



**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

WILLIAMS LA'BERRICK D,	)	
Plaintiff,	)	
	)	
V.	)	Case No.: DR-2020-900600.02
	)	
WILLIAMS DESTINY L,	)	
DEPARTMENT OF HUMAN	)	
RESOURCES DHR,	)	
Defendants.	)	

**FINAL ORDER**

This matter was set for hearing pursuant to a regularly scheduled and published trial docket for the week of June 4, 2024. At the call of the matter for trial both the Plaintiff La'Berrick Williams appeared along with his counsel of record, Jonathan Lusk. The Defendant Destiny Williams appeared along with her counsel of record Christen Butler. the matter is before the Court on the Plaintiff's Petition for Contempt. The Court proceeded to hear testimony and receive exhibits into evidence. The Court having considered the pleadings, evidence, exhibits, arguments, and testimony presented *ore tenus* during the course of this trial, enters the following orders and findings:

1. The parties to this action were divorced by this Court on April 12, 2021 which decree of divorce incorporated a joint settlement agreement between the parties outlining and addressing their areas of agreement, child custody of their child and disposition of the former marital residence.

2. Said Divorce Decree was modified by an entry of a Modification Order by this Court on May 1, 2023. Pursuant to said Modification Order, the parties were to share the true joint custody of the minor child, the Defendant was ordered to pay certain medical expenses and to provide certain items of personal property to the Plaintiff that were awarded to him in the Divorce Decree. The Modification agreement stated that

Upon any further instance of contempt committed by a party and the filing of a Petition before this Court thereon, the parties may revive claims of contempt made in this action for final disposition in any subsequent action.

“ Our supreme court discussed civil and criminal contempt in State v. Thomas, 550 So. 2d 1067, 1072 (Ala. 1989), and stated:

“ ‘ “Contempts are characterized as either civil or criminal. Civil contempt seeks to compel or coerce compliance with orders of the court, while a criminal contempt is one in which the purpose of the proceeding is to impose punishment for disobedience of orders of the court.

“The sanction for civil contempt continues indefinitely until the contemnor performs as ordered. A critical distinction is that the sanction for criminal contempt is limited in Alabama district and circuit courts to a maximum fine of \$100 and imprisonment not to exceed five days.”

This matter was stayed for a period of time as a result of the Defendant's filing of a Bankruptcy petition. Since that time the marital home has been sold.

The Court is very familiar with the parties and has had more than the usual number hearings and contact with litigants. There have been repeated difficulties in co-parenting, following orders and general antagonistic behavior. There were difficulties selling the marital residence, making mortgage payments and making the property presentable. The Defendant has participated in talk shows and discussed the Plaintiff despite her agreement not to do so. The Defendant has been late to drop off or pick up the minor child. The Plaintiff alleges that the Defendant withheld the minor child, however, it appears that the Plaintiff's birthday and Thanksgiving holiday schedule conflicts, or at least it did on one occasion. The Court's holiday schedule and parenting time is not perfect and the Court would expect parents to resolve these issues, but clearly the parties here are unable to do so. The Court will not hold a parent in contempt for ambiguities or conflicts in the custody schedule. However, the failure of either party to respect custody schedules and arrive late to exchange the minor child shall be considered by the Court in any matters addressing custody of the minor child in the future. Based upon the testimony of the parties and the exhibits introduced, it is **ORDERED, ADJUDGED and DECREED** as follows:

1. The Defendant is found to be in willful civil and criminal contempt for her violation of the provision of the Decree of Divorce which provides as follows:

12(c) The parties hereto do hereby covenant each with the other the following:

(1) That each shall refrain from any and all words, conduct, deeds and activities which are intended or calculated to interfere with, abuse, embarrass or intimidate the other

(2) That each will respect the privacy of the other from and after the date hereof.

2. The Court finds that the Defendant willfully and contemptuously failed to pay her share of the minor child's medical bills as required for 3 separate visits.

3. The Court finds that the Defendant willfully and contemptuously failed to pay her share of the HOA yearly fees on 3 separate occasions as required by the Decree of Divorce.

4. The Court finds that the Defendant willfully and contemptuously interfered with attempts to sell the marital residence including removing for sale signs

5. The Court finds that the Defendant willfully and contemptuously failed to pay \$5,000 in attorneys fees as required by the Modification Order entered by this Court on May 1, 2023

6. The Court finds that the Defendant, Destiny Williams is guilty of nine (9) separate acts of criminal contempt. The Destiny Williams, is sentenced to five (5) days incarceration in the Madison County Main Detention Center, 815 Wheeler Avenue, Huntsville, Alabama, for each of said nine (9) acts of criminal contempt, with each sentence of five (5) incarceration to run consecutively, for a total of sentence of forty-five (45) days, suspended for a period of two (2) years, on the express condition that the Defendant complies fully, completely and faithfully with the orders of this Court in the future, including the orders contained herein.

The Court did not impose sanctions including incarceration for numerous other times the Defendant failed to comply with this Court's Order in hopes that the Defendant will change her behavior such that such actions do not need to be addressed in the future.

7. The Defendant shall be responsible for and pay the sum of \$12, 779.13 for the attorneys fees incurred by the Plaintiff for the services of his attorney in this matter. The Defendant shall pay said sum to the Plaintiff within thirty (30) days of this order. This award constitutes a judgment in favor of the Plaintiff against the Defendant for which execution may issue pursuant to Rule 62 to the *Alabama Rules of Civil Procedure*.

8. The Defendant shall pay the sum of \$1,170.77 to the Plaintiff for her share of unpaid medical bills for Valley ENT and Dr. Maples as contained in Plaintiff's Exhibit #27. The Defendant shall pay said sum to the Plaintiff within thirty (30) days of this order. This award constitutes a judgment in favor of the Plaintiff against the Defendant for which execution may issue pursuant to Rule 62 to the *Alabama Rules of Civil Procedure*.

9. The Defendant shall pay the Plaintiff the sum of \$639.83 for her share of Homeowner Association fees and assessments. The Defendant shall pay said sum to the Plaintiff within thirty (30) days of this order. This award constitutes a

judgment in favor of the Plaintiff against the Defendant for which execution may issue pursuant to Rule 62 to the *Alabama Rules of Civil Procedure*.

10. The Defendant shall be responsible for and pay the sum of \$4,093.64 for the unpaid mortgage and escrow fees since September 2022. The Defendant shall pay said sum to the Plaintiff within thirty (30) days of this order. This award constitutes a judgment in favor of the Plaintiff against the Defendant for which execution may issue pursuant to Rule 62 to the *Alabama Rules of Civil Procedure*.

11. All other relief requested is hereby denied.

12. All provisions of the prior decree and modification not herein above modified shall remain unchanged.

Costs are taxed as paid.

**DONE this 13<sup>th</sup> day of August, 2024.**

**/s/ RUTH ANN HALL**  
**CIRCUIT JUDGE**