

Public comments sought on proposed Rules of Criminal Procedure

October 6, 2016

The Mississippi Supreme Court is seeking public comments on a body of proposed criminal court rules which will address every aspect of criminal proceedings.

The proposed Mississippi Rules of Criminal Procedure will comprise a single, uniform set of rules which will govern criminal procedures in Justice, Municipal, County and Circuit Courts. The intent is to create uniformity from district to district and from court to court through a set of court rules that govern practice and procedure.

The Supreme Court seeks comments from judges, attorneys and the general public about the proposed rule changes. The deadline for submitting comments is Nov. 7, 2016. Public comments should be filed in writing and submitted to the Clerk of the Supreme Court, P.O. Box 249, Jackson, Mississippi 39205-0249.

A copy of the 181-page proposal is available on the Mississippi Judiciary web site at this link: <https://courts.ms.gov/rules/rulesforcomment/2016/CMTEE%20APRVD%20RULES%20&%20COMMENTS%20FINAL%20VERSION%20CLEAN%20COPY%20-%20PUBLIC%20COMMENT%20VERSION.pdf>.

The Supreme Court will take into consideration public comments before taking action with regard to adoption of the rules. No timetable has been set for action by the Supreme Court.

Eleven years of intense study have been devoted to every aspect of criminal court rules, from the initiation of criminal charges through post-trial motions. 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. The Supreme Court Rules Committee on Criminal Practice and Procedure spent the past five years examining and revising 34 proposed rules which cover the criminal complaint, search warrant, arrest warrant, initial appearance, preliminary hearing, appointment of counsel, bond, grand jury, indictment, arraignment, plea, trial, evidence, sentencing, probation and other issues.

Justice Ann H. Lamar of Senatobia serves as chair of the Supreme Court Rules Committee on Criminal Practice and Procedure. She and Chief Justice Bill Waller Jr. of Jackson, 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 proposed rule revisions.

Justice Lamar said, "We are looking forward to input from the bench and bar and looking forward to the culmination of this project. It is our hope that it is going to be a very valuable tool for members of the bar and the judiciary. We welcome comments and input from them."

Chief Justice Waller urged lawyers and judges to examine the proposed rules and submit comments. "Now is the time to speak up."

Chief Justice Waller said uniformity across jurisdictions and across all levels of courts will promote fairness. "It's an important advancement to organize and bring uniformity to the criminal justice process," he said.

He thanked Justice Lamar for her leadership of the project. "I salute her dedication and hard work to bring this project near conclusion."

Justice Lamar thanked the Uniform Criminal Rules Study Committee for its extensive work drafting the proposal. "The rules are a result of many hours of work by the original Study Committee, and their input was invaluable to the work this court has been doing," Justice Lamar 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.