

**IN THE COURT OF APPEALS 09/03/96**

**OF THE**

**STATE OF MISSISSIPPI**

**NO. 95-CA-00692 COA**

**PRINCE WOULLARD, JR.**

**APPELLANT**

**v.**

**JANICE MARIE WOULLARD, INDIVIDUALLY AND AS MOTHER AND NEXT FRIEND  
OF PRINCE WOULLARD, III**

**APPELLEE**

**PER CURIAM AFFIRMANCE MEMORANDUM OPINION**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND  
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. SEBE DALE, JR.

COURT FROM WHICH APPEALED: FORREST COUNTY CHANCERY COURT

ATTORNEY FOR APPELLANT:

CHARLES E. LAWRENCE, JR.

ATTORNEY FOR APPELLEE:

EUGENE L. FAIR

NATURE OF THE CASE: DOMESTIC RELATIONS

TRIAL COURT DISPOSITION: JUDGMENT OF CONTEMPT AGAINST APPELLANT FOR  
\$16,372.64

BEFORE BRIDGES, P.J., BARBER, AND MCMILLIN, JJ.

## PER CURIAM:

Janice and Prince Woullard divorced in 1980, and over the next six years returned to court four times via petitions by Janice asserting Prince's failure to pay child support for his two sons. On each occasion, the court entered judgment against Prince holding him in contempt and ordering him incarcerated until he purged himself of contempt. On each occasion, he did so.

The last final judgment in the case, exclusive of this one on appeal, was rendered on September 26, 1986. In that order, Prince was found in contempt for failure to pay support for the fourth time. The order also raised the monthly award of child support from \$300.00 per month to \$400.00 per month, in accordance with the statutory guidelines.

Our son, Dejuan, joined the Navy in 1990, and Prince, "by his unilateral action and without any consent of the Court and any request to the Court, reduced his child support payments by fifty percent." At some point thereafter, the IRS levied against Prince's wages for back taxes (for illegally claiming his sons as dependants), and Prince decided to stop paying any support. He resumed paying \$200 per month for child support in 1993 when the levy was satisfied. In April or May of 1994, Prince stopped all payments of support. On April 4, 1995, the day after Prince III's eighteenth birthday, Janice filed her fifth petition for citation of contempt against Prince. On June 28, 1995, the lower court entered its opinion finding Prince in contempt, ordering him to pay \$16,372.74 in child support arrearage, and ordering him to contribute \$900.00 to Janice's legal fees. Aggrieved, Prince appeals to this Court raising several issues on appeal for our consideration. Finding his arguments to be without merit, we affirm the decision of the lower court.

## ARGUMENT AND DISCUSSION OF THE LAW

### I. WHETHER THE EVIDENCE WAS SUFFICIENT TO CONVICT PRINCE OF CRIMINAL CONTEMPT.

Prince first argues that the evidence was insufficient to convict him of criminal contempt. However, a brief review of the record reveals that Prince was not held in criminal contempt, but in civil contempt. Prince cites no argument or authority for his position that the lower court erred in finding him in civil contempt. "Where assignments of error are unsupported by argument and authority, the court does not, as a general rule, consider them." *Ramseur v. State*, 368 So. 2d 842, 844 (Miss. 1979). This Court will therefore not consider this issue on appeal.

### II. WHETHER DEJUAN IS A NECESSARY PARTY TO THIS ACTION.

The Mississippi Supreme Court has repeatedly held that a trial judge will not be found in error on a matter not presented to him. *Bender v. North Meridian Mobile Home Park*, 636 So. 2d 385, 389 (Miss. 1994); *West Cash & Carry Bldg. Materials, Inc. v. Palumbo*, 371 So. 2d 873, 875-76 (Miss. 1979). Because Prince raises this issue for the first time on appeal, this issue is procedurally barred and will not be reviewed by this Court.

III. WHETHER PRINCE, III WAS EMANCIPATED PRIOR TO HIS EIGHTEENTH BIRTHDAY.

IV. WHETHER THE CHANCELLOR ERRED IN NOT GRANTING PRINCE A SET OFF IN THE AMOUNT OF HIS TAX LEVY AGAINST THE CHILD SUPPORT ARREARAGE.

Our scope of review in domestic relations matters is limited. 'This court will not disturb the findings of a chancellor unless the chancellor was manifestly wrong, clearly erroneous or an erroneous legal standard was applied.' *Bell v. Parker*, 563 So. 2d 594, 596-97 (Miss. 1990).

In other words, '[o]n appeal [we are] required to respect the findings of fact made by a chancellor supported by credible evidence and not manifestly wrong.' *Newsom v. Newsom*, 557 So. 2d 511, 514 (Miss. 1990). This is particularly true 'in the areas of divorce and child support'. *Nichols v. Tedder*, 547 So. 2d 766, 781 (Miss. 1989).

*Ferguson v. Ferguson*, 639 So. 2d 921, 929 (Miss. 1994).

Here, the chancellor made the appropriate findings of fact, on the record, and we believe his findings were supported by credible evidence and not manifestly wrong. Further, the record shows that Prince was not paying support to Janice, and that several judgments of contempt were rendered, during the time that Prince claims he should have received an exemption in his taxes. Thus, it is our opinion that the chancellor would have been manifestly wrong to adjudicate Issue IV otherwise. Accordingly, these issues are without merit.

V. WHETHER JANICE SHOULD HAVE BEEN AWARDED ATTORNEYS' FEES.

It is well settled that an award of attorneys' fees in a contempt action is the responsibility of the person required to make the child support payments. "Otherwise, the responsibility of support would be reduced by the amount the party seeking to enforce the decree would be required to pay an attorney to enforce the decree." *Moore v. Moore*, 372 So. 2d 270, 272 (Miss. 1979). This issue is therefore, without merit.

**THE JUDGMENT OF THE FORREST COUNTY CHANCERY COURT IS AFFIRMED. STATUTORY DAMAGES AND INTEREST ARE AWARDED. ALL COSTS ARE TAXED TO THE APPELLANT.**

**FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, DIAZ, KING,  
McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR.**