

IN THE SUPREME COURT OF MISSISSIPPI  
SUPREME COURT # 2008-CA-01335

JEFFREY A. STALLWORTH

APPELLANT

V.

TELAYA V. BROWN, TGIS, INC.  
and NEW YORK LIFE INSURANCE COMPANY

APPELLEES

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**BRIEF OF APPELLEES**

(Oral Argument not requested)

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**CERTIFICATE OF INTERESTED PERSONS**

The undersigned counsel of record certifies that the following listed persons  
have an interest in the outcome of this case:

1. Jeffrey A. Stallworth, Appellant
2. Telaya V. Brown, Appellee
3. TGIS, Inc., Appellee
4. New York Life Insurance Company, Appellee
5. Bruce A. Marcus, Tara A. Harrison, S. Mark Wann, Marjorie S. Busching, Counsel for Telaya V. Brown and TGIS, Inc.
5. Barry W. Howard, Counsel for Jeffrey Stallworth
6. John N. Bolus, Malissa Winfield, Counsel for New York Life
8. Honorable Bobby DeLaughter, Circuit Court Judge

  
Marjorie S. Busching

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**STATEMENT REGARDING ORAL ARGUMENT**

Appellees Telaya Brown and TGIS, Inc are not seeking oral argument and do not think oral argument will be helpful to the Court.

## **STATEMENT OF THE ISSUE**

Did the Trial Court err in granting Telaya V. Brown and TGIS, Inc.'s Motion to Dismiss and New York Life Insurance Company's Motion for Summary Judgment.

## **STATEMENT OF THE CASE**

Brown swore out a complaint for sexual assault in Maryland. Stallworth pled guilty to one count of fourth-degree sexual offense on March 4, 2002. Brown subsequently filed this instant matter in the Circuit Court of Hinds County, August 9, 2002. On September 19, 2002, Stallworth filed his counterclaim alleging fraudulent inducement and intentional infliction of emotional distress. Brown filed a Motion to Dismiss and co-defendant New York Life moved for summary judgment. The Trial Court granted the Defendants respective Motions. Stallworth filed a Motion for Reconsideration which was denied. This appeal is the result of that denial.



## **STATEMENT OF FACTS**

Telaya Brown ("Brown" to include TGIS, Inc.), filed suit against Jeffrey Stallworth ("Stallworth"), The United Methodist Conference and Anderson United Methodist Church. Brown's claims include assault and battery, false imprisonment, intentional infliction of emotional distress, intrusion into seclusion, negligent retention and negligent supervision. On September 19, 2002, Stallworth answered the Complaint and filed a counterclaim against Brown, her company TGIS, Inc. and New York Life Insurance Company.<sup>1</sup> Stallworth alleged fraud in the inducement and intentional infliction of emotional distress. (R. 1204-1210).

Brown answered the Complaint and filed her Motion to Dismiss the counterclaim. Co-Defendant New York Life filed its Motion for Summary Judgement as to the same. The Trial Court granted both motions dismissing the counterclaims of Stallworth against Brown and granting summary judgment in favor of New York Life. Stallworth petitioned for reconsideration which was denied. (R.1365-1373) He subsequently appealed the Trial Court's decision to this Court.<sup>2</sup> Stallworth disputes the Trial Court's determination that the proximate cause of his damages was the "negotiated plea arrangement rather than the underlying false charge of sexual assault

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<sup>1</sup>Brown was an independent agent for New York Life when suit was filed.

<sup>2</sup>Stallworth incorrectly appealed "the orders granting summary judgement [sic]. . . ." Brown filed a Motion to Dismiss while New York Life filed a summary judgment motion.

which precipitated the plea.” (Stallworth brief at p. 3). Stallworth contends he alleged facts sufficient “to allow a jury to conclude that his sexual contact with Brown was consensual and that Brown misrepresented the same to the Maryland authorities.” (*Id.* at p. 4). Stallworth’s appeal effectively is an effort to withdraw his guilty plea. This Court has address the issue of his plea and his registration as a sexual offender in *Stallworth v. Miss. Dept of Public Safety*, 986 So. 2d 259 (Miss. 2008)(Rehearing Denied July 31, 2008). Stallworth’s arguments in the instant matter are moot. He pled guilty to a sexual offense. (R.1305-1313). Stallworth’s damages are not the result of his trip to Maryland. Stallworth assaulted Brown. He pled guilty to a fourth degree sexual offense. He did not inform the Conference of his having pled guilty to the criminal charge until after the fact. The consequences Stallworth may or may not have suffered are because of his own behavior and actions. Dismissal of the counterclaims by the Trial Court was proper.

### **ARGUMENT**

#### **I. Dismissal was appropriate in the Trial Court.**

##### **A. Stallworth’s own actions are the cause of any damages he claims to have suffered.**

The Trial Court granted Telaya Brown and TGIS, Inc.’s Motion to Dismiss. (R. 1347-54) Stallworth’s counterclaim fails to state a claim upon which relief can be granted. Stallworth incorrectly appeals the “order granting summary judgment” as to

Brown. (R.1399) Brown's dismissal is pursuant to her Motion to Dismiss. Stallworth's arguments incorrectly argues the motion was one for summary judgment. New York Life filed a Motion for Summary Judgment. Regardless, Stallworth argues when there is doubt as to the existence of a genuine issue of material fact, he "should have been given the benefit of that doubt." (Brief at p. 3) Brown filed a Motion to Dismiss, therefore "[t]he allegations in the Complaint must be taken as true. . . ." (R.1349) (citing *Poindexter v. Southern United Fire Ins. Co.*, 838 So. 2d 964, 966 (Miss. 2003); quoting *Sennett v. United States Fid & Guar. Co.*, 757 So. 2d 206, 209 (Miss. 2000). As demanded by Stallworth, every benefit of the doubt was given to his argument in the trial court. It is undisputed that "on March 4, 2002, Stallworth appeared before the Maryland Circuit Court and pleaded guilty to one count of fourth degree sex offense." *Stallworth v. Mississippi Dept. of Public Safety*, 986 So. 2d 259, 260 (Miss. 2008) (Rehearing denied July 31, 2008). Because Stallworth pled guilty his "damages bear a relationship to the entrance of his guilty plea to a charge of sexual assault" (R.1352). In his Counterclaim, Stallworth alleges "damages to his reputation, career and legal fees." (Stallworth brief at p. 5) Stallworth's petition is seemingly rearguing the facts surrounding his appeal to this Court related to the continued registration of Stallworth as a sex offender in Mississippi. (See *Stallworth v. Mississippi Department of Public Safety, supra*). Stallworth pled guilty to the charge

of sexual assault. It was “Stallworth’s decision to plead guilty to the charge of sexual assault” as quoted from his brief, that led to any damages he claims to have suffered. (Brief at p. 6) Stallworth entered the plea with the advice of not one, but two attorneys. Stallworth was presented with the opportunity to voluntarily enter a plea in the Maryland court and in doing so gave up a multitude of rights that were explicitly outlined by the Court. (R.1305-13). Stallworth made a voluntary choice with advice of counsel and pled guilty resulting in ramifications from his church, the public, and his victim. Stallworth’s frustration and the redress sought is misdirected. Stallworth pled guilty and was represented by counsel. Any consequences resulting from said plea are the result of Stallworth’s actions.

**B. Stallworth’s Motion for Reconsideration was properly denied.**

Stallworth’s argument before the Supreme Court is unsupported. His effort fails as a matter of law. There is no argument offered to support his claim that dismissal of the counterclaims in the Trial Court was erroneous. If nothing else, the appeal directs citation to the matter previously argued in this Supreme Court regarding Stallworth’s plea of guilty and his subsequent registration as a sex offender in Mississippi. (*See Stallworth supra*). Stallworth was advise by not one but two attorneys in the criminal matter in Maryland. As such, the consequences of a guilty plea were explained to him and were made of record when explained by the Court in

Maryland. (R.1305-13) Stallworth knew of the consequences of the guilty plea and chose to enter the plea. Brown was not advising Stallworth as to his plea. The resulting loss of his job and any issues related to his reputation and the subsequent lawsuit flow from that plea.

The Trial Court properly dismissed the counterclaims and subsequently denied Stallworth's Motion for Reconsideration. "This Court reviews de novo a trial court's grant or denial of a motion to dismiss." *Forest Hill Nursing Center and Long Term Care Management, LLC v. Brister*, 992 So.2d 1179, 1187 (Miss. 2008); *Cnty. Hosp. v. Goodlett*, 968 So.2d 391, 396 (Miss. 2007); (quoting *Penn. Nat'l Gaming, Inc. v. Ratliff*, 954 So.2d 427, 430 (Miss. 2007) (overruled on other grounds)). See also *Harris v. Miss. Valley State Univ.*, 873 So.2d 970, 988 (Miss. 2004). "When considering a motion to dismiss, the allegations in the complaint must be taken as true and the motion should not be granted unless it appears beyond doubt that the plaintiff will be unable to prove any set of facts in support of his claim." *Scaggs v. GPCH-GP, Inc.*, 931 So.2d 1274, 1275 (Miss. 2006), citing *Lang v. Bay St. Louis/Waveland Sch. Dist.*, 764 So.2d 1234 (Miss. 1999)(citing *T.M. v. Noblitt*, 650 So.2d 1340, 1342 (Miss. 1995)). The Trial Court had to look to the Complaint and the Complaint only when considering Brown's Motion to Dismiss. The Court will not disturb the findings of the trial court unless they are manifestly wrong, clearly erroneous or an erroneous

legal standard was applied. *Bell v. City of Bay St. Louis*, 467 So.2d 657, 661 (Miss. 1985). The Trial Court determined that “even if the claims of fraudulent inducement. . . are true,” the damages were related to the entry of Stallworth’s guilty plea. (R.1352) The Trial Court found the claim of intentional infliction of emotional was time-barred. (R.1352-53) Finally, the Court applied the doctrine of judicial estoppel to Stallworth’s contention that the criminal charges filed by Brown were untrue.

Stallworth concedes the “correct standard of review” was applied by the Trial Court in its Order granting summary judgment. (Brief p. 6). As stated, *supra*, Brown filed a Motion to Dismiss. “ This Court employs a de novo standard of review of a trial court's grant or denial of summary judgment and examines all the evidentiary matters before it-admissions in pleadings, answers to interrogatories, depositions, affidavits, etc.” *City of Jackson v. Sutton*, 797 So.2d 977, 979 (Miss. 2001). While the standard of review is the same the Court’s considers different elements regarding a motion to dismiss and one for summary judgment. In the summary judgment motion, the Court “examines all the evidentiary matters before it: admissions in pleadings, answers to interrogatories, depositions, affidavits, etc. The evidence must be viewed in the light most favorable to the party against whom the motion has been made.” *Butler v. Upchurch Telecommunications & Alarms, Inc.*, 946 So.2d 387, 389 (Miss. App. 2006) Stallworth’s argument goes beyond the pleadings maintaining that

summary judgment was rendered in favor of Brown. The Trial Court dismissed the counterclaims against Brown pursuant to her Motion to Dismiss. The Trial Court took the allegations as stated in the Complaint as true. "The Court must only look to the pleadings." (R.1349). Stallworth's allegations of fraudulent inducement fail. The Trial Court found the damages claimed by Stallworth "bear a relationship to the entrance of his guilty plea to a charge of sexual assault." (R.1352). His claim of intentional infliction of emotional distress was time-barred. (R.1353).

The Trial Court determined the doctrine of judicial estoppel applied to prevent Stallworth from altering his previous position of the guilty plea and the claims expressed in his counterclaim. The Trial Court found "Stallworth is judicially estopped from contending that plaintiff's filing of criminal charges against him were untrue. Stallworth pled guilty to a criminal offense. The Maryland Court specifically asked Stallworth at the March 4, 2002 hearing:

THE COURT: Are you pleading guilty to fourth degree sexual offense because you are in fact guilty of that and for no other reasons?

THE DEFENDANT: Yes, sir.

(R.1311). Stallworth's arguments make there way back to the arguments put forth to this Court in seeking removal of his name from the Mississippi Sex Offenders registry. Stallworth essentially argues his guilty plea was not a guilty plea or no longer

exists. Stallworth, according to the March 4, 2002 docket entry of the Circuit Court for Prince George's County Maryland pled guilty.

“PLEA OF NOT GUILTY; WITHDRAWN AND PLEA OF GUILTY ENTERED TO COUNT 3-; FOURTH DEGREE SEX OFFENCE. COURT ACCEPTS PLEA; DEFENDANT FOUND GUILTY.”

(R.1328). Regardless of what has or has not transpired with Stallworth since pleading guilty to a sexual offense, the allegations in his counterclaim fail. Stallworth is judicially estopped from admitting he did none other than pled guilty in the Maryland Court. The Trial Court's dismissal was proper.

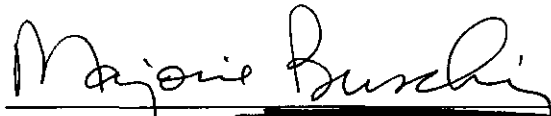
### CONCLUSION

Stallworth's appeal argues summary judgment was not proper in the Trial Court. Brown's claim was dismissed pursuant to her Motion to Dismiss. The Court had the responsibility to only look to the pleadings. The allegations were taken as true. Even then, the Trial Court determined Stallworth could prove no set of facts which would entitle him to relief. The Complaint was properly dismissed.

This the 28<sup>th</sup> day of April, 2009.



Respectfully submitted,



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date set forth hereinafter, a true and correct copy of the above and foregoing document was forwarded via U.S. Mail to the following:

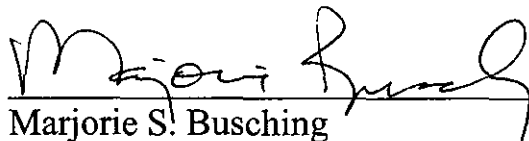
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This the 28<sup>th</sup> day of April, 2009.

  
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