

**LOCAL RULES
FOR
EIGHTEENTH CIRCUIT COURT DISTRICT OF MISSISSIPPI**

[Renumbered and codified by order of the Supreme Court effective May 18, 2006]

RULE 1. DISPOSITION OF CRIMINAL CASE

(a) The Court having determined the necessity of establishing a local rule for the 18th Circuit Court District of Mississippi relating to the disposition of criminal cases on the docket of said court in order that all such matters may be handled more expeditiously and that the court files in all criminal cases may be as complete as possible for present and future use and contain relevant information accurately reflecting proceedings had and done and the rationale surrounding the dispositive orders entered therein.

(b) From and after January 1, 1992, in each criminal matter coming on for hearing on a proposed plea of guilty that an appropriate petition to plead guilty shall be completed and filed with the Clerk of this Court at least 24 hours prior to hearing; further, that the original of said petition shall be initialed as received and/or approved by the District Attorney before being filed with the Clerk of this Court for placement in the file; further, that additional copies of said petition shall be delivered to the District Attorney and to the Court a minimum of 24 hours in advance of said matter coming on for disposition.

(c) In all criminal cases coming on for disposition on an adjudicated or non-adjudicated basis, whether a plea of guilty to the original charge as reflected in the indictment or bill of criminal information, a plea of guilty to a lesser included offense, cases transferred to the diversion or other programs, transfers to youth court, nolle prosequi, etc., that the District Attorney and/or the Assistant District Attorney shall state into the record during appropriate courtroom hearing of said matter the State's recommendation as to disposition and/or sentencing in each case, and in addition thereto they shall prepare and file in each case a written statement containing the State's reasons for its recommendation as to sentence and/or other disposition.

**RULE 2. FORM TO BE USED REGARDING A CRIMINAL DEFENDANT'S
CONTACT WITH COUNSEL PRIOR TO TRIAL**

(a) It appearing to the Court, after consultation with the office of the District Attorney, the Public Defender's office, and private attorneys in the area, that many delays are occurring in the hearing of motions, trial on the merits, and other matters needing attention in cases on the criminal docket of the 18th Circuit Court District, because defendants are not making regular or timely calls or visits to the office of their attorneys,

court-appointed and private, relative to pending criminal charges, that the attached form shall be completed and signed by defendants in all criminal matters, approved by defense counsel and the district attorney, and filed with the Clerk of this Court in each criminal matter at the time same comes on for arraignment.

(b) The Clerk of this Court shall maintain a minimum of 250 of these forms in the courtroom at all times for distribution to defense attorneys in each criminal matter coming before the Court at time of arraignment. The original of each completed form shall be marked filed and placed in the appropriate court file, with a copy for the District Attorney's file and the defense attorney's file.

(RULE 2 FORM)

IN THE CIRCUIT COURT FOR THE SECOND/FIRST JUDICIAL

DISTRICT OF JONES COUNTY, MISS.

STATE OF MISSISSIPPI

VS.

NO. _____

THIS DAY this agreement entered into by and between the defendant and his attorney of record relative to the above styled and numbered cause presently pending on the criminal docket, Circuit Court, Jones County, Mississippi.

The defendant having been duly arraigned and entered a plea of not guilty to the charge preferred by grand jury indictment, and this case having been set for trial and/or motion hearing on _____.

The defendant herein agrees to make regular and timely contacts by telephone or visits to the office of his attorney and that no less than one week before the trial/motion date in this case, above stated, to appear in person at said attorney's office. Telephone number and address of defense counsel is: _____.

The defendant also expressly understands and agrees that the appearance bond in this matter is conditioned upon his/her compliance with the above requirements, and that failure to do so will result in his/her arrest and detention by the Jones County Sheriff's Department without further notice.

Defense Attorney hereby agrees to advise the Court and the District Attorney a minimum of one week in advance of trial/motion date if said defendant has not been cooperative in making regular and timely contact with their office.

This agreement to be executed in triplicate, with the original of same being placed in the court file in this cause, a copy being placed in the file of defense counsel and a copy in the file of the District Attorney.

This _____ day of _____, 20_____.

Defendant

APPROVED:

Attorney for Defendant

District Attorney/Asst. D.A.

RULE 3. NON-FILING OF DISCOVERY MATERIALS

(a) Rule 7(a) of the Miss.Rules of civil Procedure provides which pleadings are to be filed with the Clerk in any action. Because of storage restraints and the considerable costs involved in furnishing discovery materials, this local rule shall govern the filing of discovery materials in the Circuit Court of Jones County, Mississippi.

(1) The Court Reporter shall forward the original of the deposition to the

party responsible for taking the deposition. Such party shall retain the original and become the custodian thereof. Upon receipt of the original deposition the party serving as custodian shall forthwith file with the Clerk a copy of the cover sheet of the deposition and a notice that all parties of record have been notified of the receipt of the deposition by the custodian. The form of the notice shall be clear and concise and shall be styled "Notice of Receipt of Original of Deposition."

(2) Under Rule 33 of the Miss.R.Civ.P. and the responses thereto and

Request for Production or Inspection under Rule 34 of the Miss.R.Civ.P. and responses thereto: These pleadings shall be served upon other counsel or parties and shall not be filed with the Court. The party responsible for service of the discovery request or the response shall retain the original and become the custodian thereof and shall file a notice with the Clerk of this Court notifying all counsel that the document has been received and is being held by the custodian. The form of the notice shall be clear and concise and shall be styled "Notice of

Service of Interrogatories or Request for Production of Documents or Responses."

(3) These documents shall not be filed with the Clerk of Court and the party responsible for service of the discovery request or response thereto, shall retain the original and become the custodian thereof. A Notice of Service of Request for Admissions and Responses thereto shall be filed with the Clerk of this Court and served on all counsel of record.

(4) If relief is sought under Rules 26(c) or 37 of the Miss.R.Civ.P. concerning any interrogatories, request for production or inspection, requests for admissions, answers to interrogatories, or responses to requests for admissions, copies of the portion of the interrogatories, requests, answers, or responses in dispute shall be filed with the Court contemporaneously with any motion filed under said Rules.

(5) If interrogatories, requests, answers, responses or depositions are to be used at trial, or are necessary to a pretrial motion which might result in a final order on any issue, the portions to be used shall be considered an Exhibit and filed with the Clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

(6) When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of counsel, the necessary discovery papers shall be filed with the Clerk.

(b) The Clerk of this Court is authorized and directed to return forthwith any discovery materials submitted for filing which does not comply with the requirements set forth herein above.

RULE 4. COURTROOM DECORUM

(a) The Court, having determined the necessity of establishing a local rule for the Eighteenth Circuit Court District of Mississippi relating to courtroom decorum, does adopt the following rules as they pertain to courtroom decorum in said district.

(b) When attorneys who are appearing in said district make objections, said attorneys should stand and address said objection to the court. Further, said attorneys should allow the court to rule on the objection before making further comment.

(c) Attorneys should always be respectful to the court and not argumentative.

(d) Attorneys should not make statements in the presence of a jury that could be interpreted as testimony.

(e) Attorneys should refrain from showing emotions of disgust that could possibly influence jurors.

(f) Attorneys should not introduce cumulative testimony.

(g) Attorneys should speak loudly and clearly enough for the court to hear and the court reporter to record.

(h) Attorneys should be civil to one another in the courtroom.

(i) Attorneys should not make long, protracted records in the presence of the jury with regard to any of the court's rulings. Any such record should be made at recesses in order that the trial may proceed without constant interruption.

(j) Attorneys should file and notice motions to be heard well in advance of trial, if possible.

[Adopted by order entered December 31, 1991 and order entered May 24, 1993 and approved by the Supreme Court by order entered March 18, 2010, April 12, 1994 and June 24, 1992.]