

Serial: 182371

IN THE SUPREME COURT OF MISSISSIPPI

No. 2009-CT-00554-SCT

***NANCY CLARK, INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE OF
SHENANDOAH H. CLARK, DECEASED
AND CHRISTIE CLARK***

Appellants

v.

***TOYOTA MOTOR SALES U.S.A., INC.,
TOYOTA MOTOR CO. LTD., TOYOTA
MOTOR CORPORATION, TOYOTA MOTOR
DISTRIBUTORS, INC. AND ROPER
TOYOTA, INC.***

Appellees

ORDER

This matter is before the Court en banc on the Court's own motion. The Petition for Writ of Certiorari filed by counsel for Appellants was granted by order of this Court entered on September 6, 2012. Upon further consideration, the Court finds that there is no need for further review, and that the Petition for Writ of Certiorari should be dismissed.

IT IS THEREFORE ORDERED, pursuant to Rule 17(f) of the Mississippi Rules of Appellate Procedure, that the Petition for Writ of Certiorari filed by counsel for Appellants is dismissed.

SO ORDERED, this the 28th day of February, 2013.

/s/ Michael K. Randolph

MICHAEL K. RANDOLPH,
PRESIDING JUSTICE
FOR THE COURT

AGREE: DICKINSON AND RANDOLPH, P.JJ., LAMAR, PIERCE, KING AND COLEMAN, JJ.

CHANDLER, J., OBJECTS TO THE ORDER WITH SEPARATE WRITTEN STATEMENT JOINED BY KITCHENS, J.

WALLER, C.J., NOT PARTICIPATING.

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TOYOTA MOTOR CO. LTD., TOYOTA
MOTOR CORPORATION, TOYOTA
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ROPER TOYOTA, INC.***

**CHANDLER, JUSTICE, OBJECTING TO THE ORDER WITH SEPARATE
WRITTEN STATEMENT:**

¶1. I would not dismiss the Petition for Writ of Certiorari. I believe the law is clear that the trial judge must be present at all times during the trial that the jury is receiving evidence.

Because that was not done in this case, I would reverse and remand for a new trial.

KITCHENS, J., JOINS THIS SEPARATE WRITTEN STATEMENT.