

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

IN THE MATTER OF PROTOCOLS

GENERAL CRIMINAL CASE PROTOCOL

This cause came on for consideration of the need to ensure that all parties to a criminal proceeding are treated fairly and the Court being satisfied that it has complete jurisdiction, hereby FINDS and ORDERS:

AUTHORITY

1. Each Rankin County Justice Court Judge has the authority to determine the protocol regarding cases assigned to that judge. In order to ensure consistency and fairness to all parties in a misdemeanor criminal case, the procedures implemented herein shall apply to all criminal cases set for a trial to be heard by the undersigned judge. The Rankin County Justice Court Clerk or her designee (hereinafter "Clerk") is authorized to provide a copy of this Order and any amendments thereto to anyone requesting a copy.

SUBPOENA DUCES TECUM

2. Whenever a Defendant wants the Clerk to issue a subpoena duces tecum, the Defendant shall complete a form substantially in the form as attached hereto and entitled "REQUEST FOR SUBPOENA DUCES TECUM" and shall ensure that the county prosecutor, Richard Wilson, receives a copy of the form. The Clerk is authorized to promptly reject any such request if the submitted form does not indicate that the Defendant served the county prosecutor with a copy of the request.

3. If each party agrees to the issuance of the subpoena duces tecum, the Clerk is authorized to issue the subpoena duces tecum with the documents to be produced and hand-delivered to the Clerk at the Rankin County Justice Court on the date of the trial unless all parties agree otherwise.

4. If the county prosecutor objects to the issuance of the subpoena duces tecum,
- (a) the county prosecutor shall file an objection substantially in the form as attached hereto and entitled "OBJECTION TO SUBPOENA DUCES TECUM" and shall simultaneously serve the Defendant with a copy of the objection with such service to be noted on the objection form;
 - (b) the Clerk shall promptly email, to the undersigned judge, a copy of the request for the issuance of a subpoena duces tecum and any objections thereto;
 - (c) within ten (10) days of a receipt by the undersigned judge of a request for the issuance of a subpoena duces tecum, the Court shall render a ruling;

- (d) if the Court authorizes the issuance of the subpoena duces tecum, the Clerk is authorized to issue the subpoena duces tecum with the documents to be produced and hand-delivered to the Clerk at the Rankin County Justice Court on the date of the trial unless all parties agree otherwise.

DOCUMENTS CONTAINED IN THE COURT FILE

5. If the Defendant requests a copy of any documents contained in the Defendant's court file, the Defendant shall complete a form substantially in the form as attached hereto and entitled "REQUEST FOR COURT DOCUMENTS" and the Clerk is authorized to provide one (1) copy of the documents to the Defendant.

6. If an attorney informs the Clerk, in writing, that he/she represents the Defendant and requests a copy of any documents contained in the Defendant's court file, that attorney shall complete a form substantially in the form as attached hereto and entitled "REQUEST FOR COURT DOCUMENTS" and the Clerk is authorized to provide one (1) copy of the documents to that attorney for the Defendant.

7. If an attorney requests a copy of any documents in a Defendant's court file but does not want to enter an appearance on behalf of the Defendant, that attorney shall be informed that any records need to be obtained from the Defendant in accordance with the paragraph numbered 5 above.

8. If anyone other than the Defendant or counsel of record for the Defendant requests a copy of any documents contained in any court file, that person shall be required to comply with the procedure for requesting public records which requires, *inter alia*, the redaction of certain information.

9. The Court reserves the right to amend these procedures and the corresponding forms as deemed appropriate.

So ordered, this the 15th day of September, 2014.

John Shirley

John Shirley, Justice Court Judge

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

BOOK _____ PAGE _____

DEFENDANT

REQUEST FOR SUBPOENA DUCES TECUM

I am requesting that the Rankin County Justice Court Clerk issue a subpoena duces tecum commanding the following person

to appear at the Rankin County Justice Court on _____, 20____, and that said person bring with him/her the following records:

_____.

I have today served a copy of this request upon the county prosecutor, Richard Wilson, by:

(check one of the following)

- hand-delivery to the county prosecutor or his secretary;
- mailing a copy, postage prepaid, to the county prosecutor at the address of _____.
- emailing a copy to the county prosecutor at the email address of: _____.

So requested, this the _____ day of _____, 20_____.

 Defendant or Counsel for Defendant
(check one of the above)

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

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DEFENDANT

OBJECTION TO SUBPOENA DUCES TECUM

I object to the issuance of a subpoena duces tecum commanding the following person

to appear at the Rankin County Justice Court on _____, 20____, and that said person bring with him/her the following records:

_____.

The basis for my objection is _____

_____.

I have today served a copy of this objection upon the Defendant by:

(check one of the following)

hand-delivery to the Defendant or _____ who is the attorney for the Defendant;

mailing a copy, postage prepaid, to the Defendant or his/her attorney at _____.

emailing a copy to the Defendant or his/her attorney at the email address of: _____.

So submitted, this the _____ day of _____, 20____.

County Prosecutor

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

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DEFENDANT

REQUEST FOR COURT DOCUMENTS

I am requesting copies of the following documents in the Defendant's court file

I hereby certify that:

(check one of the following)

- I am the Defendant.
- I am counsel of record for the Defendant. My contact information is

and I understand that Rule 1.09 of the Uniform Rules of Procedure for Justice Court provides:

Whenever an attorney makes an appearance for a party in a case, the attorney will not be allowed to withdraw as attorney for the party without the permission of the court. The attorney making the request shall give notice to his client and to all attorneys in the cause and certify the same to the court in writing. The court shall not permit withdrawal without prior notice to his client and all attorneys of record.

So requested, this the _____ day of _____, 20_____.

 Defendant or Counsel for Defendant
(check one of the above)