

SUPREME COURT OF MISSISSIPPI

City of Grenada, Mississippi v. Frank Marascalco, Mike Hyneman,
Bill Williams and Joseph Lee

City of Grenada · No. Nos. 2002-AN-01492-SCT and 2002-CA-01949-SCT · Decided August 6, 2002

SUMMARY

The Supreme Court of Mississippi considered two consolidated appeals arising from the City of Grenada's proposed deannexation of territory and related Voting Rights Act preclearance proceedings. The court affirmed the chancery court's denial of the deannexation and its contempt judgment against the City and certain councilmen, but reversed and rendered the order requiring the City to submit a supplemental Section 5 preclearance filing. The court held that the voting-rights controversy did not displace Mississippi's established reasonableness analysis for deannexation and that the chancery court lacked authority to order the municipality to litigate in a specified manner.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Cobb, Presiding Justice; Smith, Chief Justice; Waller, Presiding Justice; Carlson, Justice; Randolph, Justice; Easley, Justice; Diaz, Justice; Graves, Justice; Dickinson, Justice
JURISDICTION	Mississippi
DECIDED	August 6, 2002
DOCKET	Nos. 2002-AN-01492-SCT and 2002-CA-01949-SCT
DISPOSITION	other
PROCEDURAL POSTURE	The City of Grenada appealed consolidated chancery-court judgments denying its request to deannex territory and ordering it to supplement its Section 5 Voting Rights Act preclearance submission. The City and four councilmen also appealed contempt judgments entered after they failed to comply with the directive.
STANDARD OF REVIEW	Annexation and deannexation findings are reviewed under a very limited standard and will be reversed only if manifestly wrong, unsupported by substantial and credible evidence, or based on an erroneous legal standard. Contempt findings are reviewed for manifest error when the contempt is civil.
PRECEDENTIAL VALUE	Published precedential opinion; decided en banc.

PARTIES

City of Grenada, Mississippi v. Frank Marascalco, Mike Hyneman,
Bill Williams, Joseph Lee

TOPICS

municipal law

voting rights

ordinances

appellate procedure

standard of review

PRACTICE AREAS

municipal law

voting rights

appellate procedure

contempt

QUESTIONS PRESENTED

1. Whether the chancery court applied an incorrect legal standard in denying the City's deannexation ordinance enacted in response to the United States Attorney General's Section 5 objections.
2. Whether the chancery court violated due process by ordering the City to file a supplemental Section 5 preclearance submission.
3. Whether the chancery court erred in holding the City and four councilmen in contempt for failing to supplement the preclearance request.
4. Whether the City's notice of appeal automatically stayed the chancery court's judgment under Mississippi's municipal-boundary statutes.

HOLDINGS

1. The chancery court properly applied Mississippi's established annexation reasonableness analysis to the proposed deannexation and did not err in denying the City's request.
2. The chancery court lacked authority to order a municipal body to initiate or continue litigation before the United States Attorney General in a specified manner.
3. The chancery court did not err in holding the City and four councilmen in contempt.

KEY QUOTATIONS

“The mere presence of a voting rights controversy, as the sole impetus for a deannexation request, is not such a factor.” (§21)

“Whether and how to initiate or to continue litigation is a matter of discretion for any governmental body.” (§24)

“The City's attempt to achieve preclearance of its 1993 annexation does not by itself alter our analysis of deannexation as a matter of state law.” (§31)

FACTUAL BACKGROUND

Grenada annexed certain territory in 1993, altering the City's voter rolls and ward boundaries. The United States Attorney General objected to the annexation under Section 5 of the Voting Rights Act, finding discriminatory purpose and effect, and continued to object after the City submitted a revised ward plan. The City then enacted

an ordinance deannexing five noncontiguous parcels, mostly removing white residents, and sought chancery-court approval. The chancery court found the deannexation unreasonable because the area was in the City's path of growth, had received substantial municipal infrastructure and services, and the City had not adequately addressed the Attorney General's concerns through other means.

PROCEDURAL HISTORY

The Grenada County Chancery Court denied the City's deannexation request, finding the proposed contraction unreasonable, and ordered the City to supplement its federal preclearance submission. After the City did not comply and did not obtain a stay, the chancery court held the City and four councilmen in contempt. The Mississippi Supreme Court consolidated the appeals, affirmed the denial of deannexation and the contempt judgment, and reversed and rendered the portion of the judgment requiring the City to litigate before the United States Attorney General in a specified manner.

DISPOSITION

other

CASES CITED

- In the Matter of the Extension of the Boundaries of the City of Grenada, Mississippi, 669 So. 2d 85 (Miss. 1996)
- In re Enlargement and Extension of Municipal Boundaries of City of Madison v. City of Madison, 650 So. 2d 490, 494 (Miss. 1995)
- Bassett v. Town of Taylorsville, 542 So. 2d 918, 921 (Miss. 1989)
- In re Extension of Boundaries of City of Hattiesburg, 840 So. 2d 69 (Miss. 2003)
- In re Exclusion of Certain Territory from the City of Jackson, 698 So. 2d 490, 492-93 (Miss. 1997)
- Marshall v. Mayor and Board of Selectmen of McComb City, 251 Miss. 750, 171 So. 2d 347 (Miss. 1965), cert. denied, 382 U.S. 836, 86 S. Ct. 83, 15 L. Ed. 2d 79 (1965)
- Wheat v. Poplarville, 149 Miss. 424, 115 So. 559 (1928)
- Thomas v. Long Beach, 111 Miss. 329, 71 So. 570 (1916)
- Reno v. Bossier Parish School Board, 120 S. Ct. 866 (2000)
- City of Richmond v. United States, 422 U.S. 358, 375 (1975)
- Perkins v. Matthews, 400 U.S. 379, 91 S. Ct. 431, 27 L. Ed. 2d 476 (1971)
- Miller v. Johnson, 515 U.S. 900, 115 S. Ct. 2475, 132 L. Ed. 762 (1995)
- Hobson v. City of Vicksburg, 848 So. 2d 199 (Miss. Ct. App. 2003)
- Diamond v. Diamond, 403 So. 2d 129 (Miss. 1981)
- Miller v. Miller, 512 So. 2d 1286 (Miss. 1987)
- Crowe v. Crowe, 641 So. 2d 1100 (Miss. 1994)
- Redmond v. Cooper, 151 Miss. 771, 119 So. 592 (1928)
- Dennis v. Dennis, 824 So. 2d 604, 608 (Miss. 2002)

- Dunaway v. Busbin, 498 So. 2d 1218 (Miss. 1986)
- Smith v. Smith, 545 So. 2d 725 (Miss. 1989)
- Walker v. Walker, 453 So. 2d 1030 (Miss. 1984)
- Ladner v. Ladner, 206 So. 2d 620, 623 (Miss. 1968)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/mississippi-supreme-court-of-mississippi/2002/city-of-grenada-mississippi-v-frank-marascalco-mike-hyneman-dhb5o8w4>