

SUPREME COURT OF MISSISSIPPI

Julia Gates Hines Mabus v. Raymond Edwin Mabus, Jr.

890 So. 2d 806 (Miss. 2003) · No. No. 2001-CA-00381-SCT · Decided February 13, 2003

SUMMARY

The Mississippi Supreme Court affirmed a chancery court judgment in a divorce proceeding involving custody, property distribution, evidentiary rulings, amendment of pleadings, and enforcement of a prenuptial agreement. The court held that several evidentiary and custody arguments were procedurally barred or without merit and upheld the award of legal custody to the father with alternating physical custody.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Easley, J.; Smith, P.J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	February 13, 2003
DOCKET	No. 2001-CA-00381-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Hinds County Chancery Court judgment in a bifurcated divorce proceeding involving evidentiary rulings, amendment of pleadings, child custody, enforcement of a prenuptial agreement, alimony, and distribution of marital assets.
STANDARD OF REVIEW	Chancery court decisions are reviewed under a limited abuse-of-discretion standard and will not be disturbed unless the chancellor was manifestly wrong, clearly erroneous, or applied the wrong legal standard. Child-custody and property-distribution findings are upheld when supported by substantial or credible evidence; evidentiary rulings are reviewed for abuse of discretion, with any error assessed for prejudice or harmlessness.
PRECEDENTIAL VALUE	published opinion
PARTIES	Julia Gates Hines Mabus v. Raymond Edwin Mabus, Jr.

TOPICS

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child custody

prenuptial agreements

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QUESTIONS PRESENTED

1. Whether the chancellor's evidentiary rulings denied Julie a fair trial.
2. Whether the chancellor erred by excluding testimony from Janna Findley Harris.
3. Whether the chancellor erred by admitting George Bougher's testimony and relying on Dr. Wood Hiatt's testimony.
4. Whether the chancellor improperly denied Julie's motion to amend her complaint to seek joint legal custody.
5. Whether the chancellor erred in awarding legal custody to Ray and alternating physical custody to the parties.
6. Whether the prenuptial agreement was valid and enforceable.
7. Whether the chancellor equitably distributed the marital assets.
8. Whether the chancellor erred in denying alimony.

HOLDINGS

1. An unsupported assignment of error lacking cited authority is procedurally barred from appellate consideration.
2. The exclusion of Harris's testimony did not warrant reversal because the statutory competency provision applied and, in any event, the testimony would have been cumulative and harmless.
3. The chancellor properly denied Julie's motion to amend because joint custody was not tried by express or implied consent.
4. The chancellor did not abuse his discretion by awarding legal custody to Ray and alternating six-month periods of physical custody to Ray and Julie.
5. The prenuptial agreement was valid and enforceable because the evidence supported the chancellor's findings that it was fairly executed, understood by Julie, and accompanied by adequate disclosure.
6. The chancellor did not abuse his discretion in denying alimony, both because the prenuptial agreement controlled and because the marital and nonmarital assets, income, earning capacity, and other circumstances adequately provided for Julie.
7. The chancellor properly enforced the prenuptial agreement and distributed the marital assets after considering the applicable Ferguson factors.

KEY QUOTATIONS

“While the Albright factors are extremely helpful in navigating what is usually a labyrinth of interests and emotions, they are certainly not the equivalent of a mathematical formula. Determining custody of a child is not an exact science.” (at 816-17)

“All contracts involve some type of risk; this agreement was no different.” (at 821)

“An entire inheritance does not become marital property merely because a portion of it was used for the benefit of the family.” (at 827)

FACTUAL BACKGROUND

Julie and Ray Mabus married in 1987 and had two daughters. Before the marriage, they executed a prenuptial agreement intended to preserve each party's separate property, gifts, and inheritances; Julie later challenged the agreement based on lack of independent counsel, alleged lack of disclosure, and an alleged promise by Ray to destroy it. During the divorce proceedings, the chancellor evaluated competing evidence and expert testimony concerning custody, determined that Ray should receive legal custody with alternating physical custody, enforced the prenuptial agreement, denied alimony, and distributed the marital assets.

PROCEDURAL HISTORY

Julie Mabus filed for divorce in the Chancery Court of the First Judicial District of Hinds County, alleging habitual cruel and inhuman treatment; Ray Mabus counterclaimed on uncondoned adultery. Julie's claim was dismissed after she stipulated that the fault ground lacked merit, and the chancellor granted Ray a divorce on the adultery ground. After a later trial on the remaining issues, the chancellor entered orders concerning evidence, custody, the prenuptial agreement, alimony, and property distribution. Julie appealed those rulings, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- McNeil v. Hester, 753 So. 2d 1057, 1063 (Miss. 2000)
- Ellis v. Ellis, 651 So. 2d 1068, 1072 (Miss. 1995)
- Armstrong v. Armstrong, 618 So. 2d 1278, 1282 (Miss. 1993)
- Brown v. Miss. Transp. Comm'n, 749 So. 2d 948, 959 (Miss. 1999)
- Setser v. Piazza, 644 So. 2d 1211, 1217 (Miss. 1994)
- Shipley v. Ferguson, 638 So. 2d 1295, 1301 (Miss. 1994)
- Lee v. Lee, 798 So. 2d 1284, 1288-89 (Miss. 2001)
- Albright v. Albright, 437 So. 2d 1003, 1005 (Miss. 1983)
- Smith v. Smith, 656 So. 2d 1143, 1147 (Miss. 1995)
- Estate of Hensley v. Estate of Hensley, 524 So. 2d 325, 327-28 (Miss. 1988)
- Spragins v. Sunburst Bank, 605 So. 2d 777, 781 (Miss. 1992)

- Rogers v. Morin, 791 So. 2d 815, 826 (Miss. 2001)
- Carter v. Carter, 735 So. 2d 1109, 1114 (Miss. Ct. App. 1999)
- Johnson v. Johnson, 650 So. 2d 1281, 1287 (Miss. 1994)
- Ethridge v. Ethridge, 648 So. 2d 1143, 1145-46 (Miss. 1995)
- White v. White, 557 So. 2d 480, 483 (Miss. 1989)
- Retzer v. Retzer, 578 So. 2d 580, 592 (Miss. 1990)
- Ferguson v. Ferguson, 639 So. 2d 921, 928 (Miss. 1994)
- Owen v. Owen, 798 So. 2d 394, 397-98 (Miss. 2001)
- Reddell v. Reddell, 696 So. 2d 287, 288 (Miss. 1997)
- Carrow v. Carrow, 642 So. 2d 901, 904 (Miss. 1994)
- Richardson v. Riley, 355 So. 2d 667, 668 (Miss. 1978)
- A & L, Inc. v. Grantham, 747 So. 2d 832 (Miss. 1999)

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