

**IN THE CIRCUIT COURT OF DESOTO COUNTY, MISSISSIPPI  
(TWENTY-FIRST CIRCUIT COURT DISTRICT)**

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**ORDER ESTABLISHING LOCAL PROCEDURE**

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WHEREAS, Rule 7.2 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE, *as amended*, directs each Circuit Court to establish a procedure for the appointment of counsel for each indigent defendant, it is this District's practice that:

1. When an accused is in custody and has been bound over to await action of the grand jury, but has not yet been indicted:

a. Any determination of a defendant's indigence *vel non* made by a Municipal or Justice Court Judge in accordance with Rule 7.3 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE shall remain in effect without further application by the accused unless good cause warrants reconsideration of the determination.

b. If a defendant has not been previously appointed counsel and has been in custody for more than ninety (90) days for a bailable offense, the Circuit Court Clerk shall assign the matter a criminal cause number and the Circuit Court Administrator for the Judge to which the matter is assigned shall set the issues of the defendant's indigence and the conditions of bail for hearing in accordance with Rules 7.3 and 8.5 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE.

c. If a defendant has been previously appointed counsel by a Municipal or Justice Court Judge, in accordance with Rule 7.2 (c) of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE, appointed counsel shall continue to represent the defendant until indictment by the grand jury, the return of no true bill and/or the withdrawal and substitution of defense counsel.

**FILED**  
DESOTO COUNTY, MS

JUL 18 2025

*Dale K. Thompson*  
CIRCUIT COURT CLERK

2. If a defendant remaining in custody after indictment has been previously appointed counsel by a Municipal or Justice Court Judge and represents by affidavit that he is financially unable to employ private counsel, the Circuit Court Administrator or Deputy Circuit Court Administrator shall prepare and submit to the Circuit Court Judge an order allowing counsel's withdrawal and appointing trial counsel, which may be entered *ex parte*.

3. In all other cases, the Circuit Court Administrator or Deputy Circuit Court Administrator shall, at the defendant's initial appearance before the Circuit Court, advise the defendant of the right to counsel and ascertain the defendant's desire and ability to retain private counsel. Should the defendant desire to retain private counsel, the defendant shall be given a reasonable amount of time to do so prior to the placement of the matter on the Court's trial docket. Should the defendant represent to the Administrator that he or she is unable to retain private counsel due to indigence, the defendant may request appointment of counsel in accordance Rule 7.3 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE. An order appointing counsel may be entered *ex parte*.

4. In the interests of judicial economy and efficiency, the Circuit Court Clerk is not required assign a cause number to cases involving defendants bound over to await action of the grand jury or to cases involving unserved indictments unless the matter is caused to be before the Court on a motion or review in accordance with Rule 8.5(c) of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE.

SO ORDERED the 10 day of July, 2025.

  
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF DESOTO COUNTY, MISSISSIPPI  
(TWENTY-THIRD CIRCUIT COURT DISTRICT)

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ORDER ESTABLISHING LOCAL PROCEDURE

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WHEREAS, Rule 7.2 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE, *as amended*, directs each Circuit Court to establish a procedure for the appointment of counsel for each indigent defendant, it is this District's practice that:

1. When an accused is in custody and has been bound over to await action of the grand jury, but has not yet been indicted:

a. Any determination of a defendant's indigence *vel non* made by a Municipal or Justice Court Judge in accordance with Rule 7.3 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE shall remain in effect without further application by the accused unless good cause warrants reconsideration of the determination.

b. If a defendant has not been previously appointed counsel and has been in custody for more than ninety (90) days for a ballable offense, the Circuit Court Clerk shall assign the matter a criminal cause number and the Circuit Court Administrator for the Judge to which the matter is assigned shall set the issues of the defendant's indigence and the conditions of bail for hearing in accordance with Rules 7.3 and 8.5 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE.

c. If a defendant has been previously appointed counsel by a Municipal or Justice Court Judge, in accordance with Rule 7.2 (c) of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE, appointed counsel shall continue to represent the defendant until indictment by the grand jury, the return of no true bill, or the entry of an order substituting counsel.

**FILED**  
DESOTO COUNTY, MS

JUL 14 2023

*Dale K. Thompson*  
CIRCUIT COURT CLERK

2. If a defendant remaining in custody after indictment has been previously appointed counsel by a Municipal or Justice Court Judge and represents by affidavit that he is financially unable to employ private counsel, the Circuit Court Administrator or Deputy Circuit Court Administrator shall prepare and submit to the Circuit Court Judge an order allowing counsel's withdrawal and appointing trial counsel, which may be entered *ex parte*.

3. In all other cases, the Circuit Court Administrator or Deputy Circuit Court Administrator shall, at the defendant's initial appearance before the Circuit Court, advise the defendant of the right to counsel and ascertain the defendant's desire and ability to retain private counsel. Should the defendant desire to retain private counsel, the defendant shall be given a reasonable amount of time to do so prior to the placement of the matter on the Court's trial docket. Should the defendant represent to the Administrator that he or she is unable to retain private counsel due to indigence, the defendant may request appointment of counsel in accordance Rule 7.3 of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE. An order appointing counsel may be entered *ex parte*.

4. In the interests of judicial economy and efficiency, cases involving defendants who are bound over to await action of the grand jury shall be placed on a separate, general docket unless and until the matter is caused to be before the Court on a motion or review in accordance with Rule 8.5(c) of the MISSISSIPPI RULES OF CRIMINAL PROCEDURE or until an indictment is returned, after which the Circuit Court Clerk shall assign the matter a cause number.

SO ORDERED the 14<sup>th</sup> day of July, 2023.

  
HONORABLE GERALD W. CHATHAM, SR.  
CIRCUIT COURT JUDGE