



**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT**

**IN RE: MATTERS OF CONCERN BEFORE THE HARRISON COUNTY GRAND JURY
IMPANELED ON FEBRUARY 16, 2006**

**IN RE: SUBPOENA DUCES TECUM-
GRAND JURY SERVED ON RICK
MOORE MARCH 16, 2006 RETURNABLE
MARCH 23, 2006**

**Cause No. A2402-06-00048
Consolidated into
Cause No. B2402-06-00089**

ORDER

CAME ON FOR HEARING on Motion of State Farm Fire and Casualty Company (State Farm) and Rick Moore for amendment of confidentiality measures and amendment of production schedule in order dated March 29, 2006, and the Court, having heard the arguments of counsel and having reviewed the pleadings, the exhibits and the law finds and orders as follows:

The Attorney General is presumed to be an "honest, impartial, and capable official, and [he] should be permitted to exercise [his] discretion in such matters which the law invests in him"¹ and his oath of office demands. *See i.e., Lipscomb v. State*, 76 Miss. 223, 25 So. 158 (Miss. 1899). In fact the presumption is that "all men are honest and will deal fairly and honestly." *Taft v. Taft*, 252 Miss. 204, 172 So.2d 403, Miss., 1965; *Robinson v. McShane*, 163 Miss. 626, 140 So. 725 (1932) (when there is no proof to the contrary, the presumption is that a right and honorable course has been pursued); *Orgill Bros. v. Perry*, 157 Miss. 543, 128 So. 755 (1930); 31A C.J.S. **Evidence** §§ 126 (1964).

All counsel of record in this matter of concern are cautioned against making extrajudicial statements or releasing information concerning any matters being considered by the grand jury. It is therefore,

¹ The Court was speaking of trial judges, but the presumption would apply to an attorney general as well.

ORDERED that the motion to amend with regard to denying Attorney General Jim Hood's access to the State Farm documents is denied. It is further,

ORDERED that Timothy Howard, Special Assistant to the Attorney General, shall be the designated person to receive and receipt the documents produced by State Farm. It is further,

ORDERED that every person who is not an officer of the court, including but not limited to non-attorney employees of the Attorney General's office, shall acknowledge in writing the confidentiality of the documents and their obligation to maintain that confidentiality. These acknowledgments are to be executed before the person(s) may have any contact or exposure to the documents or their contents and are to be maintained by the Attorney General's office. It is further,

ORDERED that at the conclusion of the investigation or prosecution, if any, the documents produced by State Farm shall be returned in the same condition as produced and in compliance with the order of this court entered on March 29, 2006. It is further,

ORDERED that the six boxes of State Farm documents ready for production shall be produced, along with the accompanying privilege logs, prior to the end of the business day, April 11, 2006, to the Attorney General's office and production shall continue as previously ordered.

SO ORDERED AND ADJUDGED, this the 11th day of April 2006.

Stephen B. Simpson
STEPHEN B. SIMPSON
CIRCUIT COURT JUDGE

FILED
219/06-001
APR 11 2006

GAYLE PARKER
CIRCUIT CLERK
By *Christie Kishba*

