

A VICTIM'S GUIDE



2011 EDITION

OFFICE OF THE ATTORNEY GENERAL

Crime Prevention & Victim Services

Post Office Box 220

Jackson, MS 39205-0220

1-800-829-6766 • 601-359-6766

www.agjimhood.com

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

DEAR CRIME VICTIMS:

As Attorney General, I am committed to continuing the fight for victims' rights! I understand how confusing and frustrating the criminal justice system is to many victims because I had those feelings when my first cousin was murdered. We developed this guide to help Mississippi's crime victims better understand the criminal justice system.

Since the 2004 Legislature transferred the Victim Compensation Division and the Victim Assistance Program to this office, we have worked tirelessly to expand the services offered to crime victims. We have been successful in adding many new benefits to the compensation program and increasing maximum payouts. We have also begun providing certified law enforcement training across the state to ensure that Mississippi law enforcement officers have the most up-to-date information on new laws, investigative techniques and fundamentals essential to successfully working with and responding to crime victims.

I invite you to visit our website at www.agjimhood.com or contact us at 1-800-829-6766 for more information.

It is my honor to serve as your Attorney General. I will continue to help keep victims informed and protected.

TABLE OF CONTENTS

ACKNOWLEDGMENTS

GENERAL INFORMATION

- The Emotional Effects of Crime 1
- Financial Considerations..... 2
- What You Can Do..... 6
- Responding to the Media 7

THE CRIMINAL JUSTICE PROCESS

- Misdemeanor and Felony Cases 9
- Description of Courts..... 10
 - Justice Court..... 10
 - Municipal Court..... 10
 - County Court..... 10
 - Circuit Court..... 11
 - Chancery Court 11
 - Youth Court 11
 - Appellate Court..... 11
 - Court of Appeals 12
 - Mississippi Supreme Court 12

THE JUVENILE JUSTICE PROCESS

- Operation of Court..... 12
- Intake/Reporting Requirements 13
- Informal Adjustment 13
- Petition Filed/Commencement of Formal Proceedings..... 13
- Persons Summoned..... 14
- Detention Hearings 14
- Adjudication Hearings 15
- Acceptance of Admissions 15
- Standard of Proof..... 16
- Dispositional Hearings 16
- Disposition Alternatives..... 16

MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS

- Obtaining Your Rights 19
- Summary of the Bill of Rights..... 20
- SAVIN Automated Victim Notification System..... 23

MISSISSIPPI CRIMINAL PROCEDURE

Law Enforcement 23
Court System 23
Corrections..... 23

MISDEMEANOR CASES AND THE CRIMINAL JUSTICE PROCESS

Investigation 25
Victim Assistance Coordinator 25
Probable Cause 26
Arrest..... 26
Trial 26
Sentencing 27

FELONY CASES AND THE CRIMINAL JUSTICE PROCESS

Investigation 27
Probable Cause 28
Arrest..... 28
Initial Appearance 28
Preliminary Hearing..... 29
Bail 29
Victim Assistance Coordinator 30
Grand Jury 31
Arraignment..... 32
Trial Docket 33
Plea Bargaining..... 33
Pre-Trial Hearings 35
Trial 35
Jury Selection..... 35
Opening Statements 36
Prosecution and Defense Case in Chief 36
The State’s Rebuttal..... 37
Jury Instructions 37
Closing Arguments 37
Jury Deliberations 38
Victim Impact Statement 38
Sentencing 39
Testifying 40

POST CONVICTION PROCEDURES

Appeals 42
Post Conviction Collateral Relief..... 44

Bail Pending Appeal 44
Incarceration 45
Probation..... 45
Parole..... 46
Parole Board 46

OFFICE OF THE ATTORNEY GENERAL

Crime Prevention & Victim Services 48
Crime Victim Compensation Division 48
Address Confidentiality Program..... 49
Sexual Assault Forensic Exam Payment Program..... 49
Victim Assistance Program 50
Workplace Violence 50
Youth Services Division..... 51
Consumer Protection Division 52
Criminal Litigation Division 52
Appellate Section 52
Death Penalty Section..... 53
Domestic Violence Prevention Division 53
Medicaid Fraud Control Unit..... 54
Public Integrity Division 54
Cyber Crime Unit..... 55
Child Desertion Unit 56
Vulnerable Adults Unit..... 56

RESOURCES

Children..... 57
Disabilities 58
Domestic Violence 59
Elderly 61
Homicide Survivors 61
Identity Theft 62
Mothers Against Drunk Driving..... 62
Sexual Assault 62
State Agencies 63
Victim Assistance Coordinators..... 64
Miscellaneous 70

GLOSSARY 71

ACKNOWLEDGEMENTS

Several individuals and agencies have worked together with the Office of the Attorney General in order to make this guide possible, and we would like to thank the following:

Mothers Against Drunk Driving
University of Southern Mississippi, Criminal Justice Department
Forrest Allgood, District Attorney, 16th Judicial District
Greta Bryan, Victim Assistance Coordinator, 16th Judicial District
Sheriff Dolph Bryan, Oktibbeha County Sheriff's Department
Jeff Caillouet, Victim Assistance Coordinator, 15th Judicial District
Carolyn Clayton, Survival, Inc.
Debrynda Davey, RN, School of Nursing, University of MS Medical Center
Pat Flynn, Retired, Special Assistant Attorney General
Janet Kennedy, Director, Crime Victim Compensation Division
Jeff Klingfuss, Special Assistant Attorney General
Charlie Maris, Special Assistant Attorney General
Patti Marshall, Director, Crime Prevention & Victim Services
Hazel Morrow, Claims Specialist, Crime Victim Compensation Division
Sue Perry, Special Assistant Attorney General
June Renfrow, Victim Advocate, Sharing Our Strengths
Jean Vaughan, Special Assistant Attorney General
Heather Wagner, Director, Domestic Violence Division
Amy Walker, Asst. Director, Crime Victim Compensation Division
Sonny White, Special Assistant Attorney General
Vanessa Wilbert, Victim Advocate, Crime Victim Compensation Division

GENERAL INFORMATION

THE EMOTIONAL EFFECTS OF CRIME

Following a tragic loss or injury, the process of grieving will begin. Grief is an on-going process which allows us to heal emotionally and is an individual experience that follows no specific pattern or timetable. Some will grieve for years, while for others, the process will be much shorter. Grieving is a very personal emotion and there is no right or wrong way to grieve.

The most important thing to remember is to allow yourself your feelings. Stifling or burying feelings only frustrates and prolongs the grieving process.

The following are common grief reactions:

- | | | |
|-------------|----------------|--------------|
| ◆ Anger | ◆ Despair | ◆ Pain |
| ◆ Anguish | ◆ Irritability | ◆ Shock |
| ◆ Confusion | ◆ Numbness | ◆ Withdrawal |

Many victims report that sharing their feelings is both helpful and reassuring during the grieving process. Do not be afraid to ask for help during this time. Family, friends or co-workers may be a comforting source of support. In addition, there are counselors, psychiatrists and psychologists who are trained in the grieving process and may serve as a helpful guide as you work through the pain. Many victims find a great deal of strength through support groups. Support groups can be especially helpful because people in grief have a lot in common. Choose the support system that will work for you. Remember, you should not have to face this alone.

In addition to emotional changes in your life, you may also notice health-related changes such as:

- ◆ Decreased immune system
- ◆ Fatigue
- ◆ Lack of concentration
- ◆ Loss or increase in appetite
- ◆ Loss or increase in sleep
- ◆ Stress-related health problems

It is not unusual for victims to be emotionally and physically exhausted while experiencing grief. Many victims neglect their physical health because their focus is on emotional healing.

- ◆ Get plenty of rest
- ◆ Eat a balanced diet
- ◆ Don't try to make yourself feel better with drugs or alcohol

Most importantly:

- ◆ Be patient with yourself
- ◆ Give yourself credit

GRIEVING IS HARD WORK!

FINANCIAL CONSIDERATIONS

Many victims are unable to cope with the added stress of handling financial matters. If you are feeling added stress, you may want to call a trusted family member or friend to help you with financial matters. Be sure to always seek sound legal advice before carrying out a Power of Attorney, giving up control of property or changing names on banking or other types of accounts.

INSURANCE POLICIES

There are many types of insurance policies which may be in place to help you.

Some examples are:

- | | |
|-------------------------|----------------------|
| ◆ Automobile Insurance | ◆ Hospital Insurance |
| ◆ Burial Insurance | ◆ Life Insurance |
| ◆ Credit Life | ◆ Medical Insurance |
| ◆ Disability Insurance | ◆ Renter's Insurance |
| ◆ Homeowner's Insurance | |

EMPLOYEE BENEFITS

Many types of benefits and insurance coverage are offered by or through the victim's employer. Be sure to contact the victim's employer. This may also lead to other benefits or services for the victim and his or her dependents.

You should ask about the following types of benefits:

- | | |
|--------------------|----------------------------------|
| ◆ Disability Pay | ◆ Medical Insurance |
| ◆ Life Insurance | ◆ Workers' Compensation Benefits |
| ◆ Retirement Funds | |

BANK ACCOUNTS

Determining and locating all bank accounts should be done immediately. Several types of accounts may exist.

Some examples are:

- | | |
|---------------------------|-----------------------|
| ◆ Certificates of Deposit | ◆ Retirement Accounts |
| ◆ Checking | ◆ Savings |
| ◆ Money Market Accounts | ◆ Trust Funds |

SOCIAL SECURITY

The victim or victim's family members may be eligible to receive benefits from the Social Security Administration. Your local office will be able to provide information about any available benefits or visit their website at www.ssa.gov. Be sure to contact your local office immediately.

VETERANS' BENEFITS

Limited financial help may be obtained from the Veterans Administration for such things as medical treatment or funeral expenses if the individual was a veteran. The local Veterans Administration office will be able to provide information about any available benefits. Be sure to contact your local office at 601-576-4850 or visit their website at www.vab.state.ms.us.

CIVIL LAWSUITS

A victim may find themselves involved in both a criminal and civil case as a result of the crime. A civil suit is a way to recover money from a person whose conduct has caused death, injury, lost wages, pain and suffering, property damage or other damages. The victim may have a civil claim against the offender or others. Always seek legal advice about a potential civil suit before settling a suit. Civil cases may continue long after the criminal case is over, and you should not rely on civil cases for immediate financial assistance.

The emotional affects of victimization are often increased by financial pressures. Financial situations victims of crime face can be far reaching and cover many areas. The obvious source of financial difficulty is the expenses which were directly caused by the crime itself.

For example, victims may incur expenses for the following:

- ◆ Counseling
- ◆ Funeral costs
- ◆ Lost wages
- ◆ Medical treatment
- ◆ Property damage

Victims may also incur indirect costs such as:

- ◆ Attorney fees
- ◆ Housing costs
- ◆ Moving expenses
- ◆ Vehicle costs

The following resources are also available to crime victims:

CRIME VICTIM COMPENSATION DIVISION

Compensation for certain crime-related expenses may be available to victims or their family members. A program application must be submitted. You can obtain an application from the Crime Victim Compensation Division or through local victim service providers. For more information, call 1-800-829-6766 or visit the Office of the Attorney General website at www.ago.state.ms.us.

DEPARTMENT OF HUMAN SERVICES

The Mississippi Department of Human Services provides a wide variety of services to individuals and families.

Services include the following:

- ◆ Food Stamps
- ◆ Medicaid
- ◆ TANF (Temporary Assistance to Needy Families)
- ◆ Services for Children

For more information, contact your local county office or visit the state office's website at www.mdhs.state.ms.us.

DEPARTMENT OF REHABILITATION SERVICES

The Mississippi Department of Rehabilitation Services, Office of Vocational Rehabilitation, assists disabled and handicapped persons who can potentially return to work or live independently.

They provide the following:

- ◆ Equipment
- ◆ Job training
- ◆ Rehabilitative services
- ◆ Other related services

For more information, contact your local office or visit the state office's website at: www.mdrs.state.ms.us.

DEPARTMENT OF MENTAL HEALTH

The Mississippi Department of Mental Health provides counseling services throughout the state, and the costs may be reduced if you meet certain guidelines. For more information, contact your local office or visit the state office's website at www.dmh.state.ms.us.

RESTITUTION

When a person is convicted of a crime and at the sentencing of the offender, the judge may order the offender to pay restitution to the victim for any loss suffered as a result of the crime.

Restitution is not automatic. The following must occur:

- ◆ The prosecutor must request it
- ◆ The judge must order it

As ordered, restitution will be paid in one of the following ways:

- ◆ In full or in part
- ◆ Lump sum
- ◆ Installments

The victim should make sure that the prosecutor has all the information about their financial losses so that the right amount is recommended to the judge. The victim should also include their financial losses on their Victim Impact Statement. Contact the Victim Assistance Coordinator in your District

Attorney's Office for more information. (Please see the *Resource* section of this guide for contact information for your Victim Assistance Coordinator.)

BANKRUPTCY RELIEF

Federal laws provide relief from debts under certain conditions. Since the bankruptcy law is very complex, it is recommended that you seek the advice of an attorney to obtain bankruptcy relief.

UTILITY COMPANIES

Some utility companies have programs to help people pay for necessary services. Contact the utility companies in your area for additional information.

CHURCHES AND CIVIC ORGANIZATIONS

Local churches and some civic organizations may have programs which provide limited assistance. Many of the larger churches have professional counselors on their staff. Services may be offered at a reduced rate which is based on your ability to pay.

WHAT YOU CAN DO

Listed below are several things you should keep in mind or consider if you are the victim of a crime.

1. Develop a good relationship with law enforcement officials and the prosecutor handling your case.
2. Keep the district attorney's office informed during all stages of the criminal justice process, and contact the Victim Assistance Coordinator.

You will want to inform their office of:

- ◆ Your address and phone numbers, and any changes
- ◆ Your desire to be kept informed
- ◆ How you would like to be informed
- ◆ Facts and information important to the investigation of the case

- ◆ Your feelings regarding plea bargaining negotiations; and
- ◆ Your concerns for safety from the offender

3. Keep a written journal. Begin with your activities prior to the crime, and include all contact you make about the crime regardless of how minor it may appear.

Include the following items in your journal:

- ◆ Date and time of your conversation
- ◆ Everyone who took part in the conversation
- ◆ Nature of the conversation (include specific details, especially if any decisions were made)
- ◆ Actions to be taken and by whom

3. Prepare a Victim Impact Statement for the judge, prosecutor, probation officer and corrections officials. See the section on Victim Impact Statements in this guide for more information.
4. If a probation officer is involved in the case, it is also important to keep him/her informed.

Be sure to let the officer know:

- ◆ Your address and phone numbers, and any changes
 - ◆ Your willingness and desire to be involved
 - ◆ How and when they can contact you
 - ◆ The details about the case and how the crime has affected you
6. Seek professional counseling and/or a local support group if you are having difficulties overcoming the trauma of the crime.

RESPONDING TO THE MEDIA

In some cases, victims may also find themselves facing the attention of the media. Some individuals may experience negative emotional, mental or legal effects when responding to the media. It is important to know that you have rights when you are asked by the media to talk about your experience.

The National Center for Victims of Crime provides the following guidelines for victims who choose to talk with the media (Crime Victims and the News Media by Anne Seymour and Linda Lawrence, 1988, pp. 7 - 10, National Victim Center, Fort Worth, Texas).

VICTIMS HAVE THE RIGHT

- ◆ To say “no” to an interview
- ◆ To select the spokesperson or advocate of their choice
- ◆ To select the time and location for media interviews
- ◆ To request a specific reporter
- ◆ To refuse an interview with a specific reporter even though they have granted interviews to other reporters
- ◆ To say “no” to an interview even though they have previously granted interviews
- ◆ To release a written statement through a spokesperson in lieu of an interview
- ◆ To exclude children from interviews
- ◆ To refrain from answering any questions which are uncomfortable or the victim feels are inappropriate
- ◆ To know in advance the direction the story is going to take
- ◆ To avoid a press conference atmosphere and speak to only one reporter at a time
- ◆ To demand a correction when inaccurate information is reported
- ◆ To ask that offensive photographs or visuals be omitted from broadcast or publication
- ◆ To conduct a television interview using a silhouette or a newspaper interview without having a photograph taken
- ◆ To completely give their side of the story related to the victimization
- ◆ To refrain from answering reporters’ questions during the trial
- ◆ To file a formal complaint against a journalist
- ◆ To grieve in private
- ◆ To suggest training about media and victims in their communities

By contrast, the following are positive emotional and mental effects some victims have experienced when working with the media:

- ◆ Re-telling of the victimization/loss was therapeutic

- ◆ Provided a memorial to a loved one
- ◆ Avoided all the attention being focused on the perpetrator
- ◆ Prevented the perpetrator from gaining notoriety, publicity and justification for the crime
- ◆ Allowed victims/survivors an avenue to express their anger
- ◆ Helped with the investigative process
- ◆ Increased a general understanding of the victim/survivor’s suffering/loss

Always remember that it is the right of the victim/survivor to decide whether or not to work with the media.

THE CRIMINAL JUSTICE PROCESS

Criminal laws are designed to control behavior and protect the rights of citizens and society. These laws are enforced by our judicial system. Below is a basic explanation of the criminal justice process, the Mississippi court system and victims’ rights. Gaining a basic understanding of the process helps to relieve a great deal of stress that many victims experience when dealing with the criminal justice process.

Criminal law is enforced through prosecution of defendants (also referred to as perpetrators or offenders). The State seeks legal action against the defendant during this process. If the defendant is found guilty (conviction), he/she may lose their freedom and independence (serves time in jail or prison) and/or may be ordered to pay fines, court costs, assessments and/or restitution.

The jury in a criminal case must be in total agreement to find the offender guilty. If one juror disagrees with the decision of the others, there cannot be a guilty verdict. The result is called a hung jury. The District Attorney will decide any other action on the case when there is a hung jury. The District Attorney can ask for another trial, try to settle the case through plea bargaining or dismiss the case.

MISDEMEANOR AND FELONY CRIMES

Crimes are placed into two general categories: misdemeanors and felonies. Misdemeanors may have a penalty or a fine and/or imprisonment in the county or city jail for one year or less. Some examples of misdemeanors

are traffic offenses, domestic violence (first and second offenses), simple assault and driving under the influence - DUI (first and second offenses). Felonies are more serious crimes and may have a penalty of imprisonment in a state penitentiary for more than one year or death. Some examples of felony offenses are aggravated assault, rape, child sexual assault, child physical abuse, murder, manslaughter, domestic violence (third offense), DUI (third offense or resulting in injury or death), armed robbery and burglary.

Misdemeanors and felonies are handled in different courts. The defendant in both a misdemeanor and a felony case has the right to a jury trial under our Constitution. A jury trial is automatic in felony cases if the matter goes to trial. The defendant in a misdemeanor case must specifically request a jury trial. Misdemeanor trials are very rare.

DESCRIPTION OF COURTS

Different courts hear different types of cases. The “jurisdiction” of a case will determine what type of court will hear the case. The “jurisdiction” of criminal cases is determined by the type of crime (felony or misdemeanor) and the location of where the crime took place. Mississippi has several types of courts within our judicial system and each serves a different function. The following is basic information about some of the different courts in Mississippi.

JUSTICE COURT – Justice Courts hear misdemeanor criminal cases that occur within their jurisdiction (county where the court is located). Justice Courts are also authorized to conduct pre-trial proceedings in felony cases. For example, a Justice Court Judge may set the amount of bond, hold bond reduction hearings, and hold preliminary hearings to determine whether there is enough evidence to present a felony case to the grand jury.

MUNICIPAL COURT – Every city must have a Municipal Court. These courts hear misdemeanor crimes which occur within the city or town limits.

COUNTY COURT – County courts only exist in twenty-one counties in Mississippi. County courts are unique because, in certain situations, they have the same jurisdiction as the Justice Courts and Circuit Courts and can hear many of the same cases.

CIRCUIT COURT – Circuit Courts hear felony cases. The State of Mississippi has twenty-two (22) circuit court districts which may contain one or more counties. Most districts have more than one Circuit Court Judge. Circuit Courts have certain time periods during the year when the Court will hear cases in each of the counties served by that court. These periods are called “terms of court”. During all other times, the Court is considered to be “in vacation”. The term “vacation” does not mean that the Judge and his or her support staff are not working. The court may be actually hearing cases in another county within the same district during its term of court.

CHANCERY COURT – Chancery Courts hear matters involving divorce, child custody, visitation and support, guardianships, mental commitments and contract matters. These courts serve as the youth court in counties where there is no county or family court.

YOUTH COURT – Youth Court has exclusive original jurisdiction in all proceedings concerning a delinquent child or child in need of supervision **except** when a child commits an act or attempts to commit an act which, if committed by an adult, would be punishable under state or federal law by life imprisonment or death, or commits or attempts to commit an act involving the use of a deadly weapon.

APPELLATE COURT – Our State has two appellate courts; the Mississippi Supreme Court and the Court of Appeals. Each is located in Jackson, Mississippi.

These Courts only hear cases where a final decision has been made by other courts. Appellate courts do not hear from witnesses or conduct trials. These courts review records and transcripts of the cases from the other courts and in certain cases, they will hear oral arguments by attorneys. Oral arguments are standard in death penalty cases.

The primary function of an appellate court is to review the decisions of other courts and determine whether or not an error occurred in the trial process. An appellate court can uphold the decision of the other court; overturn the decision of the court and return the case for further proceedings; or overturn the decision of the court and make a different decision.

In rare cases, an appellate court will determine that the error committed in a criminal case was so serious that the offender should be discharged.

COURT OF APPEALS – The Court of appeals was established in 1995 to help the Mississippi Supreme Court with the overwhelming number of pending appeals.

All appeals are filed with the Mississippi Supreme Court. The Supreme Court then determines which cases are to be assigned to the Court of Appeals. Decisions of the Court of Appeals are final. However, if a party is unwilling to accept the decision, he/she may ask the Supreme Court to review the case. The Supreme Court can decide whether or not to consider the case.

MISSISSIPPI SUPREME COURT – The Mississippi Supreme Court is the court of last resort in our State. Although the Supreme Court assigns cases to the Court of Appeals, certain cases must be heard by the Supreme Court. These cases include: death penalty cases, election contests, annexation cases and utility rates.

JUVENILE JUSTICE PROCESS

“Delinquent child” means a child who has reached his tenth (10) birthday and who has committed a delinquent act.

“Delinquent act” is any act, which if committed by an adult, is designated as a crime under state or federal law, or municipal or county ordinance other than offenses punishable by life imprisonment or death.

OPERATION OF COURT – Delinquency cases are of a civil nature rather than criminal, and are conducted as follows:

- ◆ Without a jury
- ◆ The general public is excluded
- ◆ Persons with a direct interest in the cause shall have the right to appear and be represented by counsel
- ◆ All parties to a youth court cause shall have the right to attend any hearing in which an investigation, record or report is admitted in evidence:
 - ◆ To subpoena, confront and examine the person who prepared or furnished data for the report
 - ◆ To introduce evidence contradicting the contents of the report

INTAKE/REPORTING REQUIREMENTS - Youth matters are commenced by a report being made to the intake unit of the youth court. Upon receiving a report, the Youth Court Intake Unit must promptly make a preliminary inquiry to determine whether the interest of the child or the public requires the youth court to take further action. If it appears from the preliminary investigation that the child is within the jurisdiction of the youth court, the intake unit shall recommend to the youth court that:

- ◆ No action be taken
- ◆ An informal adjustment be made
- ◆ Department of Human Services monitor the case
- ◆ A petition be filed

After reviewing the recommendation, the youth court shall, without a hearing, enter an order.

INFORMAL ADJUSTMENT – The informal adjustment process is an informal process in which the child and his parents, guardian, or custodian agree to abide by certain conditions recommended by the informal adjustment counselor. Upon successful completion of the informal adjustment process, the matter is concluded. If the informal adjustment is unsuccessful, the matter is referred back to the Youth Court Intake Unit for further recommendations.

PETITION FILED/COMMENCEMENT OF FORMAL PROCEEDINGS - Delinquency proceedings are initiated by the proper filing of a petition by the Youth Court Prosecutor or other designated person. The petition shall be filed:

- ◆ Within five (5) days from the date of the detention hearing continuing custody
- ◆ In non-custody cases, unless another period of time is authorized by the Youth Court or its designee, within ten (10) days of the court order authorizing the filing of the petition

The court may dismiss the petition for failure to comply with this time schedule.

PERSONS SUMMONED –

- ◆ When a petition has been filed and the date of the hearing has been set, the judge or the judge’s designee shall order the clerk of the Youth Court to issue a summons to:
 - ◆ The child named in the petition
 - ◆ The person or persons who have custody or control of the child
 - ◆ The parent or guardian of the child if such parent or guardian does not have custody of the child
 - ◆ Any other person whom the court deems necessary

DETENTION HEARINGS – A child who has been ordered or taken into custody for delinquency may be held in custody for longer than temporary custody (21 days) if:

- ◆ A written complaint or petition is filed
- ◆ A detention hearing is conducted
- ◆ The court enters an order for continued custody

At the Detention Hearing:

- ◆ The parties may present evidence and cross-examine witnesses
- ◆ The court may receive hearsay and opinion testimony without regard to formal rules of evidence
- ◆ Testimony, though required to be under oath, may be given in narrative form

At the conclusion of the detention hearing, the court shall enter an order releasing the child to the custody of the child’s parent, guardian or custodian, unless it finds and its detention order recites that there is probable cause that the youth court has jurisdiction, and “custody is necessary” as defined in Subsection 43-21-301 (3)(b).

ADJUDICATION HEARINGS –

- ◆ **If the child is not in detention**, the hearing is held within ninety (90) days after the filing of the petition unless continued for good cause or the person who is a subject to the cause has admitted the allegations. Otherwise, the case is dismissed with prejudice.
- ◆ **If the child is in detention**, the hearing is held as soon as possible but no later than twenty-one (21) days after the child is first detained by the youth court unless:
 - ◆ Postponed on the motion of the child
 - ◆ Postponed because process was not completed
 - ◆ Postponed because a material witness is not presently available

Otherwise, the court may release the child from detention.

ACCEPTANCE OF ADMISSIONS – At any time the petition has been filed, all parties to the cause may appear before the judge and admit the allegations of the petition. The judge may accept this admission as proof of the allegations.

Plea bargaining is not permitted.

If the child does not have legal counsel, the youth court shall appoint an attorney to represent the child and continue the hearing for a reasonable time to allow the child to consult with the attorney.

After conducting these preliminary matters, and provided there is not a continuance, the youth court may then inquire whether the parties admit or deny the allegations:

- ◆ **If the parties to the cause admit the allegations in the petition**, and such meets the requirements for the acceptance of admission as set forth in Section 43-21-553, then the judge may accept the same as proof of the allegations.

- ◆ **If the party to the cause denies the allegations in the petition**, then an adjudicatory hearing is held.

STANDARD OF PROOF – in delinquency cases, requires proof of each and every element in the charge **beyond a reasonable doubt**.

An adjudication of delinquency **does not**:

- ◆ Constitute a criminal conviction
- ◆ Impose any of the civil disabilities ordinarily imposed on an adult because of a criminal conviction

Further, a person who has been prosecuted in the youth court may deny, without any penalty, the existence of the proceedings and any adjudication made.

DISPOSITIONAL HEARINGS – If the child is adjudicated delinquent, the youth court shall immediately set a time and place for a disposition hearing. This hearing is separate and distinct from the adjudicatory hearing. If the child has been taken into custody, a disposition hearing shall be held within fourteen (14) days after the adjudicatory hearing unless good cause is shown for postponement.

DISPOSITION ALTERNATIVES –

The disposition order may include any of the following alternatives or combination of the following alternatives:

- ◆ Release of the child without further action
- ◆ Place the child in the custody of the parents, a relative or other persons subject to any conditions and limitations, including restitution, as the youth court may prescribe
- ◆ Place the child on probation subject to any reasonable and appropriate conditions and limitations, including restitution, as the youth court may prescribe
- ◆ Order terms of treatment calculated to assist the child and the child’s parents or guardian which are within the ability of the parent or guardian to perform
- ◆ Order terms of supervision which may include participation in a constructive program of service or education or civil

finances not in excess of \$500, or restitution not in excess of actual damages caused by the child to be paid out of the child’s own assets or by performance of services acceptable to the victims and approved by the youth court and reasonably capable of performance within one (1) year

- ◆ Suspend the child’s driver’s license by taking and keeping it in the custody of the court for not more than one (1) year
- ◆ Give legal custody of the child to any of the following:
 - ◆ DHS for appropriate placement
 - ◆ Any public or private organization, preferably community based, able to assume the education, and maintenance of the child
 - ◆ DHS for placement in a wilderness training program or a state-supported training school;
 - ◆ Recommend to the child and the child’s parents or guardian that the child participate in the Youth Challenge Program
 - ◆ Order the child to the Statewide Juvenile Work Program if the program is established in the court’s jurisdiction
 - ◆ Order the child to participate in a youth court work program as provided in Section 43-21-627
 - ◆ Order the child into a juvenile detention center for a period not to exceed ninety (90) days
 - ◆ Referral to A-team provided system of care services

ALSO –

The court may order drug testing as provided in Section 43-21-605(6).

The judge does not sentence the child to the state training school for any length of time; however, the state training school may retain custody of the committed child until the child’s twentieth birthday but for no longer. The superintendent of the state training school decides when parole of a child is deemed to be in the best interest and welfare of the child. Twenty (20) days prior to such parole, the training school must notify the committing court

of the pending release. The youth court may then arrange subsequent placement after a reconvened disposition hearing except that **it may not recommit the child to the training school** or any other secure facility without an adjudication of a new offense or probation or parole violation.

The court shall not commit a child under ten (10) years of age to a state training school.

Note: Municipal Courts and Justice Courts handle traffic violations for all, even minors.

MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS

The Mississippi Constitution was amended in 1998 to provide for the fair treatment of crime victims within this state. Section 26(a) of the Mississippi Constitution states: "Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity and respect throughout the criminal justice process; and to be informed, present and heard, when authorized by law, during public hearings."

The Mississippi Legislature passed the *Mississippi Crime Victims' Bill of Rights* in order to carry out the constitutional amendment. The Crime Victims' Bill of Rights provides several rights, privileges, and notices to crime victims throughout the criminal justice process. The law requires that law enforcement, prosecutors, the judiciary (court officials), correctional system and executive authority (Governor) must provide these rights, privileges and notices to crime victims.

For purposes of the Crime Victims' Bill of Rights:

- (1) "Victim" means a person against whom the criminal offense has been committed, or if the person is deceased or incapacitated, the lawful representative.
 - ◆ If the victim is physically or emotionally unable to exercise these rights, he/she may designate in writing a person to be his/her representative.
 - ◆ If the victim is deceased, the court will appoint a representative who is not a witness to the crime.
 - ◆ If the victim is a minor, a family member may be

designated as the victims' representative or the court may appoint a representative for the child.

- ◆ The victim who is represented by another person may decide to personally exercise his/her rights as soon as he/she is physically, mentally, emotionally or legally competent to do so.

(2) The following violent offenses apply:

- ◆ Felonies which involve physical injury or the threat of physical injury
- ◆ Any sexual offense
- ◆ Any offense involving spousal abuse or domestic violence

OBTAINING YOUR RIGHTS

In order to receive this benefit of the Crime Victims' Bill of Rights, a victim must file a written request with the law enforcement agency assigned to your case and the prosecutor. A form titled *Request to Exercise Victims' Rights* has been designed by the Office of the Attorney General and is available at law enforcement agencies, district attorney's offices and the Mississippi Attorney General's Crime Victim Compensation Division. This form will be given to you in a packet of information provided by the investigating officer within seventy-two hours following the crime. (Until your case has been turned over to the prosecuting attorney, you will need to call the investigating officer for updates on the status of your case.)

The victim or the lawful victim representative is required to:

- ◆ Complete and sign the *Request to Exercise Victims' Rights* form
- ◆ Send the form to the investigator and/or prosecutor handling your case
- ◆ Keep the investigator and/or prosecutor informed of any changes in your name, address and/or telephone number(s)

It is the victim's responsibility to provide updated information to the investigator and/or prosecutor. Failure to provide these changes may be

considered a withdrawal of your request for victims' rights. The safest route is to always provide any changes or updated information.

Please note that written requests are required to obtain your rights, and often many other offices are involved in handling your case, not just the prosecutor. You are encouraged to read the Bill of Rights so you can determine what different offices may be involved in handling your case. Be sure that all of these offices have a copy of your written request. These offices may include: any agency which has physical custody of the offender (county or city jail); Department of Corrections, Parole Board, Office of the Attorney General and Office of the Governor.

If you have not received the information packet or the *Request to Exercise Victims' Rights* form, please contact the Crime Victim Compensation Division at 1-800-829-6766 or 601-359-4144 for a copy.

SUMMARY OF THE MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS

The law enforcement officer assigned to your case will give you a packet of information telling you about the availability of emergency and crisis services; Crime Victim Compensation Division services and benefits; contact information of the law enforcement officer and agency assigned to your case; the steps involved in prosecuting a criminal case; the rights of crime victims authorized by the Mississippi Constitution; and the contact information of the prosecuting attorney. The law enforcement officer will also provide you with a form to invoke your rights (*Request to Exercise Victims' Rights* form). By completing, signing and mailing the form to the appropriate law enforcement agency and/or prosecuting attorney and/or office, you are asserting the following rights:

- ◆ To be notified of all charges filed against any person for the crime committed against you
- ◆ To be notified of any criminal proceedings, other than initial appearance, as soon as practical, and to any changes that may occur
- ◆ To talk with the prosecutor prior to the final disposition of your case, including giving your views on any "nol pros" (dismissal), reduction of charge, sentence recommendation, and pre-trial diversion programs

- ◆ To talk with the prosecutor prior to the beginning of the trial
- ◆ To receive a transcript of the trial, at your own cost
- ◆ To have the trial held without unreasonable delay
- ◆ To be present throughout all criminal proceedings, including any hearings, arguments or other matters scheduled by and held before a judge, but not including lineups, grand jury hearings or any other matter not held in the presence of a judge
- ◆ To be provided a waiting area at trial separate from the defendant, his relatives and his witnesses (if an area is available and the use of the area is practical)
- ◆ To have the prosecutor petition the court that you or any other witness not be compelled to testify at any pre-trial proceeding or at trial to any facts concerning your identity, residence or place of employment that could put you in danger if you have been threatened with physical violence or intimidated by the defendant or anyone connected with him/her
- ◆ To be present at any proceeding where the defendant is going to enter a guilty plea and be sentenced
- ◆ To be given the date of a conviction, acquittal or dismissal of the charges
- ◆ To be given, after a conviction, information about the function of a pre-sentence report and the name, address and telephone number of the probation officer preparing this report for the judge and about the right of the defendant to view the pre-sentence report
- ◆ To make an oral or written impact statement to the probation officer preparing the pre-sentence report for the judge
- ◆ To be present at sentencing and to give the judge an impact statement or any information that concerns the criminal offense or the sentence
- ◆ To be informed as soon as practicable of the sentence imposed on the defendant
- ◆ To be given the names, addresses and telephone numbers of the appropriate agencies and departments to whom further requests for notice should be provided
- ◆ To be given the Attorney General's Office or the District

Attorney, information about the status of any appellate proceeding and any appellate decisions within five (5) business days after the status is known or the decision issued

- ◆ To be notified upon any post arrest release of the defendant. Sexual assault or domestic violence victims are to be notified whether or not they have invoked their rights
- ◆ To be notified of any escape and subsequent recapture of the defendant
- ◆ To have any property belonging to you that was taken during the investigation returned as soon as possible
- ◆ To be notified within fifteen (15) days prior to the end of the sentence of the date the prisoner is to be released and to be notified of any medical release or death of the prisoner
- ◆ To be notified that you may submit a written statement, audio or video recording to be placed with the prisoner's records and considered at any review for community status of the prisoner prior to release of the prisoner
- ◆ To be notified and allowed to submit a written or recorded statement when any change in custodial status is considered, whether such action be by executive order or judicial action
- ◆ To testify at a criminal proceeding or participate in the preparation of the trial without any loss of employment, intimidation or threat or fear of the loss of employment

These rights do not include the right to direct the prosecution. The district, city or county attorney has the responsibility to prosecute criminal cases. They will decide how the case will be handled, but they will confer with you and will consider your wishes and needs. Additionally, the exercise of these rights is at your discretion. The absence of the victim at the proceeding will not prevent the court from going forward. The duty of the prosecutor is to make reasonable attempts to keep you informed. You must do your part by keeping the law enforcement agency and prosecutor informed of any change in your name, address or telephone number(s).

SAVIN – Automated Crime Victim Notification System

This automated crime victim's network program allows Mississippi victims and survivors to receive real-time information on state inmates and offenders housed in county jails statewide. From booking to release, victims can register with total anonymity for immediate access to offender information. This includes notifications regarding offender's placement along with other changes in custody status. To receive notifications, victims can register telephone numbers and email addresses. MS SAVIN is currently implementing text messaging as another form of notification. MS SAVIN undergoes continuous enhancements to bring more effective services to the community. On the website listed below, offender information will soon include offender photos assisting with verifying offender identity.

There is no cost to utilize the service and the information can be accessed by telephone or internet. Crime victims may register by calling 1-888-9MS-SAVIN (1-888-967-7284) or online at www.vinlink.com. While not all counties will be online immediately, the implementation process continues. You may verify your area availability by calling the above toll free number, by the listed web address or by contacting the Office of Mississippi SAVIN (601) 359-5759 or (601) 359-5724.

MISSISSIPPI CRIMINAL PROCEDURE

The criminal justice system is made up of three basic components:

Law Enforcement - Responsible for the prevention of crime, investigation of criminal activity and arrest of criminals.

Court System - Responsible for overseeing procedures to determine the guilt or innocence of individuals charged.

Corrections - Responsible for the control, custody and supervision of criminals.

For most of us, the criminal justice system is a complex process. However, with information and explanation, the process can be understood.

If you are experiencing or have experienced stress and fear as you have encountered the criminal justice process, you are not alone. This stress and

fear is known as “secondary victimization.” Secondary victimization occurs when a victim feels left out and disregarded by the system. The following is an explanation of events and steps in the criminal justice process in the order that they happen. We hope that with an understanding of the basic procedures of the criminal justice process, your fears and stresses are relieved.

MISDEMEANOR CASES AND THE CRIMINAL JUSTICE PROCESS

Misdemeanor cases typically begin in one of three ways:

- ◆ When an officer observes an offense being committed and the accused is arrested at the scene
- ◆ When a victim files charges against the offender by signing an affidavit
- ◆ When domestic violence is committed and the officer makes an arrest without a signed affidavit or observing the crime

When an officer observes the misdemeanor offense being committed, the officer will sign an affidavit charging the offender. When a victim files the charges, a judge will review the affidavit and any supporting information. The judge will issue an arrest warrant after determining if there is enough information to do so. Examples of misdemeanor cases are: simple assault, domestic violence, stalking, traffic offenses, DUI, theft and trespassing.

In domestic violence cases, the officer shall make an arrest if there is enough information that the crime happened. This means the officer can make the arrest without a signed affidavit and without witnessing the crime.

If you want to obtain more information on domestic violence services for victims or the laws, contact the Mississippi Coalition Against Domestic Violence at 601-981-9196. This agency has a guide specifically for victims of domestic violence. You may also want to contact the Office of the Attorney General, Domestic Violence Division at 601-359-4251.

The court where the charges are filed depends on the location of where the crime happened and the type of law enforcement agency that is responsible for handling the case. For example, city police officers file their affidavits in the municipal court within their jurisdiction, while sheriff’s deputies file their

affidavits in the justice court of their jurisdiction. Highway patrol officers file their affidavits and traffic citations in the justice court of the county where the crime occurred.

INVESTIGATION

The primary purpose of law enforcement agencies during the investigation phase of your case is to determine whether a crime has been committed and who committed the crime. A well-conducted investigation is invaluable to your case. In the end, the nature and quality of the investigation may determine whether a case is won or lost in court.

Common investigative techniques used by law enforcement agencies are interviews, interrogation and crime scene documentation. In domestic violence cases; investigations normally involve obtaining statements from the victim and witnesses; photographing injuries and obtaining medical records. Cooperation with law enforcement is essential. The investigation may be upsetting for you or your family, but it is one of the most important phases of the criminal justice process.

VICTIM ASSISTANCE COORDINATORS

The need to provide assistance to victims at the onset of the crime is being recognized and acted upon by some law enforcement agencies across the state. In a few counties and cities, victims are assisted by a victim assistance coordinator who is employed by the law enforcement agency handling the case. The coordinator serves as an advocate for the victim throughout the criminal justice process. Victim assistance coordinators are usually trained in crisis intervention and have special knowledge regarding services to help crime victims. These individuals are an extremely helpful addition to the criminal justice process.

The victim assistance coordinator has many different roles. These roles are different depending on the nature of the case and the law enforcement agency. The victim assistance coordinator mainly provides the following services:

- ◆ Crisis intervention
- ◆ Information on the status of your case
- ◆ Information on the criminal justice system

- ◆ Referrals to victim service providers and social service agencies
- ◆ Notification of court proceedings
- ◆ Accompaniment of the victim to court
- ◆ Provision of a safe waiting area in the courthouse

Victim assistance in law enforcement agencies is increasing, but there are only a few law enforcement agencies in Mississippi that have a victim assistance coordinator on staff. Be sure to ask the agency handling your case if they have a victim assistance coordinator.

PROBABLE CAUSE

Probable cause is required before an arrest and/or search warrant can be carried out. The information collected during the investigation must establish that a crime has been committed and the suspect committed the crime. Probable cause does not require proof beyond a reasonable doubt, but officers are required to provide reliable and credible information. Arrests made or evidence collected without adequate probable cause may be dismissed by the court. Defense attorneys routinely challenge probable cause in an effort to have evidence thrown out or establish that an arrest was unlawful.

ARREST

Arrest is the act of taking a person into custody for the purpose of charging that person with a crime.

TRIAL

Misdemeanor trials are typically much less formal than felony trials. Misdemeanor trials usually have fewer witnesses, take less time and may be conducted in an informal manner with the parties simply standing at the bench and presenting their side to the Court.

Victims of domestic violence (simple assault) have the right to be informed of and be present at the trial. Depending on where the crime happened and if the victim submitted a *Request to Exercise Victims' Rights* form, either the city prosecutor or the county prosecutor is responsible for informing the victim about the trial.

SENTENCING

Sentencing in misdemeanor cases occurs immediately following the trial. The maximum penalty on misdemeanors is one year in jail and/or a fine not to exceed one thousand dollars (\$1,000). Probation is commonly used with misdemeanor cases. Judges can also set other conditions on defendants such as counseling, anger management classes, parenting classes and house arrest.

Victims of domestic violence (simple assault) have the right to be informed, present and heard at the sentencing. This also includes the right to make a Victim Impact Statement.

FELONY CASES AND THE CRIMINAL JUSTICE PROCESS

INVESTIGATION

Investigation usually begins with a complaint from a victim or a witness, knowledge from informants or ongoing surveillance which may reveal criminal activity. The primary purpose of the investigation is to determine whether a crime has been committed and by whom.

There is no specific time frame for felony investigations. Some investigations may take a very short time while others may last for a very long time. However, once a person is arrested for a crime, he/she is entitled to a speedy trial. A well-conducted investigation is one of the most valuable steps in the criminal justice process. The quality of the investigation may determine whether a case is won or lost in court. Law enforcement agencies will interview victims and witnesses, examine the crime scene, collect and process physical evidence and attempt to locate the offender.

The Crime Victims' Bill of Rights states that the law enforcement agency responsible for investigating the crime shall provide to the victim, within seventy-two (72) hours, certain information such as the name and telephone number of the investigator and law enforcement agency; the right to contact the law enforcement agency for the status of the case if he/she has not been notified of an arrest within sixty (60) days; information about the procedural steps involved in a criminal prosecution; the rights authorized by the Mississippi Constitution for crime victims; and the name and telephone number of the prosecuting attorney. For additional information about the

duties of the law enforcement agency, please see the chapter on the Crime Victims' Bill of Rights in this guide.

PROBABLE CAUSE

Probable cause is the legal standard which must be met in order to proceed through the formal criminal justice process. The information that is gathered during the investigation must establish that a crime has been committed and the suspect committed the crime. Probable cause is also important when law enforcement officers attempt to obtain search warrants. The officers must present sufficient information to establish that a crime has been committed and that the evidence may be found on the premises or in the articles to be searched. Probable cause does not require proof beyond a reasonable doubt, but officers are required to produce reliable and credible information. Arrests made or evidence collected without adequate probable cause may be dismissed or thrown out by the court. Defense attorneys routinely challenge probable cause in an effort to have evidence thrown out or establish that an arrest was unlawful.

ARREST

Arrest is the act of taking a person into custody for the purpose of charging that person with a crime. An arrest does not stop the investigation phase. In fact, it is quite common for the investigation to continue long after an arrest is made. Arrest warrants are written orders giving an officer the authority to make an arrest. Arrest warrants are not always required. If the officer observes a felony being committed or has reasonable cause to suspect and believe that a person has committed a felony, the officer may arrest the suspect without a warrant. The officer making the arrest must inform the accused of the reason for the arrest.

INITIAL APPEARANCE

The accused must be brought before a judge for an initial appearance within forty-eight hours of an arrest. The judge will advise the defendant of the charges, inform the defendant of his or her constitutional rights, determine whether the defendant is entitled to have an attorney appointed, and set bond. Initial appearances normally occur in Justice Court.

The initial appearance happens in a very short period, hours instead of days.

Since this happens so quickly after the arrest, the court is not required to notify the victim.

PRELIMINARY HEARING

The purpose of the preliminary hearing is to protect citizens from baseless prosecutions. The judge will determine whether there is probable cause that the person charged has committed the crime and will bind the defendant over to the grand jury. If it is determined that there is not sufficient probable cause, the judge may dismiss the case. However, in some situations the case may still be presented to the grand jury.

Preliminary hearings are not held in every case. Many defendants choose to waive the proceedings and the case goes straight to grand jury.

Some defendants request a preliminary hearing in order to gain information about the strengths and weaknesses of the prosecution's case. The prosecution must present sufficient proof either through witnesses, investigators or physical evidence to support the charges against the defendant. The defendant gets a preview of the evidence that the State will present at trial. This preview is useful to determine various types of pre-trial motions which may be filed to exclude evidence, witnesses or attack the proceedings in other ways. This is also useful in order to assist the defendant in plea negotiations. The defendant is not required to testify at the proceeding and usually does not. These hearings are normally held in Justice Court.

The victim has the right to be notified of the date and time of the hearing, of any changes to the date and time and to be present.

BAIL

Bail is normally set at the initial appearance. If bail has not already been set, the judge may do so at the preliminary hearing.

The purpose of bail is not to punish the defendant, but to insure that the defendant appears at the trial. The defendant is presumed innocent at this point. The Constitution of the United States and the State of Mississippi guarantees the right to bail.

The amount of bail varies, however; there are several factors which the judge considers when setting bail.

These factors are:

- ◆ How long the defendant has lived in the community
- ◆ The defendant's employment status, history and financial status
- ◆ The defendant's family ties and relationships
- ◆ The defendant's reputation, character and mental condition
- ◆ The defendant's prior criminal record
- ◆ The identity of responsible members of the community who would vouch for the defendant's reliability
- ◆ The nature of the offense, the possibility of conviction and the likely sentence

VICTIM ASSISTANCE COORDINATORS

Victim Assistance Coordinators have a special and important role within the criminal justice system. These individuals are specifically placed in the District Attorney's Office to provide services to crime victims.

Victim Assistance Coordinators:

- ◆ Assist with the responsibility for seeing that all the rights of crime victims are carried out
- ◆ Serve as an advocate for the victim throughout the criminal justice process
- ◆ Have special knowledge about services to help crime victims
- ◆ Have strong working relationships with public and private agencies which may assist victims with emotional, financial, child care and other practical needs
- ◆ Are usually trained in crisis intervention

Victim Assistance Coordinators are an extremely helpful addition to the criminal justice process and crime victims. They have many different roles which vary depending on the nature of the case. Services that they provide include:

- ◆ Crisis Intervention
- ◆ Information on the Mississippi Crime Victims' Bill of Rights
- ◆ Information on the status and progress of your case
- ◆ Information on the criminal justice system
- ◆ Notification of court proceedings
- ◆ Court escort (accompany the victim to court)
- ◆ Provision of a safe waiting area in the courthouse
- ◆ Referrals to victim service providers and social service agencies
- ◆ Referrals to the Crime Victim Compensation Division and assistance with completing the compensation application

See the *Resource* section of this guide for the telephone number and address of the Victim Assistance Coordinator in your area.

GRAND JURY

A grand jury is a body of registered voters who are summoned to hear cases presented by the prosecuting attorney. A grand jury must have at least fifteen members, but no more than twenty. All proceedings before the grand jury are secret.

The primary purpose of the grand jury is to consider evidence presented by the prosecuting attorney and to determine whether or not there is sufficient evidence for the case to go to trial. The accused may testify, but usually does not. The grand jury only hears from witnesses presented by the State.

If the grand jury determines that there is sufficient evidence for the case to go to trial, they will return a "true bill" of indictment. Twelve grand jurors must agree in order to return an indictment.

An indictment is the formal written charge stating that a person has committed a felony.

The indictment contains:

- ◆ The nature and type of offense
- ◆ The specific statute that was violated
- ◆ Elements of the offense

- ◆ Time and place of the crime
- ◆ The name of the accused
- ◆ Signature of the grand jury foreman

The defendant will be tried on the charges stated in the indictment.

A “capias” is issued once the grand jury returns a true bill of an indictment. The capias authorizes a law enforcement officer to arrest the accused. The accused will be served with a copy of the indictment at the time of the arrest.

If the grand jury does not believe there is sufficient evidence for the case to go to trial, they will enter a “no bill”, and the accused will be released. However, this does not prevent the District Attorney from attempting to seek another indictment at a later time if new or additional evidence is discovered or presented.

The victim has the right to be notified of the grand jury meeting and any changes to the date and time. The victim does not have the right to attend. However, the victim may be present at the courthouse during grand jury proceedings. The victim cannot go into the grand jury room unless he/she is subpoenaed to testify. The District Attorney’s Office may inform the victim, or, if the victim is deceased, a member of the immediate family as to the status of a charge at any time, during presentment to the grand jury, consistent with the rules of court. Additionally, if the offender is indicted and arrested, the victim will also be informed.

ARRAIGNMENT

The defendant will be “arraigned” after an indictment. An arraignment is a court proceeding before a circuit judge. The judge will determine whether or not the accused is represented by an attorney. An attorney will be appointed if the accused is indigent (does not have the financial ability to hire a private attorney).

At the arraignment, the prosecutor reads the indictment in open court, unless this is waived by the accused. The accused will then enter a plea of guilty or not guilty.

If the accused enters a plea of guilty, the court may proceed with sentencing. If the accused enters a plea of not guilty, a trial date will be set. Most

individuals enter a plea of not guilty at this time.

The court may also set bail during the arraignment. Individuals who have remained in jail due to the inability to make bail may seek a reduction in the amount of bail at this time. The court may then hear arguments regarding the amount of bail.

Victims have the right to be notified of and to be present at the arraignment.

TRIAL DOCKET

The trial docket is simply the schedule of court cases. The length of time between arraignment and trial date depends on several factors: the number of pending cases, the number and length of available court terms, and schedules of the attorneys involved.

Each day the court will have several cases on its docket. “Calling the docket” is when the judge or the bailiff reads the list of cases that are set for the day. Requests for the status of the case from attorneys or other parties are made at this time. Two to five trials will usually be scheduled for the same day. Although the judge cannot hear all cases that are set, court personnel are well aware that many cases which are set for trial will settle or otherwise be resolved prior to trial. There are times when cases do not settle and the court will have to determine which case will be heard. The cases which were not chosen to be heard are continued until another trial date is set.

PLEA BARGAINING

Plea bargaining is the process of negotiation between the prosecuting attorney and the defendant on charges or sentencing recommendations. This process usually involves a series of offers and counter-offers between the parties. The District Attorney will typically offer to reduce the charges, or dismiss one or more charges, in exchange for a guilty plea by the defendant. The District Attorney will then agree to make a recommendation to the court on sentencing. Judges usually accept the sentencing recommendation of the District Attorney, but are not required to do so.

District Attorneys are not required to plea bargain with any defendant, but most recognize that this is a necessary part of our criminal justice system.

Without plea bargaining, our system would come to an immediate halt. Most jurisdictions simply do not have the time, resources or the court personnel to try every case.

Plea bargaining is an extremely important stage for victims, and victims are strongly encouraged to participate in this process. Victims should discuss their views about plea bargaining with the District Attorney's Office. Victims who have submitted the *Request To Exercise Victims' Rights* form to the prosecuting attorney, have the following rights during plea bargaining:

- ◆ To be informed about the plea bargaining
- ◆ To confer (discuss) with the prosecutor offers that are being made and/or accepted
- ◆ To give the prosecutor his/her views on:
 - ◆ A "nol pros" (dismissal of charge)
 - ◆ A reduction of the charge
 - ◆ A sentence recommendation
 - ◆ Pre-trial diversion programs

Victims, however, do not have the right to direct the plea bargaining process or otherwise direct the prosecution of the case.

Victims also have the right to be present when the defendant enters a guilty plea. The Court cannot proceed with the acceptance of a guilty plea unless the victim is present or the District Attorney can assure the judge that a reasonable effort has been made to contact the victim and inform them of the hearing and their right to be present. Victims also have the right to present an impact statement to the court if the defendant pleads guilty.

Cases may be resolved in other ways before the trial. This includes cases which are dismissed, "passed to the files", or "nol prossed." Cases which are dismissed may be dismissed with or without prejudice. Prejudice indicates whether or not the case may be reopened at a later time. A case that is dismissed with prejudice is dismissed forever and cannot be reopened. A case dismissed without prejudice may be reopened if the circumstances are justified. A case which is passed to the files remains active, but prosecution is not pursued. A case which is "nol prossed" is abandoned by the State and the attorney must have the consent of the court to dismiss it.

Cases not settled through plea bargaining or resolved in other ways will go to trial.

PRE-TRIAL HEARINGS

The judge will set a pre-trial hearing to hear motions from the prosecution or defense attorneys before the trial.

Points of law are argued by the attorneys and issues may include:

- ◆ Suppression of evidence
- ◆ Change of venue (location of trial)
- ◆ Dismissal of the case

Victims have the right to be notified of any pre-trial matters to be heard by the judge and to be present at any pre-trial hearings.

TRIAL

The trial phase will begin once decisions have been made on the pre-trial motions. Victims have the right to be notified of the trial date, any changes made to that date and to be present at the trial. The prosecuting attorney shall confer with the victim before the beginning of the trial. Like the defendant, the victim also has the right to a speedy trial. If available, the court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant and defense witnesses.

If you are the victim of or witness to the crime, you will be expected to testify at trial. (See section on testifying.)

JURY SELECTION

The first step of the trial phase is the jury selection. Any citizen charged with a felony crime has a constitutional right to a jury trial. A jury is selected by summoning registered voters to appear before the court on a certain date. This pool of jurors is called a "venire". The court will proceed with the "voir dire process". This is the procedure used to select the jury where the attorneys are allowed to question potential jurors.

Potential jurors may be questioned on:

- ◆ Their personal beliefs
- ◆ Knowledge about the case
- ◆ Their ability to remain impartial

Twelve jurors and alternates will then be selected to hear the case. Alternate jurors listen to the entire case and are available to serve if a juror is unable to continue.

OPENING STATEMENTS

After the jury is selected, the prosecuting and defense attorney may make an opening statement to the jury. An opening statement gives each side the opportunity to explain the case and to give an overview of the events that will follow. The attorneys will describe the evidence and witnesses which will be presented.

The prosecutor will make the opening statement first because the prosecution has the burden of proof. The defense may decide to give a statement after the prosecution has made its statement or the defense may wait until the prosecution has rested its case. Most defense attorneys make their opening statements immediately following the prosecution.

PROSECUTION AND DEFENSE CASE IN CHIEF

Once the opening statements are completed, each side will present its case (case in chief) using witnesses and physical evidence. The prosecution will go first. The prosecutor calls witnesses to establish the elements of the crime and to introduce physical evidence. This is accomplished through the process of direct examination. Direct examination is the questioning of witnesses by the side which has called that witness to testify.

Following the direct examination of each witness, the defense may cross examine each witness. After cross examination by the defense, the prosecutor may then question the witness again to explain any testimony provided during the cross examination. This process is called “re-direct examination” of the witness.

The opposing attorney may object to certain questions during the examination or to the answers given by the witness. The judge will consider the legal basis of the objection, followed by the response from the opposing attorney, and will then rule on the objection. The court will either sustain or overrule the objection. If an objection is sustained, the judge will either disallow the question or request that the attorney rephrase the question. If an objection is overruled, the judge will allow the question and the testimony to continue.

The prosecutor will announce to the court that the State “rests” its case after all witnesses and evidence have been presented. This simply means that the State has concluded its case.

The defense may then present witnesses and evidence using the same process as described above. However, the defense will typically make a Motion For Directed Verdict and/or Acquittal before presenting witnesses and evidence. Such a motion is routine, and the defense is basically requesting that the judge enter a Judgment of Acquittal (ruling that the prosecution has not proved its case beyond a reasonable doubt). The defense usually argues that the prosecution has failed to prove the charges against the defendant beyond a reasonable doubt. If the judge overrules this motion, the trial will proceed. If the judge grants the motion, the trial is over and the judge will enter a Judgment of Acquittal. These motions are rarely granted in court.

THE STATE’S REBUTTAL

The prosecutor may introduce other witnesses to rebut (answer) any statements made during the defense’s case.

JURY INSTRUCTIONS

Jury instructions are written statements about the law, the weight of the evidence, the burden of proof, and the elements of the crime. These instructions are reviewed by the judge and attorneys for each side and then approved by the judge before they are read aloud to the jury. These instructions guide the jury in its deliberations.

CLOSING ARGUMENTS

After being instructed on the law by the court, the jury will hear closing arguments by each side. The prosecution is allowed to make its argument first. Each side receives an equal amount of time for closing arguments. The prosecution may decide to save a certain amount of this time for rebuttal. Rebuttal is when the prosecution makes additional closing arguments to rebut (answer) what the defense has argued in its closing arguments.

JURY DELIBERATIONS

Following closing arguments, the jury is sent to the jury room to make a decision on guilt or innocence. The jury will first elect a foreperson who will guide the deliberations and announce the verdict to the court. Jury deliberations are confidential.

The verdict of the jury must be unanimous in a criminal case. The twelve jurors must find a defendant guilty or not guilty. Anything less than the agreement of all jurors will result in a “hung jury”. If the case results in a hung jury, the District Attorney must decide whether to try the case again, attempt to settle the case by plea bargaining or dismiss the charges.

If the jury returns a not guilty verdict, the accused is discharged and is free to leave. If the jury returns a guilty verdict, the court may proceed with sentencing. In most cases, the court will set a date for sentencing. This allows time for a pre-sentence investigation to be conducted.

It is very common for the defense to file post-trial motions seeking to set aside a guilty verdict.

VICTIM IMPACT STATEMENT

The court will review a Victim Impact Statement after conviction and before sentencing. A Victim Impact Statement is completed by the victim and is a summary that explains the suffering the crime has caused, how the crime has impacted their lives and expresses their opinion on the punishment. A statement should include the following issues:

- ◆ Emotional impact of the crime
- ◆ Medical impact of the crime
- ◆ Financial impact of the crime
- ◆ Effect of the absence of the victim from your life, if the victim is deceased
- ◆ Day-to-day issues which you must face as a result of the crime
- ◆ Lifelong consequences of the crime

Most Victim Assistance Coordinators provide Victim Impact Statement forms to help you with addressing the above issues. The forms are usually

given to the victim before trial. Be sure to complete your form and submit it to the District Attorney or the Victim Assistance Coordinator. If you need assistance or a form, call your Victim Assistance Coordinator.

Victim Impact Statements provide victims with the opportunity to discuss the physical, emotional and financial effects the crime has had on them and their families. It is also an important tool to help the courts and corrections officials in making decisions about sentencing and release.

The Crime Victims’ Bill of Rights allows the victim to provide a Victim Impact Statement at different times throughout the criminal justice process and to different offices. You can provide a statement to the court when the defendant enters a guilty plea, at sentencing, or at restitution proceedings; to the probation officer for their use in preparing a pre-sentence report; and the Department of Corrections for their use in consideration of the prisoner’s community status, release, parole or pardon.

The law also allows you to present the impact statement in different ways, such as written, oral, audio recording or video recording. The way in which you can present your statement is determined by the court or office to which you submit the statement. Be sure to find out from the court or office which way you are allowed to present the statement to them.

Helpful hints for completing your Victim Impact Statement:

- ◆ The length of your statement is important. A statement is not more effective simply because it is long.
- ◆ Be brief and to the point, but not so short that you leave out important information.
- ◆ Keep in mind that a Victim Impact Statement is not an opportunity to criticize the legal system, the court or the defendant.
- ◆ Oral, audio or video statements are more effective if they are no more than ten minutes.

SENTENCING

Sentencing may occur immediately after the trial or at a later date. The period between the trial or a guilty plea and the sentencing hearing allows a probation officer to conduct and complete the pre-sentence investigation.

After this investigation is complete, the probation officer will submit a pre-sentence report to the judge. The pre-sentence report will include a great deal of information for the judge to consider when determining an appropriate sentence for the defendant. Most reports will contain the following information: the nature and type of the offense, personal information about the defendant, prior criminal history of the defendant, medical, social and psychological history of the defendant, and the Victim Impact Statement. Pre-sentence reports will also include the sentencing recommendation of the probation officer and the District Attorney.

Sentences vary according to many factors such as the circumstances surrounding the crime, the minimum and maximum penalties allowed by law, and the characteristics and needs of the defendant. The actual sentence will be recorded in the sentencing order and filed with the Circuit Clerk as a matter of public record. If a defendant is found guilty of more than one charge, the judge has the discretion to order the sentences to run concurrently or consecutively. A *concurrent* sentence is one that runs at the same time as another sentence.

For example, if the defendant receives five years on each count of the indictment and the sentences are to run concurrently, the defendant will serve five years. If the sentences are *consecutive*, the defendant must serve the first five years and then begin serving the second five-year sentence. Judges also have the discretion to suspend portions of a sentence which reduce the amount of time the defendant will serve.

TESTIFYING

Testifying in court can be a very intimidating and scary experience. This section has been included in the guide to provide you with some helpful information and suggestions. Hopefully, this information will relieve your fears and anxiety about testifying.

Helpful Hints if you Have to Testify at Trial:

- ◆ First, arrive at court on time and appropriately dressed. Court is not a casual environment. Spectators and participants are expected to dress in a neat, professional and appropriate manner.

- ◆ Always tell the truth.
- ◆ Never chew gum while testifying. This is inappropriate and may distract the jurors. Remember, the jurors are judging your credibility. Jurors consider not only the information that you provide, but your mannerisms, dress and demeanor in deciding whether you are telling the truth.
- ◆ Be prepared. Do not attempt to memorize what you will say, but do review dates and times prior to testifying. Many times, jurors will view a witness with a faulty memory as a witness without credibility. If you do not know the answer to the question, simply respond, "I do not know." Never attempt to speculate or guess about an answer to the question.
- ◆ Speak clearly and loudly. You are speaking to the jury and they need to hear and understand what you have to say. You should also speak clearly so the court reporter can accurately take down your testimony. Avoid nodding or shaking your head in response to questions. Always give verbal responses to the question.
- ◆ Listen carefully and answer only the question that is asked by the attorney. It is not in your best interest to volunteer additional information. If a question can be answered with a "yes" or "no", then do so. If you need to explain your answer, the court will allow you to do so, but keep your explanations brief and to the point.
- ◆ If you do not understand a question, say so. Never attempt to answer a question that you do not understand. The attorney can rephrase or ask the question in a different way.
- ◆ Maintain a courteous demeanor, even during cross examination. Court is not the appropriate time or place to lose your temper or to attempt to argue with the attorney. The jury may view witnesses who lose their temper or argue with attorneys as hostile. Many attorneys are theatrical or will intentionally attempt to provoke a witness. Remain calm, gather your thoughts and answer the question that you have been asked.
- ◆ Maintain eye contact with the jury. Do not look away or

hang your head. Many jurors view the inability to maintain eye contact as an indication that the witness is not telling the truth.

- ◆ Lastly, be prepared to spend quite a bit of time waiting. You may wait minutes, hours or days to testify. No one is able to precisely predict when a particular witness is needed.

Witnesses are usually not allowed in the courtroom except during their testimony. At the beginning of the trial, one of the attorneys will most likely “invoke the rule”. Doing so requires all witnesses to remain outside of the courtroom. This rule exists to insure that witnesses testify from their memory only and not from information given by others.

POST CONVICTION PROCEDURES

APPEALS

Defendants have the right to appeal their cases. Several different courts have authority over appeals, and several factors determine where a defendant must file their appeal.

Cases which were handled in municipal or justice courts must file an appeal with the county court. If the county does not have a county court, the appeal must be filed with the circuit court. Appeals from municipal and justice courts are to start at the beginning, as if no proceedings were held in the lower court. Cases which occurred in county courts must file an appeal with the circuit court.

Cases which occurred in circuit, chancery and youth courts must file an appeal with the Supreme Court of Mississippi. The Supreme Court decides which cases stay in the Supreme Court and which cases are sent to the Court of Appeals. Certain cases, such as death penalty cases, always remain with the Supreme Court.

The Supreme Court or the Court of Appeals will review the proceedings that happened in the court that originally handled the case. The court only considers the issues that have been presented for review. Each party submits a written statement of the issues presented for review and the legal

argument in support of each issue. The Supreme Court also reviews a copy of the transcript of the lower court proceedings. The Supreme Court and Court of Appeals do not hear from witnesses or handle evidence, they only review the record presented to the court.

Appeals generally involve issues of facts as well as issues of law. Issues of fact usually challenge the evidence presented at trial. Issues of law vary and include such matters as: constitutional violations, wrongful admission of evidence, improper use of a legal standard or the use of an incorrect legal standard.

Issues of law vary and include such matters as:

- ◆ constitutional violations
- ◆ wrongful admission of evidence
- ◆ improper use of a legal standard or
- ◆ use of an incorrect legal standard

Appellate courts closely consider issues involving trial court proceedings and only reverse where “reversible error” is present. Just because the proceedings may have contained an error, not every error justifies a reversal. Our appellate courts have often held that defendants are not entitled to a perfect trial, only a fair trial.

If an appellate court “affirms” a case, the conviction is upheld. If the appellate court finds reversible error, the case will either be “reversed and remanded” or “reversed and rendered”. Reversed and remanded is when the conviction is overturned and the case is returned to the lower court for further proceedings. Reversed and rendered is when the conviction is overturned, but the final decision is made by the appellate court and no further proceedings will be held on the case.

Appeals of any kind can take a long time. An appeal handled by the Supreme Court or the Court of Appeals will typically be decided in six to eighteen months.

The victim has the right to be informed of the status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings. The Office of the Attorney General or the Office of the District Attorney, whichever is appropriate, shall provide the information to the victim within five (5) business days.

POST CONVICTION COLLATERAL RELIEF ACT

In Mississippi, individuals convicted of felony crimes may file for relief (appeal) under the Post Conviction Collateral Relief Act. These actions are filed and heard in the circuit court where the conviction was obtained. These cases may be appealed to the Supreme Court of Mississippi. This procedure is most commonly used when the defendant has pled guilty, but this is not the only situation when this procedure may be used.

Appeals filed under the Post Conviction Relief Act are very complex. For additional information about the procedures, you should contact the Office of the Attorney General, Criminal Division at 601-359-3808.

BAIL PENDING APPEAL

Defendants who are granted bail pending their appeal may not have to begin serving their sentence immediately. In these circumstances, the circuit court will set an appeal bond and the defendant will be released after meeting the requirements of that bond. Once the appeal has been decided, the defendant begins serving his or her sentence. The decision to grant bond while an appeal is pending is solely within the discretion of the circuit judge.

Certain persons convicted of a felony may apply to the court for release on bail while their case is pending an appeal. Crimes excluded from bail pending bond include felony child abuse and any offense in which a sentence of death or life imprisonment is imposed.

The convicted offender must show to the court clear and convincing evidence that the release would not present a special danger to any person or community.

The victim has the right to submit a written statement to the court objecting to the release of the offender on bail pending an appeal.

INCARCERATION

A defendant convicted of a misdemeanor and sentenced to a period of incarceration serves his/her time in the county or municipal jail. A defendant becomes an inmate of the State of Mississippi, Department of Corrections, if convicted of a felony.

Mississippi Department of Corrections, Victim Services Division

Victims may continue to receive information about the status and location of the inmate from the Mississippi Department of Corrections, Division of Victim Services. Other notification services provided to victims include notice within fifteen (15) days prior to the release of an inmate at the end of his/her sentence; inmate's medical release; inmate's escape; right to submit a Victim Impact Statement for consideration of the inmate's community status or for any release whether by executive order or judicial action.

- ◆ notice within fifteen (15) days prior to the release of an inmate at the end of his/her sentence;
- ◆ inmate's medical release; inmate's escape; right to submit a Victim Impact Statement for consideration of the inmate's community status or
- ◆ for any release whether by executive order or judicial action

To receive assistance and/or notification of the events previously mentioned, victims must register with the Mississippi Department of Corrections. For more information regarding the registration process, please contact the Mississippi Department of Corrections' Victim Services Division at 1-866-522-4087 or visit their website at www.mdoc.state.ms.us. Offender information can also be obtained on the website.

PROBATION

The offender may also be sentenced to probation after being convicted of a criminal offense. Probation is typically used with first offenders and non-violent offenders. Probation is an option that allows the offender to remain in the community while being supervised to insure the safety of the community.

Probation usually results from two different situations. The court may simply sentence the offender to a period of probation; or the court may sentence the offender to a term of incarceration, but suspend all or some of that term, and allow the offender to be placed on probation.

If an offender is placed on probation, they must agree to abide by certain conditions. The offender's ability to stay in the community is based on their good behavior.

Conditions of probation for the offender may include:

- ◆ Completing community service
- ◆ Finding and maintaining employment
- ◆ Meeting Curfew
- ◆ Participating in substance abuse treatment
- ◆ Paying fines, fees and restitution
- ◆ Submitting to random drug screening
- ◆ Undergoing counseling

Violation of these conditions may result in their probation being revoked (cancelled) and then incarcerated.

PAROLE

Parole is the early release of an inmate from incarceration after serving a portion of the original sentence. Parole is also conditional and the offender must comply with conditions in order to remain in the community. If they fail to do so, they are considered to have violated the terms of their parole and may be returned to prison. Offenders on parole or probation must report to a probation/parole officer.

Parole Board

The parole board is a group of individuals who are appointed by the Governor. The board considers whether inmates should be released on parole. Parole is not automatic, and the decision is in the discretion of the parole board.

When considering whether to grant or deny parole, the Board considers a multitude of factors regarding the offender including, but not limited to, the following:

- ◆ Severity of offense
- ◆ Number of offenses committed
- ◆ Psychological and/or psychiatric history
- ◆ Disciplinary action while incarcerated
- ◆ Community Support and Opposition
- ◆ Amount of Time Served
- ◆ Prior misdemeanor or felony conviction(s)
- ◆ Policy and/or juvenile record
- ◆ History of drug or alcohol abuse
- ◆ History of violence
- ◆ Crimes committed while incarcerated
- ◆ Escape history
- ◆ Participation in rehabilitative programs
- ◆ Arrangements for employment and/or residence

Simply because an inmate is eligible for parole does not mean the inmate will be released from custody. Parole eligibility refers to the earliest date that an inmate may be considered for release.

Victims are not voiceless before the parole board. They have the right to be notified and allowed to submit a Victim Impact Statement when parole is considered. Victims may express their views to oppose or support parole. See the *Victim Impact Statement* section in this guide for more information about preparing your statement. For more information about parole, contact the Mississippi Parole Board at 601-576-3520 or visit their website at: www.mpb.state.ms.us.

Earned Time Release: Depending on the type, date and length of a conviction, a prisoner may be eligible for early release up to one-half of the total sentence. This provision is modified frequently by the legislature and may affect already existing conditional release dates.

OFFICE OF THE ATTORNEY GENERAL

The Office of the Attorney General provides a variety of services for Mississippi crime victims. Specific information regarding the services offered is as follows:

CRIME PREVENTION & VICTIM SERVICES

Crime Prevention and Victim Services encompasses Victim Assistance, Victim Compensation and Youth Services. Our mission focuses on avenues which promote crime prevention measures for the safety of the citizens of Mississippi and provides services for victims of crime.

CRIME VICTIM COMPENSATION DIVISION

The Crime Victim Compensation Division provides financial assistance to victims of violent crime and their family members. The Division assists with reducing the financial burden of crime by reimbursing victims for their crime related expenses not covered by any other source of benefits (insurance, Medicaid, Medicare, disability benefits, Workers' Compensation, etc.) Compensation may be awarded to the victim, the dependents of a deceased victim or a person authorized to act on behalf of the victim and/or surviving dependent.

Compensation may be available for:

- ◆ Counseling services
- ◆ Court related transportation costs
- ◆ Crime scene expenses
- ◆ Domestic Violence Relocation & Temporary Housing assistance
- ◆ Funeral expenses
- ◆ Limited transportation costs
- ◆ Loss of support for dependent(s) of homicide victims
- ◆ Medical and dental expenses
- ◆ Rehabilitation
- ◆ Repair/Replacement costs
- ◆ Work loss

You must submit an application for financial assistance. Eligibility requirements and limitations do apply.

ADDRESS CONFIDENTIALITY PROGRAM

If a victim moves to a new location to escape domestic violence, sexual abuse or stalking, the Address Confidentiality Program (ACP) can help keep their new address confidential. When a victim signs up for ACP, their first-class, registered and certified mail is sent to a secure substitute address and then forwarded to their new home.

They can also use the ACP substitute address for a variety of state and local government requirements, such as:

- ◆ Getting a Mississippi driver license
- ◆ Registering to vote
- ◆ Enrolling your children in public schools

SEXUAL ASSAULT MEDICAL FORENSIC EXAM PAYMENT PROGRAM

If you are the victim of a sexual assault and have had a Sexual Assault Forensic Examination done by a medical professional, you are not responsible for the bill for the examination. § 99-37-25 of the Mississippi Code states that no bill for the examination will be submitted to the victim, nor shall the medical facility hold the victim responsible for payment.

However, the medical provider can submit a request for payment for the examination directly to the Crime Victim Compensation Division.

Should you receive a bill for the forensic examination, you may want to (1) notify the health care provider that you have been billed in error for the examination, as you are not responsible for payment and/or (2) notify the Crime Victim's Compensation Division so that they may assist you in correcting this billing error.

VICTIM ASSISTANCE PROGRAM

The Victim Assistance Program serves as a single point of contact for Mississippi crime victims.

The following services are provided:

- ◆ Assistance obtaining victim rights
- ◆ Assistance with the Crime Victim Compensation Application
- ◆ Criminal justice and court related services
- ◆ Crisis intervention
- ◆ Information about the MS Crime Victims' Bill of Rights
- ◆ Information and referral
- ◆ Notification of appeal decisions
- ◆ Personal advocacy and support services

Victim Advocacy

Victim advocates also assist the Mississippi Office of the Attorney General Criminal Division, Medicaid Fraud Control Unit, Public Integrity Division, Domestic Violence Division and Vulnerable Adult Division victims and those who have cases pending appeal.

Assistance provided is as follows:

- ◆ Court accompaniment
- ◆ Investigation and case updates
- ◆ Notifications mandated by the MS Crime Victims' Bill of Rights

WORKPLACE VIOLENCE

Violence in the workplace has escalated over the last several years. It strikes fear in employees, causing concern for employers and costing organizations billions of dollars in damages and decreased productivity. Mississippi has not been immune from this growing problem. Tragedies close to home have forced Mississippians to realize the threat workplace violence poses and the need to actively seek ways to prevent the further occurrence of workplace violence within our state.

Workplace violence is defined as “any act of violence against persons or property, threats, intimidation, harassment or other inappropriate, disruptive behavior that causes fear for personal safety at the work site”.

“Indicators” of potentially violent episodes include the following:

- ◆ Intimidating or harassing behavior
- ◆ Bringing a weapon to the workplace
- ◆ Referencing idle threats
- ◆ Statements indicating approval of violence to resolve conflict
- ◆ Expressions of desperation over family or financial problems
- ◆ Direct threats of harm
- ◆ Substance abuse
- ◆ Extreme changes in normal behavior
- ◆ Numerous conflicts with others

Prevention of workplace violence begins with the implementation of a workplace violence policy. The policy creates awareness of the potential for violence throughout the organization.

Additional methods of prevention include:

- ◆ Drug and alcohol testing
- ◆ Termination & dismissal

To aid recovery after an episode of violence has taken place, employers should offer the following:

- ◆ Stress debriefing
- ◆ Post-traumatic counseling services

For more information, you may download a copy of the Workplace Violence Prevention Guide at www.ago.state.ms.us.

YOUTH SERVICES DIVISION

The Attorney General’s Office is dedicated to improving the lives and ensuring the safety and well-being of the children of Mississippi. Prevention efforts continue to reduce juvenile delinquency, truancy, exploitation and child abuse through the promotion of after-school programs, mentoring

initiatives and training seminars. This office has partnered with many state agencies, as well as non-profit organizations to expand the services available to children in need and to promote school safety. Through grants, the office has maximized existing public funds and provided opportunities for community programs to grow.

For more information, call the Office of the Attorney General, Crime Prevention & Victim Services, at 1-601-359-6766 or toll free at 1-800-829-6766. You can also visit us at www.ago.state.ms.us.

CONSUMER PROTECTION DIVISION

The Consumer Protection Division serves the citizens of Mississippi by providing consumer alerts in an effort to create a public that is better informed and able to avoid problems before they occur. “Alert” topics range from scams and identity theft to predatory lending and automobile sales.

The division has partnered with the Mississippi Jump\$tart Coalition to improve the financial literacy of Mississippi teens by teaching personal finance skills and participates in “Money Matters” seminars across the state. Consumer protection is also part of a working group that focuses on issues relating to our elderly population and consumer protection issues.

For more information, call the Office of the Attorney General, Consumer Protection Division, at 1-601-359-4230 or toll free at 1-800-281-4418. You can also visit us at www.ago.state.ms.us.

CRIMINAL LITIGATION DIVISION

The Criminal Division consists of some of the most experienced attorneys in state government. Because they rely so heavily on judicial precedent, these attorneys have a keen interest in the history as well as the future development of the law. All pleadings filed by the Criminal Division attorneys are carefully researched and precisely argued to ensure that lawful convictions and sentences are upheld by the courts.

APPELLATE SECTION

Appellate Section attorneys represent the State in all criminal appeals and other criminal proceedings (except death penalty cases) in the Supreme

Court of Mississippi, the Mississippi Court of Appeals and the Supreme Court of the United States, and represent the State’s interest in extradition matters. The attorneys in this Section also provide advice and limited research to prosecutors, law enforcement officers and other public officials.

DEATH PENALTY SECTION

The attorneys in the Death Penalty Section of the Criminal Division represent the State in all death penalty proceedings in the Mississippi Supreme Court and in all federal courts. In addition, the attorneys in this Section frequently handle post-conviction evidentiary hearings in state circuit courts in death penalty cases, and also provide advice and limited research resources to prosecutors, law enforcement officers and other public officials in the area of death penalty law.

For more information on the criminal appellate process, death penalty cases, or on a particular case, please contact the Criminal Division of the Attorney General’s Office at 601-359-3687.

DOMESTIC VIOLENCE DIVISION

The Attorney General’s Domestic Violence Division is actively engaged in a number of activities specifically tailored to enhance victim safety and to increase offender accountability in the area of domestic violence, sexual assault and stalking. The Division operates as a central resource for all law enforcement, prosecutors, judges or any other individuals or entities who have legal duties with regard to, or providing services to, victims of domestic violence within the State of Mississippi in the following ways:

- ◆ Developing and distributing statewide resource materials related to domestic violence, sexual assault and stalking laws, policies and practices;
- ◆ Providing specifically tailored domestic violence, sexual assault and stalking training to meet the needs of court clerks, law enforcement, judges, prosecutors and probation and parole officers; and
- ◆ Establishing a statistical data base to include a central registry for domestic violence protection orders and the creation of uniform protection order forms.

Contact the Attorney General’s Domestic Violence Division by phone at 601-359-4251, or email them at domesticviolence@ago.state.ms.us.

MEDICAID FRAUD CONTROL UNIT

The Office of the Attorney General, Medicaid Fraud Control Unit employs law enforcement officers and attorneys who investigate and prosecute abuse and neglect of vulnerable persons in the following facilities:

- ◆ Hospitals
- ◆ Nursing Homes
- ◆ Personal Care Homes
- ◆ Psychiatric Residential Treatment Facilities
- ◆ Home Health Agencies
- ◆ Other Licensed Health Care Facilities

It is unlawful for any person to abuse or neglect a vulnerable person. If you are or know a vulnerable person that is being abused or neglected, then you must report the crime.

The term “vulnerable person” includes all residents or patients in a licensed healthcare facility.

For more information regarding the services provided by the Medicaid Fraud Control Unit or to report suspected abuse or neglect, please call 1-800-852-8341.

Complaints of abuse or neglect of patients living in private settings should be reported to the Vulnerable Persons Unit of the Attorney General’s Office at 601-359-4250.

PUBLIC INTEGRITY DIVISION

The Public Integrity Division is charged with the responsibility of investigating the following:

- ◆ Public Corruption
- ◆ White Collar Crime

The Public Integrity Division works closely with various State agencies, such as the Mississippi Auditor’s Office and Mississippi Secretary of State’s Office, as well as with federal agencies and local law enforcement in the investigation and prosecution of corrupt public employees or private

citizens conducting business with the State in a fraudulent or otherwise illegal manner.

The division provides assistance to the following:

- ◆ District Attorneys
- ◆ Local law enforcement officials
- ◆ Local prosecutors

The Public Integrity Division is also responsible for impaneling a statewide grand jury to investigate and prosecute large-scale drug violators. This division works closely with the Mississippi Bureau of Narcotics in investigating and prosecuting large-scale drug organizations through both criminal prosecution and civil forfeiture actions.

In addition to its primary mission, the Public Integrity Division includes several units charged with enforcing particular areas of law in this State, either independently or jointly with local law enforcement and prosecution.

CYBER CRIME UNIT

This unit provides comprehensive investigation, prosecution, training and public awareness for crimes involving the use of a computer and the Internet. Through cooperation with the National Center for Missing and Exploited Children, the Unit investigates cyber tips and educates the public on crimes against children.

The Cyber Crime Unit also provides technical assistance to state, local and federal law enforcement officials through the following:

- ◆ The investigation of electronic crimes
- ◆ Computer search and seizure
- ◆ Computer forensic analysis

The Cyber Crime Unit is part of a task force which includes Mississippi State University, University of Mississippi, F.B.I., U.S. Attorney’s Office, Southern District of Mississippi, U.S. Postal Inspectors, I.C.E. and local law enforcement.

CHILD DESERTION UNIT

The attorney and staff of the Child Desertion Unit are dedicated to the prosecution of deadbeat parents of Mississippi children. This unit does not represent private individuals in collecting child support but criminally prosecutes deadbeat parents throughout the state for desertion, abandonment and the failure to pay court ordered child support.

VULNERABLE PERSONS UNIT

The Vulnerable Persons Unit was created by the Attorney General in 2001 in response to the revisions made by the Legislature of the Mississippi Vulnerable Persons Act.

The Vulnerable Persons Unit investigates and prosecutes private home cases of the following:

- ◆ Abuse
- ◆ Exploitation
- ◆ Neglect

Mississippi law defines a vulnerable person as a person, whether a minor or adult, whose ability to perform the normal activities of daily living or to provide for his or her own care or protection from abuse, neglect, exploitation or improper sexual contact is impaired due to mental, emotional, physical or developmental disability or dysfunction.

The law established criminal penalties for committing these offenses ranging from one year in the county jail to 20 years in prison.

Attorneys and investigators coordinate with local law enforcement as well as with the Department of Human Services to guarantee that Mississippi's vulnerable persons in private homes are protected.

Complaints of abuse or neglect of patients living in health care facilities, such as nursing homes or personal care homes, should be reported to the Medicaid Fraud Control Unit of the Attorney General's Office at 601-359-4220 or toll free 1-800-852-8341.

For additional information regarding the Mississippi Office of the Attorney General, Public Integrity Division, please call 601-359-4250.

RESOURCES

The following is a brief listing of agencies and organizations which provide services to crime victims. This list has been compiled solely as a reference source for Crime Prevention & Victim Services and is provided to you only as a collection of resources. It is not meant to be an endorsement of any of the agencies or organizations. The listing is updated periodically by our staff. For an updated copy or more comprehensive listing, please contact our office at 1-800-829-6766 or 601-359-6766.

CHILDREN

Angel Ranch	662-234-3320
Attorney General's Office – Youth Services	601-359-4207
Big Brothers/Big Sisters of MS	601-961-9286
Boys & Girls Club of Metro Jackson	601-969-7008
CASAMS, Inc.	877-309-CASA
Catholic Charities, Jackson Metro Area	601-355-8634
(Hinds, Issaquena, Madison, Sharkey, Warren & Yazoo)	
Child Abuse Hotline (MS Dept. of Human Services)	800-222-8000
Children's Justice Act Program	601-359-4255
Christians in Action, Inc.	601-346-7049
Court Advocacy and Justice Institute	601-371-0451
Department of Human Services (DHS)	1-800-345-6347
DREAM	601-933-9199
East MS Child Advocacy Center (Wesley House)	601-485-4736
(Clarke, Jasper, Kemper, Lauderdale, Neshoba & Newton)	
Faith Haven, Inc	662-844-7091
Family Crisis Services of NW MS	662-234-9929
(Coahoma, DeSoto, Lafayette, Marshall, Panola, Quitman, Tallahatchie, Tate, Tunica & Yalobusha)	
Family Resource Center of NE MS	662-844-0013
(Benton, Chickasaw & Lee)	
Family Resource Center of NE MS	662-687-2090
(Pontotoc)	
Family Resource Center of NE MS	662-687-2091
(Union)	
Gardner-Simmons Home for Girls	601-346-7119
Hope Haven Adolescent Crisis Center	601-371-1809
Hope Village for Children	601-553-8660

MS Children’s Advocacy Center	601-969-7111
MS Children’s Home Service	601-352-7784
MS Families for Kids	601-360-0591
MS Forum on Children & Families	601-355-4911
National Center for Missing & Exploited Children	800-THE-LOST
Sally Kate Winter’s Memorial Children’s Home	662-494-4867
Southern Christian Services for Children & Youth	601-354-0983
Southwest MS Children’s Advocacy Center	601-684-4009
(Adams, Amite, Claiborne, Copiah, Franklin, Jefferson, Jefferson Davis, Lawrence, .. Lincoln, Pike, Walthall & Wilkinson)	
Sunshine Children’s Shelter	601-445-2223
US Department of Justice	202-514-5780
(Child Exploitation & Obscenity Section)	
US Department of Justice	202-616-3637
(Office of Juvenile & Delinquency Prevention)	
Vicksburg Child Abuse Prevention Center	601-634-0557

DISABILITIES

Addie McBride Rehabilitation Center for the Blind	601-364-2700
Blake Clinic	800-987-0898
Brain Injury Associates of MS	800-641-6442
Central MS Autism Support Group	601-594-9314
(Central Mississippi)	
Deaf Service Center	800-599-2249
Disability Rights of MS	800-772-4057
Disability Rights of MS	228-392-3272
(MS Coast)	
Hudspeth Center Assistive Technology Unit	601-664-6310
Learning Disabilities Assoc. of MS	601-835-2741
Mental Health America of Central MS	601-956-2800
MS Coalition for Citizens with Disabilities	800-721-7255
MS Department of Mental Health	877-210-8513
MS Department of Rehabilitation Services	800-443-1000
MS Families as Allies for Children’s Mental Health	800-833-9671
MS Paralysis Association	601-924-0452
MS Relay for Hard of Hearing, Deaf & Speech Disabled ...800-855-1000	
(To call a deaf person or for the deaf to call)	
MS Society for Disabilities Client Asst. Program	601-982-7051

MS Speech, Language & Hearing Assoc	601-644-6742
Project Empower	800-337-4852
(Bolivar, Holmes, Humphreys, Leflore, Sunflower & Washington)	
Project Start	1-800-852-8328
The ARC of MS	800-717-1180
T. K. Martin Center – MS State University	662-325-1028
University of Southern MS Institute for Disabilities	888-671-0051

DOMESTIC VIOLENCE

Angel Wings Outreach Center	601-847-5802
(Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren & Yazoo)	
Attorney General’s Office – Domestic Violence Unit	601-359-4251
Care Lodge	601-482-8719
(Clarke, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott & Winston)	
Catholic Charities Shelter for Battered Families	800-273-9012
(Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren & Yazoo)	
Center for Violence Prevention	800-266-4198
(Claiborne, Copiah, Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren & Yazoo)	
Coahoma County Sheriff’s Department – DV Unit	662-624-3081
Community Students Learning Center	662-834-0905
(Holmes)	
Domestic Abuse Family Shelter	800-649-1092
(Covington, Forrest, Green, Jasper, Jefferson Davis, Jones, Lamar, Marion, Perry, Smith & Wayne)	
Family Resource Center of NE MS	662-844-0013
(Benton, Chickasaw & Lee)	
Family Resource Center of NE MS	662-687-2090
(Pontotoc)	
Family Resource Center of NE MS	662-687-2091
(Union)	
Family & Victim Services – MS Choctaw Indians	601-650-1774
(Choctaw Tribal Lands)	
Greenville Police Dept.- Domestic Violence Unit	662-378-1526
Greenwood Police Dept – Domestic Violence Unit	662-453-3311
Grenada Police Dept. – Domestic Violence Unit	662-226-2404
Guardian Shelter	601-442-0142
(Adams, Amite, Claiborne, Copiah, Franklin, Jefferson, Lawrence, Lincoln, Pike, Walthall & Wilkinson)	

Gulf Coast Women’s Center for Non-Violence	800-800-1396
(George, Hancock, Harrison, Jackson, Pearl River & Stone)	
Gulfport Police Department – Domestic Violence Unit	228-831-0726
Guntown Police Department – DV Unit	662-348-2208
Hancock Co. Sheriff’s Dept – Domestic Violence Unit	228-466-6900
Hattiesburg Police Department – Victim Unit	601-545-4969
Haven House Family Shelter	800-898-0860
(Claiborne, Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren & Yazoo)	
Heather’s TREE	601-360-4637
Hinds Co. Sheriff’s Dept – Domestic Violence Officer	601-974-2964
House of Grace	662-253-0250
(DeSoto, Tate & Tunica)	
Jackson Police Dept. – Community Relations	601-960-1389
Jones County Sheriff’s Department – DV Unit	601-425-3147
Laurel Police Department – Victim Advocate	601-428-6556
Leland Police Dept – Domestic Violence Officer	622-686-7233
Long Beach Police Dept – Domestic Violence Unit	228-865-1981
MS Center for Police & Sheriff’s DV Legal Line	877-609-9911
MS Coalition Against Domestic Violence	800-898-3234
MS Education Center – Violence Against Women	601-366-6405
Our House, Inc	888-884-5683
(Bolivar, Carroll, Grenada, Holmes, Humphreys, Leflore, Sunflower & Washington)	
Pearl River County Sheriff’s Depart – DV Unit	601-403-2500
Picayunne Police Department – DV Unit	601-798-4682
S.A.F.E., Inc	800-527-7233
(Alcorn, Benton, Itawamba, Lee, Pontotoc, Prentiss, Tippah, Tishomingo & Union)	
Safe Haven	800-890-6040
(Attala, Calhoun, Chickasaw, Choctaw, Clay, Lowndes, Monroe, Montgomery, Oktibbeha & Webster)	
Saltillo Police Department – DV Unit	662-869-5454
The Village/El Pueblo – Service for Immigrant Women	228-436-3986
Verona Police Department – DV Unit	662-566-2211
WINGS	601-684-9111
(Amite, Marion & Pike)	
Yazoo County Police Department – DV Unit	662-314-1025

ELDERLY SERVICES

AARP	866-554-5382
Alcorn Co. Human Resources Center	662-286-7748
Attorney General’s Office – Medicaid Fraud Unit	800-852-8341
Attorney General’s Office – Vulnerable Persons Unit	601-359-4250
Central MS Area Agency on Aging	800-315-3103
(Copiah, Hinds, Madison, Rankin, Simpson, Warren & Yazoo)	
East Central Area Agency on Aging	800-264-2007
(Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Scott & Smith)	
Elder Abuse Hotline	800-222-8000
Golden Triangle Area Agency on Aging	888-324-9000
(Choctaw, Clay, Lowndes, Noxubee, Oktibbeha, Webster & Winston)	
Heart and Hand, Inc	601-732-1803
MS Dept of Human Services – Aging & Adult Services	800-345-6347
MS Dept of Public Safety – Council on Aging	601-987-3083
North Central Area Agency on Aging	888-427-0714
(Attala, Carroll, Grenada, Holmes, Leflore, Montgomery & Yalobusha)	
North Delta Area Agency on Aging	800-844-2433
(Coahoma, DeSoto, Panola, Quitman, Tallahatchie, Tate & Tunica)	
Northeast MS Area Agency on Aging	800-745-6961
(Alcorn, Benton, Marshall, Prentiss, Tippah & Tishomingo)	
South Delta Area Agency on Aging	800-898-3055
(Bolivar, Humphreys, Issaquena, Sharkey, Sunflower & Washington)	
Southern MS Area Agency on Aging	800-444-8014
(Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jefferson Davis, Jones, Lamar, Marion, Pearl River, Perry, Stone & Wayne)	
Southwest MS Area Agency on Aging	800-948-3090
(Adams, Amite, Claiborne, Franklin, Jefferson, Lawrence, Lincoln, Pike, Walthall, & Wilkinson)	
Three Rivers Area Agency on Aging	662-489-2415
(Calhoun, Chickasaw, Itawamba, Lafayette, Lee, Monroe, Pontotoc & Union)	

HOMICIDE

Family Services of NW MS	800-230-9929
(Coahoma, DeSoto, Lafayette, Marshall, Panola, Quitman, Tallahatchie, Tate, Tunica & Yalobusha)	
Gulf Coast Women’s Center for Non-Violence	800-800-1396
(George, Hancock, Harrison, Jackson, Pearl River & Stone)	

Our House, Inc.....888-884-5683
 (Bolivar, Carroll, Grenada, Holmes, Humphreys, Leflore, Sunflower & Washington)

Sharing our Strengths.....601-264-7777
 (Covington, Forrest, Greene, Jasper, Jefferson Davis, Jones, Lamar, Marion, Perry, Smith & Wayne)

Survival, Inc888-915-7788
 (Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Webster, Winston & Yalobusha)

The McClean Fletcher Center601-206-5525

The Mourning After..... 855-MYGRIEF
 (Chickasaw, Itawamba, Lowndes & Monroe)

Urban League of Greater Jackson601-714-4600
 (Copiah, Hinds, Madison, Rankin, Simpson, Warren & Yazoo)

Wesley House Community Center800-643-6250
 (Clarke, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxbuee, Scott & Winston)

IDENTITY THEFT

Attorney General’s Office – Consumer Protection.....800-281-4418

Dept of Treasury – US Postal Service.....202-622-2000

Equifax – Credit Card Info Services.....888-766-0008

Experian – Credit Card Info Services888-379-3742

Trans Union Corporation – Fraud Asst. Dept.....800-680-7289

US Federal Trade Commission.....877-438-4338

US Social Security Admin.....800-269-0271

MOTHER’S AGAINST DRUNK DRIVING (MADD)

MADD – MS State Office800-368-6233

SEXUAL ASSAULT

Columbus Air Force Base.....662-434-1130

East MS Sexual Assault Center, Inc. (Wesley House800-643-6250
 (Clarke, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxbuee, Scott & Winston)

Family Crisis Services of NW MS.....800-230-9929
 (Coahoma, DeSoto, Lafayette, Marshall, Panola, Quitman, Tallahatchie, Tate, Tunica & Yalobusha)

Gulf Coast Women’s Center for Non-Violence800-800-1396
 (George, Hancock, Harrison, Jackson, Pearl River & Stone)

Jackson Rape Crisis Center601-982-RAPE
 (Hinds, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren & Yazoo)

Keesler Air Force Base228-377-8635

MS Coalition Against Sexual Assault601-948-0555

MS Joint Task Force National Guard SA Program601-313-6356

MS Department of Public Safety – SA Registry601-933-2600

Naval Battalion Center – Sexual Assault Program228-871-2581
 (Gulfport Naval Base)

Our House, Inc888-884-5683
 (Bolivar, Carroll, Grenada, Holmes, Humphreys, Leflore, Sunflower & Washington)

S.A.F.E., Inc – Rape Crisis Services.....800-527-7233
 (Alcorn, Benton, Itawamba, Lee, Pontotoc, Prentiss, Tippah, Tishomingo & Union)

Safe Haven, Inc800-643-6250
 (Attala, Chickasaw, Choctaw, Calhoun, Chickasaw, Clay, Lowndes, Monroe, Montgomery, Oktibbeha & Webster)

Shaffer Center for Crisis Intervention 601-264-7777
 (Covington, Forrest, Greene, Jasper, Jefferson Davis, Jones, Lamar, Marion, Perry, Smith & Wayne)

The Guardian Shelter – Sexual Assault Center888-721-5460
 (Adams, Amite, Claiborne, Copiah, Franklin, Jefferson, Lawrence, Lincoln, Pike, Walthall & Wilkinson)

STATE AGENCIES

Attorney General’s Office – Crime Prevention.....601-359-4207

Attorney General’s Office – Domestic Violence Division .601-359-4285

Attorney General’s Office – Medicaid Fraud Unit.....800-852-8341

Attorney General’s Office – Prosecutor’s Training601-359-4205

Attorney General’s Office – Victim Assistance.....800-829-6766

Attorney General’s Office – Victim Compensation.....800-829-6766

Attorney General’s Office – Vulnerable Persons.....601-359-4250

Attorney General’s Office – Youth Services.....601-359-4207

Auditor’s Office.....601-576-2800

Dept. of Corrections – SAVIN Program601-359-5724

Dept. of Corrections – Victim Services601-359-5628

Department of Public Safety	601-987-1212
Governor's Office	601-359-3150
Lt. Governor's Office	601-359-3200
Parole Board	601-576-3520
Secretary of State	601-359-1350

VICTIM ASSISTANCE COORDINATORS (State)

1st Judicial District

Victim Assistance Coordinator, Marilyn Reed
 District Attorney, John Young662-844-5579
 Itawamba, Lee, Monroe & Pontotoc Counties

1st Judicial District

Victim Assistance Coordinator, Linda White
 District Attorney, John Young662-287-2486
 Alcorn, Prentiss & Tishomingo Counties

2nd Judicial District

Victim Assistance Coordinator, Franchelle Daniels
 District Attorney, Cono Caranna.....228-865-4003
 Hancock, Harrison & Stone Counties

3rd Judicial District

Victim Assistance Coordinator, Pammie Davidson
 District Attorney, Benjamin Creekmore.....662-534-1088
 Benton, Calhoun, Chickasaw, Lafayette, Union,
 & Tippah Counties

3rd Judicial District

Victim Assistance Coordinator, Chuck Smith
 District Attorney, Benjamin Creekmore.....662-234-3304
 Lafayette & Marshall Counties

4th Judicial District

Victim Assistance Coordinator, Dora Ross
 District Attorney, Dewayne Richardson662-453-1089
 Leflore County

4th Judicial District

Victim Assistance Coordinator, Sandra Reed
 District Attorney, Dewayne Richardson662-378-2105
 Washington County

4th Judicial District

Victim Assistance Coordinator, Shelly W. McTeer
 District Attorney, Dewayne Richardson662-378-2105
 Washington County

4th Judicial District

Victim Assistance Coordinator, Tamika Reed
 District Attorney, Dewayne Richardson662-887-4306
 Sunflower County

4th Judicial District

Victim Assistance Coordinator, Tomicko Ransome
 District Attorney, Dewayne Richardson662-378-2105
 Washington County

5th Judicial District

Victim Assistance Coordinator, Margie Scruggs
 District Attorney, Doug Evans.....662-226-8545
 Attala, Carroll, Choctaw, Grenada, Montgomery,
 Webster & Winston Counties

6th Judicial District

Victim Assistance Coordinator, Linda Futrell
 District Attorney, Ronnie Harper601-445-7937
 Adams, Amite, Franklin & Wilkinson Counties

7th Judicial District

Victim Assistance Coordinator, Paulette McDowell
 District Attorney, Robert Smith601-968-6568
 Hinds County

8th Judicial District

Victim Assistance Coordinator, Rhonda Thomas
 District Attorney, Mark Duncan601-656-1991
 Leake, Neshoba, Newton & Scott Counties

9th Judicial District

Victim Assistance Coordinator, Brenda Theriot
 District Attorney, Ricky Smith601-636-5754
 Issaquena, Sharkey & Warren Counties

10th Judicial District

Victim Assistance Coordinator, Suzanne Youngblood
 District Attorney, Bilbo Mitchell601-482-9758
 Clarke, Kemper, Lauderdale & Wayne Counties

10th Judicial District

Victim Assistance Coordinator, Robert Baysinger
District Attorney, Bilbo Mitchell601-482-9758
Clarke, Kemper, Lauderdale & Wayne Counties

11th Judicial District

Victim Assistance Coordinator, Beverly Harris
District Attorney, Brenda Mitchell.....662-843-8000
Bolivar, Coahoma, Quitman & Tunica Counties

12th Judicial District

Victim Assistance Coordinator, Gail Parkerson
District Attorney, Patricia Burchell601-545-1551
Forrest & Perry Counties

13th Judicial District

Victim Assistance Coordinator, Sandy Winstead
District Attorney, Daniel Jones.....601-847-1342
Covington, Jasper, Simpson & Smith Counties

14th Judicial District

Victim Assistance Coordinator, Jamie Murrell
District Attorney, Dewitt (Dee) Bates, Jr601-783-6677
Pike & Walthall Counties

14th Judicial District

Asst. Victim Assistance Coordinator, Jonita Robinson
District Attorney, Dewitt (Dee) Bates, Jr601-833-3811
Lincoln County

15th Judicial District

Victim Assistance Coordinator, Jeff Caillouet
District Attorney, Haldon Kittrell601-731-1476
Lamar & Marion Counties

15th Judicial District

Asst. Victim Assistance Coordinator, Staci Kramer
District Attorney, Haldon Kittrell601-403-2356
Jefferson Davis, Lawrence & Pearl River Counties

16th Judicial District

Victim Assistance Coordinator, Kim Hood
District Attorney, Forrest Allgood662-329-5911
Clay & Oktibbeha Counties

16th Judicial District

Asst. Victim Assistance Coordinator, Becky Cunningham
District Attorney, Forrest Allgood662-329-5911
Lowndes & Noxubee Counties

17th Judicial District

Victim Assistance Coordinator, Leigh Mercer
District Attorney, John Champion662-429-1374
DeSoto County

17th Judicial District

Victim Assistance Coordinator, Ida Bryan
District Attorney, John Champion662-563-6636
Panola, Tallahatchie, Tate & Yalobusha Counties

18th Judicial District

Victim Assistance Coordinator, Deborah Warren
District Attorney, Anthony Buckley601-649-4606
Jones County

19th Judicial District

Victim Assistance Coordinator, Jennifer Garraway
District Attorney, Anthony Lawrence.....228-769-3045
George, Green & Jackson Counties

20th Judicial District

Victim Assistance Coordinator, Beth H. Colbert
District Attorney, Michael Guest601-825-1472
Rankin County

20th Judicial District

Asst. Victim Assistance Coordinator, Chaquita Walker
District Attorney, Michael Guest601-859-7838
Madison County

21th Judicial District

Victim Assistance Coordinator, Ethel Durham
Interim District Attorney, Akillie M. Oliver.....662-653-3191
Holmes, Humphreys & Yazoo Counties

22nd Judicial District

Victim Assistance Coordinator, Valarie Banks
District Attorney, Alexander Martin601-894-5040
Claiborne, Copiah & Jefferson Counties

VICTIM ASSISTANCE COORDINATORS (Federal)

Family Violence & Victim Services Program

MS Band of Choctaw Indians

Tribal Victim Assistance Coordinator, Robert Ben
Phyllis Anderson, Chief601-650-1774
Choctaw Indian Reservation

Federal Bureau of Investigations

Victim Assistance Coordinator, Marjorie Whimmarsh
Special Agent In Charge, Daniel McMullen .601-713-7654
State of Mississippi

Natchez Trace Parkway

District Ranger, Patrick Shell601-437-5252
Natchez Trace Parkway

Naval Construction Battalion Center

Sexual Assault Program

Victim Advocate, Latasha Banks228-871-2581
Gulfport Naval Base

Office of the U.S. Attorney – Southern District

Victim Assistance Coordinator, Paulette Womack.....601-973-2826
U.S. Attorney, John Dowdy
Southern District

Office of the U.S. Attorney – Northern District

Victim Assistance Coordinator, Jonathan Dozier
U.S. Attorney, John Marshall Alexander601-234-3351
Northern District

VICTIM ASSISTANCE COORDINATORS (Law Enforcement)

Adams County Sheriff’s Department

Victim Assistance Coordinator, Karren Ewing 601-442-2752 Ext. 118

Claiborne County Sheriff’s Department

Victim Assistance Coordinator, Marica Leggins601-437-5161

Department of Public Safety – MS Bureau of Investigations

Victim Assistance Coordinator, Kim Richardson662-563-6400
Northern Region

Department of Public Safety – MS Bureau of Investigations

Victim Assistance Coordinator, Cathy Cook..... 601-987-1560
Central Region

Department of Public Safety – MS Bureau of Investigations

Victim Assistance Coordinator, Lisa Warfield 228-396-7641
Southern Region

Forrest County Sheriff’s Department

Victim Assistance Coordinator, Sharon Roberts 601-544-7800

Hattiesburg Police Department

Victim Assistance Coordinator, Anna Clark 601-545-4696

Hattiesburg Police Department

Victim Assistance Coordinator, Ashton Thompson..... 601-545-4696

Hinds County Sheriff’s Department

Victim Assistance Coordinator, Tammy Gaines..... 601-974-2933

Jackson Police Department

Victim Assistance Coordinator, Linda Wooley 601-960-2131

Jones County Sheriff’s Department

Victim Assistance Coordinator, Tonya Madison..... 601-428-3147

Jefferson County Victims of Crime Center

Victim Assistance Coordinator, Larry Shannon

Laurel Police Department

Victim Assistance Coordinator, Teya Cooper 601-428-6556

Newton Police Department

Victim Assistance Coordinator, Savannah Martin 601-683-2041

Pearl Police Department

Victim Asst. Coordinator, Amy Address 601-939-7000 Ext.215

Tchula Police Department

Victim Assistance Coordinator, Alonzo Lewis..... 662-235-4910

Wilkinson County Sheriff's Department

Victim Assistance Coordinator, Patricia Delaney.....601-888-3511

MISCELLANEOUS

Contact the Crisis Line 601-713-HELP

Family Violence & Victim Services –Choctaw Indians.....601-650-1774

Jefferson County Victims of Crime Center

Victim Assistance Coordinator, Larry Shannon601-786-1652

MS Center for Legal Services – Jackson Office800-959-6752

(Copiah, Hinds, Holmes, Madison, Rankin & Simpson)

MS Center for Legal Services – McComb Office800-898-0985

(Amite, Lawrence, Lincoln, Franklin, Pike & Walthall)

MS Center for Legal Services – Natchez Office.....601-446-7590

(Adams, Claiborne, Jefferson & Wilkerson)

MS Center for Legal Services – Gulfport Office228-896-9148

(George, Hancock, Harrison, Jasper, Jones, Pearl River, Smith, Stone & Wayne)

MS Center for Legal Services – Vicksburg Office601-636-8322

(Issaquena, Sharkey, Warren & Yazoo)

MS Center for Legal Services – Hattiesburg Office.....800-773-1737

(Covington, Forrest, Greene, Jefferson Davis, Lamar, Marion, Perry, Smith & Wayne)

MS Center for Legal Services – Meridian Office.....888-631-9161

(Clarke, Kemper, Lauderdale, Leake, Neshoba, Newton & Scott)

National Center for Victims of Crime202-467-8700

National Organization for Victim Assistance800-879-6682

North MS Rural Legal Services800-898-8731

(Bolivar, Coahoma, Tallahatchie, Tunica & Quitman)

North MS Rural Legal Services800-545-1909

(Humphreys, Issaquena, Leflore, Sharkey, Sunflower & Washington)

North MS Rural Legal Services800-559-5074

(Benton, Calhoun, DeSoto, Grenada, Lafayette, Marshall, Panola, Tate & Yalobusha)

North MS Rural Legal Services800-898-3702

(Alcorn, Chickasaw, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tippah, Tishomingo & Union)

North MS Rural Legal Services800-898-6122

(Attala, Carroll, Clay, Choctaw, Lowndes, Montgomery, Noxubee, Oktibbeha, Webster & Winston)

GLOSSARY

ACQUITTAL

A decision by a judge that a defendant in a criminal case is not guilty of a crime. An acquittal is not a finding of innocence; it is simply a conclusion that the prosecution has not proved its case beyond a reasonable doubt.

ADJUDICATION

The legal process of resolving a dispute; the process of judicially deciding a case.

AFFIDAVIT

A written statement of facts made under oath.

APPEAL

A formal request to a higher court to review, correct or modify the judgment of a lower court.

APPELLANT

A party to a lawsuit who appeals a losing decision to a higher court in an effort to have it modified or reversed.

APPELLATE COURT

A higher court that reviews the decision of a lower court when a losing party files for an appeal.

ARRAIGNMENT

A court appearance where the defendant is formally charged with a crime and asked to respond by pleading guilty, not guilty or nolo contendere. Other matters often handled at the arraignment are appointing an attorney to represent the defendant and the setting of bail.

BAIL

Money paid to the court, usually at arraignment, to ensure that an arrested person who is released from jail will show up at all required court appearances. The amount of bail is determined by the local bail schedule, which is based on the seriousness of the offense. Bail can take any of the following forms: (1) cash or check for the full amount of the bail, (2) property worth the full amount of the bail, or (3) a bond – which is a guaranteed payment of the full bail amount.

BAIL BOND

A bail bond is like a check held in reserve. It guarantees payment of the full bail amount and ensures the person will appear in court.

CHANCELLOR

A judge in the chancery court.

CONTEMPT OF COURT

Any willful act intended to embarrass, hinder or obstruct the court in the administration of justice, or calculated to diminish the court's authority or dignity.

CONTINUANCE

A delay of court proceedings.

CONVICTION

A finding by a judge or jury that the defendant is guilty of a crime.

CROSS EXAMINATION

The questioning of a witness by the opposing attorney.

DEFENDANT

A person against whom charges are brought in criminal actions or against whom a claim for damages or other relief is made in a civil case.

DIRECT EXAMINATION

The questioning of the witness by the side that called him or her to testify.

DISTRICT ATTORNEY (DA)

A lawyer who is elected to represent a state government in criminal cases in a designated county or judicial district. In some states, a District Attorney may be called a Prosecuting Attorney, County Attorney or State's Attorney.

DISCOVERY

The pretrial procedure in which the defense receives evidence in the possession of the Prosecutor, including witness statements, police reports, scientific examinations, etc. This is to permit the defense attorney to prepare for court. The Prosecutor's "discovery" rights are more limited than the defendant's.

DISMISSAL

A ruling by a judge to dismiss the case.

DISPOSITION

The final outcome of a case.

DOCKET

The list of cases set in the same court on the same date.

FELONY

A serious crime, usually punishable by a prison term of more than one year or, in some cases, by death.

GRAND JURY

A group that decides whether there is enough evidence to justify an indictment (formal charges) and a trial. A grand jury indictment is the first step, after arrest, in any formal prosecution of a felony.

HUNG JURY

This occurs in a criminal trial when all jurors cannot agree on the same verdict of guilty or not guilty. This is followed by a judge declaring a mistrial. The case may then be retried at the discretion of the Prosecutor.

INDICTMENT

A written charge, issued by a grand jury, stating that a person has committed a felony.

INVOKING THE RULE

Upon the request of the attorneys, the judge orders the bailiff to escort all witnesses to a "witness room" where they are to remain until called to testify. Witnesses are expected to refrain from discussing their given or expected testimony with one another. The rule is lifted only after the State and defense have rested.

MAGISTRATE

A judicial officer or judge.

MISDEMEANOR

Offenses less serious than felonies and generally punishable by a fine or by imprisonment in an institution other than a penitentiary for less than one year.

MOTION

The formal request, by either the Prosecutor or defense attorney, for the judge to hear and decide a disputed issue.

NO BILL

This phrase, used by a grand jury on an indictment, is equivalent to “not a true bill.” It means the grand jury did not believe there was enough evidence to bring the case to trial.

NOLLE PROSEQUI

Withdrawal of charges by the Prosecutor against a defendant. This allows the Prosecutor the option of re-filing the charges at a later date.

OBJECTION

Opposition by an attorney during the trial to a specific question, line of questioning or evidence offered.

OVERRULE

A judge’s decision to reject the attorney’s motion or argument of a former decision or reject a motion or objection made by counsel.

PAROLE

The conditional release of an offender from prison before their sentence is completed.

PETIT JURY

The trial jury in a civil or criminal case.

PLAINTIFF

A person who initiates a lawsuit in a civil action. There is no person named as plaintiff in a criminal case because these cases are brought in the name of the State.

PLEA

The response by a defendant to a formal charge(s) in court. Such a plea includes “guilty,” “not guilty,” and “nolo contendere” (no contest).

PLEA AND ARRAGIMENT

An appearance before a judge prior to trial where the charges are stated and the defendant makes a plea to the charges. If he pleads not guilty, a trial date is set. Witnesses need not be present for plea and arraignment.

PLEA BARGAINING

A negotiation between the defense and prosecution that settles a criminal case. The defendant typically pleads guilty to a lesser crime (or fewer charges) than originally charged, in exchange for a sentence that is shorter than what the defendant could face if convicted at trial.

PEREMPTORY CHALLENGE

The objection to a prospective juror without giving any reason for such objection. The number of peremptory challenges are always limited by statute or rule of court.

PERPETRATOR

Person who brings about or carries out a crime or deception.

PRELIMINARY HEARING

Court proceedings for felony crimes to determine if enough evidence (probable cause) exists to present the case to a grand jury.

PROBABLE CAUSE

Facts, circumstances or information that will convince the judge that it’s more likely than not that a crime has occurred and the suspect is involved.

PROBATION

When a convicted person can serve out their sentence in the community and not confined to a correctional facility. Certain conditions apply.



**JIM HOOD
ATTORNEY GENERAL**



OFFICE OF THE ATTORNEY GENERAL

Crime Prevention & Victim Services

Post Office Box 220

Jackson, MS 39205-0220

1-800-829-6766 • 601-359-6766

www.agjimhood.com