

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLANTIFF

VERSUS

NO. _____

DEFENDANT

**WAIVER OF ARRAIGNMENT, PLEA,
TRIAL DATE SETTING AND SCHEDULING ORDER**

THIS DAY the Defendant, together with his/her Attorney, and does hereby waive formal reading of the indictment in this cause, and for plea to the charge of _____ Defendant says he/she is NOT GUILTY.

The Defendant does hereby certify that he/she has made an appearance bond with _____ Bonding Company, in the amount of _____, which is on file in the Circuit Clerk's Office, such bond Conditioned according to law and approved by the Sheriff of _____ County.

The Defendant and their attorney do agree that the case will be set for trial on _____.

IT IS, THEREFORE, ORDERED that the following Scheduling Order is entered in this case. This Order Shall be strictly adhered to by the State and the Defendant unless otherwise directed by the Court:

1. If the Defendant desires Discovery of the State, such shall be requested in writing from the District Attorney within 5 days after the date of Arraignment or Waiver of Arraignment. This Discovery shall be obtained from the office of the District Attorney. Failure to request the Discovery in writing by the Defendant shall constitute a waiver of Discovery.
2. The Defendant shall automatically provide reciprocal Discovery to the District Attorney no later than 15 working days prior to the trial date if Discovery was requested by the Defendant from the District Attorney. Such Discovery shall be delivered to the office of the District Attorney. Both the District Attorney and the Defendant shall document what items of Discovery were provided to the opposite party.

3. Within 10 days after the date of Arraignment or Waiver of Arraignment, the District Attorney shall provide the Defendant a plea recommendation, in writing, if a recommendation is to be made. Within 30 days after the date of the plea recommendation, the Defendant shall advise the District Attorney in writing whether he/she accepts or rejects the plea recommendation, and if rejected, whether he/she wishes to enter an "open" plea or desires to go to trial on the charges. If there is to be a plea of guilty, then such shall be scheduled promptly by the parties with the Court Administrator. Should the Defendant change his/her position after electing to proceed to trial as set forth above and decides to plead guilty, the plea shall be an "open" plea without recommendation of the District Attorney.
4. All motions shall be filed, served, and set for hearing as soon as such moving party realizes that such motion is necessary, but shall be set for hearing on a Motion Day determined by the Court Administrator no later than 10 working days prior to trial. Additionally, motions require no less than 5 days notice prior to the date of hearing. Failure to follow this procedure shall result in denial of motion. Motions for continuance, where exigent circumstances exist, are exempted from this 10 day requirement, but should be set for hearing prior to the trial date; otherwise, such continuance will be denied. Motions for a continuance on the date of trial are not favored and will only be granted in extreme circumstances where the motion could not be heard prior to the trial date, and the Court so determines in its discretion.
5. There shall be no deviation from this Order except on written approval of the Circuit Judge, and sanctions may be imposed for failure to comply with this Order.

ORDERED this the _____ day of _____, 20____.

CIRCUIT COURT JUDGE

APPROVED:

Defendant

Defense Attorney

District Attorney

cc: District Attorney
Defense Attorney
Court Administrator