

2016 WL 870920

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Court of Appeals of Mississippi.

Brian S. BOOKER, Appellant  
v.  
Amy Turner BOOKER, Appellee.  
No. 2014–CA–01702–COA.

|  
March 8, 2016.

#### Synopsis

Background: Husband filed a complaint for divorce and cited wife's habitual and excessive use of drugs as grounds for divorce. Wife filed a counterclaim for a divorce on the ground of habitual cruel and inhuman treatment. The Chancery Court, Covington County, [William R. Barnett, J.](#), dismissed husband's complaint for divorce, and then wife voluntarily dismissed her counterclaim. Husband appealed.

[\[Holding:\]](#) The Court of Appeals, [Griffis](#), Presiding Justice, held that husband did not prove that wife's use of prescription medication was excessive, as was required to obtain divorce on the ground of habitual and excessive drug use.

Affirmed.

West Headnotes (2)

#### [\[1\] Divorce](#)

##### [🔑 Habitual Drunkenness](#)

Complainant seeking divorce on ground of spouse's use of drugs must show that spouse customarily and frequently uses drugs; the use of drugs must not only be habitual, but also excessive, and this element requires an abuse of drugs. [West's A.M.C. § 93–5–1](#).

#### [Cases that cite this headnote](#)

#### [\[2\] Divorce](#)

##### [🔑 Physical or Mental Condition](#)