

IN RE:)
THE HONORABLE LU ANN BALLEW)
CHILD SUPPORT MAGISTRATE)
FOURTH JUDICIAL DISTRICT)
COCKE COUNTY, TENNESSEE)

)
)
) Docket No. M2013-02345-BJC-DIS-FC
)
) File No. B13-5426
)

STIPULATED FACTS

Upon agreement of the parties, the following facts are stipulated:

1.) On May 29, 2013, a Petition to Establish Paternity (the "Petition") was filed by Jaleesa N. Martin (the "Mother") in the Chancery Court of Cocke County Tennessee, at Newport, naming Jawaan P. McCullough (the "Father") as the respondent.

2.) The Petition requested, among other things, that the court determine the child's surname.

3.) At birth, the Mother gave the child the name Messiah Deshawn Martin and this was the name reflected on the child's birth certificate.

4.) On July 18, 2013, the Petition was heard by the Honorable Lu Ann Ballew and, on that date, all matters raised in the Petition, excepting the child's surname, were determined by the court.

5.) During the July 18 hearing, the Father requested that the child's entire name be changed to, Jawaan Paxton McCullough, Jr., and stated that he and his family were concerned about the child being named Messiah.

6.) Magistrate Ballew reserved ruling on the requested name change until August 8, 2013.

7.) On August 8, the parties again appeared before Magistrate Ballew on the issue of the child's name. At the beginning of this hearing, Mr. McCullough again requested that the child's entire name be changed to Jawaan Paxton McCullough, Jr.

8.) Mr. McCullough also expressed that he wanted the child to have this name at birth, and that he and his family had been concerned about the child being named Messiah.

9.) At the conclusion of this hearing, and prior to Magistrate Ballew's ruling, both parties consented to the child retaining his first name, Messiah.

10.) Magistrate Ballew found that it was in the child's best interests to change his name from Messiah Deshawn Martin to Martin Deshawn McCullough and ordered that the name be changed to reflect this decision.

11.) In support of the August 8 ruling, Magistrate Ballew issued a "Statement of Facts and Reasons Supporting Name Change" (the "Statement").

12.) The Statement, among other things, notes the following:

(A) that the court found it was in the best interests of the child to change the child's first and last names;

(B) that “‘Martin’ includes Ms. Martin’s last name as [the child’s] first name. ‘Deshawn’, the child’s middle name given at birth, remains the child’s middle name. ‘McCullough’ gives the child his father’s last name;

(C) that “‘Messiah’ means Savior, Deliverer, the One who will restore God’s kingdom. ‘Messiah’ is a title that is held only by Jesus Christ;” and

(D) that “[l]abeling this child, ‘Messiah’ places an undue burden on him that as a human being, he cannot fulfill.

13.) Following the August 8 hearing, the Father requested a hearing by a judge regarding Magistrate Ballew’s ruling.

14.) On August 9, 2013, Magistrate Ballew granted an interview with WBIR-TV regarding her decision to change the child’s name.

15.) During the section of the August 9 interview which was broadcast to the public, Magistrate Ballew stated the following:

(A) “[t]he word “messiah” is a title and it’s a title that has only been earned by one person and that one person is Jesus Christ”; and


(B) “[i]t could put [the child] at odds with a lot of people and, at this point, he has had no choice in what his name is.”


16.) On August 14, through her attorney, the Mother requested a hearing by a judge regarding Magistrate Ballew’s ruling.


17.) On September 13, 2013, a brief was filed on behalf of Jaleesa Martin, requesting that the court reverse the decision of Magistrate Ballew with respect to the name of the child.


18.) On September 18, 2013, the Honorable Telford E. Forgety, Jr., Chancellor, vacated Magistrate Ballew's order as it related to the child's name, and ordered that the child's first name remain "Messiah" and that his last name be changed to "McCullough".

Respectfully submitted this 4 day of September, 2014.


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