

JUSTICE COURT FORMS FOR CRIMINAL PROCEEDINGS

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IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

SECURED APPEARANCE BOND

We, _____, PRINCIPAL, and _____, SURETY, agree to pay the State of Mississippi _____ Dollars, unless:

- ☐ The DEFENDANT in the above-styled case shall appear at the next term of the Circuit Court of _____ County, which address is _____, and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case.
- ☐ The DEFENDANT in the above-styled case shall appear before the Justice Court of _____ County, which address is _____, on the ____ day of _____, 20 ____ at ____ o'clock ____ m., and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case.

PRINCIPAL

SURETY

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

If the bond is posted by a PROFESSIONAL BAIL AGENT, the following information must be preprinted or stamped clearly and legibly on the bond form:

- Full name of the bail agent.
- Department of Insurance license number.
- Full and correct legal address of the bail agent.
- Complete phone number of the professional bail agent.

If the bond is posted by a LIMITED SURETY PROFESSIONAL AGENT, a true and correct copy of the individual's power of attorney must be attached and the following information must be preprinted or stamped clearly and legibly on the bond form:

- Full name of the bail agent.
- Department of Insurance license number.
- Full and correct legal address of the bail agent.
- Complete phone number of the professional bail agent.
- Name of the insurer.
- Legal address of the insurer on file with the department.
- Complete phone number of the insurer.

If the bond is posted by a SOLICITING BAIL AGENT, a true and correct copy of the individual's power of attorney must be attached and the following information must be preprinted or stamped clearly and legibly on the bond form:

- Full name of the bail agent.
- Department of Insurance license number.
- Full and correct legal address of the bail agent.
- Complete phone number of the professional bail agent.

SAMPLE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

UNSECURED APPEARANCE BOND

I, _____, the DEFENDANT in the above-styled case, agree to pay the State of Mississippi _____ Dollars, unless:

- ☐ I shall appear at the next term of the Circuit Court of _____ County, which address is _____/ and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case.
- ☐ I shall appear before the Justice Court of _____ County, which address is _____/ on the ____ day of _____, 20 ____ at ____ o'clock ____ m., and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**ARREST WARRANT
AND NOTICE TO THE DEFENDANT**

**TO ANY OFFICER AUTHORIZED BY LAW
WITHIN THE STATE OF MISSISSIPPI TO MAKE ARRESTS:**

WHEREAS this Court having considered the attached criminal affidavit, and any sworn testimony taken, and finding probable cause to believe that a crime has been committed and probable cause to believe that the DEFENDANT in the above-styled case committed it,

YOU ARE HEREBY COMMANDED:

TO ARREST: (Specify the complete name of the DEFENDANT, or if the name is unknown, any name or description by which the DEFENDANT can be identified with reasonable certainty)

who may be located at: (Specify, if known) _____

AND BRING BEFORE ME or, if I am unavailable, before the nearest or most accessible judge having jurisdiction, without unnecessary delay but in no event later than FORTY-EIGHT (48) HOURS after arrest, for an initial appearance on the charge of: (Specify) _____;
TO SERVE UPON THE DEFENDANT a copy of this warrant and notice; and
TO PROMPTLY RETURN the executed warrant to the JUSTICE COURT CLERK OF THIS COURT.

YOU ARE FURTHER ORDERED to release the DEFENDANT from your custody, if the DEFENDANT is bailable as a matter of right, as follows: (Check one)

- ☐ Upon the DEFENDANT'S personal recognizance, subject to the terms of release in this warrant and notice.
- ☐ Upon the DEFENDANT executing an unsecured appearance bond in the amount of: \$ _____, subject to the terms of release in this warrant and notice.
- ☐ Upon the DEFENDANT executing a secured appearance bond in the amount of: \$ _____, subject to the terms of release in this warrant and notice.

THE DEFENDANT SHALL BE AFFORDED A REASONABLE OPPORTUNITY TO MAKE A TELEPHONE CALL TO, OR OTHERWISE MAKE EFFECTIVE COMMUNICATION WITH, ANY PERSON THE ACCUSED MAY CHOOSE. IF THE CHARGE IS FOR DOMESTIC VIOLENCE OR A KNOWING VIOLATION OF A DOMESTIC ABUSE PROTECTIVE ORDER, THE DEFENDANT IS TO BROUGHT BEFORE THIS COURT AS REQUIRED UNDER MISS. CODE ANN. § 99-5-37.

ORDERED AND ADJUDGED this the ____ day of _____, 20____ at _____ o'clock ____ m.

JUSTICE COURT JUDGE

Notice to the Defendant

YOUR RELEASE UNDER THIS WARRANT REQUIRES YOU TO OBEY THE FOLLOWING
CONDITIONS OF RELEASE:

- Appear in Court, when required, and comply with all orders of the Court.
- Commit no crime.
- Not abuse or threaten the alleged victim or possible witnesses.
- Promptly notify the Court of any change of address.
- Meet with the public defender, appointed attorney, or retained attorney, as directed.

ADDITIONAL TERMS OF RELEASE: (Specify) _____.

YOU ARE REQUIRED TO APPEAR BEFORE THIS COURT, located at _____,
on the ____ day of _____, at _____ o'clock, ____ m.

YOU ARE TO BRING TO THE HEARING THIS WARRANT. FAILURE TO ABIDE BY THE
CONDITIONS OF RELEASE CONTAINED HEREIN MAY RESULT IN A BENCH WARRANT BEING
ISSUED FOR YOUR ARREST.

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day executed the above arrest warrant in compliance with its terms and conditions.

DATE AND TIME OF ARREST: _____ at _____ o'clock ____ m.

OFFICER BADGE NUMBER DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

ARREST WARRANT CANCELLATION

TO ANY OFFICER AUTHORIZED BY LAW

WITHIN THE STATE OF MISSISSIPPI TO MAKE ARRESTS:

WHEREAS this Court has canceled the arrest warrant for the DEFENDANT charged in the above-styled case that had been issued on the ____ day of _____, 20_____,

IT IS HEREBY ORDERED:

That you RETURN THE ARREST WARRANT to this Court IMMEDIATELY.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

MOTION FOR APPOINTMENT OF ATTORNEY

I, the DEFENDANT in the above-styled case, request this Court to appoint an attorney, free of cost, to represent me in this case. Attached to this motion is a completed AFFIDAVIT OF SUBSTANTIAL HARDSHIP that explains my financial status.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**ORDER ON DEFENDANT'S
MOTION FOR APPOINTMENT OF ATTORNEY**

Whereas this Court having considered the DEFENDANT'S MOTION FOR THE APPOINTMENT OF AN ATTORNEY, along with the DEFENDANT'S AFFIDAVIT OF SUBSTANTIAL HARDSHIP and any sworn testimony by the DEFENDANT to this Court regarding the DEFENDANT'S financial resources, and having advised the DEFENDANT of the penalties for perjury under section 97-9-61 of the Mississippi:

IT IS HEREBY ORDERED:

- ☐ Denied.
- ☐ This Court finds that the offense for which the DEFENDANT is charged is not a criminal offense that may result in the loss of liberty or incarceration.
- ☐ This Court finds, having conducted an individualized assessment of the DEFENDANT'S total financial situation, that the DEFENDANT has the financial ability to retain counsel without it causing an undue financial hardship to him/her or any dependents who rely upon him/her for support.

THE DEFENDANT MAY REQUEST A RECONSIDERATION OF THIS FINDING IF
THERE IS A MATERIAL CHANGE OF CIRCUMSTANCES OF HIS/HER FINANCIAL
STATUS.

- ☐ Granted. This Court hereby appoints:
 - ☐ The Public Defender of this County to represent the defendant in the above-styled case.
Attorney's name: _____
Mississippi Bar Association number: _____
Business mailing address: _____
Business physical address, if different from mailing address: _____
Business email address: _____
Office telephone number: _____
 - ☐ A private attorney to represent the defendant in the above-styled case.
Attorney's name: _____
Mississippi Bar Association number: _____
Business mailing address: _____
Business physical address, if different from mailing address: _____
Business email address: _____
Office telephone number: _____

THE DEFENDANT IS INSTRUCTED TO IMMEDIATELY CONTACT
THE PUBLIC DEFENDER OR ATTORNEY APPOINTED BY THIS ORDER.

Trial is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m. A copy of this order shall be provided to the DEFENDANT, the appointed attorney, if any, and the COUNTY PROSECUTOR. Any attorney appointed by this order shall file an entry of appearance with this Court as required under Rule 7.2 of the Mississippi Rules of Criminal Procedure.

ORDERED AND ADJUDGED this the _____ day of _____, 20 _____.

JUSTICE COURT JUDGE

SAMPLE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

WAIVER OF RIGHT TO AN ATTORNEY

I, the DEFENDANT in the above-styled case, knowingly and voluntarily waive my right to an attorney, and choose to conduct my own defense. In making this waiver, I understand the following:

- I have a right to an attorney.
- If I cannot afford an attorney, the Court will appoint one free of cost to defend or assist me.
- If an attorney is appointed, I get to decide the role of the attorney in representing me.
- I have the right to defend myself and to conduct my own defense.
- If I choose to defend myself and to conduct my own defense, I must follow the same rules of evidence, procedures, and courtroom practices that apply to attorneys. These rules are not simple, and the court will not relax or disregard them for my benefit.
- Without an attorney, it will be more difficult to defend the case against me.
- Without an attorney, it increases the likelihood of a trial outcome unfavorable to me.
- If found guilty, I could be sentenced to jail, to pay court costs, restitution, fines, and state assessments, and/or to perform community service.
- Other matters that the Court has explained to me: _____.

After being advised on these matters, I still want to proceed without an attorney. I am aware that I may withdraw this waiver at any time. I am also aware that I will not be allowed to repeat any proceeding previously held or waived if I should decide at a later time to either hire an attorney or to allow the court to appoint an attorney for me.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

ORDER

Whereas this Court has informed the DEFENDANT of the rights set forth herein and finds that the DEFENDANT has knowingly and voluntarily waived the right to an attorney, the DEFENDANT'S WAIVER OF RIGHT TO AN ATTORNEY is hereby accepted.

ORDERED AND ADJUDGED this the _____ day of _____, 20 _____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

ORDER DENYING BAIL

WHEREAS this Court finds:

- A. ☐ That the DEFENDANT in the above-styled case is being held in custody on a capital offense and, further:
- ☐ That the proof is evident or the presumption is great that the DEFENDANT committed the offense, to wit: _____; or
 - ☐ That the DEFENDANT has previously been convicted of a capital offense or any other offense punishable by imprisonment by a maximum of twenty years of more, to wit: _____.
- B. ☐ That the DEFENDANT in the above-styled case is being held in custody on an offense punishable by imprisonment for a maximum of twenty (20) years or more or by life imprisonment and that the proof is evident or the presumption is great that the DEFENDANT committed the offense, to wit: _____, and, further:
- ☐ That the release of the DEFENDANT on this charge would constitute a special danger to another person or to the community, to wit: _____; or
 - ☐ That no condition or combination of conditions will reasonably assure the presence of the DEFENDANT as required, to wit: _____.
- C. ☐ That the DEFENDANT in the above-styled case is being held in custody on dangerously wounding another person, and that it is not known at this time whether the person injured will recover or not, and if person does not recover, whether the case against the DEFENDANT, in any event, would not amount to murder.

IT IS HEREBY ORDERED:

BAIL IS DENIED.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

CASH DEPOSIT BOND

I, _____, the DEFENDANT in the above-styled case, truthfully state under oath the following:

- Amount of the bail bond: \$ _____, as set by: _____.
- Return date on the bail bond: _____, as set by: _____.
- Amount of cash that I tendered to the JUSTICE COURT CLERK: \$ _____, which is TEN PERCENT (10%) of the amount of the bail bond or \$250.00, whichever is greater.
- I have never been convicted in any court of this state, another state or a federal court, of a crime punishable by more than one (1) year's imprisonment.
- I am not currently charged with escape.
- I have not previously been convicted of escape.
- I never had a judgment nisi entered on a previous bail bond executed by me.

ADDITIONALLY, I authorize the JUSTICE COURT CLERK to dispose of the cash that I tendered on this bond as follows:

- If the bond is forfeited, the cash tendered will be paid by the clerk, less a fee of not more than \$10.00, to the county, and the amount so paid will be credited on the bond forfeited.
- If I appear on the return day and a final disposition is made of the case, the amount deposited with the clerk, less a fee of not more than \$10.00 to be retained by the clerk, will be disposed of as ordered by the court.

I AGREE TO REPORT MY CURRENT ADDRESS TO THE JUSTICE COURT CLERK ON THE FIRST MONDAY OF EACH MONTH BY TELEPHONE, IN PERSON, OR AS OTHERWISE DIRECTED BY THE COURT. IF I FAIL TO DO SO, I AGREE THAT THE BOND MAY BE DECLARED IN DEFAULT.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____.

Telephone: _____.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

AFFIDAVIT(S) VERIFYING OR SUPPORTING MOTION FOR CIVIL CONTEMPT

I, _____, being duly sworn, make this affidavit that the DEFENDANT in the above-styled case:

- ☐ Has failed to pay court costs, restitution, fines, and/or assessments as ordered by the Court, as evidenced by a copy of the attached records and/or receipts, to wit: (List and attach records and/or receipts showing that the DEFENDANT failed to comply with the Court's order)

1. _____.

2. _____.

3. _____.

- ☐ Has failed to performed community service as ordered by the Court, as evidenced by a copy of the attached records and/or receipts, to wit: (List and attach records and/or receipts showing that the DEFENDANT failed to comply with the Court's order)

1. _____.

2. _____.

3. _____.

JUSTICE COURT CLERK / D.C.

Sworn to and subscribed before me this the ____ day of _____, 20____.

NOTARY PUBLIC

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

MOTION FOR CIVIL CONTEMPT OF COURT

Comes now the COUNTY PROSECUTOR alleging that the DEFENDANT in the above-styled case failed to pay court costs, restitution, fines, and/or assessments, or failed to perform community service, as ordered by this Court, as follows: (Check the box(es) that apply and fill in the amounts)

- ☐ Pay court costs. Judgment for court costs: \$ _____.
Court costs paid: \$ _____.
Amount owed: \$ _____.
Due date: _____
- ☐ Make restitution. Judgment for restitution: \$ _____.
Restitution paid: \$ _____.
Restitution owed: \$ _____.
Due date: _____
- ☐ Pay fines. Judgment for fines: \$ _____.
Fines paid: \$ _____.
Fines owed: \$ _____.
Due date: _____
- ☐ Pay assessments. Judgment for assessments: \$ _____.
Assessments paid: \$ _____.
Assessments owed: \$ _____.
Due date: _____
- ☐ Perform community service: (Specify) _____.

“COURT COSTS” DO NOT INCLUDE ANY UNPAID FEES OF PRIVATE COLLECTION AND/OR PROBATION COMPANIES.

Attached is a copy of the Court’s sentencing order, or modified order, along with affidavits showing that the DEFENDANT failed to comply. WHEREFORE, I respectfully request this Court to issue, pursuant to Rule 32.4(c) of the Mississippi Rules of Criminal Procedure, a summons for the DEFENDANT to appear and show cause why he/she should not be held in civil contempt of court.

COUNTY PROSECUTOR

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

NO FILING FEE IS REQUIRED IN CONNECTION WITH THE FILING OF THIS MOTION.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

SAMPLE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**CIVIL CONTEMPT OF COURT
AND NOTICE TO THE DEFENDANT**

WHEREAS this Court having conducted a show cause hearing on the ____ day of _____, 20_____, for civil contempt of court for failure to pay court costs, restitution, fines, and/or assessments, or to perform community service, by making an inquiry and causing an investigation to be made into the reasons for nonpayment or nonperformance, and the DEFENDANT being properly summoned and given a full opportunity to present testimony and introduce documents in his/her defense,

IT IS HEREBY ORDERED: (Check the box(es) that apply and fill in the spaces)

- ☐ The DEFENDANT IS NOT IN CIVIL CONTEMPT OF COURT because this Court finds by a preponderance of the evidence that the DEFENDANT'S failure to make payment(s) and/or to perform community service as ordered by the Court was NOT WILLFUL, and instead was due to the DEFENDANT'S inability to pay, or being unable to perform community service, therefore this Court modifies its sentencing order, as follows:

- ☐ Remaining court costs are reduced, as allowed by law, to: \$ _____
Remaining restitution is reduced, as allowed by law, to: \$ _____
Remaining fines are reduced, as allowed by law, to: \$ _____
Mandatory assessments under § 99-19-73 (which may not be reduced): \$ _____
Total due: \$ _____

A minimum payment of \$ _____ per month shall be made to the JUSTICE COURT CLERK on the total amount due. These payments shall be made until the total amount due is paid in full.

- ☐ The DEFENDANT shall be allowed to receive credit toward unpaid court costs, fines, and assessments by completing community service for _____ hours, at the rate of credit of \$ _____ per hour (which rate is no lower than the highest current federal minimum wage), with the rate of credit earned applied to the payment.

Additionally, the DEFENDANT shall be provided, as requested, with the following reasonable accommodations or special conditions for making timely payments or completing community service:

- ☐ No reasonable accommodations or special conditions are required.
☐ For any disability: _____.
☐ For child care needs: _____.
☐ For transportation: _____.
☐ For preventing conflicts with a work or school schedule: _____.
☐ Other: _____.

WHEREAS THE DEFENDANT IS NOT IN CIVIL CONTEMPT OF COURT, NO COURT COSTS SHALL BE ASSESSED FOR THIS PROCEEDING.

- ☐ The DEFENDANT IS IN CIVIL CONTEMPT OF COURT because this Court finds by a preponderance of the evidence: (Check the box(es) that apply)
- ☐ That the DEFENDANT WILFULLY refused, or WILFULLY failed to make sufficient bona fide efforts, to make payments on the court costs, restitution, fines, and/or assessments as ordered by this Court despite having the financial resources to do so without causing an undue financial hardship to himself/herself or any dependents relying upon him/her for financial support.
- ☐ That the DEFENDANT WILFULLY refused, or WILFULLY failed to perform community service as ordered by this Court despite being provided or offered reasonable accommodations for completing that service.

WHEREFORE, this Court, having considered the DEFENDANT'S situation, means, and conduct hereby orders: (Check one)

- ☐ That the DEFENDANT, having knowingly and voluntarily waived the right to counsel or having been represented by retained or appointed counsel in this proceeding, be incarcerated in the COUNTY JAIL for a maximum of _____ days, which period of confinement is within the limitations of § 99-19-20 and § 99-37-9 of the Mississippi Code, or until such time that the DEFENDANT either makes a payment of \$_____ on the total amount due, an amount equal to the DEFENDANT'S delinquent payments AS OF THE DATE OF THIS ORDER, or full payment on the outstanding balance after applying the rate of credit earned for any jail time served on the offense.

The DEFENDANT shall pay court costs of this proceeding in the amount of: \$ _____, which shall be paid by _____ day of _____, 20____.

- ☐ That the DEFENDANT be WARNED that another WILLFUL refusal, or WILLFUL failure to make sufficient bona fide efforts, to make payments on the court costs, restitution, fines, and/or assessments, or to perform community service, as ordered by this Court may result in the DEFENDANT'S incarceration. IT IS FURTHER ORDERED that the terms of the sentencing order be modified, as follows: (Specify) _____.

The DEFENDANT shall pay court costs of this proceeding in the amount of: \$ _____, which shall be paid by _____ day of _____, 20____.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

Notice to the Defendant

YOUR FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A SUMMONS BEING ISSUED FOR YOUR APPEARANCE BEFORE THIS COURT TO SHOW CAUSE WHY YOU SHOULD NOT BE HELD IN CONTEMPT OF COURT.

YOU MAY APPEAL THIS JUDGMENT WITHIN 30 DAYS AS PROVIDED BY THE MISSISSIPPI RULES OF CRIMINAL PROCEDURE. ANY PERSON JAILED FOR CONTEMPT OF COURT IS ENTITLED TO THE SAME CONSIDERATION WITH RESPECT TO BAIL PENDING APPEAL AS A DEFENDANT CONVICTED IN A CRIMINAL PROCEEDING, AS PROVIDED BY LAW.

ACKNOWLEDGMENT

I, the DEFENDANT in the above-styled case, was given an opportunity, personally and/or through my attorney, to make a statement on my behalf before the Court imposed the terms of this order.

COMMUNITY SERVICE REPORTING INFORMATION, if applicable:

Reporting date and time: _____.

Address to report: _____.

Telephone number: _____.

I HAVE BEEN PROVIDED A COPY OF THIS ORDER, AND WILL PROMPTLY REPORT TO THE CLERK OF THIS COURT ANY CHANGES OF MY MAILING ADDRESS BY: (Specify the manner for reporting a change of address) _____.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**SUMMONS TO SHOW CAUSE FOR CIVIL CONTEMPT OF COURT
AND NOTICE TO THE DEFENDANT**

**TO ANY OFFICER AUTHORIZED BY LAW
WITHIN THE STATE OF MISSISSIPPI TO SERVE SUMMONS:**

YOU ARE HEREBY COMMANDED:

TO SUMMONS: (Specify the name of the DEFENDANT and the address where summons is to be served)

_____/
to appear before this Court on the ____ day of _____, 20____, at ____ o'clock ____ m. at:
(Specify the physical address of the justice court) _____/

for a show cause hearing for CIVIL CONTEMPT OF COURT for failure to pay court costs, restitution, fines, and/or assessments, or to complete community service, as evidenced by the attached copy of the motion for civil contempt, the court's sentencing order or modified order, and affidavits showing a failure to comply,

BY PERSONALLY DELIVERING a copy of this summons to the DEFENDANT; and

TO PROMPTLY RETURN the served summons to the JUSTICE COURT CLERK OF THIS COURT.

ORDERED AND ADJUDGED this the ____ day of _____, 20____ at _____ o'clock ____ m.

JUSTICE COURT JUDGE

Notice to the Defendant

"Civil contempt" means willful, continuing failure or refusal of any person to comply with a court's lawful writ, subpoena, process, order, rule or command that by its nature is still capable of being complied therewith. The burden of proof in a case of civil contempt is by a preponderance of the evidence.

TO THE PERSON ALLEGED TO BE IN CONTEMPT OF COURT:

1. It is alleged that you have disobeyed a Court order, are in contempt of court, and should go to jail until you obey the Court's order.

2. You have the right to have a lawyer. If you already have a lawyer, you should consult the lawyer at once. If you do not now have a lawyer, please note:

(a) A lawyer can be helpful to you by:

(1) explaining the allegations against you;

(2) helping you determine and present any defense to those allegations;

(3) explaining to you the possible outcomes; and

(4) helping you at the hearing.

- (b) Even if you do not plan to contest that you are in contempt of court, a lawyer can be helpful.
(c) If you want a lawyer but do not have the money to hire one, you may ask the Court to appoint one for you at no cost.

3. IF YOU DO NOT APPEAR FOR A SCHEDULED COURT HEARING BEFORE THE JUDGE, YOU WILL BE SUBJECT TO ARREST.

ADDITIONALLY, you have the following legal rights at the hearing:

- The right to explain that you made timely payments or satisfactorily performed community service.
- The right to challenge the alleged amount owed.
- The right to explain any changes in your income or financial status that prevented you from making payments.
- The right to explain why you were unable to perform community service.
- The right to request a reduction or waiver of the amount you owe, or an extension of time to pay.
- The right to request reasonable accommodations or special conditions for making timely payments or completing community service, which may include those for any disability, for child care needs, for transportation, or for preventing conflicts with a work or school schedule.

PLEASE BRING TO THE HEARING THIS SUMMONS and ANY DOCUMENTATION OR INFORMATION that the Court should consider on your ability to pay court costs, restitution, fines, and/or assessments and/or to perform community service.

YOU MAY ONLY BE JAILED FOR CIVIL CONTEMPT IF THERE IS A WILLFUL, CONTINUING FAILURE OR REFUSAL TO COMPLY WITH THE COURT'S ORDER. You may not be jailed simply because you are financially unable to make payments. In that situation, the Court must consider other reasonable sentencing options, such as reducing or eliminating the amount you owe, extending the time to complete payment or perform community service.

IF YOU ARE FOUND IN CIVIL CONTEMPT AND JAILED FOR WILLFULLY REFUSING TO MAKE PAYMENTS, then the Court must give you an opportunity to gain release at any time with payments on the amounts owed that brings you into compliance with the court's order as of this date.

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day served the above summons in compliance with its terms and conditions.

DATE AND TIME THE SUMMONS WAS PERSONALLY SERVED ON THE DEFENDANT:

_____ at _____ o'clock ____ m.

OFFICER

BADGE NUMBER

DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

ORDER TO DECLARE QUALIFICATION BOND FORFEITED AND LICENSE REVOKED

WHEREAS this Court having entered a final judgment on the forfeited bond in the above-styled case against the DEFENDANT and the SURETY, jointly and severally, for the amount of \$ _____ payable to the State of Mississippi, for which execution issued; and further, that same amount has not been paid within the NINETY (90) DAY statutory period,

IT IS HEREBY ORDERED:

That you the COMMISSIONER OF INSURANCE declare the qualification bond of the SURETY forfeited and the license of the SURETY revoked in accordance with Mississippi Code Annotated § 83-39-7, and as otherwise required by law.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

MOTION FOR CONTINUANCE

I, the DEFENDANT in the above-styled case, request this Court for a continuance in the above-styled case, for GOOD CAUSE, as follows: (Specify) _____.

THIS MOTION IS NOT FOR PURPOSES OF DELAY, BUT IS MADE SO THAT JUSTICE MAY BE DONE.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

ORDER

WHEREAS this Court having considered the above motion this day in open court, and every effort being made to assure that the final disposition of this case is free from unreasonable delay,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court finds that there is GOOD CAUSE for the continuance: (Specify) _____. Trial is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m.
- ☐ Denied. This Court finds that there is NOT GOOD CAUSE for the continuance: (Specify) _____. Trial is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

Email address: _____. Telephone: _____.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

CRIMINAL AFFIDAVIT FOR CONTEMPT OF COURT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MISSISSIPPI:

I, the COUNTY PROSECUTOR, being duly sworn, make this affidavit ALLEGING that the DEFENDANT in the above-styled case, on or about the _____ day of _____, 20____, and within the jurisdiction of this County, committed the following unlawful contumacious offense(s):

(Specify the willful misconduct that obstructed the administration of justice, that lessened the dignity and authority of the court, or that demonstrated willful disobedience or resistance to the Court's lawful writ, subpoena, process, order, rule, or command)

_____, against the peace and dignity of the state.

COUNTY PROSECUTOR

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

THIS CRIMINAL CONTEMPT OF COURT CHARGE SHALL BE HEARD BY A JUDGE OTHER THAN THE TRIAL JUDGE OF THE OFFENSE FROM WHICH THE CHARGE AROSE.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**CRIMINAL SUMMONS TO APPEAR
AND NOTICE TO THE DEFENDANT**

TO ANY OFFICER AUTHORIZED BY LAW

WITHIN THE STATE OF MISSISSIPPI TO SERVE SUMMONS:

WHEREAS this Court having considered the attached criminal affidavit, and any sworn testimony taken, and finding probable cause to believe that a crime has been committed and probable cause to believe that the DEFENDANT in the above-styled case committed it, and also finding that the DEFENDANT is not in custody, that the offense charged is bailable as a matter of right, and that there is no reasonable cause to believe that the DEFENDANT will not obey this summons,

YOU ARE HEREBY COMMANDED:

TO SUMMONS: (Specify the name of the DEFENDANT and the address where summons is to be served)

_____ /
to appear before this Court on the _____ day of _____, 20____, at _____ o'clock ____ m. at:
(Specify the physical address of the justice court) _____ /
for a hearing on the charge of: (Specify) _____ /

BY PERSONALLY DELIVERING a copy of this summons to the DEFENDANT; and

TO PROMPTLY RETURN the served summons to the JUSTICE COURT CLERK OF THIS COURT.

ORDERED AND ADJUDGED this the _____ day of _____, 20____ at _____ o'clock ____ m.

JUSTICE COURT JUDGE

Notice to the Defendant

YOU ARE TO BRING TO THE HEARING THIS SUMMONS. FAILURE TO APPEAR FOR YOUR SCHEDULED COURT HEARING AS SET FORTH IN THIS SUMMONS MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST. YOU ARE REQUIRED TO PROMPTLY NOTIFY THE COURT OF ANY CHANGE OF ADDRESS.

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day served the above summons in compliance with its terms and conditions.

DATE AND TIME THE SUMMONS WAS PERSONALLY SERVED ON THE DEFENDANT:

_____ at _____ o'clock ____ m.

OFFICER

BADGE NUMBER

DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**DIRECT CONTEMPT OF COURT
AND NOTICE TO THE CONTEMNOR**

Whereas I, the PRESIDING JUDGE, having personally perceived conduct by _____,
a PARTY OR WITNESS in the above-styled case, that interrupted the order of this Court or interfered
with the dignified conduct of this Court's business, as follows: (Specify the offensive conduct)

and having summarily found the PARTY OR WITNESS to be in DIRECT CONTEMPT OF COURT, and
announcing the same in open court contemporaneous to the offensive conduct or promptly thereafter,
and, further, having afforded the PARTY OR WITNESS an opportunity, consistent with the circumstances
then existing, to present exculpatory or mitigating evidence and there being given no sufficient
exculpatory or mitigating circumstances for such conduct,

IT IS HEREBY ORDERED:

The PARTY OR WITNESS so named in this order is:

- ☐ GUILTY of DIRECT, CRIMINAL CONTEMPT, for which this Court imposes the following
sanction: (Check one)
- ☐ A fine of \$ _____, an amount not exceeding \$100.00, to be paid by _____ day of
_____, 20____; OR
- ☐ _____ days in jail, a time period not exceeding 30 days.

Court costs: \$ _____. State assessments: \$ _____.

- ☐ GUILTY of DIRECT, CIVIL CONTEMPT, for which this Court imposes the following sanction:
(Check one)
- ☐ A fine of \$ _____, an amount not exceeding \$100.00, to be paid by _____ day of
_____, 20____; OR
- ☐ _____ days in jail, a time period not exceeding 30 days.

Court costs: \$ _____. State assessments: \$ _____.

IT IS FURTHER ORDERED that the PARTY OR WITNESS may purge this SANCTION of CIVIL
CONTEMPT by: _____.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

Notice to the Contemnor

YOU MAY SEEK REVIEW OF THIS ORDER OF CONTEMPT BY APPEAL OR, IF APPROPRIATE, BY WRIT OF HABEAS CORPUS. ANY PERSON JAILED FOR CONTEMPT OF COURT IS ENTITLED TO THE SAME CONSIDERATION WITH RESPECT TO BAIL PENDING APPEAL AS A DEFENDANT CONVICTED IN A CRIMINAL PROCEEDING, AS PROVIDED BY LAW.

SAMPLE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

REQUEST FOR DISCOVERY

I, the DEFENDANT in the above-styled case, requests that you, the COUNTY PROSECUTOR, provide to me PRIOR TO TRIAL, in accordance with Rule 17.10 of the Mississippi Rules of Criminal Procedure, the following:

- (1) the names of all witnesses expected to testify for the prosecution;
- (2) a copy of any written statement made by me;
- (3) a copy of my criminal record, if proposed for use as impeachment;
- (4) a copy of laboratory reports or reports of any tests made;
- (5) any physical evidence, photographs, and/or electronic data to be offered in evidence;
- (6) a copy of any exculpatory material concerning me; and
- (7) any affidavit used to obtain a search warrant in the case.

In making this request, I understand that the COUNTY PROSECUTOR is entitled to reciprocal discovery of the above requested items.

DEFENDANT

County prosecutor's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____

Defendant's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Email address: _____. Telephone: _____

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**MOTION FOR INTERPRETER
FOR LIMITED ENGLISH PROFICIENCY INDIVIDUAL**

I, the DEFENDANT in the above-styled case, being unable to readily understand or communicate in spoken English and consequently being unable to equally participate in or benefit from the proceedings unless an interpreter is made available to assist me, request this Court to appoint a qualified foreign language interpreter to interpret the proceedings to me, to interpret my testimony or statements, and to assist me in preparation with counsel.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

ORDER

WHEREAS this Court having considered the above motion this day in open court,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court, finding that the DEFENDANT is entitled to a foreign language interpreter pursuant to the applicable rules and policies of the Mississippi Supreme Court and the Administrative Office of Courts, appoints: (Specify) _____, a qualified interpreter, who shall be entitled to reasonable compensation and expenses.
- ☐ Denied. This Court finds that the DEFENDANT understands and speaks English well enough to participate fully in the proceedings and to assist counsel or to be understood directly by counsel, court and jury, as follows: (Specify) _____.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI: _____ versus
DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**MOTION FOR APPOINTMENT OF INTERPRETER
FOR THE DEAF OR HEARING IMPAIRED**

I, the DEFENDANT in the above-styled case, having a hearing impairment that is totally impaired, or so seriously impaired as to prohibit me from understanding oral communications when spoken to in a normal conversational tone, request this Court to appoint in the above-styled case a qualified interpreter of the deaf sign language to interpret the proceedings to me, to interpret my testimony or statements, and to assist in preparation with counsel.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____

Defendant's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Email address: _____. Telephone: _____

ORDER

WHEREAS this Court having considered the above motion this day in open court,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court, finding that the DEFENDANT is entitled to an interpreter for the deaf or hearing impaired pursuant to Section 13-1-301 through -315 of the Mississippi Code, appoints (Specify) _____, who shall be entitled to reasonable compensation and expenses.
- ☐ Denied. This Court has GOOD CAUSE to believe that the DEFENDANT who claims to be entitled to an interpreter may not actually be deaf or hearing impaired. A hearing to determine the extent of the DEFENDANT'S handicap or disability and the bona fide need for interpreting services is to held in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**BENCH WARRANT
FOR FAILURE TO APPEAR ON SHOW CAUSE CITATION
AND NOTICE TO THE DEFENDANT**

**TO ANY OFFICER AUTHORIZED BY LAW
WITHIN THE STATE OF MISSISSIPPI TO MAKE ARRESTS:**

WHEREAS the DEFENDANT failed to appear as ordered by this Court for a hearing on the ____ day of _____, 20____, as evidenced by the attached order,

YOU ARE HEREBY COMMANDED:

TO ARREST: (Specify the complete name of the DEFENDANT, or if the name is unknown, any name or description by which the DEFENDANT can be identified with reasonable certainty)

who may be located at: (Specify, if known) _____

AND IMMEDIATELY BRING BEFORE ME for a show cause hearing for failure to appear;

TO SERVE UPON THE DEFENDANT a copy of this warrant and notice; and

TO PROMPTLY RETURN the executed warrant to the JUSTICE COURT CLERK OF THIS COURT.

IT IS FURTHER ORDERED THAT IF, AFTER TAKING CUSTODY OF THE DEFENDANT, HE/SHE CANNOT BE BROUGHT IMMEDIATELY BEFORE ME, THEN YOU ARE TO RELEASE HIM/HER FROM YOUR CUSTODY, as follows: (Check one)

- ☐ Upon the DEFENDANT'S personal recognizance, subject to the terms of release in this warrant and notice.
- ☐ Upon the DEFENDANT executing an unsecured appearance bond in the amount of: \$ _____, subject to the terms of release in this warrant and notice.
- ☐ Upon the DEFENDANT executing a secured appearance bond in the amount of: \$ _____, subject to the terms of release in this warrant and notice.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

Notice to the Defendant

YOUR RELEASE UNDER THIS WARRANT REQUIRES YOU TO OBEY THE FOLLOWING
CONDITIONS OF RELEASE:

- Appear in Court, when required, and comply with all orders of the Court.
- Commit no crime.
- Not abuse or threaten the alleged victim or possible witnesses.
- Promptly notify the Court of any change of address.
- Meet with the public defender, appointed attorney, or retained attorney, as directed.

ADDITIONAL TERMS OF RELEASE: (Specify) _____.

YOU ARE REQUIRED TO APPEAR BEFORE THIS COURT, located at _____,
on the ____ day of _____, at _____ o'clock, ____ m.

YOU ARE TO BRING TO THE HEARING THIS WARRANT. FAILURE TO ABIDE BY THE
CONDITIONS OF RELEASE CONTAINED HEREIN MAY RESULT IN A BENCH WARRANT BEING
ISSUED FOR YOUR ARREST.

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day executed the above bench warrant in compliance with its terms and conditions.

DATE AND TIME OF ARREST: _____ at _____ o'clock ____ m.

OFFICER BADGE NUMBER DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

FINAL JUDGMENT ON FORFEITED BOND

WHEREAS this Court having rendered a judgment nisi on the ____ day of _____, 20 _____, against the DEFENDANT in the above-styled case, and _____, the SURETY on the bond, and the SURETY having failed to appear before the Court to show reasonable mitigating circumstances to set aside such judgment, though duly summoned by writ of scire facias to do so,

IT IS HEREBY ORDERED:

That a final judgment on the DEFENDANT'S forfeited bond be entered, and that the State of Mississippi recover from the DEFENDANT and the SURETY, jointly and severally, the forfeited bond amount of \$ _____, for which let execution issue.

ORDERED AND ADJUDGED this the ____ day of _____, 20 _____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

GUILTY PLEA

I, the DEFENDANT in the above-styled case, being duly sworn, do hereby enter a PLEA OF GUILTY to: _____ In making this plea, I truthfully state the following:

1. I choose of my own freewill to plead guilty.
2. I have not been threatened into pleading guilty.
3. To my knowledge, I have not been deceived or tricked into pleading guilty.
4. I understand the nature of the charge(s) against me.
5. I understand the maximum and minimum penalties provided by law, which in this case are:

Minimum jail time: _____ days.

Maximum jail time: _____ days.

Minimum court costs: \$_____.

Maximum court costs: \$_____.

Minimum restitution: \$_____.

Maximum restitution: \$_____.

Minimum fines: \$_____.

Maximum fines: \$_____.

Assessments under § 99-19-73: \$_____.

6. I understand that by pleading guilty I will be waiving the following constitutional rights:
 - My constitutional right to trial or, if applicable, a trial by jury;
 - My right to confront and cross-examine adverse witnesses; and
 - My right against self-incrimination.
7. I understand that I have the right to be represented by an attorney at every stage of this case.
8. I understand that if I cannot afford an attorney the Court will appoint an attorney to represent me in this case, free of cost, if a conviction could result in jail time or other loss of liberty.
9. I understand that, if I am not a citizen of the United States, my plea may have immigration consequences, including, upon conviction, being removed from the United States, being denied United States citizenship, and being denied admission to the United States in the future.
10. I understand that, if I am on probation or parole, pleading guilty in this case may cause revocation of my probation or parole. I further understand that if my probation or parole is revoked, any sentence in that case may be in addition to any sentence in this case.

I have been informed by the Court that I may obtain free of cost an AFFIDAVIT OF SUBSTANTIAL FINANCIAL HARDSHIP from the Clerk of this Court. I understand that I may complete and submit this form to the Court for consideration of my ability to pay court costs, restitution, and/or fines.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

ORDER

WHEREAS this Court having considered the above plea this day in open court and addressed the DEFENDANT personally, and finding that the plea is voluntarily and intelligently made and that, based upon the charging affidavit and/or sworn testimony before this Court, there is a factual basis for the plea,

IT IS HEREBY ORDERED: This Court accepts the DEFENDANT'S PLEA OF GUILTY and:

- ☐ Withholds an adjudication of guilt on the offense pending the completion of the following Court imposed conditions, to wit: (Specify) _____.
- ☐ Enters an ADJUDICATION OF GUILT on the offense.

THE DEFENDANT MAY APPEAL THIS JUDGMENT WITHIN 30 DAYS AS PROVIDED BY THE MISSISSIPPI RULES OF CRIMINAL PROCEDURE.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

CERTIFICATE OF INITIAL APPEARANCE

I certify that the DEFENDANT charged in the above-styled case, being in custody but not under indictment, was granted an initial appearance before this Court on the _____ day of _____, 20 _____. At the initial appearance this Court:

- Ascertained the defendant's true name, age, and address, and amended the formal charge if necessary to reflect this information;
- Instructed the defendant to notify the Court promptly of any change of address;
- Informed the defendant of the charge and provided the defendant with a copy of the charging affidavit;
- If the defendant was arrested without a warrant, determined whether there was probable cause for the arrest and noted the probable cause determination for the record;
- If there was no probable cause for the warrantless arrest, ordered the release of the defendant;
- If the defendant was unrepresented, advised the defendant of the right to assistance of an attorney;
- If the defendant was unable to afford an attorney and desired representation, appointed an attorney for an offense that may result in jail time or other loss of liberty or because the interests of justice required it; and
- Advised the defendant of:
 - (1) the right to remain silent and that any statements made may be used against the defendant;
 - (2) the right to communicate with an attorney, family or friends, and that reasonable means will be provided to enable the defendant to do so; and
 - (3) the conditions, if any, under which the defendant may obtain release.
- Further, if the defendant was charged with a felony, informed the defendant of the right to a preliminary hearing and the procedure by which that right may be exercised; and, if the defendant requested a preliminary hearing, set the time for a preliminary hearing in accordance with Rule 6.1 of the Mississippi Rules of Criminal Procedure.

WITNESS MY HAND this the _____ day of _____, 20 _____.

JUSTICE COURT JUDGE

ACKNOWLEDGMENT

I have been informed by the Court that I may obtain free of cost an AFFIDAVIT OF SUBSTANTIAL FINANCIAL HARDSHIP from the Clerk of the Court. I understand that I may complete and submit this form to the Court for consideration on the terms of my release and the appointment of counsel.

DEFENDANT

Sworn to and subscribed before me this the _____ day of _____, 20 _____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

JUDGMENT NISI

WHEREAS the DEFENDANT in the above-styled case failed to appear before this Court on the ____ day of _____, 20 _____, as ordered, and _____, the SURETY on the bond, being called to bring the body of the DEFENDANT before the Court, did not, but wholly failed,

IT IS HEREBY ORDERED:

That the DEFENDANT'S bond be forfeited; and further, that the State of Mississippi recover from the DEFENDANT and the SURETY, jointly and severally, the forfeited bond amount of \$_____.

THE SURETY IS TO BE NOTIFIED OF THIS JUDGMENT NISI BY WRIT OF SCIRE FACIAS WITHIN TEN (10) WORKING DAYS FROM THE ENTRY OF THIS ORDER, EITHER BY PERSONAL SERVICE OR CERTIFIED MAIL. THIS JUDGMENT NISI SHALL BE RETURNABLE FOR NINETY (90) DAYS FROM THE DATE OF ISSUANCE.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

ORDER SETTING ASIDE JUDGMENT NISI

WHEREAS this Court having rendered a judgment nisi on the ____ day of _____, 20 ____ against _____, the DEFENDANT charged in the above-styled case, and _____, the SURETY on the bond, on the ____ day of _____, 20 _____, and,

- ☐ the DEFENDANT, during the ninety (90) day period from the issuance of that judgment, appeared before the Court, or was arrested and surrendered;
- ☐ the SURETY, during the ninety (90) day period from the issuance of that judgment, appeared before the Court and provided reasonable mitigating circumstances for the DEFENDANT'S nonappearance, to wit: (Specify) _____;

IT IS HEREBY ORDERED:

That the judgment nisi issued against the DEFENDANT and SURETY in the above-styled case be set aside.

ORDERED AND ADJUDGED this the ____ day of _____, 20 _____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

DEFENDANT'S MOTION FOR MISTRIAL

I, the DEFENDANT in the above-styled case, request this Court to declare a mistrial in the above-styled case for the following reasons: (Specify) _____.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

ORDER

WHEREAS this Court having considered the above motion this day in open court,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court finds that the trial cannot proceed in conformity with the law and/or it appears that there is no reasonable probability of the jury's agreement upon a verdict, as follows: (Specify) _____.
- ☐ Denied. This Court finds that a mistrial is not warranted under Rule 23.5 of the Mississippi Rules of Criminal Procedure.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

MOTION TO POST PROPERTY BOND

I, the DEFENDANT in the above-styled case, request this Court to authorize the Clerk of Court to which the bond is returnable, or the sheriff or officer having custody of the DEFENDANT, to accept a property bond in lieu of a cash deposit bond or surety bond. In support of my request, I hereby swear that the property to be deposited as security for bond has an unencumbered value in the amount of: \$ _____, which is an amount equal to or greater than the full amount of the bail set by the Court. Below is a specific description of the property to be deposited as security for bond:

_____.

Additionally, I have attached to this motion any supporting documentation of the property's unencumbered value.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

**ORDER ON
MOTION TO POST PROPERTY BOND**

WHEREAS this Court having considered the above motion this day in open court,

IT IS HEREBY ORDERED:

☐ Granted.

Upon accepting and receiving the described property to satisfy bail, the Clerk of the Court, or the sheriff or officer having custody of the DEFENDANT, shall:

- (1) give the DEFENDANT a receipt of the property deposited;
- (2) secure the property for safekeeping as follows: (Specify) _____, and
- (3) forthwith deliver an affidavit of compliance with (1) and (2) above with this Court, whereupon the DEFENDANT shall be released according to the terms and conditions of this Court's release order.

☐ Denied.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI: _____ versus
DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

MOTION FOR RECUSAL

I, the DEFENDANT in the above-styled case, request that the justice court judge assigned to hear the above-styled case enter a recusal for the following reason(s): (Specify)

_____.

THIS MOTION IS NOT FOR PURPOSES OF DELAY, BUT IS MADE SO THAT JUSTICE MAY BE DONE.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____.

Defendant's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Email address: _____. Telephone: _____.

ORDER

WHEREAS this Court having considered the above motion this day in open court, and every effort being made to assure that the final disposition of this case is free from unreasonable delay,

IT IS HEREBY ORDERED:

- ☐ Granted. I find that there is GOOD CAUSE under Mississippi's Code of Judicial Conduct to recuse myself from hearing this case, as follows: (Specify) _____, and therefore direct that it be assigned to another judge.
- ☐ Denied. I find that there is NOT GOOD CAUSE under Mississippi's Code of Judicial Conduct to recuse myself from hearing this case, as follows: (Specify) _____. Trial is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**BENCH WARRANT
FOR FAILURE TO APPEAR WHILE ON RELEASE
AND NOTICE TO THE DEFENDANT**

**TO ANY OFFICER AUTHORIZED BY LAW
WITHIN THE STATE OF MISSISSIPPI TO MAKE ARRESTS:**

WHEREAS the DEFENDANT failed to appear as ordered by this Court for a hearing on the ____ day of _____, 20____, as evidenced by the attached order,

YOU ARE HEREBY COMMANDED:

TO ARREST: (Specify the complete name of the DEFENDANT, or if the name is unknown, any name or description by which the DEFENDANT can be identified with reasonable certainty)

who may be located at: (Specify, if known) _____

AND IMMEDIATELY BRING BEFORE ME for a show cause hearing for failure to appear;

TO SERVE UPON THE DEFENDANT a copy of this warrant and notice; and

TO PROMPTLY RETURN the executed warrant to the JUSTICE COURT CLERK OF THIS COURT.

IT IS FURTHER ORDERED THAT IF, AFTER TAKING CUSTODY OF THE DEFENDANT, HE/SHE CANNOT BE BROUGHT IMMEDIATELY BEFORE ME, THEN YOU ARE TO RELEASE HIM/HER FROM YOUR CUSTODY, as follows: (Check one)

- ☐ Upon the DEFENDANT'S personal recognizance, subject to the terms of release in this warrant and notice.
- ☐ Upon the DEFENDANT executing an unsecured appearance bond in the amount of: \$ _____, subject to the terms of release in this warrant and notice.
- ☐ Upon the DEFENDANT executing a secured appearance bond in the amount of: \$ _____, subject to the terms of release in this warrant and notice.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

Notice to the Defendant

YOUR RELEASE UNDER THIS WARRANT REQUIRES YOU TO OBEY THE FOLLOWING
CONDITIONS OF RELEASE:

- Appear in Court, when required, and comply with all orders of the Court.
- Commit no crime.
- Not abuse or threaten the alleged victim or possible witnesses.
- Promptly notify the Court of any change of address.
- Meet with the public defender, appointed attorney, or retained attorney, as directed.

ADDITIONAL TERMS OF RELEASE: (Specify) _____.

YOU ARE REQUIRED TO APPEAR BEFORE THIS COURT, located at _____,
on the ____ day of _____, at _____ o'clock, ____ m.

YOU ARE TO BRING TO THE HEARING THIS WARRANT. FAILURE TO ABIDE BY THE
CONDITIONS OF RELEASE CONTAINED HEREIN MAY RESULT IN A BENCH WARRANT BEING
ISSUED FOR YOUR ARREST.

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day executed the above bench warrant in compliance with its terms and conditions.

DATE AND TIME OF ARREST: _____ at _____ o'clock ____ m.

OFFICER BADGE NUMBER DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**DEFENDANT'S MOTION
TO MODIFY THE CONDITIONS OF RELEASE**

I, the DEFENDANT in the above-styled case, request this Court to modify the conditions of my release in this case, as follows: (Specify the proposed modifications and state the reasons for the request)

_____.

NOTICE OF THIS MOTION HAS BEEN SERVED ON THE COUNTY PROSECUTOR.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____.

Defendant's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Email address: _____. Telephone: _____.

**ORDER ON DEFENDANT'S MOTION
TO MODIFY THE CONDITIONS OF RELEASE**

WHEREAS this Court having considered the above motion this day in open court, and the COUNTY PROSECUTOR and DEFENDANT having been given an adequate opportunity to respond to the requested modification,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court, finding GOOD CAUSE, modifies the DEFENDANT'S conditions of release, as follows: (Specify) _____.
- ☐ Denied. This Court DOES NOT find GOOD CAUSE to justify the requested modification.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**MOTION TO REVOKE OR MODIFY
THE DEFENDANT'S RELEASE**

I, the COUNTY PROSECUTOR in the above-styled case, request this Court to revoke the DEFENDANT'S release for the following reason(s):

- ☐ The DEFENDANT has committed a material breach of the conditions of release:
(Specify) _____.
- ☐ Material misrepresentations or omissions of fact were made in securing the DEFENDANT'S release:
(Specify) _____.
- ☐ Revocation of the DEFENDANT'S release is required by law:
(Specify) _____.

NOTICE OF THIS MOTION HAS BEEN SERVED ON THE DEFENDANT AND ALL ATTORNEYS OF RECORD.

COUNTY PROSECUTOR

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____

Defendant's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Email address: _____. Telephone: _____

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**RELEASE ORDER
AND NOTICE TO THE DEFENDANT**

(DO NOT USE THIS FORM FOR DOMESTIC VIOLENCE OR
A KNOWING VIOLATION OF A DOMESTIC ABUSE PROTECTION ORDER)

(Check one)

- ☐ WHEREAS this Court HAVING NOT BEEN PRESENTED WITH SUFFICIENT EVIDENCE to find that releasing the DEFENDANT on his/her personal recognizance only upon the mandatory terms of release set forth in Rule 8.4(a) of the Mississippi Rules of Criminal Procedure will not reasonably secure the DEFENDANT'S appearance or protect the public from a real and present danger posed by the DEFENDANT being at large,

IT IS HEREBY ORDERED that the DEFENDANT be released on his/her personal recognizance subject to the terms of release set forth in the Notice to the Defendant.

- ☐ WHEREAS this Court having determined, BASED UPON SUFFICIENT EVIDENCE PRESENTED TO THE COURT, that releasing the DEFENDANT on his/her personal recognizance only upon the mandatory conditions of release set forth in Rule 8.4(a) of the Mississippi Rules of Criminal Procedure WILL NOT reasonably secure the DEFENDANT'S appearance or protect the public from a real and present danger posed by the DEFENDANT being at large,

AND WHEREAS this Court having taken into account the factors listed in Rule 8.2(a)(1) through (15) of the Mississippi Rules of Criminal Procedure in determining the LEAST ONEROUS CONDITION(S) allowable under Rule 8.4(b) of the Mississippi Rules of Criminal Procedure to reasonably secure the DEFENDANT'S appearance or to eliminate or minimize the risk of harm to the public posed by the DEFENDANT being at large,

IT IS HEREBY ORDERED that the Defendant be released subject to the terms of release set forth in the Notice to the Defendant AND the following additional term(s) of release:

(Check the box(es) that apply and fill in the space(s))

- ☐ UPON EXECUTING AN UNSECURED APPEARANCE BOND in the amount of \$ _____, for the following reason: (State why this unsecured amount is reasonably necessary) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

- ☐ UPON EXECUTING A SECURED APPEARANCE BOND in the amount of \$ _____, for the following reason: (State why this secured amount is reasonably necessary and why an unsecured appearance bond is not sufficient) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

- ☐ UPON EXECUTING A CASH DEPOSIT BOND in the amount of \$ _____, for the following reason: (State why this cash deposit bond, and the amount thereof, is reasonably necessary and why an unsecured appearance bond is not sufficient) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

In setting this cash deposit bond, this Court has determined that the defendant qualifies for a cash deposit bond under Rule 8.1(d) of the Mississippi Rules of Criminal Procedure and is financially able to pay the amount of the cash deposit bond set herein.

- ☐ UPON EXECUTING A PROPERTY BOND that is secured by property with an unencumbered value equal to or greater than the full amount of the bail set by the court, for the following reason: (State why this property bond, and the amount thereof, is reasonably necessary and why an unsecured appearance bond is not sufficient) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

- ☐ Being placed in the custody of: (Specify the person or organization agreeing to supervise the defendant and state why this release term is reasonably necessary) _____.
- ☐ Obeying the following travel, associations, or place of abode restrictions: (Specify the restriction(s) and state why this release term is reasonably necessary) _____.
- ☐ Not contacting the following person(s), except as follows: (Specify the person(s) and allowable contact(s) and state why this release term is reasonably necessary) _____.
- ☐ Refraining from drug or alcohol use, except as lawfully prescribed by a doctor or other qualified health professional, and agreeing to alcohol and/or drug testing as follows: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Participating in and successfully completing:
 - ☐ Drug and/or alcohol treatment: (Specify and state why this release term is reasonably necessary) _____.
 - ☐ Anger management classes: (Specify and state why this release term is reasonably necessary) _____.

- ☐ Mental health or other treatment: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Participating in:
 - ☐ General Educational Development (GED®) classes and testing: (Specify and state why this release term is reasonably necessary) _____.
 - ☐ Other educational activities: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Agreeing to electronic monitoring: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Returning to custody each day at: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Complying with other conditions deemed reasonably necessary, as follows: (Specify and state why the release term(s) is/are reasonably necessary) _____.

IT IS FURTHER ORDERED:

- ☐ The DEFENDANT must appear at the next term of the Circuit Court of _____ County, which address is _____ and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case, such being a FELONY offense.
- ☐ The DEFENDANT must appear before this Court on the ____ day of _____, 20____ at ____ o'clock ____ m., and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case, such being a MISDEMEANOR offense.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

Notice to the Defendant

YOU MUST obey the following conditions of release:

- Appear in Court, when required, and comply with all orders of the Court.
- Commit no crime.
- Not abuse or threaten the alleged victim or possible witnesses.
- Promptly notify the Court of any change of address.
- Meet with the public defender, appointed attorney, or retained attorney, as directed.
- Comply with any additional term(s) of release required by this order.

YOUR FAILURE TO ABIDE BY THE CONDITIONS OF RELEASE CONTAINED HEREIN WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

ACKNOWLEDGMENT

I have been informed by the Court that I may obtain free of cost an AFFIDAVIT OF SUBSTANTIAL FINANCIAL HARDSHIP from the Clerk of the Court. I understand that I may complete and submit this form to the Court for consideration on the terms of my release and the appointment of counsel.

I understand the conditions of my release and that those conditions will remain in effect until the disposition of the charge against me or until the bond is released by the court, whichever comes first. I HAVE BEEN PROVIDED A COPY OF THIS ORDER, AND WILL PROMPTLY REPORT TO THE CLERK OF THIS COURT ANY CHANGES OF MY MAILING ADDRESS BY: (Specify the manner for reporting a change of address) _____.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

CHARGE: _____.

DATE OF ARREST: _____.

TIME OF ARREST: _____.

TIME OF APPEARANCE: _____.

VICTIM: _____.

**RELEASE ORDER FOR DOMESTIC VIOLENCE OR
A KNOWING VIOLATION OF A DOMESTIC ABUSE PROTECTION ORDER
AND NOTICE TO THE DEFENDANT**

WHEREAS this Court having considered the bond guidelines under Rule 8.2(c) of the Mississippi Rules of Criminal Procedure and the allowable conditions for the custodial release of the DEFENDANT charged in the above-styled case, and having given particular consideration to the exigencies of the case in accordance with § 99-5-37 of the Mississippi Code, including but not limited to:

- the potential for further violence;
- the past history, if any, of violence between the defendant and alleged victim;
- the level of violence of the instant offense;
- any threats of further violence; and
- the existence of a domestic violence protection order prohibiting the defendant from engaging in abusive behavior,

And further, the Mississippi Public Offender Registry indicating that a domestic abuse protection order against the DEFENDANT:

- ☐ Is NOT currently in place.
- ☐ Is currently in place.

IT IS HEREBY ORDERED:

The DEFENDANT shall be held for a _____ hour cooling off period, such period of time not exceeding 24 hours, and which shall begin on the ____ day of _____, 20 _____ at _____ o'clock ____ m., and shall be released on the ____ day of _____, 20 _____ at _____ o'clock ____ m.

ADDITIONALLY,
(Check one)

- ☐ WHEREAS this Court HAVING NOT BEEN PRESENTED WITH SUFFICIENT EVIDENCE to find that releasing the DEFENDANT on his/her personal recognizance only upon the mandatory terms of release set forth in Rule 8.4(a) of the Mississippi Rules of Criminal Procedure will not reasonably secure the DEFENDANT'S appearance or protect the public from a real and present danger posed by the DEFENDANT being at large,

IT IS HEREBY ORDERED that the DEFENDANT be released on his/her personal recognizance subject to the terms of release set forth in the Notice to the Defendant.

- ☐ WHEREAS this Court having determined, BASED UPON SUFFICIENT EVIDENCE PRESENTED TO THE COURT, that releasing the DEFENDANT on his/her personal recognizance only upon the mandatory conditions of release set forth in Rule 8.4(a) of the Mississippi Rules of Criminal Procedure WILL NOT reasonably secure the DEFENDANT'S appearance or protect the public from a real and present danger posed by the DEFENDANT being at large,

AND WHEREAS this Court having taken into account the factors listed in Rule 8.2(a)(1) through (15) of the Mississippi Rules of Criminal Procedure in determining the LEAST ONEROUS CONDITION(S) allowable under Rule 8.4(b) of the Mississippi Rules of Criminal Procedure to reasonably secure the DEFENDANT'S appearance or to eliminate or minimize the risk of harm to the public posed by the DEFENDANT being at large,

IT IS HEREBY ORDERED that the Defendant be released subject to the terms of release set forth in the Notice to the Defendant AND the following additional term(s) of release:

(Check the box(es) that apply and fill in the space(s))

- ☐ UPON EXECUTING AN UNSECURED APPEARANCE BOND in the amount of \$ _____, for the following reason: (State why this unsecured amount is reasonably necessary) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

- ☐ UPON EXECUTING A SECURED APPEARANCE BOND in the amount of \$ _____, for the following reason: (State why this secured amount is reasonably necessary and why an unsecured appearance bond is not sufficient) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

- ☐ UPON EXECUTING A CASH DEPOSIT BOND in the amount of \$ _____, for the following reason: (State why this cash deposit bond, and the amount thereof, is reasonably necessary and why an unsecured appearance bond is not sufficient) _____ and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

In setting this cash deposit bond, this Court has determined that the defendant qualifies for a cash deposit bond under Rule 8.1(d) of the Mississippi Rules of Criminal Procedure and is financially able to pay the amount of the cash deposit bond set herein.

- ☐ UPON EXECUTING A PROPERTY BOND that is secured by property with an unencumbered value equal to or greater than the full amount of the bail set by the court, for the following reason: (State why this property bond, and the amount thereof, is reasonably necessary and why an unsecured appearance bond is not sufficient)

and obeying any additional terms of release required by this order.

If the amount exceeds the recommended range under 8.2(c) of the Mississippi Rules of Criminal Procedure, then specify the reason for the departure: _____.

- ☐ Being placed in the custody of: (Specify the person or organization agreeing to supervise the defendant and state why this release term is reasonably necessary) _____.
- ☐ Obeying the following travel, associations, or place of abode restrictions: (Specify the restriction(s) and state why this release term is reasonably necessary) _____.
- ☐ Not contacting the following person(s), except as follows: (Specify the person(s) and allowable contact(s) and state why this release term is reasonably necessary) _____.
- ☐ Refraining from drug or alcohol use, except as lawfully prescribed by a doctor or other qualified health professional, and agreeing to alcohol and/or drug testing as follows: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Participating in and successfully completing:
 - ☐ Drug and/or alcohol treatment: (Specify and state why this release term is reasonably necessary) _____.
 - ☐ Anger management classes: (Specify and state why this release term is reasonably necessary) _____.
 - ☐ Mental health or other treatment: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Participating in:
 - ☐ General Educational Development (GED®) classes and testing: (Specify and state why this release term is reasonably necessary) _____.
 - ☐ Other educational activities: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Agreeing to electronic monitoring: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Returning to custody each day at: (Specify and state why this release term is reasonably necessary) _____.
- ☐ Complying with the following conditions:
 - ☐ Having no contact, directly or indirectly, with the victim, including but not limited to contact by phone, mail, electronic methods or through a third party, for the following reason: (State why this release term is reasonably necessary) _____.

- ☐ Not coming within _____ yards of the victim's residence or place of employment, for the following reason: (State why this release term is reasonably necessary) _____.
- ☐ Refraining from any conduct that would be harassing or abusive or likely to place the victim in fear of his/her safety, for the following reason: (State why this release term is reasonably necessary) _____.
- ☐ Not possessing and/or consuming any alcohol or illegal substances, for the following reason: (State why this release term is reasonably necessary) _____.
- ☐ Not possessing any firearms or ammunition, for the following reason: (State why this release term is reasonably necessary) _____.

IT IS FURTHER ORDERED:

- ☐ The DEFENDANT must appear at the next term of the Circuit Court of _____ County, which address is _____, and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case, such being a FELONY offense.
- ☐ The DEFENDANT must appear before this Court on the ____ day of _____, 20____ at ____ o'clock ____ m., and there remain from day to day and term to term until discharged by law, to answer the charge in the above-styled case, such being a MISDEMEANOR offense.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

Notice to the Defendant

YOU MUST obey the following conditions of release:

- Appear in Court, when required, and comply with all orders of the Court.
- Commit no crime.
- Not abuse or threaten the alleged victim or possible witnesses.
- Promptly notify the Court of any change of address.
- Meet with the public defender, appointed attorney, or retained attorney, as directed.
- Comply with any additional term(s) of release required by this order.

YOUR FAILURE TO ABIDE BY THE CONDITIONS OF RELEASE CONTAINED HEREIN WILL RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST.

ACKNOWLEDGMENT

I have been informed by the Court that I may obtain free of cost an AFFIDAVIT OF SUBSTANTIAL FINANCIAL HARDSHIP from the Clerk of the Court. I understand that I may complete and submit this form to the Court for consideration on the terms of my release and the appointment of counsel.

I understand the conditions of my release and that those conditions will remain in effect until the disposition of the charge against me or until the bond is released by the court, whichever comes first. I HAVE BEEN PROVIDED A COPY OF THIS ORDER, AND WILL PROMPTLY REPORT TO THE CLERK OF THIS COURT ANY CHANGES OF MY MAILING ADDRESS BY: (Specify the manner for reporting a change of address) _____.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**ORDER OF SHOW CAUSE HEARING
FOR VIOLATIONS OF RELEASE**

WHEREAS this Court having conducted a show cause hearing on the ____ day of _____, 20_____, on the COUNTY PROSECUTOR'S motion to revoke or modify the DEFENDANT'S release, and the DEFENDANT being properly summoned and given a full opportunity to present testimony and introduce documents in his/her defense,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court, finds GOOD CAUSE that the DEFENDANT violated the conditions of release or that a material misrepresentation or omission of fact was made in securing the DEFENDANT'S release or that the revocation of the defendant's release is required by law, as follows: (Specify) _____.

IT IS FURTHER ORDERED:

- ☐ The DEFENDANT'S release is modified, as follows:
(Specify) _____.
- ☐ The DEFENDANT'S release is revoked, and the DEFENDANT is to be held in custody, without further bail, pending trial.

The DEFENDANT shall pay court costs of this proceeding in the amount of: \$ _____, which shall be paid by ____ day of _____, 20_____.

- ☐ Denied. This Court DOES NOT find GOOD CAUSE for revoking or modifying the DEFENDANT'S conditions of release.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**SUMMONS TO SHOW CAUSE FOR VIOLATIONS OF RELEASE
AND NOTICE TO THE DEFENDANT**

**TO ANY OFFICER AUTHORIZED BY LAW
WITHIN THE STATE OF MISSISSIPPI TO SERVE SUMMONS:**

YOU ARE HEREBY COMMANDED:

TO SUMMONS: (Specify the name of the DEFENDANT and the address where summons is to be served)

_____/
to appear before this Court on the _____ day of _____, 20____, at _____ o'clock ____ m. at:
(Specify the physical address of the justice court) _____/

for a show cause hearing for alleged violations of the terms of release, as evidenced by the attached copy
of the motion to revoke or modify release, the court's release order, and affidavits showing a failure to
comply;

BY PERSONALLY DELIVERING a copy of this summons to the DEFENDANT; and

TO PROMPTLY RETURN the served summons to the JUSTICE COURT CLERK OF THIS COURT.

ORDERED AND ADJUDGED this the _____ day of _____, 20____ at _____ o'clock ____ m.

JUSTICE COURT JUDGE

Notice to the Defendant

TO THE PERSON ALLEGED TO BE IN VIOLATION OF THE TERMS OF RELEASE:

1. It is alleged that you have committed a material breach of the conditions of your release, made a material misrepresentation or omission of facts in securing your release, and/or that revocation of your release is required by law.
2. You have the right to have a lawyer. If you already have a lawyer, you should consult the lawyer at once. If you do not now have a lawyer, please note:
 - (a) A lawyer can be helpful to you by:
 - (1) explaining the allegations against you;
 - (2) helping you determine and present any defense to those allegations;
 - (3) explaining to you the possible outcomes; and
 - (4) helping you at the hearing.
 - (b) Even if you do not plan to contest the allegations, a lawyer can be helpful.
 - (c) If you want a lawyer but do not have the money to hire one, you may ask the Court to appoint one for you.
3. IF YOU DO NOT APPEAR FOR A SCHEDULED COURT HEARING BEFORE THE JUDGE, YOU WILL BE SUBJECT TO ARREST.

PLEASE BRING TO THE HEARING THIS SUMMONS and ANY DOCUMENTATION OR INFORMATION that the Court should consider on your compliance with the terms of your release.

YOUR FAILURE TO APPEAR FOR YOUR SCHEDULED COURT HEARING AS SET FORTH IN THIS SUMMONS MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR YOUR ARREST. YOU ARE REQUIRED TO PROMPTLY NOTIFY THE COURT OF ANY CHANGE OF ADDRESS.

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day served the above summons in compliance with its terms and conditions.

DATE AND TIME THE SUMMONS WAS PERSONALLY SERVED ON THE DEFENDANT:

_____ at _____ o'clock ____ m.

OFFICER

BADGE NUMBER

DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

DEMAND FOR A PRELIMINARY HEARING

I, the DEFENDANT in the above-styled case, having been charged by affidavit with the commission of a FELONY, but not having been indicted by a grand jury, request that this Court grant me a preliminary hearing.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

ORDER

WHEREAS this Court having considered the above motion this day in open court, and the COUNTY PROSECUTOR and DEFENDANT having been given an adequate opportunity to respond,

IT IS HEREBY ORDERED:

- ☐ Granted. The preliminary hearing is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m., which is within FOURTEEN (14) DAYS of the DEFENDANT'S demand.
- ☐ Denied. This Court finds that the DEFENDANT is not entitled to a preliminary hearing: (Specify the reasons for denying the motion) _____.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**PROSECUTOR'S MOTION FOR
POSTPONEMENT OF PRELIMINARY HEARING**

I, the COUNTY PROSECUTOR in the above-styled case, requests a postponement of the scheduled preliminary hearing beyond the fourteen (14) days of the DEFENDANT'S demand for the following reasons: (Specify) _____.

COUNTY PROSECUTOR

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

ORDER

WHEREAS this Court having considered the above motion this day in open court, and the COUNTY PROSECUTOR and DEFENDANT having been given an adequate opportunity to respond,

IT IS HEREBY ORDERED:

- ☐ Granted. This Court finds that circumstances exist justify the postponement, as follows:
(Specify) _____. The preliminary hearing
is now scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m.
- ☐ Denied.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

PRELIMINARY HEARING ORDER

WHEREAS this Court having conducted, pursuant to Rule 6.2 of the Mississippi Rules of Criminal Procedures, a preliminary hearing on the DEFENDANT in the above-styled case, the charge being a FELONY, to wit: (Specify the charge) _____,
and: (Check one)

- ☐ The DEFENDANT being represented by counsel.
- ☐ The DEFENDANT knowingly and voluntarily waiving the right to an attorney at the hearing, and instead choosing to conduct his/her own defense, as evidenced by the sworn, written waiver on file with this Court.

and, the DEFENDANT being afforded the right to subpoena witnesses and cross-examine adverse witnesses testifying at the hearing, this Court finds from the evidence presented: (Check one)

- ☐ That there is PROBABLE CAUSE to believe that a FELONY has been committed and that the DEFENDANT committed it, as follows: (Specify) _____.
- ☐ That there is NOT PROBABLE CAUSE to believe that a FELONY has been committed or that the DEFENDANT committed it, as follows: (Specify) _____.

THEREFORE, IT IS HEREBY ORDERED:

- ☐ The DEFENDANT is to be bound over to await the action of the Grand Jury of _____ County, which convenes at the regular term of the _____ County Circuit Court, on the above specified charge. IT IS FURTHER ORDERED:
 - ☐ The terms of the DEFENDANT'S release shall remain unchanged.
 - ☐ The terms of the DEFENDANT'S release shall be modified, as follows: (Specify) _____.
- ☐ The DEFENDANT is to be discharged from custody. THE DISCHARGE OF THE DEFENDANT UNDER THIS ORDER DOES NOT PRECLUDE THE COUNTY PROSECUTOR FROM PRESENTING THE SAME OFFENSE TO A GRAND JURY.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

WAIVER OF PRELIMINARY HEARING

I, the DEFENDANT in the above-styled case, having been charged by affidavit with the commission of a FELONY, but not having been indicted by a grand jury, do hereby knowingly and voluntarily waive my right to a preliminary hearing.

In making this waiver, I acknowledge that I have been informed by this Court of the following rights:

- My right to have an attorney represent me at the hearing, and an appointed attorney if I am unable to afford one;
- My right to have the judge determine at the hearing whether there is probable cause to believe that I had committed the offense and, if charged with a bailable offense, the conditions for my release; and
- My right to subpoena witnesses and cross-examine adverse witnesses testifying at the hearing.

THIS WAIVER OF MY RIGHT TO A PRELIMINARY HEARING IS NOT AN ADMISSION OF GUILT.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**WRIT OF SCIRE FACIAS ON FORFEITED BOND
(BY PERSONAL SERVICE)**

**TO ANY OFFICER AUTHORIZED BY LAW
WITHIN THE STATE OF MISSISSIPPI TO SERVE WRITS:**

WHEREAS this Court having rendered a judgment nisi on the ____ day of _____, 20 _____, against the DEFENDANT in the above-styled case, and _____, the SURETY on the bond, for the forfeited bond amount of \$ _____, and a copy of the judgment nisi and the bench warrant for failure to appear while on release being attached to this summons,

YOU ARE HEREBY COMMANDED to summon the SURETY to appear before this Court on the ____ day of _____, 20 _____, at _____ o'clock ____ m. to show reasonable mitigating circumstances, if there be any, why the judgment nisi issued should be set aside.

WITNESS MY HAND AND SEAL this the ____ day of _____, 20_____.

JUSTICE COURT CLERK / D.C.

(Seal)

**OFFICER'S RETURN:
STATE OF MISSISSIPPI, _____ COUNTY**

I have this day served the above writ in compliance with its terms and conditions.

DATE AND TIME THE WRIT WAS PERSONALLY SERVED ON THE SURETY:

_____ at _____ o'clock ____ m.

OFFICER

BADGE NUMBER

DATE

Sworn to and subscribed before me this the ____ day of _____, 20_____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**WRIT OF SCIRE FACIAS ON FORFEITED BOND
(BY CERTIFIED MAIL)**

WHEREAS this Court having rendered a judgment nisi on the ____ day of _____, 20 _____, against the DEFENDANT in the above-styled case, and _____, the SURETY on the bond, for the forfeited bond amount of \$ _____, and a copy of the judgment nisi and the bench warrant for failure to appear while on release being attached to this summons,

YOU, _____, the SURETY on the bond, are hereby summoned to appear before this Court on the ____ day of _____, 20 _____, at ____ o'clock ____ m. to show reasonable mitigating circumstances, if there be any, why the judgment nisi issued should be set aside.

WITNESS MY HAND AND SEAL this the ____ day of _____, 20_____.

JUSTICE COURT CLERK / D.C.

(Seal)

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

AFFIDAVIT FOR SEARCH WARRANT

I, _____, a law enforcement officer of this county, being duly sworn, state truthfully to this Court that I have information reasonably leading me to believe:

1. That evidence of a crime; contraband, fruits of crimes, or other things unlawfully possessed; thing(s) designed for use, intended for use, or which is being or had been used in committing a crime; and/or a person to be arrested, or who is unlawfully restrained will be found in or about the following place in this county: (Describe with particularity the place to be searched)

_____.

2. That the place is occupied or controlled by: (Name the person(s) occupying or controlling the premises)

_____.

3. That the person(s) or thing(s) to be seized is/are: (Describe with particularity the person(s) or thing(s) to be seized)

_____.

4. That the person(s) or thing(s) to be seized is/are subject to lawful seizure for the following reasons: (State the unlawful or evidentiary nature of the thing(s) to be seized and reference applicable rules, statutes, and/or ordinances. If the search is for a person, then state whether that person has an outstanding arrest warrant or is being unlawfully restrained.)

_____.

Attached and adopted herein is the "Facts and Circumstances" affidavit containing information reasonably leading me to believe that the person, contraband, or evidence material to a criminal investigation is now to be found in or about the place described above.

WHEREFORE, I request this Court to issue a search warrant consistent with this affidavit.

OFFICER

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

SEARCH WARRANT

TO ANY OFFICER AUTHORIZED BY LAW

WITHIN THE STATE OF MISSISSIPPI TO EXECUTE SEARCH WARRANTS:

WHEREAS this Court having considered the attached AFFIDAVIT FOR SEARCH WARRANT, including the "Facts and Circumstances" affidavit adopted therein, along with any sworn oral testimony supplementing the same, and finding probable cause for a search warrant to issue,

YOU ARE HEREBY COMMANDED:

- To proceed forthwith to: (Describe with particularity the place to be searched)
_____;
- To conduct a search for the following person(s) or thing(s): (Describe with particularity the person(s) or thing(s) to be seized)
_____;
- To seize any of the listed things that are found or any other contraband or evidence of a crime discovered in the course of executing this warrant if the incriminating nature of the object is immediately apparent; and
- To promptly return the executed search warrant, along with the endorsed inventory of all property seized, to the JUSTICE COURT CLERK OF THIS COURT.

IN EXECUTING THIS WARRANT, you are required to:

- Conduct the search within _____ days, a time period NOT EXCEEDING TEN (10) DAYS from the issuance of this warrant; and
- Conduct an inventory in the presence of the person from whom or from whose premises the things were taken, and then to give to that person a copy of this search warrant together with a copy of the endorsed inventory. But if the person from whom or from whose premises the things were taken is not present, then you shall leave at the place from which the things were taken a copy of this search warrant together with a copy of the endorsed inventory.

IN EXECUTING THIS WARRANT, you are authorized to break into any house, dwelling, structure, vehicle, or any part thereof, ONLY IF:

- After announcing your authority and purpose, you receive no response within a reasonable time or you are refused admittance; or
- The particular circumstances and the objective articulable facts are such that you believe that giving notice of your authority and purpose before entering would endanger the safety of any person or result in the destruction of evidence.

IN EXECUTING THIS WARRANT, you are authorized to search any person who is on the premises or within the vehicle, ONLY IF:

- It is reasonably necessary to protect the officer or others from the use of any weapon that may be concealed upon the person; or
- It reasonably appears that the property or items listed in the search warrant may be concealed upon the person.

IN EXECUTING THIS WARRANT, you are authorized to make or cause to be made photographs, measurements, impressions, or scientific tests for the preservation of evidence.

IN EXECUTING THIS WARRANT, you are authorized to conduct the search: (Check one)

- ☐ Only in the daytime.
- ☐ Anytime of the day or night.

ALL PROPERTY SEIZED UNDER THIS SEARCH WARRANT IS TO BE RETAINED IN THE CUSTODY OF THE SEIZING LAW ENFORCEMENT OFFICER OR AGENCY UNLESS OTHERWISE DIRECTED BY THIS COURT. IF THIS SEARCH WARRANT IS NOT EXECUTED, THEN IT SHALL BE RETURNED TO THIS COURT WITHOUT DELAY.

ORDERED AND ADJUDGED this the ____ day of _____, 20____ at _____ o'clock ____ m., and thereupon delivered for execution to: (Name of law enforcement officer) _____.

JUSTICE COURT JUDGE

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day executed the above search warrant in compliance with its terms and conditions. Attached to this return is the endorsed inventory of things taken in executing the search.

DATE AND TIME THAT SEARCH WARRANT WAS EXECUTED:

_____ at _____ o'clock ____ m.

OFFICER

BADGE NUMBER

DATE

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

SENTENCING ORDER

WHEREAS,

(Check the box that applies)

- ☐ This Court having accepted the DEFENDANT'S PLEA OF GUILTY and entered an adjudication of GUILT to: (Specify the offense) _____,
- ☐ This Court having conducted a trial for which the DEFENDANT was FOUND GUILTY and entered an adjudication of GUILT to: (Specify the offense) _____,

AND FURTHER, this Court having considered the DEFENDANT'S financial status, based on his/her submitted AFFIDAVIT OF SUBSTANTIAL FINANCIAL HARDSHIP and any sworn testimony regarding the DEFENDANT'S ability to pay court costs, restitution, fines, and/or assessments,

IT IS HEREBY ORDERED: (Check the box(es) that apply and fill in the spaces)

- ☐ DEFENDANT is to pay:
 - \$ _____ Court costs
 - \$ _____ Restitution
 - \$ _____ Fines
 - \$ _____ Mandatory assessments under § 99-19-73
 - \$ _____ Total due

A minimum payment of \$ _____ per month shall be made to the Clerk of this Court on the total amount due, with full payment of all court costs, restitution, fines, and assessments to be made by ____ day of _____, 20____.

- ☐ DEFENDANT shall be allowed to perform community service as allowed by law, but with accommodations for disabilities, childcare needs, transportation limitations, and to prevent any conflicts with the DEFENDANT'S work or school schedule, for _____ hours, at the rate of credit of \$ _____ per hour (which rate is no lower than the highest current federal minimum wage), with the rate of credit earned applied to the payment(s).
- ☐ DEFENDANT is to serve ____ months and ____ days in jail, of which ____ months and ____ days are suspended. The DEFENDANT shall receive credit, as provided by law, for any jail time served on the current offense.
- ☐ Other: _____.

DEFENDANT'S FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A SUMMONS BEING ISSUED FOR HIS/HER APPEARANCE BEFORE THIS COURT TO SHOW CAUSE WHY HE/SHE SHOULD NOT BE HELD IN CONTEMPT OF COURT. THE DEFENDANT MAY APPEAL THIS JUDGMENT WITHIN 30 DAYS AS PROVIDED BY THE MISSISSIPPI RULES OF CRIMINAL PROCEDURE.

ORDERED AND ADJUDGED this the ____ day of _____, 20_____.

JUSTICE COURT JUDGE

ACKNOWLEDGMENT

(Check the box that applies)

- ☐ I, the DEFENDANT in the above-styled case, was afforded an opportunity, personally and/or through my attorney, to make a statement on my behalf before the Court imposed sentencing for my adjudicated offense. Further, this Court explained to me the terms of my sentence. At this time, I do not believe that the terms of my sentence will cause an undue financial hardship to me or any dependents who rely upon me for financial support. I will promptly inform this Court if my income or financial status changes, or if I discover that I am unable to perform the required community service, by personally reporting to the Clerk of this Court that my case be placed on the docket for reconsideration of the terms of my sentence.
- ☐ I, the DEFENDANT in the above-styled case, was afforded an opportunity, personally and/or through my attorney, to make a statement on my behalf before the Court imposed sentencing for my adjudicated offense. Further, this Court explained to me the terms of my sentence, for which I feel may cause an undue financial hardship to me and/or dependant(s) who rely upon me for financial support.

COMMUNITY SERVICE REPORTING INFORMATION:

Reporting date and time: _____.

Address to report: _____.

Telephone number: _____.

I HAVE BEEN PROVIDED A COPY OF THIS ORDER, AND WILL PROMPTLY REPORT TO THE CLERK OF THIS COURT ANY CHANGES OF MY MAILING ADDRESS BY: (Specify the manner for reporting a change of address) _____.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20_____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

SUBPOENA FOR WITNESS

TO ANY OFFICER AUTHORIZED BY LAW

WITHIN THE STATE OF MISSISSIPPI TO SERVE SUBPOENAS:

YOU ARE HEREBY COMMANDED:

TO SUMMONS, if to be found in your county: (Specify the name of the WITNESS and the address where summons is to be served) _____,
to appear and give testimony before this Court on the _____ day of _____, 20____, at _____ o'clock
____ m. at: (Specify the physical address of the justice court) _____,
and to bring to the hearing the following books, papers, documents or other objects that are to be offered
into evidence: (Specify) _____,
BY PERSONALLY DELIVERING a copy of this subpoena to the WITNESS; and
TO PROMPTLY RETURN the served subpoena to this Court.

WITNESS MY HAND AND SEAL this the _____ day of _____, 20_____.

JUSTICE COURT CLERK / D.C.

(Seal)

OFFICER'S RETURN:

STATE OF MISSISSIPPI, _____ COUNTY

I have this day served the above subpoena in _____ County, Mississippi.

DATE AND TIME THE SUBPOENA WAS PERSONALLY SERVED ON THE WITNESS:

_____ at _____ o'clock ____ m.

OFFICER

BADGE NUMBER

DATE

Sworn to and subscribed before me this the _____ day of _____, 20_____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

REQUEST FOR ISSUANCE OF SUBPOENA FOR WITNESS

I, the DEFENDANT in the above-styled case, request this Court to issue a SUBPOENA for:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____.

Telephone: _____.

to appear and give testimony before this Court, and to bring to the hearing the following books, papers, documents or other objects that are to be offered into evidence: (Specify) _____.

DEFENDANT

County prosecutor's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Bar association number: _____. Email address: _____.

Office telephone: _____.

Defendant's information:

Name: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Email address: _____. Telephone: _____.

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

AFFIDAVIT OF SUBSTANTIAL FINANCIAL HARDSHIP

I. GENERAL INFORMATION

Full name: _____. Date of birth: _____.

Mailing address: _____.

Physical address, if different from mailing address: _____.

Last four digits of SSN: _____. Driver's license number: _____.

Telephone number(s): _____. Email address: _____.

Number and ages of dependents: _____. Are you currently employed? ☐ Yes ☐ No

If yes, then provide the following information: Employer: _____.

Business address and telephone number: _____. Job title or description: _____.

II. MONTHLY NET INCOME

Net employment income (the amount you take home after taxes): \$ _____.

Retirement income: \$ _____.

Social security income: \$ _____.

Unemployment benefits: \$ _____.

Workers' compensation: \$ _____.

Other monthly income: \$ _____.

(Specify: _____.)

Total Monthly Net Income: \$ _____.

III. MONTHLY EXPENSES

Child support: \$ _____.

Alimony payments: \$ _____.

Rent or mortgage: \$ _____.

Utilities (e.g., gas, electricity, water, etc.): \$ _____.

Food: \$ _____.

Clothing: \$ _____.

Health care and medical expenses: \$ _____.

Vehicle payments or transportation expenses: \$ _____.

Minimum loan payments: \$ _____.

Minimum credit card payments: \$ _____.

Educational or employment expenses: \$ _____.

Legal financial obligations owed to the court or another court: \$ _____.

Other basic monthly living expenses: \$ _____.

(Specify: _____.)

Total Monthly Expenses: \$ _____.

IV. DISPOSABLE MONTHLY INCOME

(Total Monthly Net Income) minus (Total Monthly Expenses)
= Disposable Monthly Income

Disposable Monthly Income: \$ _____.

V. CASH AND VALUABLE ASSETS

Cash on hand and monies in a bank checking or savings account: \$ _____.

Stocks, bonds, and certificates of deposit: \$ _____.

Equity in real estate (value of property less what you owe): \$ _____.

Valuable personal property: \$ _____.

(Specify: _____.)

Other valuable assets that you own: \$ _____.

(Specify: _____.)

Total Cash and Valuable Assets: \$ _____.

VI. FINANCIAL PUBLIC ASSISTANCE

Check the box(es) for which you, or members of your household, receive financial public assistance:

- ☐ Aid to Families with Dependent Children (AFDC)
- ☐ Supplemental Nutrition Assistance Program (SNAP) (e.g., food stamps)
- ☐ Temporary Assistance for Needy Families (TANF)
- ☐ Supplemental Security Income (SSI)
- ☐ Social Security Disability Insurance (SSDI)
- ☐ VA Disability Compensation
- ☐ Medicaid
- ☐ Other: _____.

VII. ACKNOWLEDGMENT

My statements in this affidavit are true and accurate. I understand that any willful false statement contained herein may subject me to penalties of perjury under section 97-9-61 of the Mississippi Code. Further, I will inform the court if my income or financial status changes while this case is ongoing by personally reporting to the Clerk of this Court that my case be placed on the docket for reconsideration of the terms of my sentence.

DEFENDANT

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI versus

DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

**AFFIDAVIT OF SURETY NOT GOVERNED BY
CHAPTER 39 OF TITLE 83 OF THE MISSISSIPPI CODE**

I, _____, the SURETY for the DEFENDANT in the above-styled case, hereby truthfully state under oath:

- I am not an attorney, judicial official, or person authorized to accept bail.
- I own property in this state, which property, standing alone or when aggregated with that of other sureties, is worth (exclusive of property exempt from execution and above and over all liabilities, including the amount of all other outstanding appearance bonds entered into by me) the amount of the appearance bond.

Below is a specific description of the property to be deposited as security for bond with a complete listing of exemptions and liabilities thereon:

_____.

I am a surety for _____ other outstanding appearance bonds. I have attached a copy of those appearance bonds to this affidavit, and have listed below the amounts of each of them:

- a. \$ _____.
- b. \$ _____.
- c. \$ _____.

Total amount: \$ _____.

SURETY

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MISSISSIPPI

STATE OF MISSISSIPPI: _____ versus
DEFENDANT: _____.

Case # _____. Docket # _____. Page # _____.

MOTION FOR WITHDRAWAL OF COUNSEL

I, _____, the ATTORNEY appointed to represent the DEFENDANT in the above-styled case, request permission of this Court to withdraw as counsel for reasons of GOOD CAUSE, as follows: (Specify) _____.
Notice of this motion has been served on the DEFENDANT and the COUNTY PROSECUTOR.

ATTORNEY

Sworn to and subscribed before me this the ____ day of _____, 20____.

JUSTICE COURT CLERK / D.C.

Attorney's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____

County prosecutor's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Bar association number: _____. Email address: _____
Office telephone: _____

Defendant's information:

Name: _____
Mailing address: _____
Physical address, if different from mailing address: _____
Email address: _____. Telephone: _____

ORDER

WHEREAS this Court having considered the above motion this day in open court,

IT IS HEREBY ORDERED:

☐ Granted. This Court hereby appoints:

- ☐ The Public Defender of this County to represent the defendant in the above-styled case.
Attorney's name: _____
Mississippi Bar Association number: _____
Business mailing address: _____
Business physical address, if different from mailing address: _____
Business email address: _____
Office telephone number: _____
- ☐ A private attorney to represent the defendant in the above-styled case.
Attorney's name: _____
Mississippi Bar Association number: _____
Business mailing address: _____
Business physical address, if different from mailing address: _____
Business email address: _____
Office telephone number: _____

THE DEFENDANT IS INSTRUCTED TO IMMEDIATELY CONTACT THE PUBLIC DEFENDER OR ATTORNEY APPOINTED BY THIS ORDER.

Trial is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m. A copy of this order shall be provided to the DEFENDANT, the appointed attorney, if any, and the COUNTY PROSECUTOR. Any attorney appointed by this order shall file an entry of appearance with this Court as required under Rule 7.2 of the Mississippi Rules of Criminal Procedure.

- ☐ Denied. This Court, in making every effort to assure that the final disposition of this case is free from unreasonable delay, finds that there is not GOOD CAUSE to allow the attorney to withdraw as counsel, as follows: (Specify) _____
Trial is scheduled in this Court on the ____ day of _____, 20____, at ____ o'clock ____ m.

ORDERED AND ADJUDGED this the ____ day of _____, 20____.

JUSTICE COURT JUDGE