

IN THE SUPREME COURT OF MISSISSIPPI

NO. 89-R-99025 SCT

IN RE: UNIFORM RULES OF CIRCUIT AND COUNTY COURTS

ORDER

This matter has come before the Court, en banc, on request of the Rules Advisory Committee of the Court for the amendment Rule 9.04 C. (1) of the Uniform Rules of Circuit and County Court Practice. Specifically, it is proposed that Rule 9.04 C. be amended to read as follows, adding the language which is italicized in this order:

C. If the defendant requests discovery under this rule, the defendant shall, subject to constitutional limitations, promptly disclose to the prosecutor and permit the prosecutor to inspect, copy, test, and photograph the following information and material which corresponds to that which the defendant sought and which is in the possession, custody, or control of the defendant or the defendant's attorney, or the existence of which is known, or by the exercise of due diligence may become known, to the defendant or defendant's counsel:

1. Names and addresses of all witnesses in chief which the defendant may offer 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 witness.*

The remainder of Rule 9.04 C. shall remain unchanged.

The Court, having considered the request, finds that the proposed amendment is in the interest of the fair and efficient administration of justice and that the request should be granted.

IT IS, THEREFORE, ORDERED that Rule 9.04 C. (1) of the Uniform Rules of Circuit and County Court Practice be and is amended to read as set forth herein above.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this Order upon

the minutes of the Court and shall forthwith forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Second Series (Mississippi Edition)* and in the next edition of *Mississippi Rules of Court*.

SO ORDERED, this, the _____ day of September, 1997.

MICHAEL SULLIVAN, PRESIDING JUSTICE

FOR THE COURT