

From: [WILLIAM A CHARLTON](#)
To: [rgpierce](#)
Cc: [RAMEY S SMITH](#)
Subject: Fw: Response to inquiries
Date: Thursday, April 2, 2020 2:30:57 PM
Attachments: [1466.pdf](#)

FYI

From: WILLIAM A CHARLTON
Sent: Thursday, April 2, 2020 2:29 PM
To: Judith Eldridge <jeldridge@grenadacountymys.org>
Subject: Response to inquiries

Judith,

Good afternoon. In response to your inquiries, all courts are to remain open in order to meet constitutional obligations, provide the public access to the courts, and hear emergency matters. The Mississippi Supreme Court's Emergency Administrative Orders 1 through 7 provide guidelines for the courts to follow to minimize public health risks from coronavirus (COVID-19).

The Governor's Executive Order No. 1466 (attached) states in part:

"c. Evictions Suspended: Pursuant to Miss. Code Ann. §§ 33-15-11(c)(1) and 33-15-11(c)(4), evictions within the State of Mississippi are suspended, and all state, county and local law enforcement officers are directed to cease enforcement of orders of evictions for residential premises **during this Shelter in Place Order**. No provision contained within this Executive Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage."

It also states in part:

"This Shelter in Place shall be effective at 5:00 p.m. on Friday, April 3, 2020, and shall remain in full force and effect until 8:00 a.m. on Monday, April 20, 2020, unless rescinded, modified or extended."

It would appear that neither the Mississippi Supreme Court's Emergency Administrative Orders nor the Governor's Executive Order 1466 prohibit a landlord from filing a complaint or the court from docketing that action for a hearing when the "Shelter in Place Order" is no longer in effect.

Regarding your inquiry on eviction cases docketed for next week, I would draw your attention to Miss. Code Ann. § 89-7-41, which provides in part:

"(1) If the decision is in favor of the landlord or other person claiming the possession of the premises, the magistrate shall issue a warrant to the sheriff, constable, or other officer immediately upon request, except when prohibited or otherwise provided under Section 89-7-45, commanding him immediately to put the landlord or other person into possession of the premises, and to levy the costs of the proceedings of the goods and chattels, lands and tenements, of the tenant or person in possession of the premises who shall have controverted the right of the landlord or other person."

Issuing a warrant commanding the sheriff, constable, or other officer to immediately put the landlord or other person into possession of the premises WOULD BE A VIOLATION of the Governor's Executive Order 1466.

Mississippi Supreme Court's Emergency Administrative Order #1 provides in part: "The trial courts are hereby authorized to exercise their sound discretion in extending deadlines, rescheduling hearings and trials and any other matters by case specific actions or by general orders."

Mississippi Supreme Court's Emergency Administrative Order #5 provides in part: "Each judge is authorized to determine the manner in which necessary in-person proceedings are to be conducted. Any such in-person proceedings shall be limited to attorneys, parties, witnesses, security officers, members of the press, and other necessary persons, as determined by the trial judge."

I hope this information is helpful. Stay safe and well!

Sincerely,
Bill