

Serial: 92382

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

RE: MISSISSIPPI RULES OF APPELLATE PROCEDURE

ORDER

This matter has come before the Court en banc on its own motion. For the purpose of clarifying procedures regarding the dismissal of cases and the withdrawal of opinions issued by the Court of Appeals, where the motions seeking such relief have been filed after a petition for writ of certiorari has been filed in the Supreme Court, the Court has considered a proposed amendment to Rule 17 of the Mississippi Rules of Appellate Procedure, and having so considered the proposal finds that such amendment will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Rule 17 of the Mississippi Rules of Appellate Procedure is amended by the addition of a new Rule 17(k), as set forth in Exhibit "A" hereto.

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

SO ORDERED, this the 2nd day of January, 2002.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR.,

JUSTICE, FOR THE COURT

EXHIBIT "A"

MISSISSIPPI RULES OF APPELLATE PROCEDURE

RULE 17. REVIEW IN THE SUPREME COURT FOLLOWING DECISION BY THE COURT OF APPEALS

....

(k) Motions to dismiss or withdraw opinion filed after petition for writ of certiorari. Where motions to dismiss an appeal or motions to withdraw or alter an opinion of the Court of Appeals are filed after petitions for writ of certiorari have been filed in the Supreme Court, the proceedings on the petitions for writ of certiorari will be suspended and the cases will be remanded to the Court of Appeals to address the motions. After the Court of Appeals has addressed the motions, the matter shall proceed in the Supreme Court, and, if the motion to dismiss the case has been granted, the petition may be dismissed as moot.

[Adopted to govern matters filed on or after January 1, 1995; amended February 10, 1995; amended effective September 28, 1995; amended June 21, 1996; amended October 15, 1998, effective from and after January 1, 1999; amended June 24, 1999; amended effective January 3, 2002.]