

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO: _____

OMNIBUS ORDER

**PART I--TO BE COMPLETED BY THE STATE
ACTION TAKEN AT OMNIBUS HEARING
DISCOVERY TO DEFENDANT
(NUMBER CIRCLED SHOWS ACTION TAKEN)**

1. The defense states it has obtained full discovery and/or has inspected the prosecution file, (except) _____

2. The prosecution states it has disclosed all evidence in its possession favorable to defendant on the issue of guilt.

3. The date, time and place of the crime as stated by the Prosecution is as follows: _____

4. The defendant requests and moves for discovery of all oral, written or recorded statements made by defendant to investigating officers or to third parties and in the possession of the prosecution, discovery of the names of prosecution witnesses and their statements, inspection of all physical or documentary evidence in state's possession. The Motion is sustained by the Court.

5. The State is further ordered to supplement the discovery in item four above should additional information come into the State's possession.

6. The defense requests the following information and the prosecution states:
(a) The prosecution (will) (will not) rely on prior acts or conviction of a similar nature for proof of knowledge or intent.

7. The prosecution is ordered to furnish names, qualifications and subject testimony and to furnish copies of reports of expert witnesses, to furnish the defendant reports or tests of physical or mental examination in control of the prosecution, reports of scientific tests, experiments or comparisons, or other reports of experts in the control of the prosecution pertaining to this case, to allow for the inspection and copying of books, papers, photographs or other tangible objects which the prosecution obtained from or belonging to the defendant or which will be used at the hearing or

trial. In addition the prosecution is to furnish information concerning prior convictions of witnesses.

8. Prosecution to use prior felony convictions for impeachment of defendant if he testifies. _____ Yes _____ No

Date of conviction(s): _____.

Offense(s) _____

_____.

Court rules it (may) (may not) be used.

Defendant stipulates to prior conviction without production of witness or certified copy.

_____ Yes _____ No

9. Any information the State has indicating entrapment of the defendant (has been) (will be) supplied.

PROSECUTION TO STATE:

10. There (was) (was not) an (informer) (lookout) involved.

The informer (will) (will not) be called as a witness at the trial.

The State has supplied the identity of the informer _____ Yes _____ No
(or)

It will claim privilege of non- disclosure. _____ Yes _____ No

11. The Defendant is directed by the court, upon request by the State and timely notice to defense counsel, to appear in a lineup, to speak for voice identification by witnesses, to be fingerprinted, to pose for photographs (not involving a re-enactment of the crime), to try on articles of clothing, to permit taking specimens of materials under fingernails, to permit taking samples of blood, hair and other materials of his/her body which involve no unreasonable intrusion, to provide samples of his/her handwriting and to submit to a physical external inspection of his/her body.

**PART II - TO BE COMPLETED BY THE DEFENSE
MOTIONS REQUIRING SEPARATE HEARINGS:**

1. The defense moves to suppress physical evidence in state's possession on the grounds of:

() Illegal Search

() Illegal Arrest

Hearings of motions to suppress physical evidence set for

2. The defense moves to suppress admissions or confessions made by defendant on the grounds of:

- Delay in arraignment
- Coercion or unlawful inducement
- Violation of the Miranda Rule
- Unlawful Arrest
- Improper Use of Line-Up (Wade & Gilbert)
- Improper Use of Photographs
- Other: _____

Hearings to suppress admissions or confessions set for _____.

MISCELLANEOUS MOTIONS:

1. The defense moves to inquire as to the reasonableness of bail. (Affirmed)
____ Yes ____ No
(Modified to \$ _____).

2. Other _____
_____.

DISCOVERY TO THE PROSECUTION:

1. The Defendant is directed to state forthwith any claim of incompetency, whether or not he or she will rely on the defense of insanity at the time of the offense, and the defendant is required to timely supply unto the prosecution names of witnesses both lay and professional on the above issues.

2. The Defendant is directed to permit the prosecution to inspect and copy medical records under his/her control or in the control of his/her attorney relating to the above. If the defendant claims incompetency to stand trial or insanity at the time of the offense he is directed to submit to a psychiatric examination by a Court appointed doctor on the above issues if same is requested by the State.

3. The Defendant states that he or she will not rely on the defense of alibi and if he or she does then notice of this defense shall be furnished to the State within 10 days of trial, together with a list of alibi witnesses, addresses, phone numbers, and what they will testify to.

4. The Defendant is directed to furnish results of scientific tests, experiments or comparisons and the names of persons who conducted said tests relative to issues in this case.

5. Defense counsel states the general nature of the defense is:

- Lack of knowledge of contraband
- Lack of special intent
- Diminished mental responsibility
- Entrapment
- General denial. Put prosecution to proof.

6. Defense counsel states there (is) (is not) (may be) a probability of a disposition without trial.

7. Defendant (will) (will not) (may) testify.

8. Defendant (will) (will not) (may) call additional witnesses.

9. Character witnesses (will) (will not) (may) be called.

10. Defense counsel will supply the prosecution names and addresses of all witnesses proposed to be offered by the defendant at trial, together with a copy of the contents of any statement, written, recorded, or otherwise preserved, of each such witness and the substance of any oral statements made by any such witnesses, same to be furnished to the prosecution ____ days before trial.

11. Defense counsel shall exhibit to prosecution any physical evidence and photographs which may be offered in evidence.

PART III--TO BE COMPLETED BY STATE AND DEFENSE

STIPULATIONS:

1. That if _____ was called as a witness and sworn he/she would testify as follows: _____

 _____.

2. That the official report of the chemist may be received in evidence as proof of the weight and nature of the substance referred to in the indictment. _____ Yes _____ No

3. That if _____, the official state chemist, were called, qualified as an expert and sworn as a witness he/she would testify that the substance referred to in the indictment has been chemically tested and is _____, contains _____ and its weight is _____.

4. That there has been a continuous chain of custody in state agents from the time of the

seizure of the contraband to the time of the trial. _____ Yes _____ No

5. Miscellaneous stipulations: _____

_____.

CONCLUSION--DEFENSE COUNSEL STATES:

1. That defense counsel knows of no problems involving delay in arraignment, the Miranda Rule or illegal search or arrest, or any other constitutional problem except as set forth above.

2. That defense counsel has inspected the check list on this Action Taken form, and knows of no other motion, proceeding or request which he decides to press, other than those checked thereon.

3. If subsequent to compliance with this order and requests made pursuant thereto, a party discovers additional material or information which is subject to disclosure, that party shall promptly notify the other party or his/her counsel of the existence of such additional material and make disclosure of such material. If the additional material or information is discovered during the trial, the Court shall also be promptly notified.

4. The attorney receiving materials on discovery is responsible for those materials and shall not distribute them to third parties.

5. It is contemplated by the parties that the additional terms and provisions set forth in Rule 4.06 of the Criminal Rules - Circuit Court, are to be complied with and are by reference made a part of this order.

Dated: _____

So Ordered: _____
CIRCUIT JUDGE

Approved:

ATTORNEY FOR THE DEFENDANT

ATTORNEY FOR THE STATE OF
MISSISSIPPI

It is stipulated between the parties: That this is page five (5) of a five page order and that Part I has been completed by the State, Part II has been completed by the Defense and Part III has been completed by the State and the Defense and are attached hereto and made a part of this order for all purposes.