

**IN THE SUPREME COURT OF MISSISSIPPI**

**GREENE RURAL HEALTH CENTER AND  
CORPORATE MANAGEMENT, INC.**

**APPELLANTS**

**VS.**

**NO. 2008-CA-00122**

**GREENE COUNTY, MISSISSIPPI**

**APPELLEE**

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**BRIEF OF APPELLANT  
CORPORATE MANAGEMENT, INC.**

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**ORAL ARGUMENT NOT REQUESTED**

**An Appeal From the Chancery Court of Greene County, Mississippi**

**Prepared By:**

**John R. Reeves (MSB [REDACTED])  
Law Offices of John R. Reeves, P.C.  
555 Tombigbee St., Suite 107  
Jackson, MS 39201  
601/355-9600  
Attorneys for CMI, Appellant**

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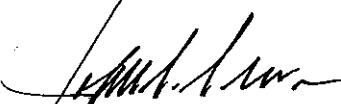
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**CERTIFICATE OF INTERESTED PERSONS**

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Pursuant to Rule 28(a)(1) of the Mississippi Rules of Appellate Procedure, the undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. Their representations are made in order that the Justices of the Supreme Court and/or the Justices of the Court of Appeals may evaluate possible disqualification or recusal.

1. Honorable T. Kenneth Griffis, Jr., Special Chancellor
2. John R. Reeves - Attorney for Corporate Management, Inc.
3. Christopher G. Henderson - Attorney for Greene County, Mississippi
4. David M. Ott - Attorney for Green Rural Health Center
5. Darren Gray - Attorney for Corporate Management, Inc.
6. Dennis Lee DeBar, Jr. - Attorney for Greene Rural Health Center

  
\_\_\_\_\_  
John R. Reeves (MBA# [REDACTED])  
Attorney for Appellant

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## **STATEMENT OF THE ISSUES**

The trial court erred in finding appellant, Corporate Management, Inc. (CMI), in contempt.

### **STATEMENT OF THE CASE**

Greene County, Mississippi (Greene County), filed its Motion for Contempt and Other Relief, and for Expedited Hearing on October 22, 2007. (Rec. P. 5). On December 4, 2007, all parties appeared for a hearing at the Chancery Court of Greene County, Mississippi. The court and the attorneys discussed the matter. (T. pgs. 10-58). No testimony or exhibits were offered into evidence. The Order on Motion for Contempt and Other Relief was entered on or about December 13, 2007. (Rec. Pgs. 86-97). CMI filed its Notice of Appeal on January 11, 2008. (Rec. P. 109).

### **SUMMARY OF THE ARGUMENT**

The court erred in finding CMI in contempt. No evidence was produced in support of the motion for contempt. This court should reverse the lower court's ruling that found CMI in contempt.

## **ARGUMENT**

### **I. Standard of Review**

The standard of review for contempt matters is to proceed *ab initio*. King v. Pike County National Bank, 952 so.2d 1036, 1038 (Miss. Ct. App. 2007). The chancellor's contempt finding is reviewed under a manifest error standard. Chasez v. Chasez, 957 So.2d 1031, 1034 (Miss. Ct. App. 2007).

### **II. The Court Erred in Finding CMI in Contempt.**

In civil contempt cases the weight and sufficiency of the evidence must be clear and convincing. Masonite Corporation v. International Woodworkers of America, 206 So.2d 171, 180 (Miss. 1967). Here the weight and sufficiency of the evidence was neither clear nor convincing. No evidence was introduced. In fact, no trial was held. The proceeding consisted only of the attorneys discussing the matter with the court and announcing their clients' respective views and positions. No witness testified. No documents were offered or accepted into evidence. To find a party in contempt of court there must be evidence. Moore ex rel., Benton County v. Renick, 626 So.2d 148 (Miss. 1993). Since there was no evidence before the court the order must be reversed. Id.

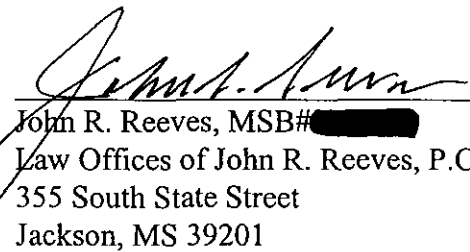


**CONCLUSION**

The lower court erred in finding CMI in contempt. This court should reverse the finding.

Respectfully submitted,  
Appellant

By:

  
\_\_\_\_\_  
John R. Reeves, MSB# [REDACTED]  
Law Offices of John R. Reeves, P.C.  
355 South State Street  
Jackson, MS 39201  
Attorneys for Appellant

**CERTIFICATE OF SERVICE**

I certify that I mailed a true copy of this document to the following, via First Class U.S. Mail, postage prepaid on August 28, 2008.

T. Kenneth Griffis, Jr., Special Chancellor  
P.O. Box 22847  
Jackson, MS 39225

Christopher G. Henderson, Esq.  
240 Trace Colony Park Drive, Suite 200  
Jackson, MS 39157

David M. Ott, Esq.  
P.O. Box 18109  
Hattiesburg, MS 39404-8109

Darren Gray, Esq.  
P.O. Box 115  
Wiggins, MS 39577

Dennis Lee DeBar, Jr.  
P.O. Box 1090  
Leakesville, MS 39451



John R. Reeves