

JUSTICE COURT / MUNICIPAL COURT BENCH CARD ON JUDGMENTS

PROCEDURES ON JUDGMENTS ARE SET FORTH IN RULE 26 OF THE MISSISSIPPI RULES OF CRIMINAL PROCEDURE. READ THE RULE!

A DETERMINATION OF GUILT means “a verdict of guilty by a jury, a finding of guilt by a court following a non-jury trial, or the acceptance by the court of a plea of guilty or nolo contendere.” MRCrP 26.1(a)

AFTER ADJUDICATING A DEFENDANT GUILTY, the judge MUST impose sentencing without unreasonable delay. MRCrP 26.2(b)(3).

PRONOUNCEMENT OF JUDGMENT must be:

- Made in open court.
- Made in the presence of the defendant.
- Recorded in the court’s minutes.

A defendant may make a voluntary, knowing, and intelligent waiver of his/her right to be present **ONLY** as set forth in Rule 10.1(b) of the Mississippi Rules of Criminal Procedure.

PRONOUNCEMENT OF SENTENCE requires the judge:

- To afford the defendant an opportunity to make a statement before imposing sentence.
- To inform the defendant that credit will be given for time already spent in custody on the offense.
- To explain to the defendant the terms of the sentence.

BEST PRACTICES before imposing fines, fees, court costs, and/or restitution:

- Assess fines, fees, court costs, and/or restitution at an amount, and with a payment schedule, that is reasonable considering the defendant’s financial situation, as evidenced by the defendant’s “Affidavit of Substantial Financial Hardship” and/or testimony regarding his/her income, assets, liabilities, and financial obligations.
- Fully and clearly explain to the defendant, and provide him/her with a copy of those instructions, on:
(1) how and where to make payments;
(2) the consequences of failing to do so;
(3) how to request a court hearing if the circumstances of the defendant’s financial ability to pay changes; and
(4) how to notify the court if there is a change of address or telephone number.
- Consider for indigent defendants any nonfinancial alternatives allowed by law—e.g., community service. Be aware that some indigent defendants may need accommodations for disabilities, childcare needs, transportation, and/or to prevent conflicts with work or school schedules.

ADDITIONAL FINES, FEES, OR COURT COSTS ARE NOT ALLOWED ON PAYMENT PLANS OR WHEN IMPOSING COMMUNITY SERVICE OR OTHER NON-FINANCIAL ALTERNATIVES.



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