

SUPREME COURT OF MISSISSIPPI

Jackson State University v. Upsilon Epsilon Chapter of Omega Psi Phi Fraternity, Inc.

952 So. 2d 184 (Miss. 2007) · No. No. 2005-IA-02020-SCT · Decided March 22, 2007

SUMMARY

The Mississippi Supreme Court reviewed an interlocutory appeal arising from disciplinary sanctions imposed by Jackson State University on students and a fraternity after a campus altercation. The court held that the circuit court lacked jurisdiction because the appellees failed to strictly comply with Mississippi Code section 11-51-95 by filing a petition for writ of certiorari and posting the required bond. The court dissolved the temporary restraining order and preliminary injunction and rendered judgment for the university officials.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Waller, Presiding Justice; Waller, P.J.; Diaz, J.; Carlson, J.; Smith, C.J.; Cobb, P.J.; Easley, J.; Dickinson, J.; Randolph, J.
JURISDICTION	Mississippi
DECIDED	March 22, 2007
DOCKET	No. 2005-IA-02020-SCT
DISPOSITION	other
PROCEDURAL POSTURE	The appellants received permission to pursue an interlocutory appeal from a circuit-court order granting temporary and preliminary injunctive relief against enforcement of university disciplinary decisions.
STANDARD OF REVIEW	De novo review of the circuit court's jurisdiction; jurisdiction depended on strict compliance with the statutory requirements governing review by writ of certiorari.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion
PARTIES	Jackson State University, Board of Trustees of State Institutions of Higher Learning, Richard A. Crofts, Interim Commissioner v. Upsilon Epsilon Chapter of Omega Psi Phi Fraternity, Inc., Kenneth Hair, Anthony Hales

TOPICS

writ of certiorari

appellate jurisdiction

administrative law

procedural due process

interlocutory appeal

PRACTICE AREAS

administrative law

appellate procedure

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the circuit court had jurisdiction to review the university disciplinary decisions when the appellees failed to file a petition for writ of certiorari and post the required bond with security under Mississippi Code sections 11-51-93 and 11-51-95.
2. Whether alleged procedural due process violations excused compliance with the statutory requirements for perfecting certiorari review.

HOLDINGS

1. The circuit court lacked jurisdiction because the appellees failed to strictly comply with Mississippi Code section 11-51-95 by filing a petition for writ of certiorari and posting a bond with security.
2. Allegations of procedural due process violations did not excuse the appellees' failure to comply with the jurisdictional requirements for statutory certiorari review.

KEY QUOTATIONS

“the required supersedeas bond is jurisdictional, and the appeal is not perfected until the bond is approved by the circuit judge and filed.” (186)

“we decline to ignore statutory requisites and accept that a brief is in substantial compliance with § 11-51-93. We are not willing to accept anything less than full compliance with all essentials within the time allowed.” (186)

“REVERSED AND RENDERED.” (187)

FACTUAL BACKGROUND

During an altercation at the Jackson State University student union, Kenneth Hair and Anthony Hales tackled Ryan Mack, who was wielding a firearm, and the firearm discharged, wounding Benjamin Hart. Hair and Hales were found guilty of disorderly conduct by the university's Student Life Disciplinary Committee and suspended from attending the university. Omega Psi Phi was also found guilty under the university student manual and suspended from participating in fraternity activities until spring 2009. After the university appeals committee affirmed, the affected parties sought circuit-court injunctive relief, alleging that they had been denied the opportunity to cross-examine a campus police officer.

PROCEDURAL HISTORY

Hair, Hales, and the fraternity were found guilty of disorderly conduct in university disciplinary proceedings and appealed internally, but the appeals committee affirmed. They then filed a circuit-court complaint seeking

injunctive relief, and the circuit court granted relief based on alleged denial of due process. The Mississippi Supreme Court granted permission for an interlocutory appeal and held that the circuit court lacked jurisdiction because the appellees had not complied with the statutory requirements for a writ of certiorari review.

DISPOSITION

other

CASES CITED

- Smith v. The University of Mississippi, 797 So. 2d 956 (Miss. 2001)
- Miss. State Pers. Bd. v. Armstrong, 454 So. 2d 912 (Miss. 1984)
- Bertucci v. Mississippi Dep't of Corrs., 597 So. 2d 643 (Miss. 1992)

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