Contempt and Modification by Lenadra Tushone Boyd Solomon filed on April 23, 2004.

3. On June 30, 2006, Barbara Ann Robertson filed her Petition for Grandparents' Visitation.

4. Answer to Petition for Grandparents' Visitation filed on August 24, 2006.

5. Motion for Attorneys Fee's filed on September 7, 2006, by Lenadra Tushone Boyd Solomon.

6. Order Granting Grandparent's Visitation, Etc. filed on January 4, 2007.

7. Motion to Alter, Mend or Set Aside Former Judgment filed on January 16, 2007, by Lenadra Tushone Boyd Solomon and Tim Solomon.

8. Notice of Appeal filed on January 23, 2007, by Lenadra Tushone Boyd Solomon and Tim Solomon.

ARGUMENT
FACTS

Barbara Ann Robertson is the paternal grandmother of Ashley Nicole Boyd, born July 8, 1996. Unknown to Barbara, the father of the child, her son, Joseph S. Boyd entered into an approved Final Judgment of Modification with the mother of the child Lenadra Tushone Boyd Solomon on July 28, 2003 (RE p. 91). This agreement resulted in Barbara having supervised visitations with her granddaughter who was age seven at the time. Until that time Barbara had enjoyed liberal visitation with her granddaughter. From that time forward Barbara was deprived of grandparent visitation. It is interesting that the Appellants reach beyond the Order of Grandparents Visitation to the initial filling of the Divorce and skip over the Report of Guardian Ad Litem found therein which is favorable to Barbara (RE 37). Back during the Divorce proceedings Tushone asked the Court to appoint a Guardian Ad Litem (RE 26). In that Report (RE37) it is noted that both the "mother and the father of the child have a lot of support for the care of this child"(Para. 2 P. 37). Barbara objects to Tushone and Tim attempting to make relevant prior Orders entered in this cause when such were not made a part of the trial record on December 16, 2001, (Trial Transcript) which is the subject of this appeal. Tushone and Tim seek to try anew all prior judgments in cause No 2006-0189-G-W and 00-0045 which were not a made a part of the hearing on December 2007.

Barbara enjoyed a healthy relationship with her granddaughter until just before her granddaughter's seventh birthday when she was no longer permitted visitations with her granddaughter causing visitation with her to be non existent. Barbara experienced these visitation denials after the Final Judgment of Modification entered on July 28, 2003 (RE 91). She wasn't even permitted supervised visitation by Tushone and Tim as ordered by the Final Judgment.

On March 9, 2004, Barbara joined her son Joseph S. Boyd in Petition for Contempt and Modification (RE p. 77) seeking to find Tushone in Contempt of Court by not allowing Joseph visitation agreed to by the parties and to remove the supervised visitation restrictions placed upon his mother, Barbara in said Final Judgment. A hearing on that Petition was never held as Barbara believed she and Tushone could arrive at an amenable visitation agreement (TT 33).

After wading through the list of pleadings referred to by Appellants in the first six pages of their Brief, we finally get to the real issues in this case from which this appeal taken. Barbara filed her Petition on June 30, 2006 , for Grandparents' Visitation against Tushone (mother of the granddaughter), Tim (husband of Tushone) and Joseph (father of the granddaughter), necessary parties to her Petition (RE141). Tushone and Tim filed their Answer and Affirmative Defense on August 24, 2006, (RE 144) alleging that Tim was not a proper party for this suit, that grandparents visitation are to be held at the same time as the natural parents visitation rights and that the natural father, and that Joseph S. Boyd is currently in arrears in his child support payments.

On October 19, 2006, an Agreed Order of Consolidation was entered consolidating the two cases. The matter was heard on Barbara's Petition for Grandparent Visitation on the 14th day of December, 2006 and Tushone and Tim appealed the Chancellor's ruling. While this case stems from the dissolution of a marriage, the marriage record and child support issue records outlined by Tushone and Time are not what this appeal is about. The trial presented by all parties showed without contradiction that Barbara had built a viable relationship with her granddaughter but who through the tragedy of divorce was cut off from the child's life after her former daughter-in-law remarried, who tried unsuccessfully to mitigate visitation causing her to seek

remedy from the court as a last resort. The Court did not find "any reason" (T 112) why Barbara should not be awarded visitation. Tushone and her new husband appealed from that ruling. While anyone can appreciate Tushone's efforts in creating a new family environment, it cannot be at the expense of the paternal grandmother, Barbara being unreasonably denied visitation with her granddaughter by Tushone, the custodial parent, and Tim who the child now recognizes as "daddy" because he exercises custodial care of her as well.

ISSUE I

A CHANCELLOR'S DECISION WILL NOT BE OVERTURNED UNLESS THERE IS MANIFEST ERROR

In *Wallace v. Wallace,* 2006-CA-00035 - 091107 (Miss. 2007), the Court held that "when supported by substantial evidence, a chancellor's decision will not be reversed by this Court unless the chancellor "abused his discretion, was manifestly wrong, clearly erroneous or an erroneous legal standard was applied. *Kilpatrick v. Kilpatrick*, 732 So.2d 876, 880 (¶13) (Miss. 1999) (citing *Herring Gas Co. V. Whiddon.* 616 So.2d 892, 894 (Miss. 1993)).

In *Tritle v. Tritle*, MSCA 2005-CA-01768 (Miss. Ct. App. 2007), Court held "We may reverse only if the chancellor abused his discretion and the decision was manifestly wrong or clearly erroneous. *Horn v. Horn*, 909 So.2d 1151 (¶20) (Miss. Ct. App. 2005). 'The word 'manifest', as defined in this context, means 'unmistakable, clear, plain, or indisputable." *Lowery v. Lowery*, 919 So.2d 1112 (¶21) (Miss. Ct. App. 2005). It is manifest from the record that Tushone and Tim gave no valid reasons why they denied Barbara her visitation , and Barbara was shown to be well qualified to have visitation, all to the benefit of the grandchild.

On January 16, 2007, Tushone and Tim filed a motion to alter, amend or set aside the

judgment of the trial court. Same was never noticed by Tushone and Tim and never heard by the trial court (RE 158). Tushone and Tim noticed instead their intention to appeal the Order Granting Grandparent's Visitation, Etc., rendered on January 4, 2007 (RE 131). Although the Chancellor was not given an opportunity to be apprised of errors alleged by Tushone and Tim , the evidence was so overwhelming and mostly undisputed, that there should be no error whatsoever in this record.

ISSUE II

THE COURT DID NOT ERR IN GRANTING GRANDPARENT VISITATION UNDER THE PERTINENT STATUTE

Due to overwhelming and undisputed testimony the Court properly granted Barbara, her just and overdue visitation rights. Even a cursory view of the trial transcript reveals that Barbara met statutory requirements. Grandparent visitation is permissible under the following two situations as per Mississippi Code of 1972, Annotated, as amended, Section 93-16-3.

> *Subsection (1) Whenever a court of this state enters a decree or order awarding custody of a minor child to one (1) of the parents of the child or terminating the parental rights of one (1) of the parents of a minor child or whenever one (1) of the parents of a minor child dies, either parent of the child's parents who was not awarded custody or whose parental rights have been terminated or who in the case of the death of a parent, petition the chancery court in the county in which the child resides, and seek visitation rights with such child. (Emphasis ours)*
>
> *Subsection (2) Any grandparent who is not authorized to petition for visitation rights pursuant to subsection (1) of this section may petition the chancery court and seek visitation rights with his or her grandchild, and the court may grant visitation rights to the grandparent, provided the court finds:*
>
> *(a) That the grandparent of the child had established a viable relationship with the child and the parent or custodian of the child unreasonably denied the grandparent visitation rights with the child; and*

(b) That visitation rights of the grandparent with the child would be in the best interest of the child.

Without question, Barbara falls under subsection one (1) of the above cited Statute. First, the father, Joseph, Barbara's son, was not awarded custody of her granddaughter, and the mother Tushone was granted custody under Final Judgment of Modification dated July 28, 2003. RE 1) Although she only needs this first subsection to receive grandparent visitation, Barbara also satisfies the conditions required under subsection two (2) as she had a viable relationship with her granddaughter for the first seven years of the child's life. (T 17 & 21). Some examples of her undisputed testimony are that the grandchild stayed at her home with the mother Tushone for an extended time so that she had frequent visitation day and night with the child for a period of not less than one year as required by the statute (T 17), provided financial support for the child as required by the statute (T 17-18), lives in the same County as Tushone and Tim (T 18), has a spacious home with a room just for her (T 20) has strong emotional ties to the child and showed her ability to take part in activities with the child (T 21), has skills to take care of her during visitation (T 22), and has another child in her home, Brianna, as a companion for the grandchild (T21 & 29).

Barbara further proved that Tushone and husband Tim both unreasonably denied her visitation with her grandchild as required by the statute (T 5, & 9-17). The Court so noted these findings and found that Barbara had a viable relationship with the child before the divorce of the child's parents, that she had invested financially in the child to assure she had what she needed, that she had visitation with the child , and that visitation was in the child's best interest. The Court states on pages 112 through 113 of the Trial Transcript.

We must consider in terms of whether or not grandparents are entitled to visitation; one is the relationship that preexists the bringing of the lawsuit to establish visitation. The Court is satisfied that prior to the divorce, the grandparents had a reasonable, good, normal relationship with Ashley. Ashley and the mother lived in the home for some time. The mother lived there prior to Ashley's birth. The mother lived there at least a year and a half after Ashley's birth. That showed that there was some bonding and a relationship. Also, there was continuity of that relationship prior to the marriage to Mr. Solomon between the mother and Mrs. Robertson. There was testimony that that was a good relationship and they did exercise visitation.

The Court was perplexed as to why the restrictions were placed in the previous Agreed Order limiting visitation in the firs place and could find no good reason for Tushone and Tim refusing visitation as stated on page 111 of the Trial Transcript:

I don't know why that limit was put there. I listened very carefully to the evidence in order to determine if there are grounds or reasons to restrict the visitation, and I couldn't hear any, other than how Ashley supposedly felt about the visitation; that she did not want to exercise the visitation. Of course, the longer visitation doesn't take place, the more Ashley may become entrenched in that view. The Court does not see any reason why these particular grandparents – they have a good home. These grandparents had the testimony not only of themselves about their home, but their pastor came and testified on their behalf. He vouched for their reputation and their credibility, everything that would indicate that these are the kind of grandparents that a child should have a relationship with. So the Court does not understand why visitation cannot take place in this situation. (Emphasis ours)

Barbara testified (T 33) that the denial of her visitation with the child began with the year 2003 even though she made numerous attempts and even though the aforesaid Final Judgment of Modifcation (RE1) allowed her at least supervised visitation. Barbara did not pursue her aforesaid earlier joint petition filed with her son because she had thought the world of Tushone, treated her like a daughter and took her in when she had no place to go. Barbara had wanted to resolve the matter of visitation with her instead of having to get a lawyer. She felt Tushone owed her that because she had never done anything but good to her (p. 33, 34 TT). Tushone and Tim devote much emphasis in their Brief attempting to show that since Barbara did not have viable

relations with the minor child during a six months period next preceding the filing of this action, (TT p. 40), but the statute reads, "not less than six (6) months before filing any petition for visitation rights" Mississippi Code of 192, Annotated §93-16-3 (2). There is no requirement in the statute that the six (6) month period must be next preceding the filing of the petition as required for jurisdiction in divorce cases. Barbara had proved to have a viable relationship for seven (7) years before filing any petition. These are all conditions found under subsection two (2) of the statute, which Barbara would have had to meet if she had not qualified for visitation under subsection one (1) of the statute. The record is overwhelming and without question that she met both.

ISSUE III

PROCEEDINGS IN THE EARLIER DIVORCE ACTION HAVE LITTLE OR NO BEARING ON THIS APPEAL CONCERNING GRANDPARENT VISITATION

As we have shown, the pertinent statute requirements under both subsections have been overwhelmingly met by Barbara. One wonders why Tushone and Tim are briefing purported issues in the divorce proceedings in the earlier cause number prior to the Final Judgment of Modification in Cause No 00-0045-W . The point is that the consolidation order (RE 33) restricted the parties to trial concerning the modification of the Final Judgment of Modification dated July 28, 2003, entered in that Cause No 00-0045-W (RE 1) and the Petition for Grandparent's Visitation in Cause No. 2006-0189-G-W (RE 20) Those pleadings and the issue in this case is whether Barbara was entitled to grandparent visitation.

The Final Judgment of Modification restricted Barbara's grandparent visitation to no overnight visitation and supervised visitation. She had filed a Petition to modify that judgment (RE 3) jointly with her son and the current Petition for Grandparent's Visitation (RE 20), and the other requesting unrestricted visitation. Accordingly, the Order Granting Grandparent's Visitation, Etc. dated January 2, 2007, filed January 4, 2007, (RE 23) at its beginning identifies the relevant issues of this appeal: "This cause having come on for hearing on Petition for Modification and Petition for Grandparent's Visitation both filed by the maternal grandmother ...." (RE 23). (NOTE: It should read "paternal" grandmother, since it is undisputed that Barbara is the paternal grandmother). It is from that Order, not the divorce proceedings, that Tushone and Tim appeal (their unnumbered RE page between their RE 35 and 34) and Notice of Appeal (RE 154).

But Tushone and Tim designate, list , and argue matters from Cause No. 2000-0045-W unrelated to modification of the Final Order of Modification in that cause, and the January 2, 2007, Order Granting Grandparent's Visitation, Etc., in cause number 2006- 01189-G-W. Tim and Tushone further raise for the first time on appeal statement of facts numbered 1 -8; 12 -15; 18, and 20, and although they designated records for this appeal, they did not argue or bring them to attention of the trial court on the issue of Barbara's visitation.

For example Tushone and Tim begin on page 9 of their brief with the entry of the property settlement agreement signed by Tushone and Joseph, filed prior any proceedings for modification filed by Barbara and Joseph in their aforesaid Petition for Modification. That

agreement may have been the background but it was not on the issue tried. The matters therein are raised for the first time on appeal. In *Educational Placement Services infra* the Court held "*this Court sits to review actions of trial courts and that we should undertake consideration of no matter which has not first been presented to and decided by the trial court*" (*Id* p. 1320). It is well established that the appellant cannot place the trial court in error under these circumstances. *Educational Placement Services v. Wilson*, 478 So.2d 1316, 1320 (Miss. 1986); *Harbin v. Chase Manhattan Bank*, 871 So.2d 764, 766 (¶ 6) (Miss. Ct.App. 2004); *Burcham v. Burcham*, 869 So.2d 1058, 1061 (¶ 9) (Miss. Ct.App. 2004); *Mississippi Department of Transporation v. Trosclair*, 851 So.2d 408, 405 (¶ 19) (Miss. Ct. App. 2003); *Parker v. Parker*, 04-00310 (Miss. Ct. App. 2005) 929 So.2d 940. Since Tushone and Tim did not raise the above numbered issues or issues of Joseph's alleged failure to exercise visitation, to pay medical, other support obligations, they can not now cover those issues by simply designating them and arguing them, and so should be procedurally barred. *Pace v. State*, 770 So.2d 1052, 1057 (Miss. Ct. App. 2000); See *Lyle v. State*, 756 So.2d 1 (¶ 11) (Miss. Ct. App. 1999). Appellants are not entitled to raise new issues on appeal because to do so prevents the trial court from addressing the alleged error.

More importantly, Tushone and Tim can cite no law that just because Joseph may not have complied with a previous order of support, etc that Barbara's grand parent visitation should be denied Even so, the Final Judgment of Modification entered on August 5, 2003, is devoid of any delinquent obligations owed by Joseph at the time of its filing.

They do not address sufficiently how the trial court erred in finding justification for Barbara filing her Petitions that Tushone and Tim prevented her from continuing the viable relationship her granddaughter, which was why she sought relief from the trial court for grandparents visitation. (T 40).

The trial court kept waiting (T 40) for Tushone and Tim to give their reasons why the supervised visitation and no overnight restrictions were placed on Barbara and why she was completely denied visitation, but they never gave any. The trial testimony shows without question the Final Judgment of Modification of August 15, 2003, was an unfounded agreed restriction between Tushone and Joseph which agreement was entered upon Tushone's earlier Petition to find Joseph in contempt. We believe Tushone, herself recognized the irrelevancy of all this since even she did not ask for Barbara's restriction in that Petition.

Tushone and Tim 's motion to alter, amend or set aside the judgment in this case (RE 27) was never noticed or heard by the trial court . In that motion they used that same irrelevant defense that Joseph, the father, didn't comply with the earlier divorce order in which Tushone and Joseph, father of the child, were the sole parties. They cited no law in support of that irrelevant defense. Moreover, their notice of appeal strictly relates to the decision the trial court rendered on January 4, 2007, Cause No. 2006-0189-G-W , its Order Granting Grandparent's Visitation, Etc. (RE 23).

As stated, Barbara's Petition for Grandparents' Visitation was filed in Cause No. 2006-0189-G-W and subsequently consolidated with the earlier *Petition for Contempt and*

Modification previously filed March 3, 2004, with her son in Cause No 00-0045-W. The proceedings outlined by Tushone and Tim related to issues earlier about the divorce of Tushone and Joseph and failure of Joseph to comply with orders, all of which have no bearing on the trial Court granting her visitation with her granddaughter. As stated, such matters were not brought before the Chancellor during the trial which was to determine the merits of Barbara's two Petitions.

ISSUE IV

THE COURT DID NOT ERR IN NOT AWARDING ATTORNEY'S FEES PURSUANT TO MISS. CODE ANN. SEC. 93-16-3

The statute states:

...(4) Any petition for visitation rights under subsection (2) of this section shall be filed in the county where an order of custody as to such child has previously been entered. If no such custody order has been entered, then the grandparents' petition shall be filed in the county where the child resides or may be found. The court shall on motion of the parent or parents direct the grandparents to pay reasonable attorney's fees to the parent or parents in advance and prior to any hearing, except in cases in which the court finds that no financial hardship will be imposed upon the parents. The court may also direct the grandparents to pay reasonable attorney's fees to the parent or parents of the child and court costs regardless of the outcome of the petition.

As discussed *supra* Barbara's petition for grandparents visitation falls under Subsection (1) of Mississippi Code of 1972, Annotated, as amended, Section 93-16-3. The record clearly reflects custody of the minor child was awarded to one (1) of the parents, namely Tushone, by Final Judgment of Modification filed on August 5, 2003, the same order which restricts Barbara's visitation with the minor child (RE 1).

The award for attorneys fees argued in Tushone and Tim's brief falls under subsection

four (4) and addresses attorneys fees for petitions filed under subsection two (2). The trial court should not be expected to explain an obvious denial of their requests for attorneys fees due to the statute's clear language. Barbara qualified for visitation under subsection one (1), and presented overwhelming evidence that she also qualified under subsection two (2). The request for attorney fees was not held in advance and prior to the hearing in this case.

ISSUE V

THE COURT DID NOT ERR IN OVERRULING THE DEFENDANTS' MOTION TO DISMISS TIM SOLOMON AS A DEFENDANT

People are judged by the words they use. At the hearing we find the following words used by Tim himself, which justified his being a party to this case:

Page 99 of the Trial Transcript beginning with Line 28 through Page 101 Line 24.

Q. Well, let's put it this way. There's already an order which says that she can have – she's allowed to have visitation?

A. No, sir, there is not.

Q. Except overnight and it has to be supervised, if she does have the visitation?

A. If, yes, sir.

Q. Yes, sir, right, but you're forgetting the first clause.

A. What's that?

Q. Well, let's see if we can get this together now. You were not a party to this?

A. Yes, sir, I was.

Q. Your wife was, and so was the father, Tushone versus Joseph Boyd. You're not Joseph Boyd.

A. Okay, yes, sir.

Q. And you understand that the first clause says, The Court finds that the parties have agreed that the child should not stay overnight with Barbara Ann Robertson.

A. Right.

Q. Now –

A. If.

Q. Being a businessman, you know, that means she could – that if she called, she could stay in the daytime?

A. Yes, sir.

Q. Isn't that right?

A. That's right, under our advisement. The if— the if hinges on if we decide she goes or not. (Emphasis ours)

Q. No, sir, that's not what the order says.

A. Then what does it say?

Q. Well, I want you to read Paragraph 3.

A. The Court finds the parties have agreed the child shall not stay overnight with Barbara Ann Robertson. If the child visits Barbara Ann Robertson, said child should be supervised at all times. The if hinges on if we decide to let her go or not. That's what the if hinges on. (Emphasis ours)

Q. So you're saying that the court orders give you the authority to deny the visitation?

A. If I deem so, yes, sir. (101). (Emphasis ours)

Q. Where does it say that? Does it say that you have –

A. Where does it not say that?

Q. — the authority to do that?

A. Where does it not say that?

The Court: Well now, I think your wife may take that position, but I don't see how you could have it because – (Emphasis ours)

The Witness: When a man and a woman become husband and wife, we're joined as one. (Emphasis ours)

The Court: Well, if she were your child, then I think you would have that authority. You have not adopted her. She's not your child.

Page 102 Lines 1-6

Q. ...you've made it clear that you're very much a part of this and your interpretation of the order says that you can stop it if you want to?

A. The mother– the grandmother's visitation time, yes, sir. (Emphasis ours)

Moreover, Barbara testified without dispute that Tim was an active participant in denying her visitation. (T 5, 9, 13, 4, 15)

Tushone and Tim through their counsel cite the law that "a stepfather is under no duty to a stepchild" to which Barbara wholeheartedly agrees. However, Tim's actions and his own testimony during the trial gives credence that he believed himself to have authority to deny visitation based on his oneness with Tushone. In his words, he is a party to determining the "if" involved in determining whether Barbara would be allowed to visit with her granddaughter.

Tushone and Tim state "there is no evidence in the record that Tim ever said yea nor nay to Ashley visiting her grandparent." However, Tim's testimony on page 104 beginning with

Line 6 through Line 16 of the trial transcript is clearly to the contrary.

Q. But you've decided she can't?

A. Not by myself, no, sir.

Q. The same –

A. Me and my wife decided.

Q. Well see, that's why you're joined as a Defendant, Tim is because you've put yourself in the middle of this.

A. That's right.

Q. Helping your wife to oppose her with visitation.

A. That's right.

Although irrelevant, they argue that no evidence existed that "Tim and Ashley ever bonded", yet look at his testimony on Page 91 line 24: "We've got a lot closer over the years. She calls me dad. We do – everything that we do we do together. We do it as a family."

Tim Solomon's own testimony gave a clear portrayal to the trial court of his active participation in the denial of Barbara's visitation rights with her granddaughter. Based on all these undisputed factors the trial court did not commit error in overruling defendant's motion to dismiss Tim Solomon as a defendant.

CONCLUSION:

After reviewing the evidence and insightful opinion of the Chancellor , it is respectfully submitted that anyone would be hard pressed to find error. The Chancellor can only be reversed

for manifest error , but it is clear that the Chancellor based his ruling and findings on the record. Tushone and Tim do not put much emphasis on the real basis from which they appeal but chose to list pleadings and peripherally mention issues which neither party used at trial on the issue of modification of the Final Decree of Modification in 2003and Barbara's Petition for Grandparent Visitation in 2006. To the contrary, the evidence was undisputed on the elements necessary to be proven under the pertinent statute.

In today's world, there are fewer and fewer grandmothers who are willing to have a relationship with a grandchild. Here we find an exceptional grandmother who never gave up in attempting her visitation in spite of opposition from Tushone and Tim

Respectfully submitted on this the 16th day of October, A.D., 2007.

BARBARA ANN ROBERTSON

BY: _____
JOHN GORDON ROACH, JR.

CERTIFICATE

I, John Gordon Roach, Jr., do hereby certify that I have this day mailed, by U.S. mail, postage prepaid, a true and correct copy of the above and foregoing Brief of Appellee and Appellee's Record Excerpt to the following:

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This the 16th day of October, A.D., 2007.

JOHN GORDON ROACH, JR.