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SUPREME COURT
COURT OF APPEALS

BRIEF

CP
NO.2007-~~TS~~-1760-Diane Forrest v. Kendall McCoy

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal.

Diane Forrest, Appellant

Kendall McCoy, Appellee

Attorney of record for Diane Forrest

Diane Forrest

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STATEMENT OF ISSUES

1. Ordering the Appellee to pay unto the Appellant the child support awarded in the Temporary Order signed January 6, 1988 for the amount of \$450.00 per month for thirteen months along with a 5% annual interest fee for the 19 years of nonpayment.
2. Ordering the Appellee to reimburse and pay unto the Appellant reasonable suit money incurred by the Appellant in bringing this action, as she is without sufficient funds to pay the same.

STATEMENT OF THE CASE

This Motion of Contempt of Court was brought before the Chancery Court of Hinds County, Mississippi, First Judicial District on August 8, 2007 by the Appellant. A Temporary Order was issued on January 6, 1988 ordering Appellee to pay child support to the Appellant in the amount of \$450.00 per month beginning December 1, 1987 until final Judgment of Divorce was signed. The Final Judgment of Divorce was signed on December 2, 1988. Having never received this support, Appellant brought this action against the Appellee asking the Court to order the 13 months of back payment of this award along with an annual 5% interest fee.

After presenting testimony and evidence before Honorable Dewayne Thomas, a thirty day period was ordered to present supporting case history and any other evidence pertinent to the case. Following the thirty day period, a ruling denying the claim was made based on the Court of Appeals ruling of 2006, and the Order was signed on September 5, 2007.

SUMMARY OF THE ARGUMENT

This Motion of Contempt of Court was brought before the Court in August, 2007 for an Order for back pay and interest fees for non payment of the award in the Temporary Order. It was the opinion of the Court that the ruling issued by the Court of Appeals on November 7, 2006 on the Motion to Modify Child Support denied the payment of back child support. The claim for Contempt of Court for payment of child support under the Temporary Order was therefore denied.

ARGUMENT

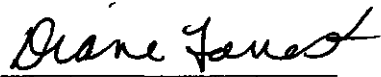
This Motion of Contempt of Court was brought before the Court in August, 2007. Appellant argues that the monetary award of \$450.00 a month for 13 months issued in the Temporary Order was never paid. The Court ruled that under the Court of Appeals ruling of November 2006 that back child support was denied. It is the Appellant's argument that the Court of Appeals ruling was based on the Final Judgment of Divorce, and Motion to Modify Child Support, and did not include the Temporary Order. Appellant further argues that the Temporary Order was a separate issue that ended once the Final Judgment was signed. The Temporary Order states that monthly payments of \$450.00 should begin on December 1, 1987 and conclude when the Final Judgment is signed. Final Judgment was signed on December 6, 1988 and there was no award of child support. When this matter was brought before the court during the hearing in 2005, it was stated that nonpayment of this award would have to be filed under a Contempt of Court motion. A Contempt of Court Motion was filed in Chancery Court, and the Motion was denied based on the Court of Appeals ruling of 2006. Appellant claims that by not challenging this Order it would make it possible for any person who does not pay an award under a Temporary Order will not be held accountable.

CONCLUSION

Appellant prays relief on the following issues:

1. An Order for the payment of the child support award issued in the Temporary Order along with 5% annual interest charge for 19 years of nonpayment.
2. Ordering the Appellee to reimburse and pay unto the Appellant reasonable suit money incurred by the Appellant in bringing this action, as she is without sufficient funds to pay the same.

Signed:

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

Diane Forrest, Pro Se

CERTIFICATE OF SERVICE

I, Diane Forrest, appellant, certify that I have this day filed this Brief with the clerk of this Court together with the docket fee to be received by the clerk on behalf of the Supreme Court of Mississippi, and have served a copy of this Brief by United States mail with postage prepaid on the following persons at this address:

Kendall McCoy
25901 Lick Creek Rd
Michie, TN 38357

This the 16th day of October, 2007.



Diane Forrest

Diane Forrest, pro se
P.O. Box 1224
Washington, MS 39190

2007-CP-1760

CERTIFICATE OF SERVICE

I, Diane Forrest, appellant, certify that I have this day filed this Notice of Appeal with the clerk of this Court together with the docket fee to be received by the clerk on behalf of the Supreme Court of Mississippi, and have served a copy of this Notice of Appeal by United States mail with postage prepaid on the following persons at this address:

Honorable DeWayne Thomas
Fifth Chancery Court District
P.O. Box 686
Jackson, MS 39205

This the 2nd day of October, 2007.

Diane Forrest
Diane Forrest

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