

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

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JON ADAMS

OCT 24 2008

APPELLANT

VS.

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SUPREME COURT
COURT OF APPEALS

007-CA-01774

A & C ENTERTAINMENT

APPELLEE

APPEAL FROM THE CIRCUIT COURT OF THE
FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI
CASE NO.: 251-05-57

BRIEF OF PLAINTIFF/APPELLEE
A & C ENTERTAINMENT

OF COUNSEL:

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TABLE OF AUTHORITIES

CASES CITED:

City of Jackson vs Brister 838 So.2d 274

Gordon vs. Lauderdale County Board of Supervisors
880 So.2d 1085 (MS 2004)

May vs. Harrison County, Department of Human Services
883 So.2d 74 (MS 2004)

Ms. Employment Services Commission vs. Culbertson
832 So.2d 519

CERTIFICATE OF INTERESTED PERSONS

1. Garland Lyell, Esquire
2. William H. Petty, Esquire
3. Harry Rosenthal, Esquire
4. A & C Entertainment
5. Jon Adams
6. Honorable William Barnett
7. Paul Rogers, Esquire
8. Mr. Bo Powell
9. Christopher N.K. Ganner, Esquire

has the sole authority for determining the credibility of witnesses. See *City of Jackson vs. Brister*, 838 So.2d 274.

Further, in *May vs. Harrison County Depart. Of Human Services*, 883 So.2d 74, (MS 2004), the Supreme Court stated that, "Where a trial judge sits without a jury, the entire record must be examined and that evidence which supports or reasonably tends to support the finding of fact made by the trial judge, together with all reasonable inferences which may be drawn therefrom and which favor the lower Court's finding of facts, must be accepted."

Further, "In a bench trial, the trial judge sits as the trier of fact and is accorded the same deference in regard to his findings as that of a chancellor, and the reviewing court must consider the entire record and is obligated to affirm where there is substantial evidence in the record to support the trial court's findings. *Barnett ex rel. Gordon v. Lauderdale County of Bd. Of Sup'rs.* 880 So.2d 1085 (MS 2004).

Indeed, the Court made it plain in its ruling on page 98 of the transcript, that this case could only be reversed by a finding of "Perjury" on the part of A & C's witnesses. Of course, no such "Perjury" existed.

CONCLUSION

No prejudicial error exists in this case. Only a factual dispute which was resolved by the Trial Judge in a bench trial, thus this Court is obligated to affirm the decision of the Trial Judge.

This the 24 day of October, 2008.

A & C Entertainment

BY: Christopher N.K. Ganner
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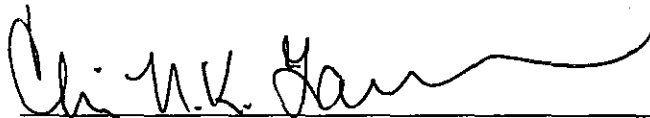
CERTIFICATE OF SERVICE

I, Christopher N.K. Ganner, attorney, do hereby certify that I have caused to be delivered via United States Postal Service, first class prepaid postage, or facsimile/electronic transmission or by hand-delivery, a true and correct copy of the above and foregoing Brief as follows:

Paul E. Rogers, Esq.
Post Office Box 810
Jackson, MS 39208-2801

Honorable Swan Yerger
Post Office Box 327
Jackson, MS 39205

This the 24 day of October, 2008.

A handwritten signature in black ink, appearing to read "Chris N.K. Ganner", written over a horizontal line.

CHRISTOPHER N.K. GANNER