

MISSISSIPPI COURT OF APPEALS

Darryl Randall Stasher Sr. v. Shirley A. Stasher

No. 2024-CA-01302-COA (Miss. Ct. App. Apr. 14, 2026) · No. No. 2024-CA-01302-COA · Decided April 14, 2026

SUMMARY

The Mississippi Court of Appeals affirmed a chancery court judgment granting Shirley A. Stasher a divorce from Darryl Randall Stasher Sr. on the ground of habitual cruel and inhuman treatment. The court held that substantial evidence supported the findings regarding abuse and adultery, although the adultery issue was moot because the divorce was affirmed on another fault ground. The court also upheld the equitable distribution of marital property and the denial of alimony.

CASE DETAILS

COURT	Mississippi Court of Appeals
WRITING FOR THE COURT	Lawrence, J.; Barnes, C.J.; Carlton, P.J.; Wilson, P.J.; Westbrooks, J.; McDonald, J.; McCarty, J.; Emfinger, J.; Weddle, J.; Lassitter St. Pé, J.
JURISDICTION	Mississippi Court of Appeals
DECIDED	April 14, 2026
DOCKET	No. 2024-CA-01302-COA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Darryl Stasher appealed from the Madison County Chancery Court's final judgment granting Shirley Stasher a divorce on the ground of habitual cruel and inhuman treatment, equitably distributing the marital property, and awarding Shirley attorney's fees related to contempt.
STANDARD OF REVIEW	Domestic-relations decrees are reviewed for manifest or clear error as to law or fact. The appellate court views the facts in the light most favorable to the appellee and will not disturb the chancery decision unless it is manifestly wrong or unsupported by substantial evidence. Property division is upheld if supported by substantial credible evidence, and equitable distribution is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published
PARTIES	Darryl Randall Stasher Sr. v. Shirley A. Stasher

TOPICS

divorce equitable distribution family law procedure mootness standard of review

PRACTICE AREAS

family law divorce equitable distribution appellate procedure military law

QUESTIONS PRESENTED

1. Whether the chancellor erred by granting Shirley a divorce on the ground of habitual cruel and inhuman treatment.
2. Whether the chancellor erred by finding that Darryl engaged in uncondoned adultery.
3. Whether the chancellor's equitable distribution of the marital property was erroneous or an abuse of discretion.

HOLDINGS

1. The chancellor did not err in granting Shirley a divorce on the ground of habitual cruel and inhuman treatment because substantial evidence supported the finding that Darryl's conduct endangered or created a reasonable apprehension for Shirley's safety and rendered the marriage unsafe.
2. The adultery issue was moot because the divorce was granted on the independent ground of habitual cruel and inhuman treatment, and no useful purpose would be served by deciding whether the adultery finding was adequately supported.
3. The chancellor did not abuse her discretion in awarding Shirley 60% and Darryl 40% of the marital estate and in dividing the marital portion of the military retirement accounts equally. The distribution was supported by substantial credible evidence and consideration of the Ferguson factors.

KEY QUOTATIONS

“Habitual cruel and inhuman treatment is conduct that either: (1) endangers life, limb, or health, or creates a reasonable apprehension of such danger and renders the relationship unsafe for the party seeking relief, or (2) is so unnatural and infamous as to render the marriage revolting to the non-offending spouse, making it impossible to carry out the duties of the marriage, therefore destroying the basis for its continuance.” (§23)

“Importantly, “equitable distribution does not mean equal distribution.”” (§40)

“AFFIRMED.” (§42)

FACTUAL BACKGROUND

Shirley and Darryl Stasher were married for approximately thirty years and had two adult children. Shirley testified that Darryl engaged in adultery, threatened to end her life, verbally abused her, became threatening while wearing a gun, and created an environment that caused her to fear for her safety and leave the marital home in September 2021. Their daughter corroborated significant portions of Shirley's account. The chancellor found habitual cruel and inhuman treatment and uncondoned adultery, granted Shirley a divorce, and divided the

marital property 60/40 in Shirley's favor, including an equal division of the marital portion of Darryl's military retirement accounts.

PROCEDURAL HISTORY

Shirley filed a divorce petition in the Madison County Chancery Court in September 2021. After hearings in 2022 and 2023, the chancellor entered an opinion on January 3, 2024, granting a divorce and ordering a 60/40 division of the marital estate, later addressed the parties' military retirement accounts, and entered a final judgment on October 21, 2024. Darryl appealed on November 19, 2024. The Mississippi Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- *Ferguson v. Ferguson*, 639 So. 2d 921, 928 (Miss. 1994)
- *Dogan v. Dogan*, 98 So. 3d 1115, 1122 (¶11) (Miss. Ct. App. 2012)
- *In re Dissolution of Marriage of Wood*, 35 So. 3d 507, 512 (¶8) (Miss. 2010)
- *Peters v. Peters*, 906 So. 2d 64, 68 (¶12) (Miss. Ct. App. 2004)
- *Southerland v. Southerland*, 875 So. 2d 204, 206 (¶5) (Miss. 2004)
- *Rawson v. Buta*, 609 So. 2d 426, 429 (Miss. 1992)
- *Fisher v. Fisher*, 771 So. 2d 364, 367 (¶8, ¶10) (Miss. 2000)
- *Kilpatrick v. Kilpatrick*, 732 So. 2d 876, 880 (¶13) (Miss. 1999)
- *Chamblee v. Chamblee*, 637 So. 2d 850, 859 (Miss. 1994)
- *Heimert v. Heimert*, 101 So. 3d 181, 184 (¶8) (Miss. Ct. App. 2012)
- *Mitchell v. Mitchell*, 767 So. 2d 1037, 1041 (¶14) (Miss. Ct. App. 2000)
- *White v. Miss. Dep't of Hum. Servs.*, 39 So. 3d 986, 990 (¶23) (Miss. Ct. App. 2010)
- *Trittle v. Trittle*, 956 So. 2d 369, 373 (¶8) (Miss. Ct. App. 2007)
- *1st Step Sober Living LLC v. Cleveland*, 413 So. 3d 602, 607 (¶15) (Miss. Ct. App. 2025), cert. denied, 420 So. 3d 923 (Miss. 2025)
- *In re City of Biloxi*, 113 So. 3d 565, 572 (¶21) (Miss. 2013)
- *Dean v. Dean*, 304 So. 3d 156, 168 (¶47) (Miss. Ct. App. 2020)
- *Larue v. Larue*, 969 So. 2d 99, 104 (¶11) (Miss. 2007)
- *Faerber v. Faerber*, 150 So. 3d 1000, 1005 (¶12) (Miss. Ct. App. 2014)
- *Hemsley v. Hemsley*, 639 So. 2d 909, 915 (Miss. 1994)
- *Jenkins v. Jenkins*, 67 So. 3d 5, 8 (¶8) (Miss. Ct. App. 2011)
- *Oswalt v. Oswalt*, 981 So. 2d 993, 996 (¶11) (Miss. 2007)
- *Woods v. Woods*, 423 So. 3d 720, 731 (¶34) (Miss. Ct. App. 2025)

- Hensarling v. Hensarling, 824 So. 2d 583, 590 (¶21) (Miss. 2002)
- Brabham v. Brabham, 950 So. 2d 1098, 1100 (¶7) (Miss. Ct. App. 2007)

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