

IN THE COURT OF APPEALS OF TENNESSEE
EASTERN SECTION

FILED
December 6, 1995
Cecil Crowson, Jr.
Appellate Court Clerk

CALVIN EDWARD GALLAHER) MEIGS COUNTY
) 03A01-9502-CH-00069
Plaintiff - Appellee)
)
v.) HON. FRANK V. WILLIAMS, III,
) CHANCELLOR
)
DEE ANN GALLAHER)
)
Defendant - Appellant) AFFIRMED AND REMANDED

LEWIS A. COMBS, JR., OF KNOXVILLE FOR APPELLANT
DONALD B. REID OF ATHENS FOR APPELLEE

O P I N I O N

Goddard, P. J.

Dee Ann Curtis Gallaher appeals that portion of a divorce decree entered by the Chancery Court for Meigs County which granted her husband, Calvin Edward Gallaher, custody of their four-year-old daughter.

By her issues on appeal she insists the Trial Court erred in not applying the same-sex and the tender-years

doctrines. She also insists that the evidence preponderates against the Trial Court's award of custody.

Our review of the record, which is in narrative form and as is usual in such cases leaves much to be desired, persuades us this is an appropriate case for affirmance under Rule 10(a) of this Court.¹

For the foregoing reasons the judgment of the Trial Court is affirmed and the cause remanded for such further proceedings, if any, as may be necessary and collection of costs below. Costs of appeal are adjudged against M. Gallaher and her surety.

Houston M Goddard, P. J.

CONCUR:

Herschel P. Franks, J.

¹ Rule 10. (a) Affirmance Without Opinion. The Court, with the concurrence of all judges participating in the case, may affirm the action of the trial court by order without rendering a formal opinion when an opinion would have no precedential value and one or more of the following circumstances exist and are dispositive of the appeal:

(1) the Court concurs in the facts as found or as found by necessary implication by the trial court.

(2) there is material evidence to support the verdict of the jury.

(3) no reversible error of law appears.

Such cases may be affirmed as follows: "Affirmed in accordance with Court of Appeals Rule 10(a)."

Don T. Murray, J.