

West's Annotated Mississippi Code  
Mississippi Rules of Court State  
Uniform Rules of Circuit and County Court Practice

URCCC Rule 6.04

Rule 6.04. Preliminary Hearing

Currentness

At a preliminary hearing the judicial officer shall determine probable cause and the conditions for release, if any. A finding of probable cause may be based on hearsay evidence. Objections to evidence on the ground that it was acquired by unlawful means are not properly made at the preliminary hearing.

If from the evidence it appears that there is probable cause to believe that an offense has been committed, and that the defendant committed it, the judicial officer shall bind the defendant over to await action of the grand jury. If from the evidence it appears that there is no probable cause to believe that an offense has been committed or that the defendant committed it, the defendant shall be discharged from custody. The discharge of the defendant shall not preclude the state from instituting a subsequent prosecution for the same offense.

**Credits**

[Adopted effective May 1, 1995.]

[Notes of Decisions \(1\)](#)

Uniform Circuit and County Court Rule 6.04, MS R UNIF CIR AND CTY CT Rule 6.04  
Court rules are current with amendments received through June 1, 2016