

Serial: 140187

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

*IN RE: MISSISSIPPI RULES OF
APPELLATE PROCEDURE*

ORDER

This matter is before the Court on its own motion to amend Rule 22 of the *Mississippi Rules of Appellate Procedure* to include a provision for the imposition of sanctions for successive, frivolous application for post-conviction relief. After due consideration, the Court finds that Rule 22(a) should be amended, as follows:

(a) Filing of Applications. Applications for post-conviction collateral relief in criminal cases may be governed by Miss. Code Ann. § 99-39-1, et seq. (Suppl 1994) as supplemented and modified by this Rule 22. If any application fails to comply substantially with the statute, the clerk of the Supreme Court shall give written notice of the default, appraising the party of the nature of the deficiency. If the deficiencies are not corrected within thirty days, the application may be dismissed. Successive applications for post-conviction relief which do not clearly demonstrate an exception to the successive writ bar of Miss. Code Ann. § 99-39-27(9) may subject the filer to sanctions.

...

[Adopted August 21, 1996; amended June 24, 1999 by order entered that date; amended effective July 27, 2000; amended effective February 10, 2005 to specify that post-conviction issues are to be raised on direct appeal only when they are apparent on the record; amended effective May 31, 2007, to provide for sanctions.]

IT IS THEREFORE ORDERED that Rule 22(a) of the *Mississippi Rules of Appellate Procedure* is hereby amended to provide for the imposition of sanctions.

SO ORDERED, this the 22nd day of May, 2007.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR., PRESIDING JUSTICE

TO GRANT: SMITH, C.J., WALLER AND DIAZ, P.JJ., EASLEY, CARLSON, GRAVES,
DICKINSON AND RANDOLPH, JJ.

NOT PARTICIPATING: LAMAR, J.