

IN THE CIRCUIT COURT OF WASHINGTON 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 10/04/21. 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 18th day of August, 2021.



RICHARD A. SMITH
CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, MISSISSIPPI
OCTOBER, 2021, TERM**

Judge Richard A. Smith

Monday, October 4, 2021

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

#2009-0049 10/16/14	Paul Jones	Felony Worthless Check	P.D. 53
#2016-0147 10/24/16	Marcus Lindsey (Order For Mental Exam) (McVaugh 01/19/17)(Mental Exam Ordered 09/19/17-Lott) (Report Rec'd 3/27/18; 7/8/20; 3/1/21)(Waiting on Bed)	Sexual Battery-7 Cts. Fondling-2 Cts.	P.D. 36
#2018-0098 07/16/18	Algea Clay a/k/a Algea Clay Hamilton	Aggravated Assault (Habitual Offender)	B. Dorsey 3
#2018-0140 10/15/18	Frederick Nalls, Jr. (Mental Exam Ordered 11/10/20)	Kidnapping	Koenig 19
#2019-0186 01/27/20	Rodarius Bernard	Cts. I-XXIV-Fraudulent of Identity	C. Hitt 10
#2019-0203 01/27/20	Anthony Smith Cordell Smith Joshua Boone Dcondra Williams	Ct. I-Murder Ct. II-Poss. of Firearm by Felon-Habitual Ct. III-Accessory after the Fact of Murder Ct. III-Accessory after the Fact of Murder Ct. III-Accessory after the Fact of Murder Ct. IV-Tampering with Evidence	Koenig Simmons Holaday Lee 10
#2020-0073 09/23/20	David Maatallah	Embezzlement	Simmons 9
#2020-0077 09/23/20	Roy Johnson	Business Burglary	P.D. 9
#2020-0078 09/23/20	Roy Johnson	Business Burglary	P.D. 9
#2020-0149 12/16/20	Roy Johnson	Burglary/Business	P.D. 7

EXHIBIT "A"

Monday, October 4, 2021 (Continued)

#2020-0086 09/23/20	Lucas Davis	Aggravated Assault	P.D. 9
#2020-0128 09/23/20	Antoine Jackson	Poss. of Marijuana W/I	A. McDaniel
09/23/20	Lakendrick Motton	Enhanced-Sub. Offender-Habitual Poss. of Marijuana W/I(Enhanced)	A. Harris 9
#2021-0048 07/06/21	Antoine Jackson	Poss. Cont. Substance W/I Corr. Facility Subsequent Offender; Habitual	A. McDaniel 2
#2021-0005 04/05/21	Byron Butler	Felony Fleeing	A. Harris 4
#2021-0009 04/05/21	Qartavius Moten	Burglary of a Dwelling	Gore 4
#2021-0013 04/05/21	Gary Boyles	Ct. I-Att. Grand Larceny Ct. II-Poss. Stolen Property Ct. III-Felony Fleeing Ct. IV-Poss. Deadly Weapon by Felon	W. Lee
04/05/21	Julianna Holifield	Ct. IV-Poss. Deadly Weapon by Felon Ct. V-Poss. Cont. Substance	P.D. 4
#2021-0018 04/05/21	Alphonso Miller	Sale of Cont. Substance (Habitual)	P.D. 4
#2021-0022 04/05/21	Terra Platt	Poss. Cont. Substance	M. Creel 4
#2021-0032 04/05/21	Kentzevius Flowers	Aggravated Assault	P.D. 4
#2021-0039 07/06/21	Anthony Winder	Burglary (Habitual)	W. Lee 2
#2021-0043 07/06/21	Reginald Pridgen	Burglary of a Dwelling	P.D. 2

Monday, October 4, 2021 (Continued)

#2021-0052 07/06/21	Lamar Ruffins	Ct. I & II - Poss. Cont. Substance Ct. IV - Conspiracy Ct. V - Poss. Stolen Firearm Ct. VI - Poss. Firearm by Felon	A. Harris
07/06/21	Melvin Winder	Ct. I & II - Poss. Cont. Substance Ct. IV - Conspiracy Ct. V - Poss. Stolen Firearm Ct. VI - Poss. Firearm by Felon	P.D.
07/06/21	Remon Warren	Ct. I & II - Poss. Cont. Substance Ct. IV - Conspiracy Ct. V - Poss. Stolen Firearm	K. Koenig
07/06/21	Toboras Warren	Ct. I & II - Poss. Cont. Substance Ct. IV - Conspiracy Ct. V - Poss. Stolen Firearm	A. Thomas 2
#2021-0053 07/06/21	Lamar Ruffins	Poss. Cont. Substance W/I	A. Harris
07/19/21	Joshua Stanton	Poss. Cont. Substance W/I	P.D. 2
#2021-0057	Lee Hollingsworth	Poss. Stolen Property	P.D. 2
#2021-0065 07/06/21	Ellison Lafayette	2 nd Degree Murder (Habitual)	K. Koenig 2
#2021-0073 07/06/21	John Paul Polk	Sexual Battery (5 cts)	N. Crawford 2
#2021-0076 07/06/21	Melvin Reed	Poss. Cont. Substance (2 cts)	P.D. 2
#2021-0083 07/06/21	Judson Cooper	Aggravated DUI (3 cts)	G. Dyer 2

Tuesday, October 5, 2021

TRIALS

#2020-0090 09/23/20	Jason Sanders	Ct. I-Poss. of Stolen Firearm Ct. II-Poss. of Firearm by Felon Ct. III-Poss. of Stolen Firearm Ct. IV-Poss. of Firearm by Felon (Habitual Offender)	Koenig 9
#2018-0164 02/19/19	Nikeyia Harper	Attempted Statutory Rape Fondling	Gore 18
#2019-0103 08/05/19	Michael Stephney, Sr. Michael D. Stephney, Jr. Nathaniel Jarmon	Ct. I & II-1 st Degree Murder-Enhanced Ct. I & II-Attempted Murder-Enhanced Ct. III-Tampering With Evidence	Gore P.D. Koenig 15
#2019-0177 10/21/19	Emily Litton Michael Evans	Ct. 1-Child Neglect Ct. 11-Child Neglect	Campbell Calderon 12
#2020-0136 09/23/20	Malcolm Patterson	Ct. 1-Poss. Of Marijuana W/I Habitual-Sub.Offender-Enhanced	A. Harris 9

Wednesday, October 6, 2021

Thursday, October 7, 2021

Friday, October 8, 2021

Wednesday, January 19, 2022

TRIALS

#2017-0028 03/29/17	Demond Williams	2 nd Degree Murder	Dyer 28
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