

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NUMBER _____

OMNIBUS ORDER PART I TO BE COMPLETED BY THE STATE
ACTION TAKEN AT OMNIBUS HEARING.

A. DISCOVERY BY DEFENDANT

(NUMBER CIRCLED SHOWS ACTION TAKEN)

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

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

2.(a) The date, time, and place of the crime as stated by the Prosecution is as follows:

3. 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.

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

5. The defense requests the following information and the prosecution states:

5(a). The prosecution (will) (will not) rely on prior acts or convictions of a similar nature for proof of knowledge or intent.

5(b). The prosecution is ordered to furnish names, qualifications and subject testimony and to furnish copies of reports of expert witnesses, to furnish to the defendant reports or tests of physical or mental examination in 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 or witnesses.

5(c). Prosecution to use prior felony convictions for impeachment of defendant if he testifies.

Offense(s) and date of conviction(s): _____

- (1) Court rules it (may) (may not) be used.
- (2) Defendant stipulates to prior conviction without production of witness or certified copy. (Yes) (No)

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

PROSECUTION TO STATE:

- 5(e) There (was) (was not) an informer (or lookout) involved;
- 5(f) The informer (will) (will not) be called as a witness at the trial;
- 5(g) It has supplied the identity of the informer; (or)
- 5(h) It will claim privilege of non-disclosure.

D.2 Rulings on prosecution request and motions.

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 finger printed, 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.

OMNIBUS ORDER PART II - TO BE COMPLETED BY THE DEFENSE

B. MOTIONS REQUIRING SEPARATE HEARING

The defense moves:

6(a) To suppress physical evidence in state's possession on the ground of:
(1) Illegal Search (2) Illegal Arrest

6(b) Hearing of motions to suppress physical evidence set for _____

6(c) To suppress admissions or confessions made by defendant on the ground of: (1) Delay in arraignment; (2) Coercion or unlawful inducement; (3) Violation of the Miranda Rule; (4) Unlawful arrest; (5) Improper use of Line-up (Wade & Gilbert); (6) Improper use of photographs. (7) Other:

6(d) Hearing to suppress admissions or confessions set for _____

C. MISCELLANEOUS MOTIONS

The defense moves:

7(a) To inquire as to the reasonableness of bail. Amount fixed \$ _____ (Affirmed)
(Modified to \$ _____).

7(b) Other: _____

D. DISCOVERY BY THE PROSECUTION

D.1. Statements by the defense in response to prosecution requests.

8. Competency, Insanity and diminished Mental Responsibility

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.

The Defendant is directed to permit the prosecution to inspect and copy medical records under his control or in the control of his 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.

9. Alibi

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 forthwith furnished to the State, together with a list of alibi witnesses.

10. Scientific Testing

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.

11. Nature of Defense

11(a) Defense counsel states the general nature of the defense is: (1) lack of knowledge of contraband; (2) lack of special intent; (3) diminished mental responsibility; (4) entrapment; (5) general denial. Put prosecution to proof.

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

11(c) Defendant (may) (will) (will not) testify.

11(d) Defendant (may) (will) (will not) call additional witnesses.

11(e) Character witnesses (may) (will) (will not) be called.

11(f) 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 prosecution _____ days before trial.

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

OMNIBUS ORDER PART III TO BE COMPLETED BY STATE AND DEFENSE

E. STIPULATIONS

12. Any stipulation will be attached as an exhibit to this Omnibus Order.

F. CONCLUSION-DEFENSE COUNSEL STATES

13(a) That defense counsel knows of not problems involving delay in arraignment, the Miranda Rule or illegal search or arrest, or any other constitutional problem except as set forth above.

13(b) 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.

14. 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 or 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.

15(a) The attorney receiving material on discovery is responsible for those materials and shall not distribute them to third parties.

15(b) 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.

16. THIS CASE is set for CALL on the _____ DAY OF _____, 20____.

17. THIS CASE IS SET FOR TRIAL ON THE _____ DAY OF _____,
20____.

Dated: _____ APPROVED:

ATTORNEY FOR THE DEFENDANT

ATTORNEY FOR THE
STATE OF MISSISSIPPI

So Ordered:

CIRCUIT JUDGE