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**RE: CIRCUIT COURT RULES AND POLICIES APPLICABLE TO CRIMINAL PROCEEDINGS BEFORE THE HONORABLE ADRIENNE H. WOOTEN**

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The Court respectfully requests that the parties follow the guidelines below in connection with criminal cases pending on Judge Wooten's docket.

Please copy all counsel of record and Judge Wooten's staff – Court Administrator ([tbarnes@co.hinds.ms.us](mailto:tbarnes@co.hinds.ms.us)) and Law Clerk ([WootensLawClerk@co.hinds.ms.us](mailto:WootensLawClerk@co.hinds.ms.us)) – on all email communications with the Court.

**SCHEDULING ORDER**

At arraignment, the Court shall enter an order setting dates for: (1) status conference; (2) discovery deadlines; (3) plea by dates; and (4) trial setting.

**BOND HEARINGS**

No settings for bond hearings shall be given until a motion for bond has been filed on MEC and a copy forwarded to the Court Administrator. All motions for bond must be in writing and scheduled for hearing. Counsel moving for bond should provide five (5) days' notice of the hearing to counsel opposite before the bond hearing. The Court will not consider *ore tenus* motions for bond at arraignment, plea, or status conference unless both the State and Defense agree to move forward.

All requests by the State to revoke or increase the amount of bond shall be in writing and scheduled for hearing, providing five (5) days' notice to counsel opposite and/or the defendant. The Court will not revoke or increase a bond at arraignment, status conference, or plea dates, unless exigent circumstances exist such that the defendant is a danger to the community, flight risk, or has violated some statutory provision. The Court, however, will consider appropriate restrictions on bond.

## **STATUS CONFERENCE**

All defendants must appear at the status conference with their attorney as a condition of their bond unless the Court instructs or orders otherwise. Failure of the defendant to appear at the status conference shall result in the issuance of a bench warrant and revocation of bond. There shall be only one status conference unless the Court instructs or orders otherwise. The State shall forward written recommendations to defense counsel by no later than thirty (30) days prior to the status conference.

At the status conference, counsel for the defendant 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 by the plea date or proceed to trial.
- Whether the defendant's case is being considered for referral 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, the case will remain on the trial lineup in the order listed thereto.
- At the status conference, the State may announce any intent to reduce, dismiss, or remand the charge(s) or nolle pros the proceedings. In such instances, a written motion must be filed on MEC no later than the Plea by Date to be presented to the Court. The Court will only consider requests for remand and nolle pros through and until five (5) days before the current trial setting.

## **PLEA DATES**

At arraignment, the Court provides each defendant with two plea dates. All defendants are required to appear in Court with their attorney of record on the assigned plea dates. At the first plea date hearing, the attorneys shall announce the status of the case, whether a plea has been extended to the defendant, and whether the defendant has accepted or rejected the same. If the State fails to extend a plea offer, then the parties shall have one additional plea date to work towards a resolution. On the second plea date, the parties shall announce the status of the case and whether a plea has been extended to the defendant. If a plea was extended and accepted, then

the parties may move forward with the plea on the assigned plea date or on the next available plea docket. If a plea was extended and rejected, then any plea thereafter shall be considered open, and the Court shall not entertain any sentencing recommendations from the State.

All guilty plea petitions must be filed no later than twenty-four (24) hours before the plea date. If the plea petition is not filed on MEC by the deadline, then any plea thereafter shall be considered an open plea, and the case will remain in the trial line-up. If the Defendant does not enter a plea on the plea by date, the case will remain in the lineup and any future plea shall be open without a sentencing recommendation from the State.

If it is necessary to extend plea by dates, then the appropriate motion must be filed with the Court and an order entered on the record granting the same. If no order is entered on the record and the defendant's second plea date has passed, then the Court presumes that any future plea will be open, and the case will remain 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 prior proceedings.

### **PLEA PETITIONS**

Plea petitions must be filed online through MEC and a copy emailed to the Court administrator and Law Clerk at least twenty-four (24) hours prior to presenting the petition to the Court. Defense counsel should attach a copy of the recommendation to the plea petition when filed. The defendant must initial the attached recommendation. Failure to adhere to this policy may impact the acceptance of the defendant's plea.

### **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 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 or revoking the defendant's bond.

### **MOTIONS FOR CONTINUANCE REQUIRED**

Request for continuances, be they from the State or from the defendant, shall be made through formal motion detailing the specific reason(s) for the continuance. The Court will not consider *ore tenus* motions to continue. If a continuance is granted, the trial shall be given a priority setting during the next term of court during the corresponding week from which the trial was continued. The State may be expected to prosecute continued cases first, ahead of the cases originally set for that week.

### **DOCKET CALL**

The purpose of docket call is to set cases in order of precedence for trial. Any defendant who has not entered a plea by their assigned plea dates will be placed in docket call. Pending cases will be prioritized based on the defendant's custody status, the age of the case, the year of the indictment, the gravity of the offense, and whether the case has been previously continued. The Court maintains an ongoing list of all cases set for trial. Said docket is used by the Court for its convenience and to aid in the marshalling and preservation of precious judicial resources. It is strongly recommended and highly encouraged that the attorneys review the Court's trial list, which the Court shall release a few weeks prior to the beginning of each court term, in preparing for trial.

During each trial term, the Court, after independently reviewing the trial list, shall conduct a status conference in which the State, private attorneys, and the attorneys from the Public Defender's office shall attend. At the Status conference, the Court will review every case

set for trial in the upcoming term and will inquire into the status of every case. Every case set for trial and not disposed of by plea, nolle pros, or trial 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.

### **TERMS OF COURT EXPLAINED**

In the Seventh Circuit Court District, our terms of court are broken into six terms with each term lasting six weeks. Our terms of Court are as follows: the January term, the March term, the May term, the July term, the September term, and the November term. While the exact dates differ from year to year, each term of court generally begins on the first Monday of the first week of January, March, May, July, September, and November. Further, the court term ends on the last Friday of the sixth week of the months aforesaid. Unless ordered otherwise, this Court shall proceed with four (4) criminal trial and two (2) civil trials per court term. In the event a civil trial resolves or does not move forward, this Court shall move forward with a criminal trial instead. Assuming trials last no longer than one week, this Court is able move forward with a maximum of 36 trials per year, and this Court endeavors to move its trial docket accordingly.

### **TRIAL LIST/CALL 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 prepared to move forward to trial. Counsel should not take comfort in the fact that a matter is not listed in the top ten trials, for matters listed lower on the trial/call list may very well move forward. The Court considers those matters that have outstanding bench warrants or are not otherwise ripe for trial. The parties are hereby placed on notice that if a defendant's matter appears on the trial list, then the attorney of record should be prepared to move forward to trial, if called. Failure of preparation for trial shall be to the detriment of the attorney, their client, and their case as the

Court will proceed to trial with whatever matter is called. The Court will release its call list prior to the start of a new court term and shall proceed to trial in the order listed on the same. Both the State and the Defense should communicate among themselves and with the Court to ascertain which matter will move forward to trial.

### **MOTION HEARINGS**

All motions shall be timely filed according to the scheduling deadlines set by the Court. Failing to abide by the Court's motion hearing deadlines may cause the waiver of the same. If motion deadlines are close to passing or have passed, then it shall be the responsibility of the parties to move to extend deadlines.

The prevailing party on any motion set for hearing must present a proposed order to the Court no later than ten (10) days following the conclusion of any hearing. The order should be circulated to counsel opposite. The Court may issue a show cause order if the prevailing party fails to: (1) present an order within the ten-day deadline; or (2) request and secure a writing from the Court granting an extension of time to make a submission.

### **PRETRIAL MOTIONS**

Pretrial motions shall be taken up no later than the Friday before trial. Counsel should contact the court administrator and advise whether there are outstanding pretrial motions so that the same may be placed on the Court's docket. The Court shall deem the failure of any party to set and bring pretrial motions on for hearing as a waiver of the motion.

### **FAILURE TO APPEAR FOR TRIAL**

A parties' failure to appear at trial without securing a continuance order is sanctionable by the Court. Continuances will be granted only upon a properly filed motion and order from the Court.

## **OBJECTIONS DURING TRIAL**

All objections to testimony must be made to the Court and not to the opposing attorney. The objection must be specific and not general. The attorneys may not argue between themselves. After an objection is raised, counsel for the parties shall immediately approach the bench to provide the basis of the objection. The parties should refrain from making a record of the objection within the hearing of the jury.

## **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.