

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 06/28/21. 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 11th day of March, 2021.



RICHARD A. SMITH
CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI
JUNE, 2021, TERM**

Judge Richard A. Smith

Monday, June 28, 2021

8:30 a.m. PLEAS, SENTENCES & MOTIONS
PRE-TRIAL/OMNIBUS HEARINGS

#2018-0044 09/10/18	Bobbie Flemming	Felony Embezzlement-3 Cts.	Daniels 12
#2020-0004 08/31/20	DeMarkus Morehead Detriss Landford	Armed Robbery-Enhanced Poss. Of Firearm on School Grounds	Sanders Davis 4
#2020-0008 08/31/20	Edward Brown	Poss. Of Methamphetamine	Wells 4
#2020-0015 08/31/20	Leonard Black, III	Felony Fleeing	Sanders 4
#2020-0040 01/19/21	Joshua Davenport	Poss. of Methamphetamine Poss. of Firearm by Felon	Sanders 2
#2020-0009 08/31/20	David Joiner, Jr.	Poss. of Cocaine	Sanders 2
#2020-0044 01/19/21	David Joiner, Jr.	Sale of Cocaine	Sanders 2
#2020-0045 01/19/21	David Joiner, Jr.	Sale of Cocaine	Sanders 2
#2020-0046 01/19/21	David Joiner, Jr.	Sale of Cocaine	Sanders 2
#2020-0047 01/19/21	David Joiner, Jr.	Sale of Cocaine	Sanders 2

EXHIBIT "A"

Monday, June 28, 2021 (Continued)

#2020-0053 01/19/21	Congeita Sanders	Sale of Cocaine	Sanders 2
#2020-0054 01/29/21	Congeita Sanders	Sale of Cocaine	Sanders 2
#2020-0060 01/19/21	Vernon Applewhite	Sale of Cocaine - Subsequent	Davis 2
#2020-0065 01/19/21	Destinee S. Walker	Fraudulent Statements & Rep - 6 cts Computer Fraud Mail Fraud	Wells 2

Tuesday, June 29, 2021

TRIALS

#2018-0048 09/10/18	Raubert Carter (Pet. to Plea- Cont. For Plea)	Aggravated Assault-Enhanced	Sanders 13
#2018-0070 02/04/19	Christopher Marshall	Felony DUI-3 Cts.	Bailey/Daniels 11
#2020-0020 08/31/20	Dominique Floyd (B/W & I/F 2/5/21) Draquis Johnson	Burglary of a Dwelling	Sanders Wells 4
#2020-0029 08/31/20	Stephon Snipes	Ct. 1-Murder-Enhanced Ct. 2-Attempted Murder-Enhanced	Sanders 4

Wednesday, June 30, 2021Thursday, July 1, 2021Friday, July 2, 2021