

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**RE: CRIMINAL MATTERS BEFORE JUDGE GIBBS**

**GUIDELINES FOR CRIMINAL CASES  
(May 1, 2023)**

The Court respectfully requests that attorneys practicing before the Court follow the following guidelines in connection with criminal cases pending on Judge Gibb's docket. Please copy all counsel of record and my Court Administrator, Regina Price [regina.price@co.hinds.ms.us](mailto:regina.price@co.hinds.ms.us), and my Staff Attorney, Whitley Pannell [whitley.pannell@co.hinds.ms.us](mailto:whitley.pannell@co.hinds.ms.us) on all email communications with the Court.

**SCHEDULING ORDER**

At arraignment, the Court will enter an order setting a date for (1) status conference; (2) Plea by Date; and (3) the first trial setting.

**PRE-TRIAL CONFERENCE**

All defendants must appear at status conference with their attorney as a condition of their bond. Failure of the defendant to appear at status conference will result in a bench warrant being issued and bond revoked. There will be only one status conference, unless the Court instructs otherwise. The State shall forward written recommendations to defense counsel by no later than ten (10) days prior to the status conference.

At status conference, counsel for the defendant will advise the Court as to:

- Whether a recommendation has been received from the State and communicated to the defendant.
- Whether the defendant intends to enter a plea by the Plea by Date or proceed to trial.

- Whether the defendant's case will be referred to drug court, pre-trial intervention or other alternative sentencing by the Plea by Date.
- Whether the defendant requires a mental evaluation and/or the status of a pending mental evaluation.
- If the defendant has rejected the recommendation of the State, a pre-trial conference checklist should be submitted to the Court with the signature of the defendant, his attorney and the district attorney's office and no further plea negotiations as to the sentence in the charges will be permitted or considered by the Court.
- If counsel for the defendant does not submit the pre-trial conference checklist, an order setting the case for trial will be entered *sua sponte* by the Court for the record.
- At status conference, the State may announce any intent to reduce, dismiss, or remand the charge(s) or nol pros the proceedings. In such instances, a written motion must be filed on MEC by no later than the Plea by Date to be presented to the Court. The Court will no longer consider requests for remand after the pre-trial conference checklist has been approved by the Court.

### **PLEA BY DATE**

All defendants who have not filed a pre-trial conference checklist with the Court are required to appear in Court on the Plea by Date. All guilty plea petitions must be filed by no later than forty-eight (48) hours before the plea date. If the plea petition is not filed by the deadline, the plea will be open or the case will be placed in the trial line-up. If the defendant does not enter a plea on the Plea by Date, there will be an order entered by the Court placing the case in the trial line-up and any future plea will be open without a sentencing recommendation.

If it is necessary to extend the settlement conference or Plea by Date, the appropriate motion must be filed with the Court and an order entered granting an extension of time. If no order is entered on the record, the Court presumes that any future plea will be open and the case is in the trial line-up. It is the responsibility of the attorney representing each defendant to ensure that the record and orders of the Court reflect the status of their client's prior proceedings.

## **DOCKET CALL**

The purpose of docket call is to set cases in order of precedence for trial. Any defendant who has not entered a plea by the Plea by Date will be placed in docket call. Pending cases will be prioritized based on custody status, age of the case, year of the indictment, and gravity of the offense. The Court will issue guidelines and failure to adhere will result in abandonment.

## **PLEA PETITIONS**

Plea petitions must be filed online through MEC and a copy emailed to the Court Administrator and Law Clerk before Court. at least forty-eight (48) hours prior to presenting the petition to the Court. Defense counsel must attach a copy of the recommendation to the plea petition when filed. The defendant must initial the attached recommendation. Failure to adhere to this policy may impact acceptance of the defendant's plea.

## **BONDS**

No setting for a bond hearing will be given until the motion for bond has been filed on MEC and a copy forwarded to the Court Administrator. All motions for bond must be in writing and filed no later than five (5) days before the hearing. **The Court will not consider *ore tenus* motions for bond at arraignment, plea or status conference.**

All requests by the State to revoke or increase the amount of a bond must be in writing and set for a hearing with five (5) days notice to the defendant. The Court will not revoke or increase a bond at arraignment, status conference or plea unless exigent circumstances exist such that the

defendant is a danger to the community or a flight risk or has violated some statutory provision. The Court, however, will consider appropriate restrictions on bond.

### **MOTION HEARINGS**

All motions shall be timely filed according to scheduling deadlines set by the Court. The moving party is required to present orders to the Court no later than ten (10) days following the hearing. If no order is presented within the time allotted, the Court may issue a show cause order.