

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST AND SECOND JUDICIAL DISTRICTS

HOW DO I GET A COURT APPOINTED ATTORNEY?

This information ONLY applies to those charged with a felony offense by a law enforcement agency in Harrison County, Mississippi. If you are charged with a misdemeanor, you should contact the Harrison County Justice Court if you were charged by the Harrison County Sheriff's Department or you should contact the Municipal Court of the City whose police department charged you. If you are charged with a felony in another County, you should contact the Circuit Clerk for that County.

Your case will first be handled in Harrison County Justice Court. If your case is bound over to the Grand Jury, it will thereafter be handled in Harrison County Circuit Court.

In Harrison County, there is a full time fully staffed Public Defenders' Office. That Office has nine (9) full time Public Defenders. If the Public Defenders' Office has a conflict (for example, they represent a codefendant or witness in your case), there are private practice attorneys who are approved by the Court as Conflicts Court Appointed Attorneys.

Court Appointed Attorneys are provided only for those who cannot afford to hire an attorney and who meet the guidelines establishing indigency.

There is a Petition for Court Appointed Attorney. This form must be completed, under oath, before either the Court, the appropriate Court Clerk or a Notary Public. It must be fully completed, in particular with a current working telephone number at the top, a complete address at which you currently live or stay, and full information as to what you own, what you owe, and your income.

IF YOU ARE IN JAIL:

You will have an Initial Appearance usually within forty-eight (48) hours after arrest. At this Initial Appearance, the Justice Court Judge will ask whether you can or intend to hire an attorney. If you cannot afford an attorney, you will be provided with the Petition for Court Appointed Attorney. The Justice Court Judge will determine whether you qualify for Court Appointed Attorney. If you do not qualify, you will be told that and can then hire an attorney. If you do qualify, the Justice Court Judge will appoint an attorney from the Public Defenders' Office. If there is a conflict with the Public Defenders' Office, a Conflicts Court Appointed Attorney will be appointed.

You will be given the appointed attorney's name, address and telephone number. The attorney's information is also available at the jail. This attorney will remain as your attorney until your charge is finally disposed of at the trial level (that is, not on any appeal) unless the attorney is allowed by the Court to withdraw. If the Court allows your attorney to withdraw, another attorney will be appointed to you at that time. You may

contact your attorney at any time. Your attorney will come to the jail periodically to see you.

If you told the Justice Court Judge that you were going to hire an attorney, and you later discover that you cannot do so, you should obtain the Petition for Court Appointed Attorney from the jail, complete it, and either ask the jail to send it to the proper Court or mail it yourself. The Petition should be mailed to the Justice Court Clerk unless you have already had your Preliminary Hearing or waived your Preliminary Hearing. If you have already had your Preliminary Hearing or waived your Preliminary Hearing, your Petition should be mailed to Circuit Court Clerk.

IF YOU BONDED OUT:

If you bonded out on the felony charge before you had an Initial Appearance or before an attorney was appointed to you, you may go to the Circuit Clerk's Office or contact that Office to obtain a Petition for Court Appointed Attorney. The Circuit Clerk's Office will provide that form to you in person or by mail. Once you have completed the Petition under oath before either a Deputy Circuit Clerk or a Notary Public, you must give that form to the Circuit Clerk's Office either in person or by mail.

That completed Petition will then be provided to a Circuit Court Judge who will determine whether you qualify for a court appointed attorney. If you do not, the Circuit Clerk's Office will advise you of that by mail. If you do qualify, the Circuit Court Judge will appoint an attorney from the Public Defenders' Office. If there is a conflict with the Public Defenders' Office, a Conflicts Court Appointed Attorney will be appointed.

The Circuit Clerk's Office will mail you the appointed attorney's name, address and telephone number. This attorney will remain as your attorney until your charge is finally disposed of at the trial level (that is, not on appeal) unless the attorney is allowed by the Court to withdraw. If the Court allows your attorney to withdraw, another attorney will be appointed to you at that time. You may contact your attorney at any time.

NOTE: All notifications and mailings from the Circuit Clerk's Office will be sent to the address that you put in your Petition for Court Appointed Attorney. If you change your address, it is your responsibility to notify the Circuit Clerk's Office of this change. Any failure by you to notify the Circuit Clerk of your change of address will result in your not receiving information from the Circuit Clerk's Office. The Circuit Clerk's Office is not responsible for trying to find you and will not search for any location or address for you.

WHETHER YOU ARE IN JAIL OR ON BOND, if you are indicted, your case will be placed on the Circuit Court's docket for hearing. At this hearing, the Circuit Court Judge will review the status concerning your attorney. If for any reason you have not completed a Petition for Court Appointed Attorney before this hearing, you will be given the opportunity to complete one at the hearing. You may also be asked to complete a Petition for Court Appointed Attorney even if you

have done so previously. If you qualify for a Court Appointed Attorney and do not already have one, the Circuit Court Judge will appoint an Attorney from the Public Defenders' Office or, if there is a conflict, will appoint one (1) of the Conflicts Court Appointed Attorneys. You will be given the Attorney's name, address and telephone number while you are in the courtroom. Generally, the Public Defenders' Office is present for this hearing and you will have the opportunity to briefly meet your attorney. However, your Attorney will not be able to discuss your case at that time as the Attorney will not have had an opportunity to review the discovery from the District Attorney's Office. At this hearing, you will also either be arraigned or execute a Waiver of Arraignment and Entry of Plea. Your Trial date will be set at this hearing.

If you hire an attorney at any time after you are given a Court Appointed Attorney, you must IMMEDIATELY notify your Court Appointed Attorney and your new Attorney must IMMEDIATELY provide the Circuit Court Judge with an Order allowing your Court Appointed Attorney to withdraw and substituting your new Attorney.

IT IS YOUR RESPONSIBILITY TO STAY IN TOUCH WITH YOUR ATTORNEY WHETHER THE ATTORNEY IS COURT APPOINTED OR HIRED AND TO SEE AND TALK TO YOUR ATTORNEY AS MANY TIMES AS THE ATTORNEY DEEMS NECESSARY. IF YOU DO NOT DO SO, YOU WILL NOT BE PROPERLY PREPARED, YOU WILL NOT GET THE BEST OUTCOME FOR YOURSELF AND YOUR BOND CAN BE REVOKED!!!

IN THE SECOND CIRCUIT COURT DISTRICT OF MISSISSIPPI

COURT APPOINTED ATTORNEYS FOR CAPITAL MURDER CHARGES

This information only applies to those charged with Capital Murder in either Harrison County, Hancock County or Stone County, Mississippi.

Upon notification from the District Attorney's Office that a person has been charged with Capital Murder, the case will be assigned to a Circuit Court Judge. The assignment is made on a rotating basis. The Criminal Court Administrator for the Senior Circuit Court Judge is responsible for maintaining the list of Capital Murder cases and notifying the appropriate Circuit Court Judge immediately of the assignment.

The Initial Appearance will be conducted as in all cases. However, if the Justice Court Judge or Municipal Judge determines that the Defendant is indigent and entitled to Court Appointed Counsel, the Justice Court Judge or Municipal Judge may appoint counsel as in other cases, but must immediately notify the assigned Circuit Court Judge of same. That Circuit Court Judge shall then determine whether the appointed counsel is properly qualified to represent one charged with Capital Murder. The Circuit Court Judge may continue the representation by the attorney appointed by the Justice Court Judge or Municipal Judge or may substitute by Order another attorney to represent the Defendant. The Circuit Court Judge shall appoint two (2) attorneys for any Defendant who may be subject to the death penalty and one (1) attorney for any Defendant not subject to the death penalty. Any court appointed attorney shall be properly qualified to represent a person charged with Capital Murder. In particular, if it appears that the death penalty might be sought, court appointed counsel must be properly qualified to handle death penalty cases.

The Circuit Court Judge shall first appoint attorney(s):

(1) in Harrison County, from the Public Defenders' Office or the Conflicts Court Appointed Attorneys;

(2) in Stone County, from the approved Court Appointed Attorneys; and

(3) in Hancock County, from the contract Court Appointed Attorneys

if there is/are properly qualified attorney(s) in those respective groups who do not have any conflict. If there is no attorney available or in the case of appointing two (2) attorneys, if only one (1) attorney is available from the respective groups and without conflicts, the Circuit Court Judge shall appoint either a/two (2) properly qualified private attorney(s) or the State Office of Capital Defense.

This appointment of counsel by the Circuit Court Judge shall occur before any Preliminary Hearing.

The attorneys shall provide the Defendant with their names, addresses and telephone numbers. These same attorneys will remain as Defendant's attorney until the Capital Murder charge is finally disposed of at the trial level (that is, not on any appeal) unless the attorney is allowed by the Court to withdraw. If the Court allows either attorney to withdraw, another attorney will be appointed at that time.

If either attorney deems additional counsel necessary, either attorney may at any time seek same by proper motion.