

IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI

**SECOND AMENDED 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 11/08/21. 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 Plea:** 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 20th day of October, 2021.



RICHARD A. SMITH
CIRCUIT JUDGE

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

Judge Richard A. Smith

Amended 10/20/2021

Monday, November 8, 2021

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

#2016-0052 09/13/16	Vilandrus Gibson Garrick Price Alexandria Jennings	Capital Murder Conspiracy	Simmons Gore Thomas
#2016-0052 09/13/16	Lucas Edwards	Capital Murder Conspiracy	Lee
#2018-0044 09/10/18	Bobbie Flemming <u>(Continued to 2/7/22)</u>	Felony Embezzlement-3 Cts.	Daniels 13
#2019-0055 10/16/19	Randolyn Faint	Agg. Assault, Firearm Enhancement Armed Robbery, Firearm Enhancement	Wells
10/2/19	Donovan Ross	Agg. Assault, Firearm Enhancement Armed Robbery, Firearm Enhancement	Littleton
10/2/19	Draven Ross	Agg. Assault, Firearm Enhancement Armed Robbery, Firearm Enhancement	Jenkins
#2021-0025 5/17/21	Randolyn Faint	1 st Degree Murder, Firearm Enhancement (2 counts) Felony Taking Motor Vehicle	Wells
#2020-0004 08/31/20	DeMarkus Morthead Detriiss Landford <u>(Continued to 2/7/22)</u>	Armed Robbery-Enhanced Poss. of Firearm on School Grounds	Littleton K. Camp 5
#2020 0068 04/01/21	Detriiss Landford <u>(Continued to 2/11/22)</u>	Aggravated Assault - Enhanced by Firearm	K. Camp 2
#2021-0027 05/17/21	Detriiss Landford	Murder - Enhanced by Firearm Aggravated Assault (2 cts)	K. Camp
05/17/21	Lemarkus James <u>(Continued to 2/7/22)</u>	Murder - Enhanced by Firearm Aggravated Assault (3 cts) Enhanced by Firearm (3 cts)	Littleton 2

EXHIBIT "A"

Monday, November 8, 2021 (Continued)

#2020-0060 01/19/21	Vernon Applewhite	Sale of Cocaine - subsequent	Sanders 3
#2021-0017 05/17/21	Vernon Applewhite	Sale of Cocaine - Subsequent	Sanders 2
#2021-0005 05/17/21	Savardson Durnham	Murder	Blackmon 2
#2021-0010 05/17/21	Maurice Eubanks	Poss. of Methamphetamine	Wells 2
#2021-0013 05/17/21	Kelvin Holland	Exploitation of Child	Littleton 2
#2021-0016 05/17/21	Jeremy Bradford	Sale of Cocaine - Subsequent	Littleton 2
#2021-0021 05/17/21	Jeremy Bradford	Sale of Cocaine - Subsequent	Littleton 2
#2021-0041 09/13/21	Jeremy Bradford	Poss. of Marijuana - Subsequent	Littleton
#2021-0032 09/13/21	Phamous Harris	Poss. of Stolen Firearm	Wells
#2021-0038 09/13/21	Jacarious Willis Toya Willis	Agg. Assault w/ Deadly Weapon Agg. Assault w/ Deadly Weapon	Wells Littleton
#2021-0043 09/13/21	Phalandria Griffin	Hindering Prosecution	Wells

Tuesday, November 9, 2021**TRIALS**

#2018-0070 02/04/19	Christopher Marshall <u>(Continued to 2/8/22)</u>	Felony DUI-3 Cts.	Bailey/Daniels 12
#2020-0020 08/31/20	Dominique Floyd Draquis Johnson	Burglary of a Dwelling	Littleton Wells 5
#2020-0015 08/31/20	Leonard Black, III	Felony Fleeing	Littleton 5
#2020-0040 01/19/21	Joshua Davenport	Poss. of Methamphetamine Poss. of Firearm by Felon	Sanders 3

Wednesday, November 10, 2021**Thursday, November 11, 2021****Friday, November 12, 2021**