

IN THE TWENTY-SECOND CIRCUIT COURT DISTRICT
(Claiborne, Copiah & Jefferson Counties)

LOCAL PROCEDURE for CRIMINAL MATTERS

GENERAL INFORMATION

THE TWENTY-SECOND (22nd) CIRCUIT COURT DISTRICT ADHERES TO THE SUPREME COURT'S TIME STANDARDS

TOMIKA H. IRVING, CIRCUIT JUDGE

Kinshasa West, Court Administrator

kwest@copiahcountymys.gov

Mailing Address:

Post Office Box 278

Fayette, MS 39069

Telephone: (601) 786-9600

Facsimile: (601) 786-8900

Website: www.ms22circuit.com

Judge Irving has signed orders approving use of MEC in Claiborne, Copiah and Jefferson Counties. All attorneys should immediately begin filing documents in MEC in the respective county.

All orders received in the Judge's Office will be mailed or hand delivered by the Judge's Office to the respective Circuit Clerk's Office for docketing and filing. A stamped 'filed' copy will be mailed back to the respective attorney if a stamped, self-addressed envelope is provided. If a stamped, self-addressed envelope is not provided, the attorney must obtain a copy of the Order from the respective Circuit Clerk's Office or MEC.

Judge Irving will not accept any proposed orders with electronic signatures. All orders must have hand-written signatures.

I. ARRAIGNMENT

- A. The dates for arraignment are set by the Court and are available on the Court's calendar via this Court's Website.
- B. Attorneys are to be present with their client at the Arraignment. An Order of Arraignment will be completed by the Court.

- C. It is the responsibility of the Attorney to prepare an Order of Transport for his/her client, if he/she is in jail, for Judge Irving's signature to ensure the Defendant is present in court.
- D. If a Waiver of Arraignment is desired, it must be completed between the Attorney and his/her client after obtaining dates from the Court Administrator:
 - 1. Waiver of Arraignment will include the Trial date, the Omnibus/Plea Hearing date and other applicable dates as set by Judge Irving.
- E. If the Waiver of Arraignment is approved, the Waiver is to be returned within five (5) days of the Attorney's receipt, or an Arraignment date will be set by the Court for purpose of arraigning Defendant in open court.
- F. An Order Setting Trial and Other Dates will be prepared by the Court, which will include:
 - 1. the Omnibus/Plea Hearing date;
 - 2. the Trial date; and
 - 3. any other applicable dates to be set before the Court.
- G. If desired, attorneys can talk with the Drug Court Coordinator after arraignment to request that his/her client be assessed for drug court. Please see Drug Court General Information on this website for additional information.

II. DISCOVERY

- A. The Attorney for the Defendant is to contact the District Attorney's Office, in writing, to advise of his/her representation of a respective party and to request written discovery. Upon receipt of the written request for discovery, the District Attorney will provide all discovery within his/her possession.

III. OMNIBUS/PLEA HEARING

- A. On the date of Omnibus/Plea Hearing, the following will occur:
 - 1. Defendant's Attorney will announce ready for trial and complete an Omnibus Order prior to this announcement. The Omnibus Order can be obtained either from the District Attorney's Office or from this Court's Website.
 - 2. All Motions are to be submitted to opposing counsel within seven (7) working days of the Omnibus Hearing date, and if a hearing is required, the noticing party must provide notice to opposing counsel at least five (5) working days prior to the Omnibus Hearing date so that all parties will be ready for hearing on the Omnibus Hearing date. **MOTION HEARINGS WILL NOT BE HELD ON THE MORNING OF TRIAL, UNLESS SPECIFIED BY JUDGE IRVING.**
 - 3. **The attorneys shall submit his/her Motions and Memorandums/Briefs to the Law Clerk, via email, prior to the Omnibus Hearing date.**
 - 4. After the date specified for the Omnibus/Plea Hearing, Judge Irving may not consider the State's recommendation with regard to a plea bargain. At any time

following the Omnibus/Plea Hearing date should Defendant desire to change his/her plea to guilty, it will be an open plea.

- B. Defendant's attorney will announce that Defendant desires to change plea to guilty and file a Petition to Enter Plea of Guilty completed prior to announcement. This form can be obtained from the District Attorney's Office or from this Court's Website.
- C. Sentencing will either take place at the time of plea or deferred to another date if a Pre-Sentence Investigation is requested by Judge Irving but within the time as prescribed by the Supreme Court's Time Standards.

IV. TRIALS

- A. All trials will begin at 9:00 a.m.
- B. If a trial date is 'bumped' by another case on the Court's docket for that date, the case that is 'bumped' will be placed on the Court's docket for trial on the day following or next available date and continue day-to-day throughout the Court's scheduled Term of Court.
- C. Trials will proceed until conclusion with the Judge setting the times for beginning and concluding on each date. All parties should anticipate working outside of the normal working hours during the progress of a trial to ensure the most efficient use of time.
- D. If Defendant changes his/her plea on date of trial or during trial, it will be an open plea.
- E. Sentencing will take place after verdict/plea or deferred to another date if a Pre-Sentence Investigation is requested by Judge Irving but within the time as prescribed by the Supreme Court's Time Standards.

V. CONTINUANCES

- A. Any continuances of a trial setting are approved by the Judge only, through the requesting party's motion for a continuance. If the continuance is granted by the Judge, the requesting party is to submit an Order of Continuance to the Court within ten (10) working days of the Motion Hearing date.

VI. EXPUNGEMENTS

- A. Only agreed orders for expungements should be sent to the Judge's Office with the attorney and District Attorney's signatures.
- B. If the expungement is not agreed to by the District Attorney, the parties should follow the Local Procedures for Civil Matters for setting it for hearing on the Court's Motion Day docket.