

Serial: 205676

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99002-SCT

*IN RE: MISSISSIPPI RULES OF
EVIDENCE*

ORDER

Now before the en banc Court is the Motion to Amend Certain Rules of the Mississippi Rules of Evidence filed by the Advisory Committee on Rules. After due consideration, we find that amending Rule 103 of the Mississippi Rules of Evidence will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Rule 103 of the Mississippi Rules of Evidence is amended as set forth in Exhibit A. The amendment will be effective July 1, 2016.

IT IS FURTHER ORDERED that the Clerk of this Court must spread this order upon the minutes of the Court and forward a certified copy to West Publishing Company for publication in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)*, and in the next edition of the *Mississippi Rules of Court*.

SO ORDERED, this the 23rd day of May, 2016.

/s/ Jess H. Dickinson

JESS H. DICKINSON,
PRESIDING JUSTICE
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT A

RULE 103. RULINGS ON EVIDENCE

(a) Effect of Erroneous Ruling. Error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected, and

(1) *Objection.* In case the ruling is one admitting evidence, a timely objection or motion to strike appears of record, stating the specific ground of objection, if the specific ground was not apparent from the context; or

(2) *Offer of Proof.* In case the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked.

(3) *Effects of Definitive Rulings.* Once the court makes a definitive ruling on the record admitting or excluding evidence, either at or before trial, a party need not renew an objection or offer of proof to preserve a claim of error for appeal. Moreover, a party who objects to evidence of a prior conviction the court finds admissible in a definitive ruling does not waive or forfeit a claim of error by offering the evidence. But if under the court's ruling there is a condition precedent to admission or exclusion, such as the introduction of certain testimony or the pursuit of a certain claim or defense, no claim of error may be predicated upon the ruling unless the condition precedent is satisfied.

Continuing objections to evidence of the same or a similar nature or subject to the same or similar objections may in the discretion of the trial judge be allowed.

(b) Record of Offer and Ruling. The court may add any other or further statement which shows the character of the evidence, the form in which it was offered, the objection made, and the ruling thereon. It may direct the making of an offer in question and answer form.

(c) Hearing of Jury. In jury cases, proceedings shall be conducted, to the extent practicable, so as to prevent inadmissible evidence from being suggested to the jury by any means, such as making statements or offers of proof or asking questions in the hearing of the jury.

(d) Plain Error. Nothing in this rule precludes taking notice of plain errors affecting substantial rights although they were not brought to the attention of the court.