

Mississippi Supreme Court Justice James Maxwell's Nomination To The Federal Bench Raises Concern Over His Anti-Trans, Criminal Justice Opinions

SUMMARY:

In August 2025, President Trump [nominated](#) Mississippi Supreme Court justice James Maxwell II to the U.S. District Court for the Northern District of Mississippi. Maxwell has served on the Supreme Court since 2016, and previously served on the Mississippi Court of Appeals and at the Department of Justice.

In April 2025, Maxwell authored an opinion denying a transgender teenager's [name change petition](#), despite his parents' consent. Maxwell referred to the transgender boy as a female and wrote that a name change was not in the teen's best interest. The ruling ran contrary to the GOP's so-called "parental rights" outrage by directly ignoring parental consent.

In September 2024, Maxwell [joined the majority](#) in ruling that Willie Manning, a man on death row, did not have a right to have new evidence heard in court, despite the scientific evidence used to convict him falling apart. In 2020, Maxwell [authored](#) an opinion that upheld a 12-year prison sentence for a Black man who carried his cellphone into a county jail.

Trump Nominated Mississippi Supreme Court Justice James Maxwell To The Northern District Of Mississippi

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August 2025: Trump Nominated Mississippi Supreme Court Justice James Maxwell To The U.S. District Court For The Northern District Of Mississippi. "President Donald Trump has nominated Mississippi Supreme Court Justice James Maxwell to serve on the U.S. District Court for the Northern District of Mississippi. 'I know James will continue to make his State, and Country, proud in his new position by strongly upholding the Rule of Law, and our Constitution,' the president posted on Truth Social." [Mississippi Free Press, [8/12/25](#)]

2016: Maxwell Was Appointed To The Mississippi Supreme Court And Re-Elected In 2024. "Justice James D. Maxwell II of Oxford was appointed by Governor Phil Bryant to the Mississippi Supreme Court on January 1, 2016. He was later elected to an eight-year term in November 2016 and re-elected in 2024." [State of Mississippi Judiciary, accessed [8/18/25](#)]

2009: Maxwell Was Appointed To The Mississippi Court Of Appeals And Elected In 2010 And 2014. "Justice Maxwell previously served as a judge on the Mississippi Court of Appeals, initially appointed by Governor Haley Barbour on February 2, 2009, then elected in 2010 and re-elected in 2014." [State of Mississippi Judiciary, accessed [8/18/25](#)]

Maxwell Worked At The Justice Department As A Federal Prosecutor And Corporate Fraud Coordinator. "As a federal prosecutor, he represented the United States Department of Justice in prosecutions and jury trials of public corruption, white collar fraud, money laundering, drug trafficking, and gang and immigration crimes. He also handled appeals before the United States Court of Appeals for the Fifth Circuit. He served as Corporate Fraud Coordinator and helped lead the Organized Crime Drug Enforcement Task Force.

He received various commendations from the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.” [State of Mississippi Judiciary, accessed [8/18/25](#)]

On The Bench, Maxwell Has Authored An Anti-Trans Opinion And Upheld A 12-Year Sentence For A Man Who Brought His Cellphone Into County Jail

April 2025: Maxwell Authored An Opinion Denying A Transgender Teenager’s Name-Change Petition, Despite His Parents Consenting

April 2025: The Mississippi Supreme Court Upheld A Ruling Denying A Transgender Teenager’s Name-Change Petition, Despite The Parents Consenting. “The Mississippi Supreme Court on Thursday upheld a ruling denying a transgender teen’s name-change petition. The ruling comes nearly two years after a then 16-year-old undergoing a gender transition filed a petition to change his name to better fit his gender identity. Both of the teen’s parents consented to the name change. But Hinds County Chancery Judge Tametrice Hodges in November 2023 denied the petition, citing the teen’s lack of maturity.” [Associated Press, [4/17/25](#)]

Justice Maxwell Authored The Opinion. “BEFORE COLEMAN, P.J., MAXWELL AND BRANNING, JJ. MAXWELL, JUSTICE, FOR THE COURT: [...] Because the chancellor did not manifestly err by dismissing the petition to be refiled when the minor is more mature, we affirm.” [Supreme Court of Mississippi, Petition of S.M.-B v. Mississippi State Board of Health, Opinion, filed [4/17/25](#)]

Maxwell Wrote That In Mississippi, A Chancellor May Only Grant A Minor’s Name Change When It Is Clearly In The Child’s Best Interest, And That A Name Change Was Not In The Child’s Best Interest Due To A “Lack Of Maturity.” “‘The petitioner’s primary appellate argument is that the chancellor had no discretion to deny the name-change petition because it was uncontested and both parents agreed,’ the majority opinion, written by Justice James D. Maxwell II, says. ‘But Mississippi law says otherwise. In fact, in Mississippi, a chancellor may only grant a minor’s name change ‘where to do so is clearly in the best interest of the child.’ And here, the chancellor determined allowing the minor to legally change her name as part of a gender transition was not in the young girl’s best interest due to a lack of maturity.’” [Associated Press, [4/23/25](#)]

The Court Referred To The Transgender Boy As A “Young Female” And Used Feminine Pronouns. “The Mississippi Supreme Court voted 8-1 to uphold the ruling, referring in the ruling to the trans boy as a ‘minor female’ and using feminine pronouns.” [Associated Press, [4/23/25](#)]

Maxwell Has Ruled Against Prisoners, Ruling That A Man On Death Row Convicted With Debunked Science Did Not Have A Right To Have New Evidence Heard And Upholding A Harsh Sentence On A Man For Carrying A Phone Into Jail

September 2024: Maxwell Ruled That A Man On Death Row Did Not Have A Right To Have New Evidence Heard In Court

September 2024: The Mississippi Supreme Court Ruled 5-4 That A Man On Death Row Did Not Have A Right To Have New Evidence Heard In Court. “The Mississippi Supreme Court was divided 5-4 in its ruling against a man on death row, saying Willie Jerome Manning did not have a right to have new evidence heard in court. ‘Today the Court perverts its function as an appellate court and makes factual determinations that belong squarely within the purview of the circuit court judge,’ Justice James Kitchens wrote on behalf of the minority,

which included Justices Leslie King, Josiah Coleman and Robert Chamberlin.” [Mississippi Clarion Ledger, [9/24/24](#)]

- **The Scientific Evidence Used To Help Convict The Man Had Fallen Apart In Later Years, With The FBI Saying Conclusions Were Not Supported And An Informant Recanting.** “He remains on death row, convicted of the 1992 murders of two Mississippi State University students, Jon Stephen Steckler and Pamela Tiffany Miller, but the scientific evidence that helped convict him has fallen apart. At trial, an FBI examiner told jurors that bullets fired into a tree, allegedly by Manning, matched those used to kill the couple to the exclusion of all other guns. The FBI later said such a conclusion was not supported by scientific standards. Another FBI examiner testified that hairs found in Miller’s car belonged to someone Black. Steckler and Miller were white, and Manning is Black. The FBI later called such hair analysis invalid.” [Mississippi Today, [11/14/24](#)]

Maxwell Joined The Majority, Which Wrote That A Majority Of The Court Had Never Determined That The Cumulative Effect Of The Evidence Undermined The Reliability Of Petitioner’s Conviction. “‘A majority of this Court never has determined that the cumulative effect of the evidence undermined the reliability of petitioner’s conviction,’ Justice Michael Randolph wrote for the majority, which included Justices James Maxwell, Dawn Beam, David Ishee and Kenneth Griffis.” [Mississippi Clarion Ledger, [9/24/24](#)]

January 2020: Maxwell Upheld A 12-Year Prison Sentence For A Man Who Brought His Cellphone Into County Jail

January 2020: The Mississippi Supreme Court Unanimously Upheld A 12-Year Prison Sentence For A Black Man Who Carried His Cellphone Into A County Jail Cell. “The Mississippi Supreme Court’s confirmation of a 12-year prison sentence for an African American man who carried his mobile phone into a county jail cell is being slammed as a brutal example of racial injustice. Even one of the justices who joined in the unanimous ruling said that while the sentence is legal, the prosecutor and trial judge could have avoided punishing the man entirely.” [Associated Press, [1/16/20](#)]

- **A 2012 Law Set A Sentencing Range Of Three To 15 Years For Inmates Found With Cellphones In State Jails.** “A 2012 Mississippi law sets a sentencing range of three to 15 years for inmates found with deadly weapons, cellphones or components of cellphones in state jails and prisons.” [Associated Press, [1/16/20](#)]

Maxwell Wrote That “Though Harsh, Nash’s Sentence Falls Within The Statutory Range.” “Nash, now 39, didn’t seek to overturn his conviction, but argued on appeal that his August 2018 sentence was grossly disproportionate, violating the constitutional ban on cruel and unusual punishment. Mississippi justices unanimously rejected his argument. ‘Though harsh, Nash’s sentence falls within the statutory range,’ Justice James Maxwell wrote for the high court on Jan. 9.” [Associated Press, [1/16/20](#)]

The Court’s Only Black Justice Wrote That The Case Demonstrated A Failure Of The Criminal Justice System And Sentencing Reform Advocates Expressed Outrage Over The Case. “Justice Leslie King is currently the only African American justice on the nine-member court. He wrote that Willie Nash’s case ‘seems to demonstrate a failure of our criminal justice system on multiple levels’ because it’s not clear whether Nash was properly searched or told not to take his phone into his cell when he was booked on a misdemeanor charge. Sentencing reform advocates have expressed outrage, and Leonard Pitts, a nationally syndicated Miami Herald columnist, published Gov. Tate Reeves’ phone number, urging readers to tell the newly inaugurated governor to ‘let my people go.’” [Associated Press, [1/16/20](#)]

April 2018: Maxwell Concurred In Part And Dissented In Part In A Case Granting Same-Sex Couples The Same Parenting Rights As Different Sex Couples, Agreeing That The Sperm Donor Was Wrongly Granted Parental Rights But Cautioning Against The Court Overstepping

The Court Ruled That Married Same-Sex Couples Have The Same Parenting Rights As Different Sex Couples

April 2018: The Mississippi Supreme Court Ruled That Married Same-Sex Couples Have The Same Parenting Rights As Different Sex Couples In A Case Involving A Non-Biological Lesbian Mother's Custody Case. "Today, Mississippi Supreme Court ruled that married same-sex couples should have the same parenting rights as different sex couples in a Lambda Legal case on behalf of Chris Strickland, a non-biological lesbian mother who was denied legal parentage for children she and her now ex-wife planned for and raised together. The court remanded the appeal, filed with local counsel Dianne Ellis, back to the trial court." [Lambda Legal, [4/5/18](#)]

The Majority Found That The Chancery Court Erred Because An Anonymous Sperm Donor Is Not A Legal Parent Whose Rights Must Be Terminated And The Doctrine Of Equitable Estoppel Procluded Challenge Of The Non-Biological Mother's Legal Parentage. "After review of the record and the relevant law, we find that the chancery court erred in this finding. First, an anonymous sperm donor is not a legal parent whose rights must be terminated. And second, the doctrine of equitable estoppel precludes Kimberly from challenging Christina's legal parentage of Z.S. And so we reverse the findings of the chancery court and remand the case for a custody determination in a manner that is consistent with this opinion." [Supreme Court of Mississippi, Strickland v. Day, Opinion, [4/5/18](#)]

- **Equitable Estoppel Is A Legal Defense That Prevents A Party From Using A Right Against A Person When The Right Arises From Misleading Actions.** "Estoppel in pais (also called equitable estoppel) is a defense doctrine that prevents a party from using a right against another party when the right arises out of misleading actions from the person claiming the right. The doctrine arose under common law as a method for preventing someone from taking unfair advantage of another through legal channels. For example, if someone misleads their partner to believe they were legally married, they cannot use the illegitimacy of the marriage later in divorce proceedings as an argument against splitting property in half." [Cornell Law School, Legal Information Institute, accessed [8/22/25](#)]

Chamberlin Joined Multiple Writings In Part, Appearing To Argue That The Sperm Donor Should Not Have Been Given Parental Rights But That The Court Went Too Far And Should Have Remanded The Case To The Trial Judge

Maxwell Concurred In Part And Dissented In Part, Writing That The Sperm Donor Should Not Have Been Declared The Natural Father, And That The Legislature Should Determine Parental Rights For A Sperm Donor Rather Than The Court Heavily Weighing In. "MAXWELL, JUSTICE, CONCURRING IN PART AND DISSENTING IN PART: I agree with the plurality that the chancellor wrongly declared the sperm donor the natural father. [...] The proper course is to remand to the chancellor for factual findings, keeping in mind the polestar consideration of all custody matters—the best interest of the child. I do, however, agree with Chief Justice Waller on one point—what parental rights a sperm donor may or may not have is a policy issue for the Legislature, not the Court. [...] Indeed, it is dangerous for the plurality to weigh in so heavily with what it views to be the best policy, since we all agree the chancellor erroneously inserted this issue into the case. [...] CHAMBERLIN, J., JOINS THIS OPINION IN PART." [Supreme Court of Mississippi, Strickland v. Day, Opinion, [4/5/18](#)]

Maxwell Joined Chief Justice Waller's Concurrence In Part, Where He Concurred In Part And In Result, Saying That Two People Legally Married Should Both Be Considered Parents For The Determination Of Parental Rights But Calling On The Legislature To Speak To The Issue. "The narrow issue before the Court is whether two people legally married who jointly engage in a process of assisted reproduction technology resulting in the natural birth by the gestational mother are both considered parents for purposes of divorce and determination of parental rights of the minor child. I conclude that they are and that the decision of the chancellor should be reversed and remanded. [...] While this Court can use common-law principles to render a decision here, the Legislature should speak directly to the recognition of the legal status of children born during a marriage as the result of assisted reproductive technology. [...] RANDOLPH, P.J., COLEMAN, MAXWELL AND CHAMBERLIN, JJ., JOIN THIS OPINION IN PART." [Supreme Court of Mississippi, Strickland v. Day, Opinion, [4/5/18](#)]

Chamberlain Joined The Opinion Of Justice Coleman In Part, Who Concurred In Part And Dissented In Part, Saying All Justices Agreed The Lower Court Judge Erred In Finding The Parental Rights Of The Anonymous Sperm Donor Must Be Terminated But Stating He Could Not Rule On Equitable Estoppel Because It Was Not Presented To The Trial Court. "All justices agree that, at least in the instant case, the trial judge erred in finding that the parental rights of the anonymous sperm donor must be terminated before the legal status of Christina Day could be adjudicated. However, I agree with Presiding Justice Randolph that we should not be rendering a decision based on an issue never presented to the trial court, e.g., the application of equitable estoppel. Accordingly, I would reverse the chancellor's order, hold that he erred in finding that the anonymous sperm donor enjoyed parental rights, and remand the case to the trial court to allow the parties to present whatever evidence and arguments they wish that accord with the Court's holding. [...] MAXWELL, J., JOIN THIS OPINION IN PART." [Supreme Court of Mississippi, Strickland v. Day, Opinion, [4/5/18](#)]

Maxwell Joined The Opinion Of Justice Randolph In Part, Who Wrote That A Trial Court Could Not Be Held In Error For An Issue Not Presented To It. "Finally, our precedent mandates that a trial court cannot be held in error for an issue not presented to it for determination. [...] Equitable estoppel was raised for the first time on appeal, and therefore should not be considered by this Court. [...] COLEMAN, MAXWELL AND CHAMBERLIN, JJ., JOIN THIS OPINION IN PART." [Supreme Court of Mississippi, Strickland v. Day, Opinion, [4/5/18](#)]

Maxwell Has Voted In Line With Some Democratic Protections, Striking Down A Racially Discriminatory Law And Dissenting In A Case Attacking The State's Ballot Initiative Program

September 2023: Maxwell Authored An Opinion Striking Down A Discriminatory Law Creating Unelected Special Circuit Court Justices

September 2023: The Mississippi Supreme Court Struck Down The State Legislature's Attempt To Create Four Unelected Special Circuit Court Justices. "The Mississippi Legislature's attempt to create four unelected special circuit court judges in Hinds County is unconstitutional, the Mississippi Supreme Court ruled today, while upholding House Bill 1020's creation of a single inferior court in Jackson's Capitol Complex Improvement District. Justices heard arguments in the case in July. In an 8-0 decision, the justices agreed with resident plaintiffs Ann Saunders, Sabvreen Sharriff and Dorothy Triplett's argument that H.B. 1020 'Section 1's creation of four new appointed 'temporary special circuit judges' in the Seventh Circuit Court District for a specified, almost-four-year term violates our Constitution's requirement that circuit judges be elected for a four-year term.'" [Mississippi Free Press, [9/21/23](#)]

- **Opponents Of The Law Claimed Its Provisions Were Racially Discriminatory.** "The law at issue, House Bill 1020, prompted protests earlier this year and a federal lawsuit claiming that its provisions

are racially discriminatory. Among other things, the law created four special circuit judges for Hinds County, which were to be appointed by the chief justice of the Mississippi Supreme Court instead of voted on by local residents.” [State Court Report, [9/26/23](#)]

Justice Maxwell Authored The Opinion. “EN BANC. MAXWELL, JUSTICE, FOR THE COURT: [...] For these reasons, we affirm in part and reverse and render in part the chancellor’s order dismissing Saunders’s complaint. Specifically, we affirm the dismissal of her claims that House Bill 1020, Section 4, and Section 9-1-105(2) are unconstitutional.” [Supreme Court of Mississippi, Saunders v. Mississippi, Opinion, filed [9/21/23](#)]

June 2021: Maxwell Dissented After The Mississippi Supreme Court Killed The State’s Ballot Initiative Program

June 2021: The Mississippi Supreme Court Nullified The State’s Citizen Initiative And Referendum Program. “Mississippi voters finally regained the right to make changes by ballot-initiative after a seven-decade stint without it. But last month, the Mississippi Supreme Court once more cited a technicality as it nullified Section 273(3), the state constitution’s 1992 ballot-initiative law, after the mayor of Madison, Miss., objected to a voter-approved medical-marijuana law.” [Mississippi Free Press, [6/1/21](#)]

Maxwell Dissented, Claiming That The Court Killed The Citizen Initiative Process. “Associate Justice James D. Maxwell II issued a sharp critique of the Court’s 6-3 decision in his dissent, asserting that, by stripping the ballot-initiative process from voters, the Court had stepped ‘completely outside of Mississippi law to employ an interpretation that not only amends but judicially kills Mississippi’s citizen initiative process.’” [Mississippi Free Press, [6/1/21](#)]

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