

IN THE SUPREME COURT OF MISSISSIPPI

STEPHEN GORDON

APPELLANT

v.

CAUSE NO. 2010 CA 01227

PAMELA GORDON

APPELLEE

REBUTTAL BRIEF OF APPELLANT
STEPHEN GORDON

APPEAL FROM RULING AND JUDGMENT OF DIVORCE GRANTED
FEBRUARY 18, 2010 AND FROM RULING DENYING
ON APPELLANT'S POST-JUDGMENT MOTION
ENTERED ON JULY 2, 2010 BY THE CHANCERY COURT
OF PEARL RIVER COUNTY, MISSISSIPPI

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ARGUMENT

In her response, Pamela Gordon, the former wife of Stephen Gordon, Appellant, failed to cite any authority to support any of her legal arguments regarding the correctness of the judgment and whether or not he should have been afforded relief pursuant to Rule 60 of the Mississippi Rules of Civil Procedure. It is clear from the precedent of this Court that such failure can be fatal to a brief.

Terry ... [appellee] ... has failed to cite any authority for his points of argument, or anywhere in his brief, save for the standard of review we must employ. As to this, the appellant carries the duty to provide authority for any error claimed. *Groves v. Slaton*, 733 So.2d 349 (Miss.Ct.App.1999) (citing *Drennan v. State*, 695 So.2d 581, 585-86 (Miss.1997)). Any argument not supported by authority need not be considered. *Grey v. Grey*, 638 So.2d 488, 491 (Miss.1994). In accordance with this oft-stated principle, it is not necessary for this Court to consider any of Terry's issues on appeal.

Phelps v. Phelps, 937 So.2d 974, 978 (Miss. App. 2006)

Additionally, Pamela Gordon, now, for the first time, raises several issues with the alleged non-compliance of Stephen Gordon with the terms of the judgment below. This is also improper.

The failure to raise an issue in the trial court by way of objection or otherwise bars the appellant from raising this issue for the first time on appeal. *Triplett v. City of Vicksburg*, 758 So.2d 399, 401 (Miss.2000); *Shaw v. Shaw*, 603 So.2d 287, 292 (Miss.1992).

Williams v. Gamble, 912 So.2d 1053, 1059 (Miss. App. 2005).

Pamela Gordon has failed to provide any valid legal argument or cite any authority to support her position before this Court, as such, the Court should enter judgment reversing the order of the trial court below denying the motion for Rule 60 relief, it should remand this matter to the lower court with instructions to modify the judgment to award him his premarital equity in

the home and it should further reverse the ruling denying his post-judgment request that his wife be held in contempt for her violation of her financial obligations under the temporary order entered by the Court and remand with instructions to allow him to present his proof of same.

This the 28 day of June, 2011.

Respectfully submitted,


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CERTIFICATE

I, Stephen J. Maggio, do hereby certify that I have this served a copy of the foregoing Rebuttal Brief upon the individuals named below:

Pamela Gordon
711 Idlewild Lane
Picayune, MS 39466
Appellee Pro Se'

Dated: June 28, 2011.


STEPHEN J. MAGGIO

AMENDED CERTIFICATE OF SERVICE

I, the undersigned, counsel of record for the Appellant certify that I have served a copy of the foregoing Rebuttal Brief, upon the following:

Chancellor Deborah Gambrell
P. O. Box 686
Hattiesburg, MS 39403

Pamela Gordon, *Pro Se*, Appellee
711 Idlewild Lane
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