IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CA-00412-COA

J.T. ROBINSON **APPELLANT**

v.

ANDREW C. SARTIN **APPELLEE**

DATE OF JUDGMENT:	12/05/2024
TRIAL JUDGE:	HON. CARMEN BROOKS DRAKE
COURT FROM WHICH APPEALED:	ADAMS COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	SCOTT FLETCHER SLOVER
ATTORNEYS FOR APPELLEE:	L. CLARK HICKS JR. R. LANE DOSSETT
NATURE OF THE CASE:	CIVIL - PERSONAL INJURY
DISPOSITION:	AFFIRMED - 11/10/2026
MOTION FOR REHEARING FILED:	

BEFORE BARNES, C.J., McCARTY AND LASSITTER ST. PÉ, JJ.

LASSITTER ST. PÉ, J., FOR THE COURT:

¶1. At a meeting of the Natchez Preservation Commission, Commissioner Andrew Sartin mentioned that he had received phone calls about the condition of Nellie's, a storied building in the city. Sartin said that Nellie's should be added to a list of properties that were at risk for demolition by neglect. J.T. Robinson owned the property known as Nellie's and was present at the meeting. He later sued Sartin for slander based on this remark. But the Adams County Circuit Court granted summary judgment in Sartin's favor, finding that Robinson's complaint was filed one day too late and suggesting that Robinson could not prove the elements of slander even if the complaint were timely.

¶2. Robinson appealed, and after review, we affirm.

FACTS AND PROCEDURAL HISTORY

¶3. J.T. Robinson owns real property at 416 N. Rankin Street in Natchez, a building commonly known as Nellie's. At a September 14, 2022 meeting of the Natchez Preservation Commission (NPC), Commissioner Andrew Sartin stated that he had received phone calls about the condition of Nellie's and said he would like to add the property to a list of neglected properties that were at risk for demolition by neglect. Robinson was present at the meeting, though he did not expect Nellie's to become a topic of discussion.

¶4. A year and a day later, on September 15, 2023, Robinson filed a complaint against Sartin for slander based on the statements made at the NPC meeting.[1] Sartin responded with a motion to dismiss, arguing that the one-year statute of limitations for slander had run on Robinson's claim. Robinson argued in response that republication of Sartin's statements by the *Natchez Democrat* constituted a continuing tort that tolled the statute of limitations.

¶5. The circuit court later converted Sartin's motion to dismiss into a motion for summary judgment, noting that at a hearing on the motion, the court had considered the minutes from the NPC meeting that Sartin attached to his motion to dismiss.[2] The parties supplemented their pleadings as required. Sartin provided the NPC meeting minutes and his own affidavit, swearing the date of the meeting was September 14, 2022, and that the minutes were true and

[1] Robinson's original complaint erroneously stated that the remarks had been made on September 16, 2022; he later amended the complaint to provide the correct date.

[2] In fact, the circuit court originally granted Sartin's motion to dismiss but later vacated the order and directed the parties to address the issue as a summary judgment motion.

accurate. The minutes reflect that Sartin "requested that 416 N. Rankin Street be added to the Demolition by Neglect list."

¶6. Robinson's response included his own affidavit, photographs showing improvements he had made to Nellie's, and two undated articles from the *Natchez Democrat*. Robinson's response also sought leave to amend his complaint based on statements Sartin allegedly made to the newspaper on September 30, 2022. Robinson alleged that Sartin's statement was false and slanderous per se because it accused him of a crime (demolition by neglect).

¶7. The circuit court granted summary judgment in Sartin's favor, finding that Robinson failed to file his complaint within the one-year statute of limitations for slander, which required that he file suit on or by the one-year anniversary of the statement. The court also rejected Robinson's argument that subsequent publications by the newspaper extended the statute of limitations or created a new cause of action. Finally, the court noted that its review of the newspaper articles and Robinson's affidavit did not show that the elements of defamation could be met.

¶8. Robinson appealed, arguing that the circuit court erred as a matter of law in granting summary judgment due to the statute of limitations and that the circuit court abused its discretion in denying him leave to amend.

ANALYSIS

I. Did the circuit court correctly apply the statute of limitations for the slander claim?

¶9. Robinson argues that the circuit court erred by applying the statute of limitations for

slander to bar his suit against Sartin. Robinson argues that calculating the statute of limitations for slander does not include the day the slander was uttered.

¶10. We review a circuit court's grant of summary judgment using a de novo standard of review. *Hudson v. Palmer*, 977 So. 2d 369, 378 (¶19) (Miss. Ct. App. 2007). Causes of action for slander must be brought within one year of their accrual. Miss. Code Ann. § 15-1-35 (Rev. 2019) ("All actions for . . . slanderous words concerning the person or title . . . and for libels, shall be commenced within one (1) year next after the cause of such action accrued, and not after."); *Hudson*, 977 So. 2d at 378 (¶19); *see also Fairley v. ESPN Inc.*, 879 F. Supp. 2d 552, 554 (S.D. Miss. 2012) ("Mississippi allows causes of action for defamation and related torts to be filed within one year of the first publication, and no later."). Additionally, "[a]n action for libel or defamation accrues at the time of the first publication." *McCorkle v. McCorkle*, 811 So. 2d 258, 265 (¶15) (Miss. Ct. App. 2001).

¶11. Robinson alleged that Sartin defamed him at the NPC meeting held on September 14, 2022, which is when the cause of action accrued. Both parties agree that the cause of action accrued on that date. One year from that date would be September 14, 2023, but Robinson's complaint was not filed until September 15, 2023—clearly not "within one (1) year next after the cause of . . . action accrued."

¶12. Robinson argues that "other rules and statutes do not count the day the action" accrued, citing Mississippi Rule of Civil Procedure 6(a), which states, "In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable

statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included." M.R.C.P. 6(a); *see Brocato v. Miss. Publishers Corp.*, 503 So. 2d 241, 242 n.3 (Miss. 1987) (using Rule 6(a) "for the method of computing time under the statute of limitations"). Robinson argues that this so-called "anniversary rule" means that if the tort occurred on September 14, 2022, to calculate his one-year statutory filing, he would begin counting from the following day—September 15, 2022—and that 365 days later would be September 15, 2023. Thus, by his count, his complaint was timely.

¶13. However, Robinson miscounted the days: a 365-day count starting from September 15, 2022, lands at September 14, 2023, making Robinson's complaint one day too late. This calculation is supported by other applications of the anniversary rule. *See Unruh v. Johnson*, 404 So. 3d 1166, 1168 (¶4) (Miss. 2025) (holding that a complaint filed on December 9, 2020, relating to a cause of action that accrued on December 10, 2017, was timely because it was filed on December 9, 2020, "*the day before* the three-year statute of limitations would have expired"); *Lynch v. Liberty Mut. Ins. Co.*, 909 So. 2d 1289, 1292 (¶¶11-12) (Miss. Ct. App. 2005) ("According to the testimony, . . . the last known act of [menace] occurred on March 11, 2000. Therefore, any claims [under section 15-1-35] were required to be filed within one year after March 11, 2000.").

¶14. Robinson's complaint was filed one day too late. It is barred by the statute of limitations, and we affirm the circuit court's grant of summary judgment on that ground.

II. Did the circuit court err by denying the motion to amend to add allegedly similar false statements?

¶15. Robinson argues the circuit court erred by denying his motion for leave to amend his complaint, arguing that Sartin's restatement of the alleged slander to the *Natchez Democrat* created a new cause of action for slander.

¶16. We review the circuit court's denial of a motion to amend for an abuse of discretion. *Warnock & Assoc. LLC v. City of Canton*, 328 So. 3d 1254, 1265-66 (¶31) (Miss. Ct. App. 2021). Leave to amend a complaint should be "freely given when justice so requires," but "there are good and valid reasons for denying a motion for leave to amend, such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc." *Id.* at 1266 (¶31); *see also* M.R.C.P. 15(a).

¶17. The circuit court denied Robinson's ore tenus motion for leave to amend because the statute of limitations had expired as to the defamation claims. As noted, we affirm the circuit court's decision on the statute of limitations regarding the statements made at the NPC meeting.

¶18. But Robinson argues that subsequent statements to the *Natchez Democrat* about the NPC meeting create a new cause of action. In his brief in opposition to summary judgment, Robinson also sought leave to amend his complaint to include statements allegedly published by the *Natchez Democrat* on September 30, 2022.

¶19. Robinson attached as exhibits printed versions of undated articles from the *Natchez*

Democrat. In the first, Sartin is not quoted; the report merely restates the fact that Sartin asked to have Nellie's added to "an adjudication list" and that Robinson "was warned that if he allow[ed] the house to deteriorate further, he could face a 'demolition-by-neglect' process." The second undated article does quote Sartin:

> "I approached the Board and said we needed to see if [Nellie's] is being faced with demolition by neglect. I can't make a motion because I chair the board. There was no formal action taken and therefore [Robinson] did not have to be notified."
>
> "You wouldn't believe how many people call us. Several people came to me and said they were concerned about Nellie's. Generally, someone reports it and it doesn't have to come through the preservation commission."
>
> "We don't make laws. We're not legislative. We're administrative."

¶20. The article also paraphrases Sartin's explanation of the demolition-by-neglect process:

> The next step would be to examine the structure to see if it is facing demolition by neglect, meaning the house is open to weather damage. If a house is found to be facing demolition by neglect, a notice would be issued to the owner that something should be done to reverse the demolition process, such as replacing the roof, walls, windows, doors, or whatever is needed to enclose the structure and prevent further damage. "It doesn't force the owner to renovate it completely," Sartin said. "All they would need to do is make it weather tight."

¶21. In the court's order granting summary judgment in Sartin's favor and dismissing with prejudice all of Robinson's claims, the court found that "a new action does not accrue each time there is a subsequent republication of offensive words," and that the court's review of the *Natchez Democrat* articles left it "unable to discern evidence from which the elements of defamation might be met." Accordingly, the circuit court found that Robinson's cause of action for slander accrued on September 14, 2022, that the alleged republications of the

alleged slander did not create a new cause of action, and that Robinson's complaint was filed one day too late.

¶22. This was not an abuse of discretion. The circuit court correctly concluded that the republished statements in the newspaper could not create a new cause of action. For nearly a century, the law of this State has recognized that defamation is complete when a statement is first uttered, even if damage arising from that statement continues or even accumulates. *Forman v. Miss. Publishers Corp.*, 195 Miss. 90, 14 So. 2d 344 (1943). In *Forman*, the Supreme Court noted:

> There seems to be no doubt that the statute of limitations begins to run from the date of the first publication. . . . Since the gravamen of the offense is not the knowledge by the plaintiff nor the injury to his feelings but the degrading of reputation, the right accrued as soon as the [the statement was made] to third persons in whom alone such repute is resident. The tort is then complete even though the damage may continue or even accumulate.

Id. at 347 (citations omitted).

¶23. Additionally, the statements reported in the newspaper do not appear to be defamatory. "Defamation is 'that which tends to injure reputation in the popular sense; to diminish the esteem, respect, goodwill or confidence in which the plaintiff is held, or to excite adverse, derogatory or unpleasant feelings or opinions against him.'" *Speed v. Scott*, 787 So. 2d 626, 631 (¶21) (Miss. 2001) (quoting Prosser & Keeton on Torts § 111, at 771 (5th ed. 1984)). To prove defamation in Mississippi—whether slander (oral) or libel (written)—Robinson must be able to show (1) a false statement that has the capacity to injure his reputation; (2) that was communicated to a third party; (3) negligence or malice on the

part of the defendant; and (4) proof of "special harm" unless the statements were per se actionable. *Id.* at 631-32 (¶¶21, 25).

¶24. Robinson suggests that the statements were per se slanderous because they suggested that he was guilty of a "crime"—demolition by neglect. "Words imputing the guilt or commission of some criminal offense involving moral turpitude and infamous punishment" are a recognized per se slander. *W.T. Farley Inc. v. Bufkin*, 159 Miss. 350, 132 So. 86, 87 (1932). However, the mere fact that a crime was alleged—if demolition by neglect is a crime—is not enough: "it is not always the crime, but rather the character of the act charged, which will be determinative." *Speed*, 787 So. 2d at 633 (¶29) (quoting Prosser & Keeton on Torts §112, at 789). We therefore agree with the circuit court's conclusion that Robinson could not prove defamation based on Sartin's statements at the meeting or subsequent publications by the newspaper.

¶25. The circuit court did not abuse its discretion by denying Robinson's motion for leave to amend, as amendment was futile—because of the statute of limitations and the insufficient factual basis for his claim.

CONCLUSION

¶26. We affirm the circuit court's order granting summary judgment against Robinson. Robinson's complaint for slander was filed one day beyond the one-year statutory period for slander claims, and his effort to extend that period by including subsequent republications of the allegedly slanderous statement does not rescue his claim. Similarly, the circuit court

did not abuse its discretion in denying him leave to amend his complaint to include subsequent republications of the remarks, and any new statements made to the newspaper were not defamatory.

¶27. **AFFIRMED.**

BARNES, C.J., CARLTON AND WILSON, P.JJ., LAWRENCE, McCARTY, EMFINGER AND WEDDLE, JJ., CONCUR. WESTBROOKS, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION. McDONALD, J., NOT PARTICIPATING.