



This is a rather sordid divorce case. The chancellor granted a divorce and custody of the parties minor child to the appellee. We affirm the judgment of the trial court.

The appellant has presented the following issues for our consideration:

1. Whether the chancellor erred in not awarding appellant, Wanda Collins, custody of the eleven-year-old minor child based on the best interests of the child and the comparative fitness doctrine?
2. Whether the chancellor erred in placing sole custody of the minor child with appellee in light of testimony presented at trial regarding sexual harassment of appellant by her father-in-law?

After a review of the record in this case we have determined that the evidence does not preponderate against the findings of the chancellor. Under Rule 13(d), Tennessee Rules of Appellate Procedure, we are, therefore, required to affirm the judgment of the trial court.

Since it would serve no purpose to make the details of this case more public than they already are, the court is of the opinion that this is an appropriate case for disposition under Rule 10, Rules of the Court of Appeals. The court concurs in the facts as found by the trial court and no reversible error of law appears.

Accordingly, the case is affirmed in accordance with Court of Appeals, Rule 10(a).<sup>1</sup>

Costs are taxed to the appellant and this cause is remanded to the trial court for the collection thereof.

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Don T. Murray

CONCUR:

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Herschel P. Franks, J.

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Charles D. Susano, Jr., J.

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<sup>1</sup>**Rule 10. Affirmative without opinion - Memorandum opinion.**

(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)."

(b) Memorandum Opinion. The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case. [As amended by order filed April 22, 1992.]

IN THE COURT OF APPEALS

WANDA GAYE SEAL COLLINS,	)	HANCOCK CHANCERY
	)	C. A. NO. 03A01-9511-CH-00390
	)	
Plaintiff - Appellant	)	
	)	
	)	
	)	
	)	
vs.	)	HON. DENNIS H. INMAN
	)	CHANCELLOR
	)	
	)	
	)	
	)	
CHARLES EDWARD COLLINS,	)	AFFIRMED AND REMANDED
	)	
Defendant - Appellee	)	

**ORDER**

This appeal came on to be heard upon the record from the Chancery Court of Hancock County, briefs and argument of counsel. Upon consideration thereof, this Court is of opinion that there was no reversible error in the trial court.

The trial court's judgment is affirmed in all respects. Costs are taxed to the appellant and this cause is remanded to the trial court for the collection thereof.

PER CURIAM