

IN THE SUPREME COURT OF MISSISSIPPI
No. 89-R-99025-SCT

IN RE: UNIFORM RULES OF CIRCUIT AND COUNTY COURTS

ORDER

This matter has come before the Court en banc on petitions of Justices Fred L. Banks, Jr. and William L. Waller, Jr. seeking amendment of Rule 7.06 of the Uniform Rules of Circuit and County Court Practice to expressly allow striking of possibly prejudicial surplussage from indictments. Having considered the petitions, the Court finds that the petitions are meritorious and that, to the extent set forth herein, the relief sought should be granted.

IT IS THEREFORE ORDERED that the petitions of Justices Banks and Waller are granted, and Rule 7.06 of the Uniform Rules of Circuit and County Court Practice be amended to read as set forth in Exhibit "A" to this Order.

IT IS FURTHER ORDERED that the Clerk of the 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 *Southern Reporter (Mississippi Edition)* and in the *Mississippi Rules of Court*.

ORDERED, this the _____ of August, 1999.

EDWIN LLOYD PITTMAN, PRESIDING JUSTICE, FOR THE COURT

SULLIVAN, P.J., NOT PARTICIPATING

EXHIBIT "A"
TO ORDER AMENDING URCCC 7.06

[Additional material noted by underscoring]

INDICTMENTS

The indictment upon which the defendant is to be tried shall be a plain, concise and definite written

statement of the essential facts constituting the offense charged and shall fully notify the defendant of the nature and cause of the accusation. Formal and technical words are not necessary in an indictment, if the offense can be substantially described without them. An indictment shall also include the following:

1. The name of the accused;
2. The date on which the indictment was filed in court;
3. A statement that the prosecution is brought in the name and by the authority of the State of Mississippi;
4. The county and judicial district in which the indictment is brought;
5. The date and, if applicable, the time at which the offense was alleged to have been committed. Failure to state the correct date shall not render the indictment insufficient;
6. The signature of the foreman of the grand jury issuing it; and
7. The words "against the peace and dignity of the state."

The court on motion of the defendant may strike from the indictment any surplussage, including unnecessary allegations or aliases.

[Adopted effective May1, 1995; amended August 26, 1999.]