

Serial: 96559

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

**FILED**

JUN 20 2002

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

**RE: MISSISSIPPI RULES OF  
APPELLATE PROCEDURE**

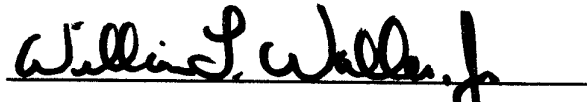
**ORDER**

This matter has come before the Court en banc on its own motion for consideration a proposal for the amendment to Rule 27(b) of the Mississippi Rules of Appellate Procedure. Having considered the matter, the Court finds that the amendment of M.R.A.P. 27(b) as set forth in Exhibit "A" to this order will promote the fair and efficient administration of justice.

IT IS THEREFORE ORDERED that Rule 27(b) of the Mississippi Rules of Appellate Procedure is amended as set forth in Exhibit "A" hereto.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this Order upon the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication in the next edition of the *Mississippi Rules of Court* and in the *Southern Reporter, Second Series, (Mississippi Edition)*.

SO ORDERED, this the 17<sup>th</sup> day of June, 2002.



WILLIAM L. WALLER, JR., JUSTICE,  
FOR THE COURT

MCRAE, P.J. WOULD DENY  
GRAVES, J., NOT PARTICIPATING

## EXHIBIT "A" TO ORDER

### RULE 27. MOTIONS

....

**(b) Determination of Motions for Procedural Relief.** Notwithstanding the provisions of Rule 27(a) as to motions generally, motions for procedural relief may be acted upon at any time without awaiting a response. When unopposed, motions for specified types of procedural orders may be disposed of by the clerk of the Supreme Court. The clerk may rule on motions:

- (1) for enlargement of time permitted by these rules for periods not to exceed a total of 60 days,
- (2) to make corrections in briefs or pleadings filed at the request of counsel filing the brief or pleading,
- (3) to withdraw as counsel and/or substitute appearance of counsel, except in appeals from the imposition of a sentence of death,
- ~~(4) to stay issuance of mandates pursuant to Rule 41,~~
- ~~(4)~~ (5) to voluntarily dismiss appeals where sought by the appellant or the cross-appellant, unless the case has been submitted to the Court for decision,
- ~~(5)~~ (6) to increase the page limit up to 75, or up to 125 in appeals from the imposition of a sentence of death,
- ~~(6)~~ (7) to supplement the record where documents which were included in the designation of, yet omitted from, the record are certified according to Rule 11 and attached to the motion,
- ~~(7)~~ (8) to appear pro hac vice, and
- ~~(8)~~ (9) to suspend record preparation or briefing.

Any party adversely affected by such action may by motion to the appropriate appellate court request reconsideration, vacation or modification of such action by the clerk.

....

[Adopted governing matters filed on or after January 1, 1995; amended October 15, 1998, effective January 1, 1999; amended July 1, 1999; amended effective August 26, 1999; amended November 2, 2000; amended effective June 27, 2002.]

....

**Comment**

(There is no change in the Comment.)