

Serial: 132231

IN THE SUPREME COURT OF MISSISSIPPI

No. 2004-AP-01426-SCT

***IN THE MATTER OF THE CRIMINAL DOCKET
OF THE SEVENTH CIRCUIT COURT DISTRICT***

ORDER

Before this Court is the matter of the backlog of criminal cases on the docket of the Seventh Circuit Court District (Hinds County). Having considered this backlog and after consultation with all judges of the Seventh Circuit Court District, Senior Circuit Judge W. Swan Yerger and Circuit Judges Tomie T. Green, Winston L. Kidd, and Bobby B. DeLaughter, this Court finds that significant changes in the management of criminal cases on the docket of that court must promptly occur to dispose of pending cases and reduce the backlog. These changes include the use of special judges as authorized by Miss. Code Ann. § 9-1-105 (Supp. 2005). At the request of the Senior Circuit Judge of the Seventh Circuit Court District, this Court has previously appointed Judge L. Breland Hilburn as a special judge of that district with duties limited to presiding over and conducting proceedings in criminal cases only. Judge Hilburn has served in that capacity for much of 2004, 2005, and thus far in 2006. However, the district still has an overcrowded criminal docket which requires further attention. In exercising its Constitutional mandate under Section 144 to supervise the judicial branch of government, this Court finds it necessary to extend Judge Hilburn's service and to appoint one additional special judge to handle criminal cases as described below.

IT IS, THEREFORE, ORDERED:

1. That, with the approval of three (Judges Yerger, Kidd, and DeLaughter) of the four judges of the Seventh Circuit Court District, Judge William F. Coleman, and Judge L. Breland Hilburn ((the special judges) are appointed as special judges of the Seventh Circuit Court District (the circuit court) from July 10, 2006, through December 31, 2006, and are assigned the responsibility of assisting in the reduction of the backlog of criminal cases on the docket of the circuit court by presiding and conducting proceedings in criminal cases only as described below;

2. That Senior Circuit Judge W. Swan Yerger of the Seventh Circuit Court District is directed to prepare a docket of criminal cases to be assigned by him to the special judges on a random and balanced basis. This docket shall consist of the following cases pulled by the Senior Judge from the individual dockets of the four circuit judges: (1) the oldest pending criminal cases; (2) criminal cases where the defendant has been indicted and is incarcerated while awaiting trial because of a failure to post bond; and (3) cases involving drugs and/or weapons offenses;

3. That the incumbent judges of the circuit court shall continue to handle and adjudicate criminal cases;

4. That the duties assigned to Judge L. Breland Hilburn in this order are in addition to the other duties assigned to him by the order of this Court, *In re: The Appointment of Special Judge for the Seventh Circuit Court District*, No. 2004-AP-01426;

5. That, if additional courtrooms are needed, the special judges may use the courtroom of Chancellor Denise S. Owens in the Hinds County Chancery Court Building in Jackson and the courtroom located in the Hinds County Detention Center in Raymond. The use of Chancellor Owens's courtroom has been pre-approved by the Hinds County Chancellors, and Hinds County Sheriff Malcolm E. McMillin has

checked both of these courtrooms for security purposes;

6. That this order does not address the handling of civil cases in the circuit court;

7. That upon completion of each case assigned, the special judges shall certify the hours of work performed in accordance with the requirements of the Finance Department of the Supreme Court; and

8. That the Clerk of this Court shall forward a copy of this order to each of the following persons: Judge W. Swan Yerger; Judge Tomie T. Green; Judge Winston L. Kidd; Judge Bobby B. DeLaughter; Judge William F. Coleman; Judge L. Breland Hilburn; Hinds County Circuit Clerk Barbara Dunn; and Seventh Circuit District Attorney Faye Peterson.

SO ORDERED, on this, the _____ day of May, 2006.

JAMES W. SMITH, JR., CHIEF JUSTICE
FOR THE COURT