

**NOTICE OF REQUEST FOR COMMENTS
REGARDING A PROPOSED AMENDMENT TO
RULE 8.01 OF THE UNIFORM RULES OF CIRCUIT
AND COUNTY COURT PRACTICE**

The proposed amendment would provide that, at arraignment, an order be entered setting the matter for trial.

Pursuant to Rule 27(f) of the Mississippi Rules of Appellate Procedure, the Supreme Court seeks comments from the bench, the bar, and the public on the proposed amendment as set forth in Exhibit A.

Comments should be filed with the Clerk of the Supreme Court, Gartin Justice Building, P.O. Box 117, Jackson, Mississippi 39205, no later than April 27, 2008.

Exhibit A

UNIFORM RULES OF CIRCUIT AND COUNTY COURT PRACTICE

**Rule 8.01
ARRAIGNMENT**

Arraignment shall be held within thirty (30) days after the defendant is served with the indictment. When the defendant cannot be located or is in custody elsewhere, the indictment shall be served and arraignment shall be held as soon as reasonably possible. Within sixty (60) days of arraignment (or waiver thereof), the court shall enter an order setting a date for trial. Unless good cause be shown, and a continuance granted by written order setting forth the reason for the continuance, an accused shall be brought to trial no later than two hundred seventy (270) days following arraignment (or waiver thereof).

Arraignment ~~will~~ shall be held in open court, and ~~shall~~ will consist of (i) reading the indictment to the accused; (ii) ~~and~~ calling upon the defendant to plead to the charge in the indictment. At arraignment, or within sixty (60) days thereof, the court shall enter an order setting a trial date. Prior to arraignment a copy of the indictment ~~must~~ shall be served on the defendant. Defendants who are jointly charged may be arraigned separately or jointly within the discretion of the court. If codefendants are arraigned at the same time and charged with the same offense, the indictments need be read only once, with stated identification of each defendant.

In all cases waiver of the reading of the indictment may be permitted if the defendant is represented by an attorney. Arraignment is deemed waived ~~where~~ when the defendant proceeds to trial without objection.