

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

RE: CRIMINAL COURT RULES AND PROCEDURES BEFORE JUDGE GIBBS

GUIDELINES FOR CRIMINAL CASES

The Court respectfully requests that attorneys practicing before the Court follow the following guidelines in connection with criminal cases pending on Judge Gibbs' docket. Please copy all counsel of record and Judge Gibbs' staff --- Court Administrator(s): Elisa Wilson (Elisa.Wilson@co.hinds.ms.us), and Annette Qualls (annette.qualls@co.hinds.ms.us) on all email communications with the Court.

SCHEDULING ORDER

At the arraignment, the Court may enter an order setting a date for (1) discovery and motion deadlines; (2) plea by date; (3) pre-trial conference; (4) trial setting.

As a condition of their bond, defendants must appear at their judicial proceedings. Failure to appear may result in a bench warrant being issued and bond revoked. The State shall forward written recommendations regarding plea negotiations to defense counsel no later than thirty (30) days prior to the Plea by Date.

At a pre-trial conference, counsel for the Defendant/State will advise the Court as to:

- Whether a recommendation has been received from the State and communicated to the defendant.
- Whether the defendant intends to enter a plea or proceed to trial.
- Whether discovery deadlines have been met.
- Whether the defendant's case will be referred to drug court, pre-trial intervention, or other alternative sentencing.
- Whether the defendant requires a mental evaluation and/or the status of a pending mental evaluation.
- If the defendant has rejected the recommendation of the State, a pre-trial conference checklist should be submitted to the Court with the signature of the defendant, his attorney and the district attorney's office. No further plea negotiations as to the sentence in the charges will be permitted at this point. At this point, any plea going forward is an open plea. The case will be set on the trial docket.

- The State may announce any intent to reduce, dismiss, or remand the charge(s) or nolle prosequi the proceedings. A written motion/order must be presented to the Court for signature.

PLEA BY DATE / PLEA PETITIONS

At an arraignment, the Court provides each defendant with a plea date. Defendants are required to appear in Court with their attorney of record on the assigned plea date for the hearing, after a plea petition has been submitted to the Court within the required time.

All plea petitions must be submitted five (5) business days before the plea date hearing to the court administrator. If the defendant does not enter a plea on the Plea by Date, the case will remain in the trial lineup. Any future plea will be open, if not done by the Plea by Date.

If it is necessary to extend the settlement Plea by Date, the appropriate motion must be filed with the Court and a proposed order specifying reason for an extension of time. If no order is entered on the record, the Court presumes that any future plea will be open, and the case is in the trial lineup. It is the responsibility of the attorney representing each defendant to ensure that the record and orders of the Court reflect the status of their client's proceedings.

If a defendant elects not to enter a plea of guilty, the case will proceed to trial. In such instances, counsel shall submit a **completed Pre-Trial Checklist** to the Court Administrator within the timeframe set by the Court. The checklist must address all pending motions, discovery issues, witness lists, anticipated trial length, and any other matters necessary for efficient trial preparation.

DISCOVERY DEADLINES

If discovery is required by the Defendant, the request should be made no later than two (2) weeks after the arraignment. All discovery should be provided as indicated on the Order of Arraignment and Trial Schedule set by the Court, and Counsel should adhere to those deadlines. The Reciprocal Discovery to the State shall be made by the Defendant no later than thirty (30) days after requested.

PLEA PETITIONS

A copy of the plea petition should be emailed to the Court Administrator, at least five (5) business days prior to the hearing date. If the defendant is not located in Hinds County, a minimum of seven (7) business days' notice is needed. If the Defendant is not housed in Hinds County, Counsel should notify the Court so special transportation can be scheduled. Defense counsel should ensure the recommendation is listed on the plea petition when filed. The defendant must initial the plea petition on each page, and the defendant's signature on the last page. Failure to adhere to this policy may impact acceptance of the defendant's plea. All negotiations should be addressed between the Defendant and the State prior to the plea date.

TRIAL LIST

All cases listed on the Court's trial list are set for trial on the date specified and shall move forward to trial, if called. Both the State and Defense should be preparing or be prepared to move forward to trial. Counsel should not take comfort in the fact that a matter is not listed in the top trials, for matters listed lower on the trial list may move forward. Both the State and the Defense should communicate among themselves and with the Court to ascertain which matter will move forward to trial.

BOND HEARINGS

A bond hearing may be scheduled once the motion for bond has been filed on MEC, the State has responded to the motion, and a copy forwarded to the Court Administrator and the State. **The Court will not consider *ore tenus* motions for bond at arraignment.**

All requests by the State to revoke or increase the amount of a bond must be in writing and set for a hearing with five (5) days' notice to the Defendant. The Court will not revoke or increase a bond at arraignment or plea, unless exigent circumstances exist such that the defendant is a danger to the community, a flight risk, or has violated some statutory provision. If so, the Court should be informed of such.

MOTION HEARINGS

All motions shall be filed timely according to the arraignment and scheduling deadlines set by the Court. The moving party is required to present orders to the Court no later than five (5) days following the conclusion of any hearing. If no order is presented within the time allotted, the Court may issue a show cause order if the prevailing party fails to present an order within the five-day (5) deadline. The prevailing party may request an extension of time to make a submission.

PRE-TRIAL MOTIONS

Counsel should follow the deadlines set in the arraignment and scheduling order. Pre-trial motions shall be filed and noticed to the court administrator and the State. If any party wishes to request a hearing on a criminal motion, the party shall contact the Court Administrator and request a hearing date. Once a hearing date is approved by the Court, the moving party shall file a notice of hearing and email a copy of the hearing notice to the Court and the State. The Court administrator will then place the motion on the Court's docket.

MOTIONS FOR CONTINUANCE (ORDER RESETTING TRIAL)

Requests for continuances, be they from the State or from the Defendant, can be made through formal motion, detailing the specific reason(s) for the continuance, followed by completion of the continuance form. If made during a status or pre-trial conference, the Court may consider ore tenus motion to continue. If continuance is granted, the trial shall be given priority during the next term of court, if not sooner. Cases are to proceed as scheduled until approval by the court is granted. The State may be expected to prosecute continued cases first, ahead of the cases originally set for that week. Parties may contact the court administrator or the Court's website, (hindscountymississippi.com/elected-offices/circuit-court-judges) for the Court's form.

DOCKET CALL
(when scheduled by the Court)

The purpose of a docket call is to set cases in order of precedence for trial. Any defendant who has not entered a plea by the Plea by Date will be placed on the trial docket. Pending cases will be prioritized based on custody status, age of the case, year of the indictment, and gravity of the offense. The Court maintains an ongoing list of all cases set for trial. It is strongly recommended and highly encouraged that the attorneys review the Court's trial list. During each trial term, the Court may conduct a docket call in which the State, private attorneys, and the attorneys from the Public Defender's office shall attend. The Court will review every case set for trial in the upcoming term and will inquire into the status of every case, (i. e., date(s) such as a plea recommendation has been or will be offered; and whether the case will proceed to trial, etc.). Every case set for trial and not disposed of by plea, nolle pros, dismissal or otherwise, shall move forward in the order listed on the Court's trial list. The Court reserves the right to amend and/or rearrange the order in which trials appear on its trial list. Unless a written Order of Continuance/Resetting Trial is signed and filed and approved by the court, then each case is expected to be ready for trial.

**SUBSTITUTE COUNSEL REQUIRED WHEN ATTORNEY
OF RECORD IS UNABLE TO APPEAR**

If the attorney of record for a party cannot appear in court when a matter is set upon the Court's docket, then the non-appearing attorney shall have another attorney (with full knowledge of the case) appear in the non-appearing attorney's stead. No party should appear in open court without their counsel of record. The Court may take all appropriate actions against an attorney who fails to appear, including the issuance of a show cause order and subject to sanctions. The Court administrator should be timely notified as to not impede on the Court's docket.

FAILURE TO APPEAR FOR TRIAL

A party's failure to appear at trial without securing a continuance order is sanctionable by the Court. Continuance will be granted only upon a properly filed motion and order with the Court's approval. Parties may contact the court administrator.

JURY INSTRUCTIONS

Pursuant to Rule 22 of the Mississippi Rules of Criminal Procedure:

At least twenty-four (24) hours before trial, or at such other time during the trial as the court directs, each party must file with the clerk and deliver to all counsel jury instructions on the forms of verdict and the substantive law of the case. Except for good cause shown, the court shall not entertain a request for instructions which have not been pre-filed. At the conclusion of testimony, each party may present to the judge up to six (6) pre-filed substantive instructions. The court, for good cause shown, may allow more than six (6) instructions to be presented.

M.R.Cr.P. 22(b)(1). The Court further instructs the parties to submit to the court administrator the filed jury instructions and a copy of the jury instructions in Word format no later than twenty-four (24) hours before trial.

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**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL
DISTRICT OF HINDS COUNTY, MISSISSIPPI**

STATE OF MISSISSIPPI

VS.

CRIMINAL CAUSE NO. _____

DEFENDANT

PRE-TRIAL CONFERENCE CHECKLIST

1. Discovery is complete except: _____

Motions pending or anticipated: _____

2. Anticipated length of trial: _____

3. Anticipated number of witnesses (State): _____ (Defense): _____

List Witnesses: _____

4. Exhibits: _____

(Use additional sheets of paper, if needed.)

5. Defense counsel acknowledges that he/she has advised the Defendant on all pending charges and their sentences, including habitual sentences; if any.

6. The parties acknowledge that upon the entry of this checklist, this case will proceed to trial unless the case is dismissed by the State, or the Defendant will enter an "OPEN" plea of guilty.

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

CIRCUIT JUDGE

ATTORNEY FOR DEFENDANT

DEFENDANT

DISTRICT ATTORNEY