

COPY

**IN THE SUPREME COURT
OF THE
STATE OF MISSISSIPPI**

CAUSE NO.: 2007-CP-01760

DIANE FORREST

APPELLANT

VS.

FILED

FEB 04 2008

KENDALL MCCOY

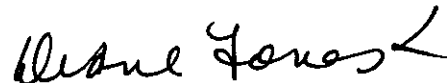
**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

APPELLEE

**APPEAL FROM THE CHANCERY COURT
OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

REPLY BRIEF OF THE APPELLANT

SUBMITTED BY:



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REPLY TO APPELLEE'S ARGUMENT

Appellee argues this issue has been brought before the court on four occasions. This statement is false. The previous action filed was a Motion to Modify Child Support. This motion was filed against the final judgment of Divorce. It did not incorporate the Temporary Order which is the subject of the Contempt of Court proceedings. The Temporary Order was mentioned during the hearing that took place on January 24, 2005. At that time it was stated by Judge Stuart Robinson that "There's no such thing as a temporary after the final is rendered." McCoy's attorney, Bill Barnett, Esq. then stated that "you haven't charged him with contempt, which is what you have to do to collect that." The excerpt from the transcript of proceedings from that hearing are attached and incorporated as Exhibit 1. The Motion for Contempt of Court was then filed on July 19, 2007. This was the first formal charge filed for the Contempt of the Temporary Order that was in effect from December 1, 1987 to December 2, 1988.

The Chancery Court ruled that the Plaintiff was not entitled to past due child support due to the ruling of the Court of Appeals decisions. That decision stated that since Plaintiff did not ask for back child support that it would not be addressed. Plaintiff, serving as Pro Se, had incorporated the original Motion for Modification of Child Support where the request for back child support was made, however neglected to add that request to the appeal. This decision was based on the Judgment of Divorce, and not the Temporary Order that was not listed in either the Motion for Modification or Appeal.

Plaintiff's memory is not selective, and it was not forgotten that Judge Robinson dismissed the Motion to Modify. This Order was reversed on Appeal. Plaintiff was not content with Judge Thomas's ruling of January 25, 2007 however had no recourse in this action since it was the ruling of the Appellate Court.

The Motion of Contempt filed on July, 19, 2007, the first and only Motion of Contempt filed against Defendant, involved several issues including the Contempt against the Temporary Order failure to produce proof of medical insurance and failure to reimburse for medical expenses as Ordered by Judge Thomas on September 5, 2007. The issue of future child support was never appealed or denied, and the Appeal of the decision from September 5, 2007 was filed within the 30 day time frame.

CONCLUSION

For the above and forgoing reasons, Appellant prays that the Chancellor acknowledges the Contempt of Court Motion does not affect the original Motion to Modify Child Support and subsequent Appellate ruling and over rules the lower Court's ruling that this award that was previously awarded by the Court can not be collected as Ordered. Appellant is not seeking to waste the Courts time or taxpayer's money along with personal money that was used to seek justice in this case. Appellant is simply seeking to receive the Award Ordered by the Court that preempted the Judgment for Divorce. Appellant prays that the best interests of the child be the determinant in this cause and that the relief sought for be granted.

Respectfully submitted, this the 4th day of February, 2008.

Diane Forrest

A handwritten signature in cursive script, reading "Diane Forrest", written over a horizontal line.

PREPARED BY:

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1 MR. BARNETT: Your Honor, I'm going to
2 object to that as anything that was supposed to
3 have been done or done was negotiated in the
4 final property settlement that was incorporated
5 into the divorce in December of 1988.

6 THE COURT: That's correct. There's no such
7 thing as a temporary after the final is rendered.

8 MRS. FOREST: I know, but during that time,
9 that whole year, from January to December, he was
10 under a temporary order. He never paid payments
11 on that temporary order.

12 THE COURT: Well, you haven't charged him
13 with contempt, which is what you have to do to
14 collect that.

15 MRS. FOREST: Okay.

16 Q. I would like to discuss your financial statement.
17 You have on there listed--did you bring your W-2 form?

18 A. Yes.

19 Q. You have on there listed that you made \$2,400 a
20 month plus \$600 a month for rent and \$300 a month for VA
21 benefits, and that total is \$3,300 a month, not \$2,700 a
22 month. You also state that 56 percent of your income is
23 deducted, and they deduct \$1,518, and you only bring home
24 \$1,182. Is that correct?

25 A. I don't know. I'd have to see the paper work.

26 MRS. FOREST: Permission to approach?

27 THE COURT: Go ahead.

28 A. It's something like that. It varies
29 to month.

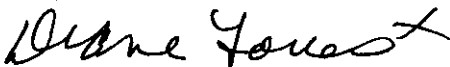
Exhibit
1

CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and correct copy of the above and forgoing Reply Brief has been mailed, postage prepaid to:

Tracy Steen
Attorney for the Appellee
P.O. Box 321257
Jackson, MS 39232-1257

This the 4th day of February 2008.

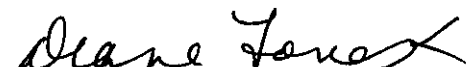


Diane Forrest, Pro Se

Copy mailed to:

The Honorable DeWayne Thomas
Hinds County Chancellor
Post Office Box 686
Jackson, Mississippi 39205-0686

This the 4th day of February, 2008



Diane Forrest, Pro Se