

**IN THE CIRCUIT COURT OF _____ COUNTY,
FIFTEENTH JUDICIAL DISTRICT OF MISSISSIPPI**

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. _____

DEFENDANT

CRIMINAL SCHEDULING ORDER

The Circuit Court in an effort to expedite this trial and preserve the rights of the Defendant and the Citizens of the State of Mississippi does hereby find and order as follows:

I. DISCOVERY

1. **COMPLIANCE:** Failure to comply with discovery requirements by either party shall result in sanctions to be determined by the Court, in compliance with the criminal procedure rules.
2. **DISCOVERY REQUEST:** Within thirty (30) days following the date of the Defendant's arraignment, the Defendant shall file a Motion for Discovery with the District Attorney's Office. This shall be the initial request for discovery subject to additional requests filed by Defendant. If there is an objection by the State to requested discovery, the Court will then conduct a hearing upon either party's request.
3. **STATE'S RESPONSE:** Within thirty (30) days of the date of the Defendant's Motion/Request for Discovery, the District Attorney's Office shall furnish to the Defense a copy of all discovery mandated by the Mississippi Rules of Criminal Procedure, Mississippi statutes, and federal and state case law, which is then in its possession, and supplement if additional discovery comes into the State's possession thereafter. All

witnesses disclosed shall also have their addresses and phone numbers included, except for Confidential Informants as noted below or law enforcement officers who shall be served at their department. The State's discovery shall be supplemented as required by the Mississippi Rules of Criminal Procedure.

4. **CRIME LAB:** If any evidence is sent to the crime lab for testing, the State shall formally notify the Defense at the time it provides discovery or by furnishing the crime lab reports, if they have been received. The Defense may contact the crime lab to determine relevant evidence destruction policies and dates, if any, for evidence in the case. If the Defense wishes to test, examine, or view the evidence at the crime lab, the Defense shall contact the crime lab and make a written request via letter/email no later than sixty (60) days from the District Attorney giving its initial discovery to the Defendant or receiving supplemental discovery disclosing the evidence. The Defense shall notify the Court and State of requests for testing.
5. **OTHER EVIDENCE:** During this same sixty (60) day time period, the Defense, if it so desires, shall schedule a meeting with law enforcement evidence custodians, at a time convenient for both, to view any evidence in law enforcement's possession. Should the Defense encounter problems arranging a viewing, it shall notify the District Attorney's office, which shall contact law enforcement to aid in accomplishing the viewing.
6. **DEFENSE'S DISCOVERY:** Thirty (30) days following the State's providing of discovery to the Defense and the State filing its discovery motions, if any, the Defense shall furnish the State with its discovery response to the extent required by the Mississippi Rules of Criminal Procedure, which shall be supplemented as required. All Defense witnesses

disclosed shall also have their addresses and phone numbers included in the discovery response.

II. MOTIONS

7. **DISCOVERY MOTIONS:** Any motions concerning a defect in discovery shall be filed within thirty (30) days of receiving the propounded discovery, unless good cause is shown.
8. **DISPOSITIVE MOTIONS:** Motions concerning defects in the indictment or the constitutional right to a speedy trial shall be filed within sixty (60) days of arraignment, unless good cause is shown.
9. **SUPPRESSION MOTIONS:** Motions to suppress evidence obtained by search warrants, warrantless searches, confessions, or identifications shall be filed within ninety (90) days of the State producing discovery to the Defense. Facts allegedly warranting suppression shall by *specifically* set out in the motion.
10. **OTHER MOTIONS:** All other motions, including motions *in limine*, shall be filed no later than thirty (30) days before trial, unless good cause is shown.
11. **MOTION REQUIREMENTS:** All motions and responses filed shall be fact-specific in their content; comply with the Mississippi Rules of Criminal Procedure; and cite authorities, including the U.S. Constitution, the Constitution of the State of Mississippi, rules of court, federal and state case law, and Mississippi statutes. Copies of all motions, exhibits/attachments, AND responses/replies shall be sent to the following email addresses: staffatty@pearlrivercounty.net and judge3@pearlrivercounty.net at least ten (10) days prior to the hearing on the motion, in addition to being filed on MEC. Motion dates shall be coordinated with opposite parties and the Court Administrator, courtadmin@pearlrivercounty.net, so that witnesses, if needed, can be subpoenaed.

III. PLEA

12. **PLEA RECOMMENDATION:** If the District Attorney's Office is going to make a plea offer, its initial offer shall be made upon the State providing its discovery to the Defense. Negotiations may continue until the time stated below.
13. **PLEA NEGOTIATIONS:** All plea negotiations shall remain open until seven (7) days before the date the trial is set to commence, at which time plea negotiations shall cease. Any plea after that date shall be an open plea. Plea negotiations shall remain open until this time even if an announcement is made well in advance of the deadline that the Defendant will or will not plea.
14. **CONFIDENTIAL INFORMANTS:** The State shall be required to disclose information concerning the identity of a Confidential Informant who is produced at hearing/trial, is an eyewitness to the crime, and/or whose failure to disclose identity would infringe on the Defendant's constitutional rights, within a reasonable amount of time before trial. M.R.Cr.P. 17.6(a)(2). Any disclosure made less than five (5) business days before trial may result in a continuance upon motion of the Defense. The address of the Confidential Informant and the phone number shall not be given out for the safety of the informant. If the Defendant wishes to interview the Confidential Informant, the District Attorney's office shall notify the Defendant if the Confidential Informant refuses. If the Confidential Informant agrees to the interview, it shall be held at the District Attorney's office. If the Defendant wishes to subpoena the Confidential Informant for trial or other hearing, the subpoena shall be issued by the Clerk and provided to the District Attorney's Office by the Defense, who shall have it served by law enforcement. If the Confidential Informant is

incarcerated and the D.A.'s office so requests, the Confidential Informant shall be placed in protective custody or another county's jail for his/her safety.

IV. TRIAL

15. **TRIAL DATE:** This case has been set for TRIAL on the _____ day of _____, 20_____, at the _____ County Courthouse at 9:00 a.m.

16. **JURY INSTRUCTIONS:** Proposed jury instructions are to be submitted to the Circuit Court Judge and furnished to opposing counsel no later than three (3) business days before trial. Jury instructions must be filed with the Clerk of the Court, pursuant to Mississippi Rule of Criminal Procedure 22(b)(1). Jury instructions must be numbered on the lower right-hand side of the page as follows: S-1, D-1, or C-1. For the sake of uniformity, each jury instruction must appear on its own sheet of paper, which bears the style and number of the case in ALL CAPS. The instruction itself SHALL NOT be capitalized. A citation of authority, if there is one, shall be placed on a separate page and attached to the requested instruction.

SO ORDERED AND ADJUDGED this the _____ day of _____, 20_____.

CIRCUIT COURT JUDGE