

IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI

**ORDER SETTING DEADLINES AND
TRIAL DOCKET**

The Court does hereby FIND, ORDER AND ADJUDGE as follows:

1. **Trial Docket:** Unless or until modified by written order of this Court, the following Trial Docket, attached hereto as Exhibit "A", will prevail for all cases assigned to Judge Richard A. Smith for the week of 10/07/19. If any attorney has a conflict, he/she must either file an Agreed Order of Continuance or make a written Motion for Continuance and pursue said motion to hearing and decision by the Court prior to the deadline. Otherwise each attorney will be expected to appear ready for trial at the appointed time.

Pursuant to Rule 3.13, failure of an attorney to try the case or failure to notify the Court of settlement of a case before 5:00 P.M. on the day before the trial will entail assessment of all costs, including fees and mileage of jurors who have been required to be present for the trial, against whichever party litigant or attorney the Court deems appropriate.

If not tried on the day set, each case will be moved to the following day of the week for trial. Attorneys and parties and witnesses will remain ready for trial until excused by the Circuit Court.

2. **Pretrial Motions:** All pretrial motions including Motions for Continuance, must be filed and set by Movant not later than seven (7) days prior to trial. Any motions filed past this date will not be considered absent extraordinary and compelling reasons.

3. **Petitions to Enter Guilty Pleas:** A "Petition to Enter a Guilty Plea" must be filed not later than the Friday prior to the first time the defendant's case is set for trial. This will be the **only time** a recommended plea offer will be considered.

If the petition is filed anytime after this date (including if your case is continued to another trial setting) the Court will not accept the plea agreement and all pleas will be open or the defendant will go to trial. Copies of the "Petition to Enter a Guilty Plea" are to be furnished to the District Attorney's Office and to the Court Administrator. These must be **filed and served by 12:00 NOON** on the Friday prior to trial.

4. **Docket Call:** There will be no docket call. Unless a written Order of Continuance is signed and filed then each case is expected to be ready for trial.

5. **Subpoenas Duces Tecum for Production at Trial:** Pursuant to Rule 2.01 (B) U.R.C.C.C., a subpoena may, without motion to hearing, require the production of documents at the date, time and place of the trial at which these items are to be offered in evidence is scheduled to take place.

6. **Subpoenas Duces Tecum for Production other than at Trial:** Pursuant to Rule 2.01 (c) (1) U.R.C.C.C. and Rule 45 M.R.Civ.P, a hearing on such a motion for subpoenas for documents for other than a scheduled trial or hearing, shall be set no earlier than ten (10) days after filing, with service of the motion on:

- a) the custodian of the documents subject to the subpoena;
- b) all parties;
- c) all persons whose documents would be subject to the subpoena;
- d) all persons who may have a claim that privileged material would be subject to the subpoena.

7. **Subpoena ad testificandum:** Any subpoena which compels the attendance of a witness must conform to Rule 45 M.R.C.P. and Section 13-3-93 M.C.A. and must be promptly and timely filed; the witness shall attend, from day to day, and from term to term without further notice, until discharged by the Court or by the party at whose instance he was subpoenaed. Section 13-3-105 M.C.A.

8. **Transportation Order:** If your clients are incarcerated somewhere other than the County or City Jail, it is the responsibility of the Defense Attorney to prepare, present and have signed Transportation Orders in order to have your clients available for trial.

9. **Jury Instructions:** At least twenty four (24) hours PRIOR TO TRIAL each attorney must number and file the attorney's jury instructions with the Clerk, serving all other attorneys with copies of the instructions. Except for good cause shown, the Court **WILL NOT ENTERTAIN** a request for additional instruction or instructions, which have not been pre-filed. Rule 3.07 U.R.C.C.P.

SO ORDERED, this the 3rd day of July, 2019.



RICHARD A. SMITH
CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI
OCTOBER, 2019, TERM**

Monday, October 7, 2019

Judge Richard A. Smith

8:30 a.m.	EMPANEL GRAND JURY PLEAS SENTENCES & MOTIONS PRE-TRIAL/OMNIBUS HEARINGS		
#2017-0055 09/13/17	Jeremy Bradford	Poss. Of Marijuana	Sanders 8
#2017-0088 01/08/18	Jeremy Bradford	Poss. Of Marijuana W/I Poss. Of Controlled Substance W/I	Sanders 7
#2018-0044 09/10/18	Bobbie Flemming	Felony Embezzlement-3 Cts.	Daniels 5
#2016-0038 09/13/16	Wykemia Thompson (B/W & I/F 07/01/19)	Felony Shoplifting Conspiracy	Wells 4
#2018-0062 02/04/19	Donald Polk	Poss. Of Stolen Firearm	Wells 4
#2018-0070 02/04/19	Christopher Marshall	Felony DUI-3 Cts.	Daniels 4
#2017-0047 09/10/18	Ashlie Whatley	Felony Worthless Check	Sanders 5
#2018-0048 09/10/18	Raubert Carter	Aggravated Assault-Enhanced	Sanders 5
#2019-0011 06/03/19	Hubert Lee Carpenter	Poss. Of Hydrocodone W/I	Dyer 2
#2019-0012 06/03/10	Hubert Lee Carpenter	Poss. Of Hydrocodone W/I	Dyer 2
#2019-0013 06/03/19	Hubert Lee Carpenter	Sale of Cocaine-Sub. Offender	Dyer 2
#2019-0014 06/03/19	Hubert Lee Carpenter	Sale of Cocaine	Dyer 2
#2019-0026 06/03/19	James Rodgers	Malicious Mischief	Sanders 2
#2019-0030 06/03/19	Tavarus White	Aggravated Assault-2 Cts. Shooting Into a Dwelling	Sanders 2

Monday, October 7, 2019(Continued)

TRIALS

#2016-0052 09/13/16	Alexandria Jennings (Pled-Cont.for Sentencing) Lucas Edwards Garrick Price Vilandrus Gibson	Capital Murder Conspiracy	Thomas Lee Gore Simmons 11
#2017-0063 09/13/17	Tonua Whitaker	Murder	Wells 9

Tuesday, October 8, 2019Wednesday, October 9, 2019Thursday, October 10, 2019Friday, October 11, 2019