

IN THE CHANCERY COURT OF LOWNDES COUNTY, MISSISSIPPI

IN RE: WEAPONS IN COURTHOUSES

CAUSE NO.: 2003-0412

ORDER OF THE COURT

This Order is issued by the Court in response to the decision rendered by the Supreme Court of the State of Mississippi vacating a previous order of this Court restricting the possession or carry of any weapon within any of the seven courthouses of the 14th Chancery Court District of Mississippi. The previous order was vacated by decision handed down in *Ward v Colom*, 2016 M-1082, In the Supreme Court for the State of Mississippi. In that mandate, the majority found that under certain circumstances a trial judge had the authority to take whatever action the exigent circumstances might demand to restrict the legal or non legal carry of any weapon within the courthouses of the District.

A concurring opinion was set forth by Justice Chamberlain, who voted in the majority. Justice Chamberlin's concurring opinion was joined by four other justices. Justice Chamberlin stated that, "a judge certainly has the right to deem these areas (referring to Judges' chambers, witness rooms, jury rooms) to be part of the courtroom while court is in session." Justice Chamberlin goes further by stating, ".....judges may have the authority to step outside of the courtroom limitation where the facts of a specific case so warrants." Justice Chamberlin cites as examples, "gang-related trials or highly emotional circumstances such as those involving crimes against children." Other Justices in the majority wrote that they believed the Order was too broad and should be returned to the issuing Court for correction.

Chancery Court, unlike Circuit Court, is not bound by Terms for the conduct of its business. By law, Chancellors can hear emergency petitions concerning child custodies, domestic violence petitions, and divorce petitions, regardless of terms. These are presented on any day, any

hour of the day and often by *pro se* litigants. Chancellors must address the relief requested by law and often advance the issue upon the docket. Furthermore, Chancellors can hear these matters and should hear these matters immediately and without delay of any kind. They may hear these matters in any county and whether there is a term or not is never considered. In addition, the Chancellors of the 14th Chancery District, on a daily basis hear these matters and are available both during regular hours and when needed after hours. Finally, the Chancellors conduct this business in their respective offices and/or chambers adjacent to the courtrooms.

The emotional aspect of the large majority of matters dealt with by the Chancery Court is beyond any reasonable question or doubt. Almost daily, in some of the more populous counties, attorneys and *pro se* litigants are visiting the Chancellors in Chambers to present orders and other legal matters. Therefore, again without question, the safety of the litigants, anyone accompanying them, the general public visiting the Courthouses and the Chancellors and court personnel are always at risk. As Justice Chamberlin put so well, almost every matter before the Chancellor in their office or chambers is one of a “highly emotional circumstance”. There can be no effective way to insure the total safety of anyone in any of the courthouses if the opposite party enters the courthouse firing a weapon. However, placing the proper controls on such weapon availability at proper times inside the courthouses would provide a huge advantage to safety, lessening of fear and/or intimidation and averting a tragedy which would affect the judicial system for decades.

The public, litigants and courthouse personnel entering the courthouses have the right to be free from fear and to know that they are in a place of respect and law where justice will be dispensed equally and without fear of personal safety. Therefore, in keeping with the mandate of the Supreme Court and the responsibility that the undersigned has as sworn judicial officers, this Court orders that no weapons of any kind will be allowed in any courthouse within the 14th

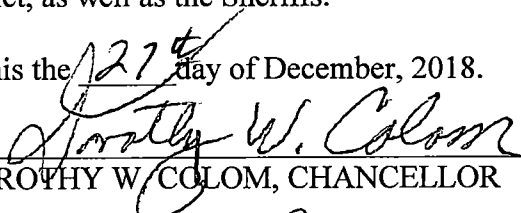
Chancery district, whether carried by legal permit or otherwise, except those carried by duly authorized employed law enforcement officers, court bailiffs or courthouse security personnel. If a law enforcement officer is in the courthouse as a party litigant, then he/she shall be subject to this prohibition, as would any private citizen.

Because of the necessity of traveling the halls and other entrance ways to reach courtrooms, this Court makes the courtroom coextensive with any courthouse door. This order shall not extend past any exterior door of any courthouse in the 14th Chancery Court District and shall not be applicable to any public areas outside the respective courthouses.


Further, in keeping with the direction of the Supreme Court, the order shall only be effective if any Circuit, Chancery, County, or municipal judges, special masters or other duly authorized magistrate is in the courthouses conducting sworn duties, whether in chambers. offices or courtrooms, *ex parte* or on the Bench. As long as the parties identified are in the courthouses, this order will be effective. If none of the identified parties are present, this order shall not be enforced. This Order is specific to the 14th Chancery Court District alone and does not extend to any other courthouses or established court districts.

The Lowndes County Chancery Clerk is instructed to forward by mail a certified copy of this Order to the Clerks of the 14th Chancery Court District, as well as the Sheriffs.

SO ORDERED, ADJUDGED and DECREED, this the 27th day of December, 2018.


DOROTHY W. COLOM, CHANCELLOR


KENNETH M. BURNS


H.J. DAVIDSON, JR.