

# Supreme Court adopts uniform Rules of Criminal Procedure

December 15, 2016

The Mississippi Supreme Court on Dec. 15 announced its adoption of new Mississippi Rules of Criminal Procedure, which will address every aspect of criminal proceedings.

For the first time, a single, uniform set of rules will apply to criminal procedures in Justice, Municipal, County and Circuit Courts. The comprehensive rules, which will go into effect July 1, 2017, address criminal proceedings from arrest through post-trial motions.

Chief Justice Bill Waller Jr. said, “The adoption of the Uniform Rules is an important advancement to organize all of the disparate rules and practices affecting criminal procedure and bring uniformity and transparency to the criminal justice practice.”

Justice Ann H. Lamar of Senatobia said, “There were varying procedures from one end of the state to the other and from court to court. This is an effort to create uniformity in our courts across the state.”

Justice Lamar, chair of the Supreme Court Rules Committee on Criminal Practice and Procedure, led a six-year effort by the court to create the new rules. Their adoption comes two weeks before she is set to leave the court. She will retire Dec. 31.

Chief Justice Waller, Justice Lamar, Justice Jim Kitchens of Crystal Springs and Justice James D. Maxwell II of Oxford met up to three times a month, for hours at a time, to work on the rule revisions before they were presented to the entire court. Approval by the nine-member court was unanimous.

The Supreme Court took up the study of proposed revisions after the Uniform Criminal Rules Study Committee, an independent study group appointed by the Supreme Court, spent more than six years reviewing existing court rules and drafting suggested changes. Justice Lamar thanked the Study Committee for its extensive work drafting the proposal. “We acknowledge the work of that group that spent years meeting every month to compile proposed rules. It gave this court a starting point to get where we are today,” she said.

The Study Committee was led by former Court of Appeals Judge Larry Roberts of Meridian and former Circuit Judge R. I. Prichard III of Picayune. Study Committee members were Court of Appeals Chief Judge L. Joseph Lee of Jackson; Rankin County Court Judge Kent McDaniel of Brandon; Forrest County Court Judge Michael W. McPhail of Hattiesburg; District Attorney Ronnie Harper of Natchez; former District Attorney John R. Young of Corinth; Special Assistant Attorney General Ed Snyder of Jackson; attorney Joe Sam Owen of Gulfport; attorney John M. Colette of Jackson; attorney Thomas E. Royals of Jackson; and Public Defender Jim Lappan of Fort Myers., Fla., who formerly worked for the Mississippi Office of Capital Defense Counsel. Professor Matt Steffey of Mississippi College School of Law did legal research and reporting for the Study Committee.

The Supreme Court order is at this link: <https://courts.ms.gov/Images/Opinions/209786.pdf>.

The Executive Summary of the Mississippi Rules of Criminal Procedure, prepared by the Rules Committee on Criminal Practice and Procedure, is at this link: <https://courts.ms.gov/rules/msrulesofcourt/2017-EXECUTIVE%20SUMMARY%20OF%20RULES%20&%20COMMENTS%20-%20FINAL%20VERSION%20121116.pdf>.

The rules may be read in their entirety at this link: <https://courts.ms.gov/rules/msrulesofcourt/2017-Final%20Version%20of%20Rules%20-%20Clean%20Copy%20121316.pdf>.