

SUPREME COURT OF MISSISSIPPI

Murray v. State

870 So. 2d 1182 (Miss. 2004) · Decided March 4, 2004

SUMMARY

The Mississippi Supreme Court considered whether Christopher Murray timely appealed his justice-court convictions for first-offense driving under the influence and switched tag. The court held that Uniform Rule of Circuit and County Court Practice 12.02A, which requires filing within 30 days, controlled over the conflicting 40-day statutory period and affirmed dismissal of the appeal.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Graves, Justice; Pittman, Chief Justice; Smith, Presiding Justice; Waller, Presiding Justice; Cobb, Justice; Easley, Justice; Carlson, Justice; Dickinson, Justice; Diaz, Justice
JURISDICTION	Mississippi
DECIDED	March 4, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Murray appealed to the Mississippi Supreme Court from the Copiah County Circuit Court's dismissal of his appeal from justice court as untimely.
STANDARD OF REVIEW	The court reviewed whether the circuit court correctly applied the governing appellate filing deadline and dismissed the appeal as untimely.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion
PARTIES	Christopher Murray v. State

TOPICS

- appellate procedure
- statutory interpretation
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Uniform Rule of Circuit and County Court Practice 12.02A, which requires a justice-court appeal to be filed within thirty days, controls over Mississippi Code section 99-35-1, which provides a forty-day appeal period.
2. Whether the circuit court properly dismissed Murray's appeal as untimely.

HOLDINGS

1. Uniform Rule of Circuit and County Court Practice 12.02A controls over Mississippi Code section 99-35-1 because a procedural rule adopted by the Mississippi Supreme Court prevails over a conflicting statute.
2. Murray's appeal was untimely because he filed it more than thirty days after the justice-court judgment, and the circuit court properly dismissed it.

KEY QUOTATIONS

“This Court has held where there is conflict between a statute and a procedural rule created by the Supreme Court, the rule controls and the statute is void and of no effect.” (¶ 9)

“Pursuant to Rule 12.02A of the Uniform Rules of Circuit and County Court Practice, the circuit court did not err in dismissing Murray’s appeal as untimely.” (¶ 12)

FACTUAL BACKGROUND

Murray was convicted and sentenced in justice court for first-offense driving under the influence and switched tag. He filed his notice of appeal to circuit court more than thirty days after the judgment but within the forty-day period stated in Mississippi Code section 99-35-1. The circuit court dismissed the appeal as untimely under Uniform Rule of Circuit and County Court Practice 12.02A.

PROCEDURAL HISTORY

Murray was convicted in the Justice Court of Copiah County of first-offense driving under the influence and switched tag on March 14, 2002. He filed a notice of appeal in circuit court on April 23, 2002. The circuit court dismissed the appeal as untimely, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Blenden, 748 So. 2d 77, 88 (Miss. 1999)
- Strickland v. State, 784 So. 2d 957, 961 (Miss. 2001)
- Trull v. State, 811 So. 2d 243, 247 (Miss. Ct. App. 2000)
- Sanchez v. City of Picayune, 656 So. 2d 92, 94 (Miss. 1995)

