

*Office of the*  
**Attorney General**  
**STATE OF MISSISSIPPI**



**2012**

**2012 Annual Report**  
**Attorney General Jim Hood**

# A MESSAGE FROM ATTORNEY GENERAL JIM HOOD



Dear Fellow Mississippians:

I am honored to present to you our FY2012 Annual Report which represents my ninth year as your Attorney General. Among the highlights for our office this fiscal year is the recovery of more than \$100 million dollars of the State's money, about 10 times our office's annual budget, which we returned to the state's general fund. This brings the total recovery to the State over the past nine years to over \$600 million.

Our Crime Prevention and Victims' Compensation Division awarded more than \$3.5 million to victims of violent crime this fiscal year. This money comes from assessments on criminals and goes back to help the victims. It is a great program and one Mississippi is proud to have.

This year, we trained 1,200 officers on Mississippi domestic violence and stalking laws and over 200 officers, advocates and community members on issues related to human trafficking. It is important to note that Mississippi is not isolated from the problem of human trafficking. There is no doubt that happens it here, just like it does all across the nation. Trafficking is one of the fastest growing criminal enterprises in the world, simply because there is money to be made. While drugs or guns can be sold once, a person can be sold again and again. One of the best ways we can fight the problem is through our training and awareness programs.

As we will always do, we continue to fight those who use the internet to prey on our children, and those who do wrong by our elderly and vulnerable. It is not only our mandated duty, but our God-given duty as well.

Over all, this year has brought some big fights; some we have won, some we have lost, and some we are still fighting. In every situation, we have followed and enforced the laws of our great State. Thank you for allowing us to fight for you! It is an honor to serve you.

Sincerely Yours,

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive, flowing style.

Jim Hood  
Attorney General

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## MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

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THE EXECUTIVE SUMMARY FOR THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE OUTLINES THE WORK OF THE PRIMARY DIVISIONS OF THE AGO FROM JULY 1, 2011, THROUGH JUNE 30, 2012, THAT RESULTED IN A NOTED RETURN FOR THE STATE OF MISSISSIPPI.

### **CIVIL LITIGATION DIVISION**

- Positive outcome in 96% of civil litigation cases in federal and state courts
- Positive outcome in 100% of prisoner complaints filed in federal courts
- Recovered \$983,650.68 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties

### **CONSUMER PROTECTION DIVISION**

- Responded to 72,152 phone calls placed to the division
- Collected \$33,654,990 in restitution
- Recovered \$13,648,299 in costs and fees
- Litigated 117 cases
- Opened 1,659 cases
- Opened 73 identity theft cases
- Opened seven home repair fraud cases
- Made seven identity theft arrests
- Made nine intellectual property crimes arrests

### **CRIME PREVENTION AND VICTIMS' COMPENSATION**

- Awarded \$3,511,592.57 through the Crime Victim Compensation Fund
- Awarded \$220,541.76 for Sexual Assault Forensic Examinations
- Provided 5,629 units of service to crime victims
- Provided direct services to 755 crime victims
- Trained 256 law enforcement officers through "MAG" Law Enforcement Training

### **CRIMINAL LITIGATION DIVISION**

#### **Appellate Section**

- Filed 279 briefs, 49 motions and responses in the Mississippi Supreme Court & Court of Appeals
- Won 90% of criminal cases filed
- Processed 106 extraditions

#### **Federal Habeas Corpus Section**

- Filed 248 answers, briefs, motions, and responses in the U.S. District Courts of Mississippi
- Obtained favorable results in 86.9% of cases litigated

#### **Death Penalty Section**

- Successfully concluded six death penalty cases
- Filed 60 briefs, responses, and motions in the Mississippi Supreme Court, state trial courts, federal district courts, the U.S. Court of Appeals for the Fifth Circuit
- Presented six arguments, evidentiary hearings or trials in federal or state courts
- Obtained favorable results in 90% of decisions 4



## MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

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### **DOMESTIC VIOLENCE DIVISION**

- Trained 1,200 officers on Mississippi domestic violence and stalking laws
- Trained over 30 nurses in the effective care of sexual assault victims
- Trained over 500 municipal justice, county and chancery court clerks
- Provided direct advocacy and information to 170 male and female victims of domestic violence, sexual assault or stalking
- Trained over 200 law enforcement, advocates and community members on issues related to human trafficking

### **MEDICAID FRAUD CONTROL UNIT**

- Recovered \$3,623,765 in restitution and civil penalties
- Indicted 56 individuals
- Received over 2,335 complaints of abuse, neglect or exploitation
- Convicted 65 individuals
- Provided 59 educational programs for health care faculty staff, civic clubs, health care associations, and others
- Achieved 100% conviction rate for Medicaid Fraud
- Achieved 95% conviction rate for Medicaid Abuse, an increase of 3% this year

### **OPINIONS**

- Issued more than 540 official opinions
- Returned 76% of formal opinions within 30 days or less
- Spent approximately 5,800 hours giving advice by telephone and email and approximately 350 hours preparing and conducting seminars around the state
- Trained local officials in implementation of new laws passed by the legislature

### **PROSECUTOR TRAINING**

- Provided training to 1,204 law enforcement officers and over 750 prosecutors
- Assisted with seven criminal investigations that resulted in 55 arrests, 25 convictions and five indictments

### **PUBLIC INTEGRITY**

- Opened 102 investigations
- Received and worked through 906 complaints
- Obtained 21 convictions involving Voter Fraud, Embezzlement and other crimes
- Secured nine arrests, indictments and/or removals from office

### **Alcohol & Tobacco Enforcement Division**

- Conducted 9,043 tobacco enforcement checks and 6,202 beer enforcement checks throughout the state
- Trained approximately 360 retail managers and clerks statewide



## MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

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### **Child Desertion Unit**

- Received approximately 265 complaints
- Opened 17 new investigations
- Obtained eight indictments and 20 convictions against deadbeat parents

### **Cyber Crimes Unit**

- Opened 163 new cases
- Arrested 78 individuals
- Obtained 20 convictions

### **DUI**

- Held 17 standardized field sobriety training classes
- Provided DUI training to more than 1,500 judges, prosecutors and law enforcement officers

### **Insurance Fraud Unit**

- Responded to three new referrals
- Conducted 33 active criminal investigations
- Recovered \$622,991.82 from fees and restitution
- Obtained 24 arrests
- Obtained 18 arrests and convictions for insurance fraud
- Obtained one arrest for Workers Compensation fraud
- Conducted eight active criminal Workers Compensation investigations

### **Vulnerable Adults Unit**

- Recovered over \$287,935 in restitution to victims and \$3,500 in investigation costs
- Received 2,231 complaints
- Opened over 200 new cases which resulted in 44 active criminal investigations
- Conducted 14 training sessions and presentations
- 184 cases resolved and closed and/or closed through prosecution
- Obtained 10 convictions and 10 indictments

### **SUPPORT SERVICES**

- Obtained over \$4 million in grants and contracts
- Entered into 70 interagency contracts to provide legal services to state agencies
- Recovered over \$102 million owed to state

## FUNDS RECOVERED DURING FISCAL YEAR 2012

Source of Funds	Amount	Disposition
Medicaid Fraud Control Unit - Restitution and Civil Penalties	\$2,774,302	State of MS, Division of Medicaid, Attorney General
Consumer Protection Division - Restitution, Recovery of Costs	\$775,478	State of MS, Attorney General, Consumers
Mortgage Settlement- Bank of America, Citi, Chase, GMAC, and Wells Fargo - Restitution	\$32,947,437	Mississippi Consumers
National Mortgage Settlement Funds	\$13,580,374	State of MS, Mississippi Consumers
Civil Litigation Division - Audit Recoveries	\$983,651	State of MS
Public Integrity Divisions - Fines and Fees	\$37,474	State of MS, Attorney General
Medicaid - Estate Recovery, Special Needs and Income Trusts	\$2,150,000	State of MS, Division of Medicaid
MDOT - Property Damage Claims, with Comp Subrogated Claims and Other Litigation	\$468,403	State of MS, MDOT
Microsoft Corporation Settlement	\$5,000,000	State of MS, Attorney General
Satyam Computer Services, Ltd - Securities Litigation	\$14,400	State of MS, Attorney General
Semtech - Securitates Litigation	\$28,341	State of MS, PERS, Attorney General
Ambac - Securities Litigation	\$11,420	State of MS, PERS, Attorney General
Merrill Lynch - Securities Litigation	\$30,380	State of MS, PERS, Attorney General
Parpharmaceutical, Inc - Average Wholesale Price Litigation	\$2,802,000	State of MS, Attorney General
Actavis - Average Wholesale Price Litigation	\$3,230,000	State of MS, Attorney General
Astrazeneca Pharmaceuticals - Average Wholesale Price Litigation	\$8,000,000	State of MS, Attorney General
Forest Laboratories - Average Wholesale Price Litigation	\$166,000	State & School Employees' Health Insurance Fund
Merck Corp - Average Wholesale Price Litigation	\$171,750	State & School Employees' Health Insurance Fund
Teva Pharmaceuticals - Average Wholesale Price Litigation	\$186,750	State & School Employees' Health Insurance Fund
Abbott Labs - Average Wholesale Price Litigation	\$490,000	State & School Employees' Health Insurance Fund
BP Oil - MOEX Penalty Settlement	\$5,000,000	DEQ
BP Oil - MOEX - Settlement - Land Asset Value	\$5,000,000	State of MS
Facility Construction Management - Beef Plant	\$3,900,000	State of MS
Facility Construction Management - Beef Plant	\$65,000	Settlement Payment to Vendor
Teva Pharmaceuticals - Average Wholesale Price Litigation	\$12,279,800	State of MS, Attorney General
Abbott Labs - Depakote Settlement	\$250,000	Attorney Fees
Abbott Labs - Depakote Settlement	\$1,685,947	State of MS, Attorney General
<b>TOTAL FUNDS RECOVERED</b>	<b>\$102,028,907</b>	

# MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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## EXECUTIVE BRANCH

### CIVIL LITIGATION

### CONSUMER PROTECTION DIVISION

### CRIME PREVENTION AND VICTIM SERVICES

### CRIMINAL LITIGATION

### DOMESTIC VIOLENCE DIVISION

### MEDICAID FRAUD DIVISION

### OPINIONS AND LOCAL GOVERNMENT

### PROSECUTORS' TRAINING

### PUBLIC INTEGRITY DIVISION

(PUBLIC INTEGRITY UNIT, ALCOHOL AND TOBACCO ENFORCEMENT, CHILD DESERTION,  
CYBER CRIME, DUI TRAINING, INSURANCE FRAUD AND VULNERABLE ADULTS)

### STATE AGENCIES

### SUPPORT SERVICES DIVISION



## **EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE**

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The Executive Branch of the Office of the Attorney General is comprised of Attorney General Jim Hood and his Executive Assistant Melanie Webb, Deputy Attorneys General Mike Lanford and Onetta Whitley, Chief of Staff Geoffrey Morgan and his assistant Cindy Burnham, Special Assistant Attorneys General Blake Bee, Martin Millette, Mary Jo Woods and Meredith Aldridge, Public Information Officer Jan Schaefer, and Receptionists Donna Thomas and Marilyn Robinson.

### **ATTORNEY GENERAL**

Attorney General Jim Hood is serving his third term as Attorney General. He has served since being sworn into office in January 2004. The Attorney General is the chief legal officer and advisor for the state in both civil and criminal matters. General Hood is a progressive leader who believes prevention is the best way to tackle crime. Attorney General Jim Hood is not afraid to go after those who threaten the livelihood of Mississippi citizens.

### **EXECUTIVE ASSISTANT**

Attorney General Jim Hood is assisted by Melanie Webb. She manages the General's schedule, appointments and speaking engagements. She works closely with the staff at the National Association of Attorneys General to coordinate General Hood's involvement with issues of national importance to prosecutors.

### **DEPUTY ATTORNEYS GENERAL**

Onetta Whitley and Mike Lanford serve as the Deputy Attorneys General. As Deputies, they are authorized to perform the duties and execute the powers of the Attorney General on his behalf, and to serve in his place on boards and commissions. The administration of the Attorney General's office is divided between the two Deputies. Onetta Whitley has responsibilities for the following divisions: Public Integrity, Medicaid Fraud Control Unit, Consumer Protection and various state agencies' representation. She is assisted by Betty Newell. Mike Lanford has responsibilities for the following divisions: Opinions, Civil Litigation, Criminal Appeals and various state agencies' representation, including Departments of Transportation, Gaming and Finance and Administration. He is assisted by Delisa Jones.

### **CHIEF OF STAFF**

The Chief of Staff, Geoffrey Morgan, handles office personnel issues and provides counsel to the Attorney General on a wide range of legal issues. The Chief of Staff also assists citizens with complaints and questions and handles outside counsel contracts throughout the SPAHRS system. Assisting the Chief of Staff in his daily duties is Cindy Burnham, who has over 30 years of service to the State of Mississippi.

### **SUPPORT STAFF**

Receptionists Donna Thomas and Marilyn Robinson are invaluable assets to the Attorney General, his staff and the people of Mississippi. They are often the first contact callers have with this office, and they cheerfully perform their duties each day. They answer numerous phone calls and direct callers to the best person in the office to address their questions. These ladies also greet the many visitors the office receives each day.

## EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE CONTINUED

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### PUBLIC INFORMATION OFFICE

The Mississippi Attorney General's Office recognizes the important role played by the media in our efforts to serve the people in our great state and supports an open relationship with members of the press. The Public Information Officer is Jan Schaefer, who has a Master's Degree in Communication and approximately 20 years experience in public relations, as well as print and broadcast journalism. The Public Information Office is responsible for writing and distributing news releases and agency publications, handling public inquiries and planning public events.

The Mississippi Attorney General's Office strives to keep the state's families, adolescents and elderly safe through prevention, education and awareness. Resources available from the Mississippi Attorney General's Public Information Office include the following publications:

#### **Relating to Alcohol and Tobacco Enforcement**

- *Underage Drinking: What Parents Should Know*
- *Youth Drug Abuse: What Parents Should Know*
- *"Drug Free" Crossword Puzzle Sheet*

#### **Relating to Crime Prevention/Victim Services**

- *Address Confidentiality Program*
- *A Victim's Guide*
- *Crime Victim Compensation Financial Assistance for Victims of Crime in the State of Mississippi*
- *Bully-Proof*
- *School Violence Prevention Guide*
- *Workplace Violence Prevention: A Guide*
- *Effective Responses to Victims of Violent Crime: A Guide for Law Enforcement*
- *A Guide to Child Safety: A Parent's PLAN*
- *Resource Guide for Combating Senior Financial Abuse in Mississippi*
- *Youth Suicide: What Parents Should Know*
- *Mississippi Crime Victims' Bill of Rights*
- *Post Conviction Procedures*

#### **Relating to Cyber Crime**

- *A Guide to Child Safety: A Parent's PLAN*
- *Keeping You Safe in Cyberspace*
- *Cyberbullying: What Parents Should Know*
- *Sexting: What Parents Should Know*
- *Illegal Downloads: What Parents Should Know*
- *Keeping You Safe in Cyberspace*

#### **Relating to Vulnerable Adults**

- *Vulnerable Adults Law Enforcement Guide*

#### **Relating to Consumer Protection**

- *Guidelines for Home Repair Contracting*
- *Identity Theft (Book and Pamphlet)*
- *Operation Knock Out Knock Offs*
- *Consumer Tips for Storm Victims*
- *What Determines the Price I Pay for Gasoline*
- *A Merchant's Guide to Mississippi's Price Gouging Law*
- *A Consumer Guide to Mississippi's Lemon Law*
- *Mississippi Guide to Consumer Protection Laws*
- *Spanish Brochures (El Fraude en Casa, El Fraude de Automovil and El Fraude en la Billetera)*

#### **Relating to Domestic Violence**

- *Federal Firearms Law: Domestic Violence Offender Gun Ban*
- *Responding to a Domestic Violence Call: A Quick-Reference Guide for Mississippi Law Enforcement*
- *Stalking: Prevention and Awareness Guide*
- *Dating Violence: Expect Respect*
- *The Mississippi Domestic Abuse Protection Order*

#### **Relating to the Opinions Division**

- *Guide to Mississippi Open Meetings and Public Records Laws*
- *Safeguarding the Vote: Recognizing and Reporting Election Crimes*
- *Public Records Law (as revised in 2008) Affecting Law Enforcement*

#### **Various**

- *A Quick Reference Guide to the Office of Attorney General, State of Mississippi.*

## CIVIL LITIGATION DIVISION

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### *2012 Civil Litigation Division Accomplishments:*

- *Positive outcome in 96% of civil litigation cases in federal and state courts*
- *Positive outcome in 100% of prisoner complaints filed in federal courts*
- *Recovered \$983,650.68 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties*

Significant or particularly successful litigation cases handled by the Civil Litigation Division or that are pending include the following:

### **PROTECTING IMPORTANT STATEWIDE INTERESTS**

**Corban v. United Services Auto. Ass'n (Mississippi Supreme Court)** In the aftermath of Hurricane Katrina, the Attorney General initiated and joined litigation against insurance companies conducting business in Mississippi seeking to enforce policy language that would require the companies to pay claims for hurricane damages caused by Katrina's unprecedented destruction. For example, in the Corban case, the Attorney General's Office submitted an amicus curiae brief to the Mississippi Supreme Court arguing that certain insurance companies were improperly shifting the burden upon the policyholder to prove that the wind caused the damage rather than the insurer having to prove that the damage was excluded from coverage. The Supreme Court's opinion agreed with the arguments presented by the homeowner and the Attorney General and set a strong precedent in favor of the homeowners for future victims of natural disasters.

**Metal Management Mississippi, Inc. v. Governor Haley Barbour (U.S. Dist. Ct., S.D. Miss.)** To curb the epidemic of metal theft, the legislature enacted new regulations on companies that purchase scrap metal. A scrap metal purchaser filed suit in federal court asserting the law violated the federal Constitution. The purchaser sought a preliminary injunction prohibiting the law from taking effect. The Civil Litigation Division filed a memorandum in opposition to the requested relief. After a lengthy oral argument, the federal court denied the purchaser's request to stay the law. In light of the arguments presented by the Division, the purchaser later dismissed the suit in its entirety.

### **RECOVERING FUNDS DUE THE STATE**

**Mississippi Surplus Lines Association v. J.K. Stringer, Jr. (U.S. Dist. Ct., S.D. Miss.)** Pursuant to statutory authority, the Mississippi Commissioner of Insurance has enlisted the assistance of the Mississippi Surplus Lines Association (MSLA) in regulating certain insurance agents. By statute, the Commissioner authorized MSLA to collect a fee from agents in order to fund MSLA's operating expenses. By 2004, MSLA had accumulated a significant excess of statutory fees and legislation was passed requiring MSLA to transfer \$2 million of its excess statutory fees to the Budget Contingency Fund. MSLA filed suit in federal court asserting that the statutory fees were private property that could not be taken by the State. After extensive briefing by both parties, the federal district court ruled for the State and adopted the Civil Litigation Division's argument that the \$2 million in statutory fees are the property of the State. MSLA appealed the decision to the Fifth Circuit Court of Appeals. The Fifth Circuit Court of Appeals agreed with the Division and affirmed the district court.

## CIVIL LITIGATION DIVISION CONTINUED

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**Patients' Choice Medical Center of Humphreys County v. Robinson, et al. (U.S. Dist Ct., S.D. Miss.); (Hinds County Chancery Court)** The Civil Litigation Division has been representing the Division of Medicaid in suits filed by Patients' Choice Medical Center of Humphreys County. In May 2007, Medicaid began withholding payments to Patients' Choice on all claims submitted by it for behavioral health services because of suspected fraud and/or abuse and/or willful misrepresentation. After auditing Patients' Choice, Medicaid determined that Patients' Choice had obtained \$4,082,471.79 in improper payments. Patients' Choice filed suit in federal court seeking an injunction preventing Medicaid from recouping the improper payments. The district court, after reviewing the arguments made by Civil Litigation, denied Patients' Choice's request for a preliminary injunction. Following the district court's rejection of its request for an injunction, Patients' Choice voluntarily dismissed its suit. Subsequently, Patients' Choice sued Medicaid in Hinds County Chancery Court seeking a temporary restraining order stopping Medicaid from re-auditing, asking the Chancery Court to declare that the claims for behavioral health services that it had submitted were lawful under Medicaid's regulations and requesting an injunction lifting the suspension of payment for behavioral health services. The Chancery Court denied Patients' Choice's petition for a restraining order on the ground that Patients' Choice was asking it to intervene in an ongoing administrative proceeding. The Civil Litigation Division has filed a Motion to Dismiss on behalf of Medicaid. At this writing, the Motion to Dismiss is still pending.

### DEFENDING STATE AGENCIES AND STATE STATUTES IN FEDERAL COURT

**Denning, et al. v. Barbour, et al. (U.S. Dist. Ct., S.D. Miss.)** In response to the significant increases in the cost of prescription drugs provided by the Division of Medicaid, the Legislature enacted a number of cost-saving measures including reducing the number of prescriptions covered by Medicaid to five per month for adult, non-institutionalized beneficiaries. A class of Medicaid beneficiaries filed suit in federal court seeking to prohibit the Division from enforcing the drug limitation. Plaintiffs alleged that the statutory changes violated the federal 1990 Medicaid Drug Rebate Act. The Civil Litigation Division has represented the Division of Medicaid and defended the statutory changes through extensive briefing and several court hearings. To date, our Office has persuaded the federal court not to order the drug limitation lifted, thereby saving the State millions of dollars per month.

**United States v. State of Mississippi (U.S. Dist. Ct., S.D. Miss.); Morgan v. Sproat (U.S. Dist. Ct., S.D. Miss.); K.L.W. v. James (U.S. Dist. Ct., S.D. Miss.); J. A. v. Barbour (U.S. Dist. Ct., S.D. Miss.)** The Civil Litigation Division is representing the Department of Human Services in suits filed by the United States Department of Justice and private plaintiffs relating to the operation of the Columbia and Oakley juvenile training schools. The suits relate to the conditions of confinement and allege, in part, that the constitutional rights of juveniles were being violated because of staff abuse, inadequate medical and health care, and the failure to provide required educational services. Under the direction of the Governor and in consultation with the legislature, the State has entered into a comprehensive settlement with the United States Department of Justice requiring the Department to improve the conditions of the juvenile training schools. The Division continues to represent the Department of Human Services during the implementation phases of the agreements.

## CIVIL LITIGATION DIVISION CONTINUED

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**Olivia Y. , et al. v. Barbour, et al. (U.S. Dist. Ct., S.D. Miss.)** The New York-based Children's Rights, Inc. has filed suit alleging that the foster care system administered by the Department of Human Services violates federal law and the constitutional rights of children by failing to provide adequate protective services and other related foster care benefits. The Civil Litigation Division moved to dismiss the complaint and argued that the allegations raised by Children's Rights were not proper legal issues under federal law. The federal court agreed in large part and dismissed seven out of the eight claims. The dismissal significantly reduced the size of the plaintiff class from 15,000 to 20,000 children to the approximately 3,000 children in foster care. Because of the number of documents involved in this very large class action, the Civil Litigation Division has enlisted the assistance of outside counsel. At the direction of the Governor, in consultation with the Legislature, and with the approval of the federal district court, the State has entered into a settlement agreement requiring the Department of Human Services to achieve accreditation by the National Council on Accreditation and make other improvements to foster care.

**Miss. State Democratic Party, et al. v. Haley Barbour, et al. (U.S. Dist. Ct., N.D. Miss.)** The Mississippi Democratic Party filed suit challenging the constitutionality of the state's current open primary laws. The federal district court denied the Party's request to enjoin enforcement of the laws during the 2006 primaries. After cross-motions for summary judgment, the federal court declared the open primary laws to be unconstitutional. The Civil Litigation Division, along with other parties, appealed the decision to the Fifth Circuit Court of Appeals. The Court of Appeals reversed the district court decision and reinstated the state's open primary laws.

**Deborah Ellis, et al. v. Mississippi Department of Health, et al. (U.S. Dist. Ct., N.D. Miss.)** A child care facility challenged the authority of the Mississippi Department of Health to conduct warrantless searches of licensed facilities. The Civil Litigation Division successfully argued that the searches were constitutionally adequate and the actions of the agency's employees were not objectively unreasonable. The District Judge's dismissal of the case was affirmed by the Fifth Circuit Court of Appeals.

### DEFENDING STATE EMPLOYEES SUED FOR ALLEGED VIOLATIONS OF FEDERAL LAW

**Paul Morgan v. State of Mississippi (U.S. Dist. Ct., S.D. Miss.)** This case involved an allegation by the Plaintiff that his rights under the Americans with Disabilities Act were violated by the Department of Correction's alleged failure to accommodate his handicap. The Plaintiff alleged that the dining halls, showers and living quarters were not equipped for handicapped inmates such as himself and that the Department had taken no steps to bring its facilities into compliance with the ADA. The Plaintiff also alleged that he was denied proper medical treatment and supplies while incarcerated. Following a three-day trial, the Court ruled in favor of Defendants finding no liability on the part of Department.

**Stern v. Epps, et al.(U.S. Dist. Ct., S.D. Miss.)** This civil action involved an alleged violation of the Plaintiff's right to be free from Environmental Tobacco Smoke (ETS)/secondhand smoke in the inmate housing unit. Stern alleged that the exposure to the secondhand smoke caused a bulging eye condition that ultimately affected his vision. This case was tried before a jury over the course of three days with the jury returning a verdict in favor of the State Defendants. The outcome set important parameters within the Southern District relating to the numerous claims of inmates regarding exposure to ETS within housing units.

## CIVIL LITIGATION DIVISION CONTINUED

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**Jael Fraise v. Robert Sturdivant (U.S. Dist. Ct., N.D. Miss.)** This case involved an allegation by Plaintiff that Defendant violated his constitutional rights through the use of excessive force. Specifically, Plaintiff, an inmate housed at the Mississippi State Penitentiary (MSP), alleged that Defendant, a correctional officer at MSP, attacked him resulting in a broken jaw. This case was tried before a jury, and a verdict was returned in favor of the State Defendant.

**Alex T. Branch v. Henry Maxwell, et al. (U.S. Dist. Ct., N.D. Miss.)** This civil action arose from the alleged use of excessive force by four correctional officers at the Mississippi State Penitentiary (MSP). Specifically, the Plaintiff, an inmate at MSP, claimed that he was attacked and injured by the State Defendants. This case was tried before a jury, and a verdict was returned in favor of the State Defendants.

**Bobby L. Buckley v. Kenneth Haywood, et al. (U.S. Dist. Ct., N.D. Miss.)** Plaintiff, an inmate housed at the Mississippi State Penitentiary (MSP) and admitted gang member, filed this suit after being attacked and stabbed by two other inmates from rival gangs. The Plaintiff claimed that correctional officers and prison officials at MSP failed to protect him from harm in violation of his constitutional rights. This case was tried before a jury, and a verdict was returned in favor of the State Defendants.

**Patricia Hall v. Margaret Bingham, et al. (U.S. Dist. Ct., N.D. Miss.)** Plaintiff filed this suit alleging that correctional officers and prison officials at Central Mississippi Correctional Facility (CMCF) failed to protect her from harm at the hands of a fellow inmate. Specifically, Plaintiff alleged that a fellow inmate threw scalding hot water on her upper body causing severe burns and that State Defendants knew that this inmate was a danger to her and did nothing to prevent the attack. This case was tried before Magistrate Judge F. Keith Ball, and a judgment was rendered in favor of the State Defendants.

**Antonio Goldman v. Ruthie Moore, et al. (U.S. Dist. Ct., N.D. Miss.)** Plaintiff, an inmate at the Mississippi State Penitentiary (MSP), was attacked and stabbed by a fellow inmate and brought this suit alleging that correctional officers and prison officials failed to protect him from harm. Specifically, Plaintiff alleged that correctional officer Ruthie Moore allowed him to be attacked and stabbed. This case was tried before Magistrate Judge David A. Sanders, and a judgment was rendered in favor of the State Defendants.



## CIVIL LITIGATION DIVISION CONTINUED

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The prisoner litigation team was successful in defending a number of additional claims to include claims of excessive force, deliberate indifference, retaliation, cruel and unusual punishment and many others which are primarily resolved at the motion stage.

**Estate of Michael Davenport v. MDOC (U.S. Dist. Ct., N.D. Miss.)** This bench trial revolved around the issue of an inmate death which occurred during a response to a fire by the Parchman Volunteer Fire Department. Our office represented Commissioner Christopher Epps, Parchman Volunteer Fire Department and former Fire Chief Herman Wesley Knight. Davenport died on March 9, 2009, while fighting a house fire. Davenport had been in the house with another inmate firefighter, Robert Grays, and the PVFD captain, Billy Burchfield, when Knight entered the house and relieved the captain. The heat near a bedroom became very intense, causing Grays to vacate the house. Knight ordered Davenport to back out as well, and then exited the house himself. Knight did not have physical contact with Davenport, nor did he look behind him to ensure Davenport was exiting. Knight performed a head count once outside and after some confusion noticed Davenport was missing. His body was found after the fire was extinguished.

The issue was whether or not MDOC failed to insure the safety of an inmate under the U.S. Constitution, amendment VIII and whether the process and procedure for clearing buildings during a fire were faulty. In the end, no liability was assessed, and all MDOC defendants were cleared; further, this case was appealed to the Fifth Circuit and finally dismissed for want of prosecution.

**Gregory Greenwood v. Ronald King, et al. (U.S. Dist. Ct., S.D. Miss.)** This jury trial revolved around an excessive force claim that during a routine shakedown of a building housing the plaintiff and other Security Threat Group members (STG/gang leaders), the plaintiff was improperly beaten by two K-9 officers at the South Mississippi Correctional Institution (SMCI). He also sued the superintendent under *respondent superior* and failure to protect from harm/eight amendment. After two days of jury deliberation, all defendants were cleared by unanimous verdict.

**A.D. Mills v. Ronald King, et al. (U.S. Dist. Ct., S.D. Miss.)** This was another jury trial involving the issues of excessive force and deliberate indifference at SMCI. Specifically, the Plaintiff, sued the entire STG classification committee for improper classification as a disruptive core gang member (he was classified as such for his gang activity and assault of a correctional officer at Parchman). He also alleged that staff at SMCI, used excessive force on him in retaliation for his assault on their fellow officer at Parchman. After a three-day trial, all defendants were cleared by unanimous verdict.

**Reese v. Monroe County Sheriff's Department (U.S. Dist. Ct., N.D. Miss.)** Tried before U.S. District Court Judge Sharon Aycock, this civil action involved complex litigation, alleging an illegal search and seizure by Officers of the Mississippi Department of Corrections probation, parole and house arrest officers. Originally, Monroe County Sheriff's Deputies were defendants along with MDOC officers. Summary Judgment was granted. However, the case was appealed by the plaintiff's attorney, to the U.S. Fifth Circuit Court of Appeals who sent the case back for trial. A three-day jury trial followed, and no liability was assigned to the defendants.

## CIVIL LITIGATION DIVISION CONTINUED

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**Jacqueline Williams, et al. v. Governor Haley Barbour, et al. (U.S. Dist. Ct. S.D. Miss.)** A construction company brought suit against Governor Barbour, Mississippi Development Authority Director Gray Swoope, the State of Mississippi, the Mississippi Development Authority and Toyota alleging improper denial of the opportunity to bid on a construction contract with the automaker. The Civil Litigation Division secured a dismissal of all claims against the state, state agencies and state officials at the earliest possible point in the proceedings thereby saving the State from the expense of discovery and any financial liability.

**Oliver E. Diaz, Jr., et al. v. Darlene Ballard (U.S. Dist. Ct. S.D. Miss.)** The former Miss. Supreme Court justice filed suit against a staff attorney with the Mississippi Judicial Performance Commission alleging that the attorney had violated state and federal law during her prosecution of a judicial performance complaint against him. The Civil Litigation Division represented the staff attorney and argued to the Court that the staff attorney had violated no federal or state law. After extensive briefing, the Court agreed with the Division's arguments and dismissed all claims against the staff attorney.

In addition to the above, the Civil Litigation Division was monitoring or participating in dozens of other state or federal cases in which the constitutionality of a state statute is being challenged at the time of this report. Also, the Division was actively involved in many other cases challenging the constitutionality of actions by various state agencies, including the Medical Licensure Board, the Board of Bar Admissions, the Department of Public Safety and the Department of Health.

## ENSURING THE ORDERLY ADMINISTRATION OF ELECTIONS

In the weeks preceding the 2011 general elections, numerous suits were filed in which plaintiffs asked a court to issue immediate orders enjoining all or part of the election. Plaintiffs asserted arguments including alleged violations of the federal Voting Rights Act and the Miss. and U.S. constitutions. In each case, the Civil Litigation Division successfully defended the action, and the election proceeded as planned. **Jim Arnold v. State Election Commission (Hinds County Chancery Court); Shawn O'Hara, et al. v. Secretary of State (U.S. Dist. Ct., S.D. Miss.); Henry Boyd Jr., et al. v. Haley Barbour, et al. (U.S. Dist. Ct., S.D. Miss.); Floydist James Martin v. Haley Barbour, et al. (Consolidated with) Henry Kirksey et al. v. Haley Barbour, et al. (U.S. Dist. Ct., S.D. Miss.); George Dunbar Prewitt, Jr. v. State Board of Election Commissioners (Washington County Circuit Court); George Dunbar Prewitt, Jr. v. Eric Clark, Secretary of State, et al. (Washington County Circuit Court); George Dunbar Prewitt, Jr. v. State Board of Election Commissioners (U.S. Dist. Ct., S.D. Miss.); Leola Strickland, et al. v. Eric Clark, et al. (Hinds County Chancery Court); Jim Giles v. State Board of Election Commissioners (U.S. Dist. Ct., S.D. Miss.)** At the conclusion of the election, the Division obtained a writ of mandamus requiring the Noxubee County Board of Election Commissioners to canvass its election returns and report the results after the Board refused to certify the county's election. **Jim Hood, et al. v. Sylvester Tate, et al. (Lauderdale County Circuit Court).** Prior to the general election in Wilkinson County, the Division was called upon to obtain a writ of mandamus against Wilkinson County election officials who had announced their intention not to conduct the election. **Jim Hood, et al. v. Chantel Morris (Wilkinson County Circuit Court).**

## CIVIL LITIGATION DIVISION CONTINUED

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### EMPLOYMENT-RELATED LITIGATION AND DEFENSE OF STATE OFFICIALS

The Civil Litigation Division devotes a significant amount of time and resources each year to defending state agencies and officials against discrimination actions, excessive force suits, and other litigation in which plaintiffs seek monetary damages. The Civil Litigation Division successfully defended the following cases:

**Pamela Hervey v. Mississippi Department of Education (U.S. Dist. Ct., S.D. Miss.); Janet Schriver v. Mississippi Department of Education (U.S. Dist. Ct., S.D. Miss.); Cynthia Jeems v. Mississippi Department of Health (U.S. Dist. Ct., N.D. Miss.); Chamara Vaughn v. Mississippi Department of Mental Health (U.S. Dist. Ct., N.D. Miss.); Louise Reid v. Mississippi Department of Mental Health (U.S. Dist. Ct., N.D. Miss.); Calvin Ousby v. Mississippi Department of Public Safety (U.S. Dist. Ct., S.D. Miss); Janice Nathaniel v. Mississippi Department of Wildlife, Fisheries and Parks (U.S. Dist. Ct., S.D. Miss.); Rudy Ware v. Mississippi Division of Medicaid (U.S. Dist. Ct., S.D. Miss.); Antonio Myers v. The Mississippi Office of Capital Post Conviction Counsel (U.S. Dist. Ct., S.D. Miss); Cynthia Montgomery v. Wallace Rayborn and Ken Dunlap (U.S. Dist. Ct., S.D. Miss.); Mary Beth Watt v. Mississippi Department of Wildlife, Fisheries and Parks and Sam Polles (U.S. Dist. Ct., S.D. Miss.).**

### PROTECTION OF CHARITABLE ASSETS

Pursuant to the Attorney General's duty to protect charitable assets, each year the Civil Litigation Division reviews transactions in which nonprofit or charitable hospitals sell all or part of their assets to for-profit health care providers. In addition, the Division filed suit in DeSoto County Chancery Court to protect multimillion dollar Maddox Foundation located in Mississippi from being forced by Tennessee entities to move to Nashville. The DeSoto Court enjoined the Foundation from transferring its assets out of the state. Because of the litigation initiated by this office, the Maddox Foundation and the State of Tennessee were able to reach a settlement ensuring the continued existence of the Foundation in Mississippi. **Jim Hood v. Maddox Foundation, et al. (DeSoto County Chancery Court).**

### AUDIT SECTION

During FY 2012, the Office of the State Auditor has secured or assisted in securing indictments, arrests or guilty pleas for 23 public officials and/or public employees, along with Housing Fraud indictments, arrests or guilty pleas, and has recovered \$983,650.68 with the help of the Civil Litigation division of the Attorney General's Office. Among the cases which the Audit Section of the Civil Litigation Division assisted are the following:

- Jess Moore, former Chancery Clerk of Calhoun County, pled guilty to embezzlement and was ordered to pay restitution, resign from office and was sentenced to three years non-supervised probation. For FY 2012, payment of \$6,998.88 was received and returned to the appropriate deserving entity.
- Noreene Girard, former Chancery Clerk of Yazoo County, was issued a written formal demand in the amount of \$72,366.53 on February 26, 2009. For FY 2012, payment in the amount of \$72,366.53 was received from Girard's bond and settled to the appropriate deserving entity.

## CIVIL LITIGATION DIVISION CONTINUED

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- Terry Watkins, former Circuit Clerk of Lincoln County, was issued a formal written demand in the amount of \$98,083.58 on January 19, 2011. On February 14, 2011, Watkins was indicted by the District Attorney on fourteen counts of Embezzlement. On January 6, 2012, Watkins entered a plea of no contest to a misdemeanor of knowingly failing to deposit funds. For FY 2012, full payment was received from Ms. Watkins' bond and from PERS and will be settled to the appropriate entities.
- Shirley Smith, former Deputy Tax Collector in Jefferson County, pled guilty to embezzlement on June 15, 2009, and on February 14, 2011, was sentenced to four years in the custody of MDOC. A formal written demand in the amount of \$34,205.34 was issued on March 23, 2011. For FY 2012, payment in the amount of \$25,000 was received from Ms. Smith's bond and will be settled to the appropriate deserving entities.
- David Chandler, former County Administrator of Panola County, was issued a formal written demand in the amount of \$292,772.37 on January 4, 2011. For FY 2012, a negotiated payment in the amount of \$95,000.00 was received, leaving a balance of \$197,772.37. Chandler settled the remaining amount with the Public Employees Retirement System, and all overpayments by the County and Mr. Chandler will be repaid.
- Greg Davis, Mayor of Southaven, was issued a written formal demand in the amount of \$183,982.10 on November 2, 2011. The amount of the demand was reduced, and a second formal demand was issued on April 20, 2012, in the amount of \$73,915.27. For FY 2012, payment in the amount of \$96,000.00 was received from Davis, leaving a balance of \$73,915.27.
- Harold Cook, a Greene County Supervisor, was issued a formal written demand in the amount of \$6,385.66 May 23, 2011. For FY 2012, payment of \$6,385.66 was received from Cook's bond and returned to the appropriate entity.
- J. M. Crocker, a Greene County Supervisor, was issued a formal written demand in the amount of \$6,385.66 on May 23, 2011. For FY 2012, payment of \$6,385.66 was received from Crocker's bond and returned to the appropriate entity.
- William Hill, a Greene County Supervisor, was issued a formal written demand in the amount of \$6,385.66 on May 23, 2011. For FY 2012, payment of \$6,385.66 was received from Hill's bond and returned to the appropriate entity.
- Charles Todd Simpson, former band director at St. Martin High School in Jackson County, was issued a formal written demand in the amount of \$18,087.22 on December 8, 2010. Simpson pled guilty to embezzlement and was sentenced to 10 years in the custody of MDOC, with one year in the intensive supervision program. For FY 2012, payment in the amount of \$18,087.22 was received from the insurance policy and settled to the appropriate entities.

## CIVIL LITIGATION DIVISION CONTINUED

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### OTHER ACCOMPLISHMENTS

The Civil Litigation Division worked with the U.S. Attorneys, Offices of the Northern and Southern Districts of Mississippi to approve the Office of the State Auditor's Investigative Division's application to be a part of the Department of Justice's Asset Forfeiture Equitable Sharing Program. Through this Program, the Department of Justice distributes an equitable share of forfeited property and proceeds to participating state and local law enforcement agencies that directly participate in an investigation or prosecution resulting in a federal forfeiture.

They also worked with Office of the State Auditor to perform a cash count and worked with the Board of Supervisors of Clarke County to take corrective action when Circuit Clerk Beth Doggett Jordan failed to maintain the records of her office, including failure to disperse fines and restitution ordered by the Circuit Court. The Division assisted the Office of the State Auditor's Financial and Compliance Division with legal questions concerning audits and findings in audits, leading to the Office of the State Auditor taking exception to expenditures, which were returned directly to governmental entities. The division also assisted the Office of the State Auditor's Performance Audit Division with legal advice on many of its ongoing projects.



## CONSUMER PROTECTION DIVISION

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### ***2012 Consumer Protection Division Accomplishments:***

- *Responded to 72,152 phone calls placed to the division*
- *Collected \$33,654,990 in restitution*
- *Recovered \$13,648,299 in costs and fees*
- *Litigated 117 cases*
- *Opened 1,659 cases*
- *Opened 73 identity theft cases*
- *Opened seven home repair fraud cases*
- *Made seven identity theft arrests*
- *Made nine intellectual property crimes arrests*

The Consumer Protection Division was created in 1974 by Section 75-24-1, et seq., Miss. Code Ann. (1972). The Consumer Protection Act of 1994 amended and strengthened these provisions. The Division handles a wide range of complaints from citizens located throughout the State of Mississippi. These complaints include, but are not limited to, lottery and sweepstakes scams, new and used car sales, and various forms of consumer fraud. The Division fields thousands of calls and emails each year. The Division is charged with the investigation and prosecution of identity theft, home repair fraud, and intellectual property crimes. The Division promotes consumer awareness through participation in civic group functions, student lectures, law enforcement seminars and other types of presentations throughout the state, as well as providing public education brochures. Mediation of business complaints and investigation of deceptive business practices constitute a large part of the Division's activities. To carry out its mission, the Division is authorized to exercise various types of civil enforcement activities, including administrative subpoenas, cease and desist orders, assurances of voluntary compliance, injunctions and collection of civil penalties.

### **CONSUMER EDUCATION EFFORTS**

The Consumer Protection Division presented numerous speeches, presentations and exhibits across Mississippi in an effort to educate consumers regarding scams, identity theft, intellectual property theft crimes, automobile sales, home repair fraud and mortgage/foreclosure issues. Some of the events and locations included: Triad Senior Day at Camp Wesley Pines, Carthage Senior Citizens Day, Mississippi Center for Legal Services, Florence Villa Assisted Living, Mississippi College, and Raleigh Senior Citizens Day.

### **HIGHLIGHTS OF CONSUMER EDUCATIONAL EFFORTS**

#### **SHRED IT AND FORGET IT CAMPAIGN**

The Consumer Protection Division held its fifth annual "Shred-It and Forget-It" campaign March 9-10, 2012. The event promotes consumer awareness about identity theft. It was held in six locations statewide: Vicksburg, Meridian, Tupelo, Jackson, Hattiesburg and D'Iberville. Consumers brought personal documents for free shredding. A total of 1,369 consumers across the state protected their identity by shredding more than 50,460 pounds of paper. The Consumer Protection Division teamed up with Shred It, the Secretary of State's Office, the Better Business Bureau, Wal-Mart, The Home Depot, Bancorp South, CredAbility and other Mississippi consumer education partnership members to host this event.

## CONSUMER PROTECTION DIVISION CONTINUED

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Lines were long at this year's Consumer Protection Shred-it Day in Jackson, MS.

### MISSISSIPPI CRIME STOPPERS CONVENTION

Richie McCluskey, Consumer Protection Chief Investigator, conducted a two-hour seminar on the Top Ten Consumer Frauds during the Mississippi Crime Stoppers Convention in Biloxi, January 26, 2012. Approximately 200 Police Administrators and Crime Victim Coordinators attended.

### REAL WORLD PROGRAM

The Consumer Protection Division participated in Mississippi State University's "Real World Program". Real World is a financial literacy program which leaves lasting impressions on high school students as they get a taste of managing their finances in the "real world". The events take place at various high schools in Mississippi. Our office sends volunteers to help the students make informed choices about their responsibilities, purchases and living expenses.

### SIGNIFICANT LEGISLATION

**Senate Bill 2549:** During the 2012 legislative session, we were successful in obtaining revisions to our intellectual property laws that closing loopholes used by sellers of counterfeit merchandise to avoid prosecution. SB 2549 (Counterfeit goods) removed an exception in the law that prevented prosecution of a person who sold counterfeit goods as long as they revealed the goods were counterfeit. Additionally, SB 2549 made possession of counterfeit goods with the intent to vend/sell a crime.

## CONSUMER PROTECTION DIVISION CONTINUED

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### SIGNIFICANT MULTI-STATE ACTIONS

**Mortgage Settlement:** Mississippi joined the \$25 billion joint federal-state agreement with the nations' five largest mortgage servicers over foreclosure abuses and fraud, and unacceptable nationwide mortgage servicing practices. The settlement provided an estimated \$47 million in direct relief to Mississippi homeowners and implemented new standards for future mortgage loan servicing practices. Direct relief to Mississippians included: (1) an estimated \$13,192,086.61 in benefits for loan term modifications and other direct relief; (2) an estimated \$8,471,180.23 for borrowers who lost their homes to foreclosure from January 1, 2008 through December 31, 2011, and suffered servicing abuse; (3) an estimated \$11,284,170 for refinanced loans to Mississippi's underwater borrowers; and (4) a direct payment to the State in the amount of \$13,580,374 to be used at the discretion of the Attorney General. Of this amount, the Attorney General allocated \$7.7 million for the State General Fund. The remaining \$5.8 million was allocated for the creation of the Mississippi Foreclosure Prevention Consortium. The goal of the Consortium is to assist consumers struggling as a result of the foreclosure crisis.

**Skechers:** Mississippi participated in a multistate investigation in collaboration with the Federal Trade Commission (FTC) regarding Sketchers' advertisements that their Shape-ups, Tone-ups, and Sketcher Resistance Running shoes had certain alleged health benefits such as promoting weight loss, toning muscles, and improving circulation and posture. While the shoes have some functionality and may temporarily stimulate small muscles around the ankle, the FTC did not find sufficient evidence to support Sketchers' claims relating to weight loss, enhanced blood circulation and posture improvement. Consequently, on May 16, 2012, the states obtained a settlement agreement on behalf of misled consumers in the amount of \$5,000,000 to be paid to the multistate group, including \$84,562 to Mississippi.

**Mitsubishi:** This action arises from indictments of and admissions of guilt by members of a cartel to fix the price of dynamic random access memory (DRAM). DRAM stores information temporarily for quick access by a computer, printer or networking equipment. Various Mississippi customers including individual consumers, businesses, schools and government entities purchase products that contain DRAM. Mississippi participated in a multistate investigation that resulted in a settlement agreement on or around December 28, 2011. Settling Mitsubishi defendants will pay \$5,500,000 and up to an additional \$100,000 for administration claims plus any accrued interest on these payments.

**Quinstreet:** On June 26, 2012, several states including Mississippi, entered into an Assurance of Voluntary Compliance (AVC) with Quinstreet, Inc. Quinstreet is responsible for several websites which were both misleading and deceptive. These websites mislead consumers by listing certain educational institutions as "GI Bill Schools." This designation mislead consumers into believing that only educational institutions listed on Quinstreet's site were eligible for GI Bill Benefit.

## CONSUMER PROTECTION DIVISION CONTINUED

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### SIGNIFICANT INVESTIGATIONS/LITIGATION

**BP Oil Spill:** On February 18, 2011, the Mississippi Attorney General's Office (AGO) issued and served an Administrative Subpoena Duces Tecum on the Gulf Coast Claims Facility (GCCF). Personal service was made on Kenneth R. Feinberg, Claims Administrator. The subpoena was returnable on March 21, 2011; however, at the request of the GCCF, a thirty-day extension was granted, extending the return date to April 20, 2011.

Thereafter, a second extension was agreed, with the conditions that certain documents be produced immediately and an in-person meeting be scheduled. We received a limited amount of documents on May 18, 2011. We met with the GCCF on May 27, 2011 in Washington, D.C. Negotiations for complete document production failed, and on July 12, 2011, the AGO filed suit against the GCCF in the Chancery Court of Hinds County, Mississippi, to enforce compliance with the subpoena.

The GCCF removed the suit to federal court in August seeking to have the matter transferred to the MDL in Louisiana. The AGO's motion to remand the case to state court was granted on November 15, 2011. Following briefing by the parties and a hearing on the petition to enforce the subpoena, the chancery court issued an order on April 25, 2012, holding that the AGO's subpoena power under the Mississippi Consumer Protection Act was applicable to the GCCF. However, the court directed that limited discovery and an evidentiary hearing should be conducted to determine the exact scope of the subpoena in order to avoid a Fourth Amendment violation. The matter is currently pending.

**Pardons Case:** On his last day in office in January 2012, Governor Haley Barbour granted clemency to more than 200 criminals, including murderers, rapists, burglars and child molesters. Several of them were serving life sentences for murder.

This action was alarming. No governor in the modern era had granted so many pardons, and certainly none had done so in such a careless, hasty rush at the very end of a term. The Mississippi Constitution requires that before a pardon can be granted, the public must receive notice by publication in a newspaper for thirty days. Attorney General Hood discovered that for many of the Barbour pardons, this provision had been ignored. The public had not been informed, and the governor and his staff had even failed to inform themselves—for example, in one case a pardon was given to a man who was sitting in a jail cell awaiting arraignment for his fourth DUI, this one having caused the tragic death of a teenage girl. The Governor was unaware of this latest arrest, although proper publication or even a cursory investigation would have revealed it.

The Attorney General decided to contest the validity of the pardons for which inadequate notice was given. The matter was assigned to the Civil Litigation Division. But because of the sheer size of the case, and the fact that several of that division's attorneys were arguably conflicted out because of their prior representation of the Mississippi Department of Corrections (which had to be a named defendant to insure that relief could be had), several lawyers from other divisions were brought in. They included Bridgette Wiggins and Alec Kassoff from the Consumer Protection Division.

## CONSUMER PROTECTION DIVISION CONTINUED

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The Mississippi Attorney General's Office filed a complaint for a TRO and an injunction in the Circuit Court of Hinds County. The judge granted the TRO and set the matter for a hearing.

Before the hearing date, counsel for several of the pardonees petitioned the Mississippi Supreme Court for permission for an interlocutory appeal, which was granted. A hurried briefing schedule was ordered. AGO attorneys worked day and night to meet the abbreviated deadline while dealing with the myriad of constitutional law issues the case entailed. Extended oral argument was ordered, and Attorney General Hood stood before the court for 90 minutes, answering questions.

On March 8, 2012, the court handed down a six-to-three opinion, holding that the matter was not justiciable. The court said that publication is clearly required, but that only the governor may decide whether the requirement has been met.

The Attorney General filed a motion for rehearing, which was drafted primarily by Alec Kassoff of the Consumer Protection Division. The court denied the motion on May 17, 2012. As a result, Mississippi is the only state in which the Governor is the sole judge of compliance with the Constitution's procedural requirements for issuing pardons.

**Entergy:** Civil investigative demands (CID) were served on Entergy Corporation, Entergy Mississippi, Inc. and Entergy Services, Inc. (Entergy) as part of an investigation into rate increases and other business practices which the Attorney General has reason to believe violate the Consumer Protection Act. Entergy filed suit in federal court seeking declaratory and injunctive relief. In essence, Entergy requested that the federal court prevent the AGO from subpoenaing the requested documents. We then filed, in state court, a petition to enforce compliance with the CIDs. After extended briefing, we dismissed the action to enforce compliance with the CIDs and then filed a petition, in state court, for violations of the Consumer Protection Act. Entergy removed the case to federal court. We have filed a motion for remand and are currently awaiting a ruling.

**Pickwick Pines Resort:** The Mississippi Attorney General's Office has brought a complaint for damages, civil penalties and injunctive relief against a resort developer who failed to obtain certificated utility service (water and sewer) for the homeowners on the resort prior to selling them their property for construction. The complaint also addressed the developer's failure to comply with certain inducements to purchase, such as a promise that a homeowners association would dictate the yearly license (resort) fees paid by homeowners. This case is somewhat novel because there is no state law specifically applicable to "resorts." Discovery is ongoing. After a hearing in November, the chancellor ordered the defendant to produce certain documents, including tax returns and financial records. The defendant has failed to do so, and we plan to file a motion for contempt to compel production.

## CONSUMER PROTECTION DIVISION CONTINUED

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### IDENTITY THEFT

**Sheila Mills** pleaded guilty in Rankin County Circuit Court on October 10, 2012, to conspiracy to commit fraudulent use of identity. Mills met a Nigerian citizen online and assisted that person and others in stealing the identity of multiple American victims. The court sentenced her to five years supervised probation and ordered her to pay a \$1,000 fine, \$250 to the Attorney General's Investigative Fund, \$250 to the Attorney General's Crime Victims Compensation Fund, and \$12,900 in restitution. It also ordered the forfeiture of the computer equipment used in the crime.

**Dimples Robinson** pleaded guilty in the First Judicial District of Hinds County Circuit Court on December 14, 2011, to one count of identity theft. Robinson stole the identity of a woman with the same last name and used it to open many accounts. The court sentenced her to 15 years in prison with 10 years suspended, plus five years reporting probation and payment of \$102,100.60 in restitution.

### HOME REPAIR FRAUD

**Rusty Keenum**, in connection with a scheme to defraud customers of his used-car business, was charged with numerous counts of embezzlement. He pleaded guilty on September 26, 2011, in Harrison County Circuit Court, Second Judicial District, to two counts, with the remainder passed to the files. The court sentenced Keenum to six years in prison on each count, with the sentences to run concurrently, but with all time suspended on conditions. The sentence also included five years of reporting probation and payment of \$96,599 in restitution, plus costs. On May 21, 2012, his probation was revoked as a result of his being arrested on a felony false pretense charge by the Gulfport Police Department. He was ordered to serve his original six-year sentence.

**Samuel Mineo** pleaded guilty in the First Judicial District of the Harrison County Circuit Court on November 10, 2011, to false pretenses. The plea came after a three-day trial on multiple counts of home repair fraud. Mineo contracted with a victim of Hurricane Katrina to rebuild his home. The defendant claimed he was a licensed contractor, when in fact he was not — a violation of Mississippi's home repair fraud statute. Mineo was sentenced to five years suspended, three years of probation, and payment of \$87,500 in restitution.

**Benjamin White** was convicted in a jury trial in the County Court of Madison County of misdemeanor home repair fraud (under an old version of statute — today it would be a felony) on September 10, 2009. His sentence was six months in the Madison County Jail, with all but 15 days suspended with conditions. The court ordered payment of \$37,539.33 restitution, a \$1,000 fine, and costs. White appealed to circuit court, which affirmed the judgment. He then appealed to the Mississippi Supreme Court, which deflected the appeal to the Court of Appeals. After the Court of Appeals affirmed, the defendant filed a *petition for certiorari* in the Mississippi Supreme Court. The Supreme Court denied the petition on April 24, 2012. A motion to execute sentence in trial court was filed and was granted on June 21, 2012. The defendant reported to Madison County Jail June 22, 2012.

**Mackel Mason** entered a guilty plea to the crime of home-repair fraud for leaving a construction job without doing the work. He received 10 years suspended and five years probation and was ordered to pay \$24,800 in restitution.

## CONSUMER PROTECTION DIVISION CONTINUED

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### INTELLECTUAL PROPERTY CRIMES

**Terrell Curtis** pleaded guilty on March 7, 2012, to one felony count of sale of recordings without display of required information (i.e., selling counterfeit DVDs). The court sentenced him to three years in prison, suspended with conditions, and three years of supervised probation, as well as payment of a \$3,000 fine, \$1,000 to the Attorney General's Investigative Fund, and \$1,000 to the Attorney General's Victim Compensation Fund. The court also ordered forfeiture of numerous seized items.

**Jeffery Register** forged engineers' seals on construction plans for steel buildings he built in Harrison County. He pleaded guilty to two counts of felony forgery for forging engineers' seals on construction plans. He was sentenced to 10 years, suspended with conditions; three years supervised probation. He was ordered to pay a \$4,000 fine, \$2,000 to the Attorney General's Investigative Fund and \$1,000 to the Attorney General's Victim Compensation Fund.

**Charlotte Withrow** was charged with vending forged or counterfeit goods at the boutique she owned with her sister in Oxford. She plead to a bill of information charging the crime of false pretense and was sentenced to a five-year suspended sentence. The court also ordered a fine of \$5,000 and all associated court costs.

**Beverly Withrow** was also charged with vending forged or counterfeit goods at the boutique. She received the same sentence as her sister Charlotte (above).

### OPERATION KNOCK OUT KNOCK-OFFS CONTINUES

We continued our Operation Knock Out Knock-Offs initiative which began three years ago. In 2009, we created a statewide task force that focused on consumer and merchant education. During 2010, task force members participated in several regional trainings, as well as statewide trainings. In 2011, we created the Mississippi Intellectual Property (IP) Crime Center System, a computerized database for Mississippi law enforcement agencies. The dedicated website provides the general public with information on the dangers of counterfeiting, as well as allows for confidential reporting of suspected counterfeiting.

The website was launched on August 29, 2011. It provides the public with vital information in our fight against IP crimes. It also gives the public a way to provide tips to the Attorney General's Office. We also established the Mississippi Intellectual Property Crime Center database website for law enforcement. It gives members of the Mississippi Intellectual Property Theft Task Force the opportunity to share intellectual property case management information with other task force members. These websites are the first statewide intellectual property crime websites in the nation. The Office of the U.S. Intellectual Property Enforcement Coordinator for the President of the United States has given special recognition to the IP Crime Center for being one of the most advanced in the nation.

## **CONSUMER PROTECTION DIVISION CONTINUED**

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We finalized a summer 2012 media-awareness campaign. The awareness campaign featured an intellectual property public service announcement (PSA) that aired at select movie theaters across Mississippi beginning June 2012 and running 14 consecutive weeks. Also in 2012, we offered task force members reimbursement for overtime work on approved IP cases. In addition, we continued our efforts to educate the public and vendors by providing education materials via community events, flea markets, and festivals. Since 2009, the Consumer Protection Division has made 31 arrests, seizing over 45,000 counterfeit goods with an estimated value of over \$1.7 million dollars.

### **CONSUMER ASSISTANCE PROGRAM GRANT**

The Division continued its work under a grant titled the, “Consumer Assistance Program (CAP) Grant” that was awarded to help educate Mississippians on the new laws regarding health care. Under this CAP grant, the Division formed a consortium with two non-profit organizations, Mississippi Primary Health Care Association (MPHCA) and Mississippi Health Advocacy Program (MHAP), to provide assistance to consumers as they attempted to navigate their way through changes to the public and private health insurance systems. The program concluded on November 18, 2011.



## CRIME PREVENTION AND VICTIMS' SERVICES

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### *2012 Crime Prevention and Victim Services Division Accomplishments:*

- *Awarded \$3,511,592.57 through the Crime Victim Compensation Fund*
- *Awarded \$220,541.76 for Sexual Assault Forensic Examinations*
- *Provided 5,629 units of service to crime victims*
- *Provided direct services to 755 crime victims*
- *Trained 256 law enforcement officers through "MAG" Law Enforcement Training*

### YOUTH SERVICES

The Youth Services Division supports prevention efforts that reduce juvenile delinquency, truancy, exploitation, and child abuse and neglect, through collaboration with after-school programs, mentoring initiatives and other proactive youth endeavors. The Division partners with other state agencies, as well as nonprofit organizations, to expand and promote services for at-risk children. Through grants and existing public funds, the Division was able to provide opportunities for enhancement, training and technical assistance to community programs and other state agencies.

#### **THE OAKLEY YOUTH DEVELOPMENT CENTER GARDEN PROJECT**



The Oakley Youth Development Center Garden Project is funded through a grant from the Mississippi Department of Agriculture and Commerce. Through the garden project, juveniles detained at Oakley Youth Development Center are exposed to the benefits of healthy eating and healthy living. Youth learn the benefits of healthy eating and healthy living on their physical and psychological well-being through a facility-based hands-on process of selecting, planting, cultivating, growing and harvesting their own specialty crops. It is our hope that this project will serve as a model for other secure facilities throughout the state.

The project is a collaborative effort between the Office of the Attorney General, Mississippi Department of Human Services Division of Youth Services, Partnership for a Healthy Mississippi, Mississippi Department of Education, Mississippi Department of Agriculture and Commerce, Mississippi State Extension Services, Hinds County Sheriff's Office and other agencies.

Through the Garden Project, detained youth participate in healthy behavioral modification programs such as healthy eating programs and exercise programs. Since youth are involved in every aspect of the project, they unknowingly apply educational tools, such as, math, science, reading and astronomy in developing and maintaining the garden. This gives them a sense of ownership, which will benefit them when they return to their communities. They will also take with them valuable skills, which could lead to employment.

In the first year of the project, crops yielded enough food to feed 62 students a day for approximately 12 weeks. In addition, students were able to sell \$244.75 in excess crops to staff at the secured facility. The money was placed in a separate account to use towards supplies for the garden project in the coming year.

## **CRIME PREVENTION AND VICTIMS' SERVICES CONTINUED**

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### **SAVE THE CHILDREN**

On September 8, 2010, Attorney General Hood and Mark K. Shriver, Senior Vice-President of Save the Children's U. S. Programs, announced the addition of the Save the Children literacy program at Houlika Attendance Center. Save the Children is the leading independent organization creating lasting change in the lives of children in need in the United States and around the world. Recognized for their commitment to accountability, innovation and collaboration, their work takes them into the heart of communities, where they help children and families help themselves.

Houlika Attendance Center is showing tremendous growth in meeting literacy performance goals. Students are reading an average of 6.42 books each, with 94.85% passing their book quizzes.

Save the Children's literacy program provides children in kindergarten through eighth grade with the opportunity to increase their reading achievement by supplying the tools they need to develop reading skills and the guidance and support they need to grow as readers. The hallmark of their literacy initiative is the Literacy Block, which consists of an hour of activities that support increased reading achievement including guided independent reading practice, fluency-building support and listening to books read aloud.

To provide additional reading support, staff members work with select groups of struggling readers during the school day to provide tutorials in phonics, sight word growth, and comprehension and vocabulary enhancement. Student progress has been notably improved in the program.

### **CAL RIPKEN, SR. FOUNDATION – BADGES FOR BASEBALL PROGRAM**

The Badges for Baseball Program is a community crime prevention initiative that utilizes law enforcement officials as mentors. The Attorney General's Office began its long-term relationship with the Cal Ripken, Sr. Foundation in 2008 when it implemented the Badges for Baseball Program in Boys and Girls Clubs across the state. Locations participating in the program include Tunica, Batesville, Rosedale, Oxford, Cleveland, Grenada, Indianola, Greenville, Philadelphia, Drew, Itta Bena, Kosciusko, Yazoo City, Clinton, Jackson, Meridian, Laurel, McComb, Gulfport, and Houston.

The mission of the Cal Ripken, Sr. Foundation is to reach young people in disadvantaged communities throughout America and teach them to learn and practice the skills needed to be healthy, happy and successful in life. Kids learn the value of a healthy lifestyle, the importance of setting goals, and how to achieve these goals by staying in school, not joining gangs and staying away from drugs. In addition, children and their families begin to see their local law enforcement as an agent for positive change and safety. Most importantly, law enforcement officers and young people have fun together and develop a mutual respect for each other and their community.

### **MISSISSIPPI NATIONAL GUARD/ THE JASON FOUNDATION - GUARD YOUR BUDDY PROGRAM**

On June 26, 2012, Attorney General Jim Hood, representatives from the Jason Foundation and the Mississippi National Guard met to discuss the community driven communication and engagement platform that brings all Guard members, particularly the at-risk Guard members, in contact with on-demand resources and support with the main goal of preventing suicide.

The Guard Your Buddy Program helps provide tools and resources for Guard members, a battle buddy or their family member with a suicidal ideation. Through the program, professional help is available 24/7.

## CRIME PREVENTION AND VICTIMS' SERVICES CONTINUED

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### ANTI-BULLYING AWARENESS AND TRAINING

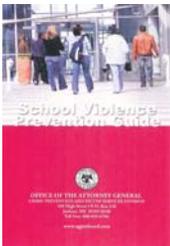
The educational website, [www.fearstopshere.com](http://www.fearstopshere.com), continues to be updated as additional resource materials are made available. The website serves as a resource page with designated resources for students, parents and teachers.

An expanded statewide ad campaign to raise awareness of the problem of bullying was made available through funding from the Mississippi Department of Public Safety Planning. During August and September 2011, the "Fear Stops Here" public service announcement was aired on all cable networks that targeted adolescents and teens.

The more than 125 participants from school districts across the state who were certified as trainers during the Bully Free Program training provided by Dr. Allan Beane continue to have access to more than 600 lesson plans focused on alleviating bullying in schools and communities. Dr. Allan Beane is an internationally recognized expert, speaker and author on bullying. His Bully Free Program has been adopted by schools and districts throughout the United States.

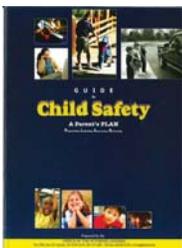
### SCHOOL SAFETY RESOURCES

There are publications such as the ones identified below that are available on the Mississippi Office of the Attorney General website ([www.agjimhood.com](http://www.agjimhood.com)). These publications serve as resource materials to equip parents, teachers and administrators with the tools needed to protect children in communities and schools. The website also has other publications that are valuable to the protection of children and adults.



#### SCHOOL VIOLENCE PREVENTION GUIDE

This school violence prevention guide is designed to help teachers identify the warning signs of a potentially violent child and to help school administrators establish a protocol for students and teachers to report these signs before a violent act occurs.



#### A PARENT'S PLAN TO CHILD SAFETY

Vital factors in ensuring child safety are Preparation, Listening, Awareness and Nurturing Plan. Because dangerous situations are real in a child's world, parents must use every measure available to protect their children. Unfortunately, parents cannot be with their child at all times, so this PLAN provides parents with some indicators of predatory behavior, steps to implement, precautionary guidelines to follow and some basic safety skills for children.



### MISSISSIPPI YOUTH VIOLENCE AND SCHOOL SAFETY INITIATIVE

This publication looks at steps taken to ensure safe academic settings for children to learn in and the steps taken to deter youth violence.

### THE ANNIE E. CASEY FOUNDATION - JUVENILE DETENTION ALTERNATIVE INITIATIVE (JDAI)

The Juvenile Detention Alternatives Initiative (JDAI) is a process, not a conventional program. The goal of JDAI is to make sure that locked detention is used only when necessary. In pursuing that goal, JDAI restructures the surrounding systems to create improvements that reach far beyond detention alone. To achieve reductions in detention populations, the JDAI model developed a series of strategies, which include collaboration, use of accurate data, objective admissions screening, alternatives to detention, expedited case processing, improved handling of “special cases,” reduced racial disparities and improved conditions of confinement.

The Annie E. Casey Foundation supports JDAI by providing a network of technical assistance providers and trainings that include, but are not limited to, the development of a detention risk assessment instrument, enhancing data capacity and reporting, detention inspection standards for improving conditions of confinement and strategies for improving system outcomes for youth of color. After more than a decade of innovation and replication, JDAI is one of the nation’s most effective, influential and widespread juvenile initiatives for justice system reform.

The JDAI is being replicated in Adams County, Leflore County, Rankin County and Washington County. On February 27, 2012, Harrison County began its process to become the 5th JDAI site in Mississippi. The Harrison County Youth Court held its Stakeholders Meeting on February 27, 2012, with more than 30 community representatives present. The System Assessment Interviews were conducted by AECF Technical Assistance/Team Leader (TA/TL), Orlando Martinez, Patricia Marshall and Gloria Salters of the Attorney General’s Office. The official JDAI Kick Off was held July 13, 2012, with key stakeholders present. In addition, newspaper and television media was in attendance to support the efforts of the Harrison County Youth Court.

On January 27, 2012, the Attorney General’s Office was awarded a \$12,000 grant from the AECF to begin work in supporting state scale replication of JDAI in Mississippi.

The Annie E. Casey Foundation recognizes that effective and influential leaders – committed to juvenile detention reform as a means to achieving significant system reform in juvenile justice – are needed to accelerate the achievement of results in the field. Consequently, it established the JDAI Applied Leadership Network. The Foundation hopes the program will “grow” highly skilled, visionary leaders working to strengthen and transform the juvenile justice system. Washington county youth court Judge Vernita King Johnson and county Public Defender Errick Simmons graduated as members of the 2010–2011 JDAI’s Applied Leadership Network Class. It was an honor for the two to be selected by the Annie E. Casey Foundation to participate in the rigorous leadership training. Their training will greatly benefit the juvenile reform efforts in Washington County and across the state.

## **CRIME PREVENTION AND VICTIMS' SERVICES CONTINUED**

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Other work of the Youth Services Division includes collaboration on the following:

- Mississippi College School of Law, Child Advocacy Program Advisory Board
- Mississippi KIDS COUNT Program Advisory Board
- Prevent Child Abuse Mississippi
- National Association of Attorneys General Youth Access to Alcohol Task Force
- Department of Mental Health Children's Services Task Force
- Commission on Children's Justice
- Child Death Review Board
- MDHS State Level Case Review Team
- MDHS Citizen Review Board
- Mississippi Youth Transitional Advisory Council
- State Drug Court Advisory Committee
- Mississippi Commission on the Status of Women
- Southern Christian Services for Children and Youth, Inc., Lookin' to the Future Conference Committee
- National Association of Attorneys General Task Force on School Safety
- Mississippi Youth Suicide Prevention Council
- Mississippians Advocating Against Underage Drinking (MAAUD) Task Force
- Children's Justice Center Advisory Council
- Interagency Coordinating Council for Children and Youth
- Interagency System of Care Council
- Training provided for Youth Court Judges and Referees, Prosecutors, Guardians Ad Litem, Attorneys, Social Workers, Educators, Law Enforcement and others

### **CRIME VICTIM COMPENSATION**

The Crime Victim Compensation Division provides financial assistance and support services to victims of crime and their family members. The goal of the Division is to relieve the hardships of victims and to assist in their recovery whenever possible. We are able to accomplish this goal through several program activities including, but not limited to, financial assistance, victim services, promoting and providing information on the Miss. Crime Victims' Bill of Rights, outreach and public awareness and strong collaborations and partnerships with local, state and federal agencies. The Division operates without tax dollars. Revenue is derived from fees/fines imposed on criminals, court-ordered restitution, reimbursement through subrogation rights, donations and federal grants.

### **VICTIM COMPENSATION PROGRAM**

The financial burden of crime is reduced by reimbursing victims for their crime-related injury expenses not covered by any other source of benefits. Compensation may be awarded to the victim, the dependents of a deceased victim, survivors or a person authorized to act on behalf of the victim and/or surviving dependent. Benefits are awarded for medical care, rehabilitation, counseling services, work loss, loss of support for dependents of homicide victims, domestic violence relocation and temporary housing assistance, court-related travel, repair and replacement costs, crime scene cleanup and funeral expenses. During FY 2012, the Division received a total of 1,178 claim applications, awarded \$3,511,592.57 in financial assistance and paid out an average of \$5,636.59 per claim.

The Division received a \$1,889,000 Victims of Crime Act (VOCA) Victim Compensation federal grant from the U.S. Department of Justice, Office for Victims of Crime.

## **CRIME PREVENTION AND VICTIMS' SERVICES CONTINUED**

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### **SEXUAL ASSAULT MEDICAL FORENSIC EXAM PAYMENT PROGRAM**

From July 1, 2011, through June 30, 2012, the Division paid a total of \$220,541.76 to medical providers for costs of 336 Sexual Assault Medical Forensic Examinations; an average of \$656.37 was paid per exam. By law, the victim should not receive the bill for the exam nor should the victim be held responsible for payment.

### **VICTIM ASSISTANCE PROGRAM**

The Victim Assistance Program is committed to providing the most up-to-date resources and information and to creating a better understanding of the criminal justice system for all crime victims and survivors. This program serves as the single point of contact for crime victims, provides crisis intervention, assists with completion of financial aid applications, connects victims to support groups and other related services, educates law enforcement and victim service providers on victim rights and services and assists victims with invoking their rights and obtaining case and offender status. The Victim Assistance Program emphasizes providing assistance to individuals who live in rural areas where local victim services are not available.

Additionally, victim advocates aid victims in their recovery by lending emotional support, providing crisis intervention, assisting with supplying written documentation to criminal justice officials regarding the impact of the crime, requesting court-ordered restitution, and guiding victims and survivors through the criminal justice system.

Advocates are responsible for assisting the Mississippi Attorney General's Criminal Litigation Division by providing victims and/or survivors whose cases are pending appeal with weekly updates from the Mississippi Supreme Court and the Mississippi Court of Appeals. Court accompaniment for oral arguments before the Supreme Court and Court of Appeals is provided upon request. Advocates also assist the Attorney General's Medicaid Fraud Control Unit, Vulnerable Persons Unit, Cyber Crime Unit and the Public Integrity Division.

This fiscal period, the Victim Assistance Program assisted 755 victims of violent and non-violent crimes. Approximately 5,629 units of service were provided, including referrals, support, advocacy and information on the Crime Victim Compensation Division and the Crime Victims' Bill of Rights.

Advocates continue to provide year-round support and technical assistance to victim service providers, law enforcement and criminal justice officials. Updated victim resource directories are routinely distributed statewide to all Victim Assistance Coordinators and victim service providers. In addition, victim advocates collaborate extensively with the Mississippi Coalition for Survivors of Homicide, Mississippi Coalition Against Sexual Assault and Mississippi Coalition Against Domestic Violence.

The Division maintains a victim service provider network to assist in the exchange of information between victim service providers. This includes information on awareness events, training opportunities, requests for assistance on various issues, available grants and legislative action regarding victim issues.

## **CRIME PREVENTION AND VICTIMS' SERVICES CONTINUED**

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### **ADDRESS CONFIDENTIALITY PROGRAM**

The Address Confidentiality Program assists Mississippi residents who are attempting to escape from actual or threatened domestic violence, sexual assault or stalking by establishing a confidential address to prevent their assailants or probable assailants from finding the victim's location. Program participation allows the Division to act as the legal agent for the participant and gives the Division the authority to accept service of process on behalf of the participant. The Address Confidentiality Program helps victims keep their location confidential by providing them with a substitute address and a mail forwarding service for use when interacting with state and local agencies. All legal documents, first class, registered and certified mail are routed from the Division to the victim's new, confidential location. By law, the addresses of those enrolled in the Address Confidentiality Program are exempt from the Mississippi Public Records Act.

### **OUTREACH, PUBLIC AWARENESS, AND COMMUNITY INVOLVEMENT**

Training continues to be an ongoing and integral component of the Division. Staff conducted a total of 31 trainings and awareness events. Those trainings and/or events included, but are not limited to Internet Crimes Against Children meetings, Mississippi Prosecutor's Association Training, Mississippi College Social Work workshop, 911 Annual Dispatcher Conference, Millsap/Belhaven Campus Security workshop, FBI Civil Rights working group, Sexual Assault Nurse Examiner (SANE) Trainings through the Mississippi Coalition Against Sexual Assault and Youth Leadership Conference.

The Division continues to co-host and/or participate in Annual Crime Victims' Rights Week Events; Walk-A-Mile-In-Her-Shoes; the annual retreat for homicide survivors, A Beacon of Hope; and the Annual Tree Lighting Ceremony. During these events, individuals from across the state come together to honor and pay tribute to victims of violent crime, to bring awareness to the needs of and services for crime victims, to promote the Crime Victims' Bill of Rights, and to recognize the many individuals who provide needed services and assistance to victims and survivors alike.

### **SPECIAL PROJECTS**

#### **MISSISSIPPI ATTORNEY GENERAL (MAG) CERTIFIED LAW ENFORCEMENT TRAINING**

The Division continues to partner with the Office on Law Enforcement, Emergency Telecommunications and Detention Officer Standards and Training to offer statewide Mississippi Attorney General (MAG) Certified Law Enforcement Training. MAG training provides law enforcement officers who are required to receive certified continuing education with four opportunities to receive training in various locations across the state. During FY 2012, these trainings took place in Gulfport, Brandon and Pascagoula. As a result of this partnership, approximately 256 individual officers were trained.

Experienced advocates, attorneys, medical personnel and investigators provided lectures and/or workshops on topics specifically related to law enforcement, including, but not limited to, Investigative Tools for Law Enforcement and First Responders; Signs and Symptoms of Strangulation; Sexual Assault Evidence Collection Process; Drug Facilitated Sexual Assault; Effective Responses to Victims of Sexual Assault; Responding to, Investigating and Prosecuting Sexual Assault Cases; Crime Victims' Bill of Rights; Mississippi Attorney General's Crime Victim Compensation and Victim Services Programs; and Legislative Updates.

## CRIME PREVENTION AND VICTIMS' SERVICES CONTINUED

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Training evaluations reflected numerous positive responses some of which were:

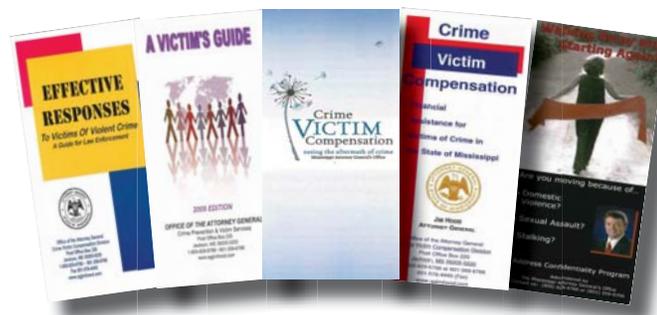
- “Good info on practicing certain interviewing skills when dealing with victims and suspects on sexual assault cases.”
- “Enjoyed the training and it was very helpful to my law enforcement career.”
- “Good class of information to take back to the department to use.”
- “I really enjoyed the workshop, and I learned a lot.”
- “Well organized and very timely. Information was good and well presented.”
- “Very good class and great instructors. Thanks for their time in teaching us. Really appreciate it.”

### VICTIM COMPENSATION RESPONSE FORM

As a way to assist the Division in on-going efforts to continually enhance program effectiveness, participants awarded compensation benefits were sent a Victim Compensation Response Form.

These response forms reflected numerous positive remarks including, but not limited to, the following:

- “I wish to thank you for the offering of help. It is a true blessing and has come at the perfect time.”
- “This is a great program, and it helps the families and victims.”
- “I would like to thank you for being so kind in my time of need. May God Bless you all. Thank you.”
- “Very pleased with the friendliness and services offered during a difficult time. Everyone I have talked to has made this process less stressful.”
- “As a victim, I had no idea this program existed. With the substantial bills incurred, I didn’t know what to do. I thank God for you! May God continue to Bless you all to help people like me.”
- “Words cannot express how thankful we are for your organization.”
- “Losing a child is very hard. It’s a day-to-day process. I would like to thank the Victim Compensation program for all the financial and emotional support. Thanks so much.”



**The Crime Prevention and Victim Services division provides Mississippians many different resources like the ones shown above to help promote crime prevention measures for the safety of the state’s citizens and provide services for the victims of crimes.**

## CRIMINAL LITIGATION DIVISION

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### ***2012 Criminal Litigation Division Accomplishments:***

#### ***Appellate Section***

- *Filed 279 briefs, 49 motions and responses in the Miss. Supreme Court & Court of Appeals*
- *Won 90% of criminal cases filed*
- *Processed 106 extraditions*

#### ***Federal Habeas Corpus Section***

- *Filed 248 answers, briefs, motions, and responses in the U.S. District Courts of MS*
- *Obtained favorable results in 86.9% of cases litigated*

#### ***Death Penalty Section***

- *Successfully concluded six death penalty cases*
- *Filed 60 briefs, responses, and motions in the Miss. Supreme Court, state trial courts, federal district courts, the U.S. Court of Appeals for the Fifth Circuit*
- *Presented six arguments, evidentiary hearings or trials in federal or state courts*
- *Obtained favorable results in 90% of decisions*

The Criminal Division is comprised 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 briefs filed by Criminal Division attorneys are carefully researched and precisely argued to ensure that lawful convictions and sentences are upheld by the courts.

The Criminal Division is divided into three sections: the Appellate Section, the Death Penalty Section and the Federal Habeas Corpus Section. The attorneys in all three sections provide advice and research resources to fellow prosecutors, law enforcement officers, and other public officials, as well as answer general information questions from the public on criminal matters. These attorneys also provide instruction at the Mississippi Law Enforcement Training Academy and at various seminars and conferences for public officials throughout the State of Mississippi.

### **APPELLATE SECTION**

Appellate Section attorneys represent the state in all non-death penalty criminal appeals and other criminal proceedings in the Miss. Supreme Court, the Miss. Court of Appeals, and the Supreme Court of the United States. This section is also responsible for reviewing all extraditions in which Mississippi is either the asylum or the demanding state.

During FY 2012, among other various matters, attorneys in the Appellate Section filed 279 briefs, as well as 49 motions and responses in the Miss. Supreme Court and the Miss. Court of Appeals, winning approximately 90 percent of the criminal cases disposed of by the Supreme Court and Court of Appeals. This section also processed 106 extraditions.

## CRIMINAL LITIGATION DIVISION CONTINUED

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### SIGNIFICANT CASES IN FY 2012

The Supreme Court reinstated **Justin David Shaffer's** conviction of child exploitation after the Court of Appeals had affirmed his conviction as an attempt. The principal issue in the case was whether an accused could be guilty of exploitation where the person he communicated with was actually an adult and not a child.

The Court of Appeals affirmed **Dominic Gebben's** conviction for culpable negligence manslaughter and fleeing the scene of an accident. Gebben drove around a stopped school bus and struck and killed five-year old Nathan Key and then fled the scene.

The Court of Appeals affirmed **Randell White's** and **Cherrelle Jones'** conviction for felony neglect of their infant daughter

**Jeffrey Kleckner's** convictions in Lafayette County on three counts of sexual battery and one count of gratification of lust were affirmed by the Court of Appeals. He received three concurrent life sentences and a 15-year sentence to be served consecutively with the life sentences.

The Supreme Court affirmed **Shawn States'** convictions on two counts of capital murder committed while in the commission of armed robbery. States robbed and murdered two Jackson residents and then fled to Florida.

The Court of Appeals affirmed **Randy Johnson's** convictions of murder, four counts of aggravated assault and shooting into an occupied dwelling. Johnson aided and abetted a shooting at a Memorial Day barbeque on Man-ship Street in Jackson.

The Court of Appeals affirmed **James Pugh's** convictions of capital murder, aggravated assault and third degree arson. Pugh drove the victims from New Orleans to Pascagoula. The victims were shot and the vehicle they were driven in was set afire.

## CRIMINAL LITIGATION DIVISION CONTINUED

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### DEATH PENALTY SECTION

The attorneys in the Death Penalty Section of the Criminal Division represent the State of Mississippi in all courts in defending judgments entered in cases in which the death penalty has been imposed. The attorneys in this section are also called upon to handle post-conviction evidentiary hearings in state circuit courts in death penalty cases.

### SIGNIFICANT CASES IN FY 2012

During FY 2012, among other various matters, the attorneys in the Death Penalty section litigated to conclusion the death penalty cases involving **Edwin Hart Turner, Larry Matthew Puckett, William J. Mitchell, Henry Curtis Jackson, Jan Michael Brawner** and **Gary Carl Simmons** and the executions in these six cases were carried out. Turner's case involved two murders committed in the course of armed robbery. Puckett's case involved murder committed in the course of a sexual battery. Mitchell's conviction was for the capital murder of a store clerk in Biloxi. Jackson was convicted for the stabbing deaths of four nieces and nephews. Brawner was convicted of capital murder for the deaths of his daughter, ex-wife and his ex-wife's parents. Simmons was convicted of capital murder for the murder and dismemberment of Jeffrey Wolfe

The members of the section also participated in one post-conviction evidentiary hearing involving a mental competency issue concerning Joseph Bishop Goff. The members also had one argument in the U.S. Circuit Court of Appeals for the Fifth Circuit in the Willie Jerome Manning case, and four other hearings in state and federal district court. They filed four direct appeals briefs, two briefs in opposition to *certiorari*, nine motions or responses in state post-conviction relief cases, eight responses or motions in federal habeas proceedings, 10 briefs or motions in the U.S. Fifth Circuit, four responses to motions for stays of execution in the U.S. Supreme Court, as well as a number of miscellaneous responses and briefs in opposition to *certiorari* from denial of relief on successive motions in post-conviction relief.

### FEDERAL HABEAS CORPUS SECTION

The attorneys in the Federal Corpus Habeas Section of the Criminal Division represent the State of Mississippi in non-death penalty habeas corpus proceedings in all federal courts. During FY 2012, the attorneys in the Section filed 248 answers, briefs, motions and responses in the U.S. District Courts for the Southern and Northern Districts of Mississippi and in the U.S. Court of Appeals for the Fifth Circuit.

## CRIMINAL LITIGATION DIVISION CONTINUED

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### SIGNIFICANT CASES IN FISCAL YEAR 2012

**Kirby Tate-** The U.S. Fifth Circuit upheld the district court application of time bar.

**Billy A. McCamey-** The U.S. Fifth Circuit reversed the district court on our appeal from the district court.

**Rommel Amos-** The U.S. District Court affirmed in denying habeas relief.

**Edgar Ray Killen v. Epps-** The U.S. District Court denied habeas relief to Edgar Ray Killen.

**Michael and Marie Salts-** Habeas relief granted in U.S. District Court and affirmed on appeal.

**Derrick Brown v. Epps-** The U.S. District Court's grant of habeas relief reversed by the U.S. Fifth Circuit.

## DOMESTIC VIOLENCE DIVISION

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### *2012 Domestic Violence Division Accomplishments:*

- *Trained 1,200 officers on Mississippi domestic violence and stalking laws*
- *Trained over 30 nurses in the effective care of sexual assault victims*
- *Trained over 500 municipal justice, county and chancery court clerks*
- *Provided direct advocacy and information to 170 male and female victims of domestic violence, sexual assault or stalking*
- *Trained over 200 law enforcement, advocates and community members on issues related to human trafficking*

The Domestic Violence Division of the Attorney General's Office continues to make great strides in improving the response of Mississippi's legal system to victims of domestic violence, stalking and sexual assault, as well as raising the awareness of and spearheading Mississippi's response to the crime of human trafficking. The following is a summary of the activities performed by the Division during the period from July 1, 2011, through June 30, 2012.

### **ONGOING LAW ENFORCEMENT TRAINING**

Throughout the year, the Division performed training workshops with local law enforcement agencies around the state. These training workshops are held around the state of Mississippi to better enable local law enforcement to attend and are provided free of charge. In addition to this training, staff of the Division provide training to many of the law enforcement academies around the State, including teaching new recruit, refresher and investigator classes on domestic violence and stalking at the Mississippi Law Enforcement Officer Training Academy. The Division works with other law enforcement academies in Mississippi, including the Southern Regional Public Safety Institute and the Mississippi Delta Law Enforcement Academy, and a number of reserve office academies, including those in Hinds, Rankin and Simpson Counties. The Domestic Violence Division trained over 1,200 law enforcement officers and dispatchers on various aspects of Mississippi law.

### **SEXUAL ASSAULT NURSE EXAMINER (SANE)**

The Domestic Violence Division continues to work closely with the MS Coalition Against Sexual Assault in its efforts to educate medical care providers in assisting victims of sexual assault and prosecutors in presenting effective cases. The Division is an active participant in the Sexual Assault Nurse Examiner (SANE) program and during the period in question, assisted in training 35 nurses.

### **COURT CLERKS AND JUDGES**

Division staff has been active in assisting the judicial system and providing guidance on domestic violence laws related to the protection order process. Division staff members are regular presenters at annual judicial and court clerk conferences or association meetings, having the opportunity to train over 500 court personnel at such conferences or association meetings. Division staff has also conducted regional training sessions for court clerks on the Uniform Domestic Violence Offense Report and the Mississippi Protection Order Registry. The Division was also able to assist the Mississippi Judicial College in bringing national speakers to address the trial and appellate judges on the topic of strangulation.

## DOMESTIC VIOLENCE DIVISION CONTINUED

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### ADVOCACY

Within the Domestic Violence Division, a victim advocate is designated to solely respond to inquiries related to domestic violence, stalking and sexual assault. During FY 2012, the Domestic Violence Victim Advocate provided direct advocacy or referrals and information to 170 male and female victims of domestic abuse, sexual assault or stalking.

### PROSECUTORS

The Domestic Violence Division has on staff the state's Violence Against Women Resource Prosecutor, who works closely with prosecutors around the state to help facilitate the prosecution of domestic violence offenders. Division staff are regular presenters at the semi-annual training conferences organized by the Mississippi Prosecutor's Association and the Attorney General's Prosecutor Training Division. In the fall, Division staff presented a session addressing the use of the Uniform Offense Report and Mississippi Protection Order Registry to prosecutors in attendance. In the Spring, Division staff presented a session addressing Mississippi Human Trafficking laws. Additionally, the Domestic Violence Division, in cooperation with the National Association of Attorneys General, hosted a two-day intensive training seminar on effective prosecution of human trafficking offenses. Over 300 Mississippi prosecutors received training from the Division.

### OTHER INITIATIVES

In addition to the training outlined above, the Division has also been instrumental in the implementation of the Statewide Uniform Domestic Violence Offense Report, which is a web-based reporting system for all domestic violence and stalking offenses, designed to better enable law enforcement, prosecutors and judges to track offenders and their domestic violence history. The creation of the Mississippi Protection Order Registry is another achievement of the Division. These two programs will, for the first time, offer Mississippi law enforcement and courts access to domestic violence records from the entire state, better improving officer safety, victim safety and streamlining judicial processes. Other activities of the Division involved researching and making recommendations to the Legislature for improvements to the laws related to domestic violence and human trafficking, and assisted various other agencies in hosting Mississippi's first statewide conference on the topic of human trafficking.



The Attorney General's Office sponsored and participated in the Walk-A-Mile-in-Her Shoes event on April 11, 2012, to bring awareness to the issue of sexual assault.

## MEDICAID FRAUD

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### *2012 Medicaid Fraud Division Accomplishments:*

- *Recovered \$3,623,765 in restitution and civil penalties*
- *Indicted 56 individuals*
- *Received over 2,335 complaints of abuse, neglect or exploitation*
- *Convicted 65 individuals*
- *Provided 59 educational programs for health care faculty staff, civic clubs, health care associations, and others*
- *Achieved 100% conviction rate for Medicaid Fraud*
- *Achieved 95% conviction rate for Medicaid Abuse, an increase of three percent this year*

The Medicaid Fraud Control Unit (MFCU) of the Mississippi Attorney General's Office has a two-fold mission: prosecuting Medicaid fraud committed by medical providers and prosecuting and/or assisting in the prosecution of the neglect, abuse and exploitation of vulnerable adults who are patients or residents in health care facilities. MFCU negotiated settlements with numerous providers whose misconduct (e.g., erroneous billing, etc.) had not risen to the level of criminal fraud, but which justified payment of restitution, civil penalties and/or investigative costs. MFCU recovered \$3,623,765 in restitution and civil penalties from Medicaid providers through investigations and participation in global (multi-state) litigation.

MFCU received numerous allegations of provider fraud and opened several cases for criminal investigation. As a result of the MFCU investigation and prosecution, 56 individuals were indicted during FY 2012. Over 2,330 complaints of abuse, neglect or exploitation in health care facilities were received by the MFCU. The unit reviewed and processed each complaint and obtained convictions of 65 individuals.

In addition to the criminal prosecution and civil litigation, the MFCU provided 59 educational programs for health care facility staff, civic clubs, professional organizations, educational institutions, planning and development districts, law enforcement agencies and health care associations. With a total of 15 investigators assigned to the MFCU, the unit investigates allegations of neglect, abuse and exploitation of vulnerable adults and provider fraud throughout the State of Mississippi. The MFCU investigators continue to assist local law enforcement agencies and local prosecutors in the peculiarities of prosecuting elder abuse. The state is still faced with an expansion of ever-evolving financial crimes against the elderly. The MFCU working with local law enforcement and federal agencies to address abuse, neglect and fraud.

## **OPINIONS AND LOCAL GOVERNMENT**

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The Opinions and Local Government Division discharges one of the Attorney General's primary statutory duties, i.e., issuing legal opinions of the Office to state and local officials, boards, agencies and their attorneys. The Attorney General is the official Statutory Advisor to the Legislature. This division also reviews legislation that will potentially impact voting procedures or office holders in the state, submitting the same to the U.S. Justice Department and provides training and legal assistance to local officials.

In FY 2012, we issued over 540 official opinions. Of these, more than 76 percent were issued within 30 days after the request was received. As always, the great majority of these opinions were issued to local governments. These opinions dealt with every facet of government, including purchasing, personnel, taxing, budgeting, contracts, insurance, retirement, elections, separation of powers, solid waste, garbage, gaming, constitutional issues and many more. Seven opinions were issued to Legislators.

### **SUPPORT TO STATE AND LOCAL OFFICIALS**

The Opinions and Local Government Division is a primary source of support to public officials, public employees and the attorneys who represent them through training as well as direct advice. This section spent approximately 5,800 hours giving general advice by telephone or email during FY 2012. Over 350 hours were spent in preparing and conducting seminars and programs across the state for local officials and their attorneys.

The Opinions Division provides year-round support to the Legislature and legislative staff, as well as to all agencies of state government. This support is manifested both in direct advice to agency officials and in assistance to other Attorney General lawyers directly assigned to the agencies. Attorneys in this division also serve as hearing officers for state agencies.

### **ELECTIONS AND THE VOTING RIGHTS ACT**

This office handles all questions and submissions pertaining to the Voting Rights Act of 1965. A total of 23 submissions for administrative review by the U.S. Department of Justice were made in 2012. None had been approved as of August 2, 2012.

The Attorney General's Office participates in training sessions for election officials throughout the state. Training is conducted for circuit clerks, election commissioners and party executive committee members.

### **OPEN MEETINGS AND PUBLIC RECORDS**

This Division helps public officials understand and comply with the open meetings and public records laws through continuing education programs, by responding to telephone inquiries from state and local officials as well as from members of the public and by working closely with the Mississippi Ethics Commission.

## PROSECUTOR TRAINING

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### ***2012 Prosecutor Training Division Accomplishments:***

- *Provided training to 1,204 law enforcement officers and over 750 prosecutors*
- *Assisted with seven criminal investigations that resulted in 55 arrests, 25 convictions and five indictments*

The Prosecutors Training Division of the Attorney General's Office, in conjunction with the Mississippi Prosecutors Association, identifies, develops and implements training and resource programs for prosecutors within the State of Mississippi and their supporting personnel. In addition, this division monitors criminal law as it develops in our state legislature and alerts District Attorneys, City and County Attorneys, Youth Court Prosecutors and Assistant Attorneys General regarding criminal justice legislation.

Under the direction of Attorney General Jim Hood, and the Mississippi Prosecutors Association, the curriculum and the number of classes have continued to expand immensely. Prosecutors Training offers two major statewide conferences every year for all prosecutors, with specialized training in up to six concurrent tracks. Each breakout track allows training sessions to target specific groups of prosecutors, i.e., youth court prosecutors, and often, narrowly tailored curriculum such as Capital Litigation Training. Beyond prosecutors, we offer training for investigators, victims assistance coordinators, worthless check and pre-trial diversion units. Throughout the year, our Division offers smaller conferences such as a municipal prosecutor conference and a separate district attorney and assistant district attorney conference. Our conferences are held at no cost to prosecutors, with training funds covering speakers' fees, lodging, food and travel expenses. Training funds are also used to send prosecutors to out-of-state training opportunities.

The Mississippi Prosecutors Association is governed by a Board of Directors with District Attorney Dewayne Richardson of the Fourth Judicial District serving as President for 2012-2013. The Prosecutor Training Division consists of Director, Camala Wyatt; Assistant, Amy Ashley; Rural Law Enforcement Prosecutor, Linda Davis, and part-time Rural Law Enforcement Prosecutor Project Officer, Ben Banks.

Prosecutor Training has worked diligently to provide knowledgeable and beneficial speakers to our members from Mississippi, as well as national speakers. This year, the division trained over 750 prosecutors and offered 60 hours of continuing legal education to Mississippi prosecutors.

The Division continues to maintain a successful list server to assist in the exchange of information between prosecutors and supporting personnel. This includes information on expert witnesses and requests for assistance on various issues, as well as simple administrative announcements. Case updates from the U.S. Supreme Court, the Mississippi Supreme Court and the Mississippi Court of Appeals are sent out through the list server. The office also assists in conducting legal research as needed to include actual trial assistance.

## PROSECUTOR TRAINING CONTINUED

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To better equip our prosecutors and protect the residents of our state, a District Attorney State -Wide Automated Case Management System known as CRIMES has been developed and is undergoing the roll-out implementation in several districts. This system allows District Attorneys' Offices to communicate automatically with the Criminal Information Center (CIC) of the Mississippi Department of Public Safety. Our prosecutors will use this information to share pertinent information on criminals, make crucial charging decisions and track criminals in our state.

### FY 2012 CONFERENCES AND TRAINING

**Separate specialized DA/ADA, Municipal and Youth Court Conferences:** Every year, specialized conferences are held offering District Attorneys, Assistant District Attorneys, Municipal and Youth Court Prosecutors training in criminal matters specific to each.

**Fall and Spring Prosecutors Conference:** Two main conferences offer classes for all prosecutors in the State and provide technical assistance to the District Attorneys by offering training classes for Criminal Investigators, Victim Assistance Coordinators, Worthless Check and Pre-Trial Diversion Personnel. Further, these conferences offer state and national case law updates and provides training for new and senior prosecutors.

**Driving Under the Influence Homicide Training:** The Attorney General Office's Traffic Safety Resource Prosecutor, Molly Miller, partnering with the Prosecutor Training Division, trained 17 prosecutors regarding DUI Homicide Training. This is an extensive training program offered at the 2012 Spring Prosecutors Conference to teach prosecutors pre-crash planning and preparation, the crash investigation, advanced reconstruction methodologies, proper follow-up investigation, how to present the vehicular homicide case, crash reconstruction expert, exercises on direct and cross examination and how to anticipate and address the defense case.

**Rural Law Enforcement Grant:** The Mississippi Attorney General's Office was awarded a rural law enforcement grant under the American Reinvestment and Recovery Act in the Fall of 2009. The purpose of the grant is to improve community safety by enhancing criminal investigations that will, in turn, make cases more prosecutable and ultimately help retain rural law enforcement jobs. To accomplish the purpose of the grant, The Mississippi Attorney General's Joint Rural Law Enforcement Task Force was formed and housed within the Prosecutors' Training Division. All rural law enforcement agencies are eligible to join the Task Force.

Under the Task Force and utilizing monies provided by the grant, participating law enforcement agencies may be reimbursed for salaries incident to investigating specific felony investigations. Free training that meets continuing education requirements geared specifically to law enforcement is offered, and participating departments may be reimbursed for officer attendance; participating law enforcement agencies may be reimbursed for salaries paid by them incident to the development of community programs; and a criminal prosecutor is dedicated as a law enforcement attorney to provide free legal advice and case review as desired.

## PROSECUTOR TRAINING DIVISION CONTINUED

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Training consisted of classes on: Report Writing; Articulation; Testifying in Court; Cross-Examination; Interview and Interrogation; Interview and Body Language; Basic Investigations; Basic Gang Awareness; Meth In Mississippi; Vehicle Interdiction and Vehicle Searches and Hidden Compartments; 4th, 5th and 6th Amendment Issues: Search and Seizure, Self-Incrimination, and Right to Counsel; Police Subject Control (Defensive Tactics); Domestic Violence Basics and Law; Strangulation; Stalking; Officer Safety During Domestic Violence Calls; Identifying Security Threat Groups; Response to School Violence; Structure/Room Clearing; Basic Finger Printing and Evidence Collection; and Civil Liability and Use of Force. Planned courses include Testifying Before Grand Juries, Search Warrants, and Spanish for Law Enforcement Officers.

The Task Force assisted in investigations that included murders, burglaries, gang identification, meth labs and possession of controlled substances. During FY 2012, the Task Force assisted in one community program and seven criminal investigations resulting in 55 arrests, 25 convictions, five indictments, with 25 cases pending prosecution.

The Task Force has provided training to 1,204 law enforcement officers, and 772 law enforcement officers have joined our law enforcement list serve.

**New Prosecutors Seminar:** The Prosecutor Training Division offered a one-day seminar providing continuing legal education hours to new district attorneys, assistant district attorneys, county, municipal and youth court prosecutors. This seminar provides an introduction and overview of basic trial skills and issues affecting prosecutors within Mississippi.

**Youth Court Seminar:** The Prosecutor Training Division offered a day-long seminar providing continuing legal education and youth court hours to youth court prosecutors throughout the state. The seminar addressed many issues affecting youth court, including the new Youth Court Rules.

**Counterfeit Product Initiative:** In the fourth installation of the Criminal Intellectual Property Grant, attendees were trained by the Consumer Protection Division Prosecutors and Investigators in identifying counterfeit pharmaceuticals and the dangers therein. Further, members from the FDA task force provided additional training on how to investigate and prosecute those who engage in this life-threatening criminal trend.

## PROSECUTOR TRAINING DIVISION CONTINUED

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**John R. Justice Grant:** Prosecutor Training was awarded the JRJ Grant for the second year. This funding is administered by the individual states and is an effort to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service. It provides up to a yearly maximum of \$10,000 in loan repayment for state prosecutors and public defenders. The aggregate maximum amount is \$60,000. It covers loans made under the Higher Education Act of 1965, including consolidation loans. Repayment benefits for grant recipients are awarded by a selection committee to borrowers who agree to remain employed as prosecutors or public defenders for at least three years and also exhibit the least ability to pay his or her education loans. The first disbursement occurred on September 30, 2011, to selected recipients, and the second disbursement was scheduled for September 30, 2012.



Adequate training ensures effective case-building in rural court systems, which may lack valuable research resources.

## PUBLIC INTEGRITY DIVISION

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### *2012 Public Integrity Unit Accomplishments:*

- *Opened 102 investigations*
- *Received and worked through 906 complaints*
- *Obtained 21 convictions involving Voter Fraud, Embezzlement and other crimes*
- *Secured nine arrests, indictments and/or removals from office*

The staff of attorneys and investigators in the Public Integrity Division (PID) are responsible for the prosecution of several types of criminal cases in the state courts in Mississippi. As its primary mission, PID is charged with the responsibility of investigating and prosecuting public corruption and white collar crime. PID works closely with various state agencies, such as the Auditor's Office and 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 local law enforcement officials, local prosecutors and the State's 22 district attorneys in the performance of their duties. Further, PID is charged with the responsibility of impaneling a state-wide grand jury to investigate and prosecute large-scale drug violators. PID works 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 in conjunction with local law enforcement and prosecution: Public Integrity, Alcohol and Tobacco Enforcement, Child Desertion, Cyber Crime, DUI Training, Insurance Fraud and Vulnerable Adult.

### CONVICTIONS

#### **The following were charged, convicted, and/or removed from office:**

**Rashad Greenfield**, age 28, pleaded guilty on September 1, 2011, to one count of felony possession of marijuana before Judge Jeff Weill, Sr. in Hinds County Circuit Court. Greenfield was sentenced to three years, two years suspended, one to serve. He was ordered to pay a \$1,500 fine and \$550 to the Crime Victim Compensation Fund.

**Stacy Berry**, age 43, pleaded guilty on November 18, 2011, to manslaughter before Judge William Gowan in Hinds County Circuit Court. Berry was sentenced to 20 years.

**Nicholas Khan Carson**, age 31, was convicted by a jury on March 9, 2012, of capital murder and a felon in possession of a firearm. Hinds County Circuit Court Judge Winston Kidd sentenced Carson to life without the possibility of parole and 10 years for the felon in possession of a firearm charge.

**Jessie Stewart**, age 62, of Wilkinson County, was convicted in a bench trial on March 22, 2012, of simple assault before Justice Court Judge Roger Arnold. Stewart was ordered to pay a \$500 fine and \$127.50 in court costs.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Antonio Marshall**, age 32, was convicted on three counts of robbery and aggravated assault in two separate cases in March 2012, before Judge Tommie Green in Hinds County Circuit Court. In the aggravated assault case, Marshall pleaded guilty and accepted the State's recommendation of 20 years to serve. In the robbery and aggravated assault case, Marshall entered an open plea and was sentenced to 10 years with 10 years suspended and three years post-release supervision for the robbery charge. Marshall was sentenced to five years in custody of the Mississippi Department of Corrections with three years suspended and two to serve on the aggravated assault charge, both counts to run concurrent to each other and consecutive to the other sentence.

**James Cannon**, age 38, pleaded guilty on September 28, 2011, to grand larceny before Judge Charles Webster in Tunica County Circuit Court. Cannon was sentenced to six years with five years suspended and one year to serve on house arrest. Cannon was ordered to pay court cost, \$1,315 in restitution and \$500 to the Crime Victim Compensation Fund

**Tierra Carr**, age 29, pleaded guilty on October 18, 2011, to obstruction of justice before Judge Veldore Young in Lauderdale County Court. Carr was sentenced to three months with three months suspended and placed on unsupervised probation for three months. Carr was ordered to pay \$138.50 in court cost and \$250 to the Crime Victims Compensation Fund within 60 days of sentencing.

**Adam Michael Brown**, age 27, pleaded guilty on April 16, 2012, to one count of possession of marijuana before Judge Breland Hilburn in Hinds County Circuit Court. Brown was sentenced to serve a three-year suspended term under the supervision and control of the Mississippi Department of Corrections. Brown was ordered to pay a fine in the amount of \$500, \$100 assessment to the Crime Victim Compensation Fund, \$50.00 lab fee to the Mississippi Crime Lab, and court cost within 90 days of sentencing.

**Michelle Browning**, age 30, of Leflore County, was placed in the Pre-Trial Diversion Program on April 15, 2012, after being indicted on a prescription fraud charge.

**Anthony Browning**, age 42, of Leflore County, was placed in the Pre-Trial Diversion Program on March 15, 2012, after being indicted on a prescription fraud charge.

**Eric Lindsey**, age 32, of was convicted on November 17, 2011, of simple assault before Judge Tommie Green in Hinds County Circuit Court. Lindsey was sentenced to six months in the county jail.

**Albert Donelson**, age 38, was convicted on November 17, 2011, of aggravated assault before Judge Tommie Green in Hinds County Circuit Court. Donelson was sentenced to 20 years in the custody of the Mississippi Department of Corrections.

**Perry Jackson**, age 42, was convicted on May 29, 2012, on four counts of conspiracy to commit capital murder, before Judge Richard Smith in Washington County Circuit Court. Jackson was sentenced to 15 years for each count and ordered to pay court costs.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Wanda Fountain**, age 54, entered an open plea on June 5, 2012, to one count of extortion before Judge Lilly Blackmon Sanders in Wilkinson County Circuit Court. Fountain was sentenced to non-adjudicated status and ordered to never run for public office again.

**Allen Jones** was convicted on September 7, 2011, of embezzlement before Judge Lillie Blackmon Sanders in Adams County Circuit Court. Allen was sentenced to one year of supervised probation and ordered to pay \$935 in restitution and \$410 in court costs.

**Cassandra Carter**, pleaded guilty on February 6, 2012, to one count of hindering prosecution before Judge William Chapman III in Madison County Circuit Court. Carter was sentenced to one year and a day and 364 days on post release supervision, and ordered to pay a \$1,500 fine, and \$500 to the Crime Victim Compensation Fund.

**Donald King**, age 51, of Harrison County, pleaded guilty on July 15, 2011, to one count of misdemeanor practicing dentistry without a license. King was sentenced to six months probation.

**Mike Hemphill**, age 57, pleaded guilty, pursuant to a Bill of Information, on February 27, 2012, in Pike County for accepting payment to alter city records. Hemphill was sentenced to three years on supervised probation and ordered to pay \$1,500 for investigative fees and \$1000 to the Crime Victim Compensation Fund.

**Sharon Dickens**, age 46, pleaded guilty by virtue of a plea agreement to one count of felony embezzlement on July 22, 2011, before Judge Eddie Bowen in Covington County Circuit Court. Dickens was sentenced to five years with five suspended and five years supervised probation subject to the non-adjudication program. She was ordered to pay \$25,000 in restitution and \$440 in court costs.

**Sean Rowell**, age 29, pleaded guilty to gratification of lust and child exploitation on June 7, 2012, before Judge Lester Williamson in Lauderdale County Circuit Court. Rowell was sentenced to 10 years for the gratification of lust charge and 30 years for the child exploitation charge and five years on post-release supervision with 25 years suspended.



## **PUBLIC INTEGRITY DIVISION CONTINUED**

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### **INDICTMENTS/ARRESTS**

- James Polk, age 41, of Marion County, was indicted February 23, 2012, for murder.
- Howard Polk, of Marion County, was indicted February 23, 2012, for murder.
- James Dustin Lowery, age 27, was indicted by the Walthall County Grand Jury in April 2012 on a single count of capital murder. The Defendant was arraigned on May 7, 2012, and was incarcerated with no bond.
- Anthony Ross Morgan, age 49, of Harrison County, was indicted September 8, 2011, for home repair fraud.
- Sean Rowell, age 28, of Lauderdale County, was indicted August 2, 2011, on gratification of lust and possession of child pornography charges.
- Rashad Greenfiled, age 27, of Hinds County, was indicted February 1, 2011, on one count of possession of marijuana.
- Anthony Browning, age 42, of Leflore County, was indicted August 16, 2011, on one count of prescription fraud.
- Michelle Browning, age 30, of Leflore County, was indicted August 16, 2011, on one count of prescription fraud.
- Donald King, age 51, was indicted in Harrison County August 25, 2011, on five felony counts of practicing dentistry without a license.

### **ALCOHOL AND TOBACCO ENFORCEMENT**

#### **Tobacco and Beer Enforcement Checks**

During FY 2012, the Division conducted 9,043 tobacco enforcement checks and 6,202 beer enforcement checks.

In June 2010, the Alcohol and Tobacco Unit was issued a contract with the U.S. Food and Drug Administration to enforce the Federal Tobacco Laws. Because of the Division's efforts and existing program, Mississippi is the first state in the nation to be up and running under this contract.

**Judge Rules in Favor of AG and Orders \$8 million Award to State in Tobacco Litigation**

## PUBLIC INTEGRITY DIVISION CONTINUED

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### Retailer Training

Recognizing that proper training of clerks is an important component in reducing the availability of age restricted products to minors, the Division has continued to conduct retailer training sessions. The Division conducted 154 retailer training sessions with 360 retailer clerks in attendance.

### OVERALL STATISTICS FOR ALCOHOL AND TOBACCO ENFORCEMENT

#### Tobacco Compliance Checks

Year	Number of Checks	Buy Rate
2003	7,130	7%
2004	7,889	6%
2005	7,742	4%
2006	5,665	5%
2007	5,172	5%
2008	8,222	4%
2009	7,418	4%
2010	6,489	5%
2011	9,043	5%

The first month that this Division conducted tobacco compliance checks, the buy rate was 38 percent.

#### Beer Compliance Checks

Year	Number of Checks	Buy Rate
2003	6,814	10%
2004	7,068	8%
2005	6,578	5%
2006	5,604	7%
2007	4,627	8%
2008	6,913	5%
2009	7,121	3%
2010	3,823	3%
2011	6,202	3%

The first month that this Division conducted beer compliance checks, the buy rate was 26 percent.

## PUBLIC INTEGRITY DIVISION CONTINUED

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### CHILD DESERTION UNIT

#### *2012 Child Desertion Unit Accomplishments:*

- *Received approximately 265 complaints*
- *Opened 17 new investigations*
- *Obtained eight indictments and 20 convictions against deadbeat parents*

### CONVICTIONS

**Keith Allen Moon**, of Rankin County, pleaded guilty and was sentenced July 27, 2011, for felony non-support of a child before Rankin County Circuit Court Judge William Chapman, III. The Judge sentenced Moon to two counts of Felony non-support of a Child. The sentence is ten years in the custody of the MDOC, with 37 days of imprisonment, and nine years and 328 days of supervised post-release supervision. During the first two years of the 10 years sentence, he is to pay an additional \$200 a month on top of his regular child support obligation until paid in full. The defendant will also pay court costs. His total arrearage amount is \$23,000.

**Stacey E. Smith**, age 30, of Jackson, pleaded guilty on August 9, 2011, and was sentenced for felony non-support of a child before Hinds County Circuit Court Judge Tommie Green. Judge Green sentenced Smith to five years in the custody of the MDOC, with 31 days of imprisonment, and four years and 334 days of supervised post-release supervision in the custody of the MDOC. The Judge also ordered the defendant pay \$3,000 toward his back child support plus court costs. During the five year sentence, Smith is to pay an additional \$100 a month on top of his regular child support obligation until paid in full. The defendant will also pay court costs. His total arrearage amount is \$30,000.

**Aaron Freeman**, age 35, of Vicksburg, pleaded guilty on August 19, 2011, and was sentenced for felony non-support of his two children before Warren County Circuit Court Judge Chaney. As to count one, Judge Chaney sentenced Freeman to five years in the custody of the MDOC; all suspended with supervised post release supervision. As to count two, Judge Chaney sentenced Freeman to five years in the custody of the MDOC; all suspended with supervised post-release supervision. Count two is concurrent to count one. The Judge also ordered and the defendant paid \$1,000 toward his back child support plus court costs. Freeman is to pay an additional \$250 a month on top of his regular child support obligation until paid in full, plus court costs. His total arrearage amount is \$17,000.

**John Giesler**, of Brandon, pleaded guilty October 10, 2011, to two counts of felony non-support of a child before Rankin County Circuit Court Judge William Chapman, III. The Judge sentenced Giesler to five years on each count, four years 102 days in the custody of the MDOC suspended on count one, and five years in the custody of MDOC suspended on count two. Both counts are to run concurrent, meaning Giesler will serve 263 days behind bars. He was also sentenced to post-release supervision and pay an additional \$600 a month on top of his regular child support obligation until his arrearage of \$15,000 is paid in full. The defendant will also pay court costs.

**Patrick Scoggins**, age 44, of Copiah County, pleaded guilty and was sentenced on October 24, 2011, for felony non-support of a child before Smith County Special Circuit Court Samac Richardson. Judge Richardson sentenced Scoggins to five years in the custody of the MDOC, with two years of imprisonment, and three years of supervised post-release supervision in the custody of the MDOC. During the three year sentence on post release supervision, Scoggins is to pay an additional \$100 a month on top of his regular child support obligation until is arrearage of \$27,000 is paid in full. The defendant will also pay court costs.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Edward Lee Willis**, age 37, of Carthage, pleaded guilty and was sentenced on November 14, 2011, for felony non-support of a child before Neshoba County Circuit Court Judge Vernon R. Cotton. The Judge sentenced Willis concurrently to three counts of Felony non-support of a Child. The sentence is five years to each count in the custody of the MDOC, three to serve behind bars and two years of supervised probation. During the two years of probation, Willis is to pay an additional \$100 a month on top of his regular child support obligation until his arrearage amount of \$20,000 is paid in full.

**Randy Goines**, age 51, of Tupelo, pleaded guilty and was sentenced the week of November 15, 2011, for felony non-support of a child before Union County Circuit Court Judge Howorth. The Judge sentenced Goines on one count of felony non-support of a child. The sentence is five years in the custody of the MDOC and suspended probation. During the five years of probation, Goines is to pay an additional \$200 a month on top of his regular child support obligation until his arrearage amount of \$30,000 is paid in full.

**Ricky Bowden**, age 49, of Columbus, pleaded guilty and was sentenced the week of November 16, 2011, for felony non-support of his children before Union County Circuit Court Judge Coleman. The Judge sentenced Bowden to five years in the custody of the MDOC, suspended probation, and non-adjudication. During the five years of probation, Bowden is to pay an additional \$200 a month on top of his regular child support obligation until his arrearage amount of \$15,000 is paid in full.

**Fredrick Hilliard**, age 34, of Biloxi, pleaded guilty and was sentenced on November 22, 2011, for felony non-support of a child before Hinds County Circuit Court Judge Tommie Green. Judge Green sentenced Hilliard to five years in the custody of the MDOC, suspended, post-release supervision and non-adjudication. The Judge also ordered and the defendant paid \$700 toward his back child support plus court costs. During the five year sentence, Smith is to pay an additional \$200 a month on top of his regular child support obligation until his arrearage of \$15,000 is paid in full.

**James Hockman**, age 43 of Mason, Tennessee, pleaded guilty and was sentenced on November 28, 2011, to two counts of felony non-support of his children before Madison County Circuit Court Judge John Emfinger. Judge Emfinger sentenced the defendant concurrently as to each count: five years in the custody of the MDOC, suspended, supervised probation and non-adjudication. During the five year sentence, Hockman is to pay an additional \$200 a month until his child support obligation is paid in full. His total arrearage amount is \$11,000.

**Marcus Johnson**, age 32, of Greenwood, MS, pleaded guilty and was sentenced January 9, 2012, for felony non-support of a child before LeFlore County Circuit Court Judge Richard A. Smith. Judge Smith sentenced Johnson to five years in the custody of the MDOC, suspended, with five years of post-release supervision. During the five year sentence, Smith is to pay an additional \$100 a month on top of his regular child support obligation until his arrearage of \$13,000 is paid in full. He has paid \$2,000 toward his back child support since being indicted. The defendant will also pay court costs.

**Judy Harmon**, age 44, of Guntown, pleaded guilty and was sentenced on January 11, 2012, for felony non-support of her two children before Clay County Circuit Court Judge Lee Coleman. Judge Coleman sentenced Harmon concurrently as to each count, five years in the custody of the MDOC, suspended, with five years of post-release supervision and non-adjudication. The Judge also ordered and the defendant paid \$5,000 toward her back child support plus court costs. During this sentence, Harmon is to pay an additional \$250 a month on top of her regular child support obligation until her arrearage of \$30,000 is paid in full.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Harry Gonsoulin**, age 50, of Biloxi, pleaded guilty and was sentenced on February 6, 2012, for felony non-support of a child before Jackson County Circuit Court Judge Robert B. Krebs. Judge Krebs sentenced Gonsoulin to three and a half years in the custody of the MDOC, suspended with post-release supervision and non-adjudication. The Judge also ordered and the Defendant paid \$2,020 toward his back child support plus court costs. During the three and a half year sentence, Gonsoulin is to pay an additional \$300 a month on top of his regular child support obligation until his arrearage of \$15,000 is paid in full.

**Corey Mabry**, age 39, of Tupelo, pleaded guilty and was sentenced on February 21, 2012, for felony non-support of his two children before Lee County Circuit Court Judge Thomas Gardner, III. Judge Gardner sentenced Mabry concurrently on each count to five years in the custody of the MDOC, suspended with post-release supervision. The Judge also ordered the defendant to pay \$500 to the Mississippi Crime Victims Compensation Fund and court costs. During the five year sentence, Mabry is to pay an additional \$200 a month on top of his regular child support obligation until his arrearage of \$13,000 is paid in full.

**Sha Helton**, age 46, of Long Beach, pleaded guilty and was sentenced on February 27, 2012, for felony non-support of her child before Harrison County Circuit Court Judge Larry Bourgeois. Judge Bourgeois sentenced Helton to five years in the custody of the MDOC, with 21 days to serve, and the balance of the five years as suspended probation. The Judge also ordered the defendant to pay court costs. During the five year sentence, Helton is to pay an additional \$100 a month on top of her regular child support obligation until his arrearage of \$11,000 is paid in full.

**Billy Carnathan**, of Tupelo, pleaded guilty and was sentenced on February 27, 2012, for felony non-support of his child before DeSoto County Circuit Court Judge Gerald Chatham. Judge Chatham sentenced Carnathan to five years in the custody of the MDOC, 38 days to serve in jail, and balance of the five years suspended, post-release supervision. The Judge immediately ordered and the defendant paid \$2,000 toward his back child support and court costs. During the five year sentence, Carnathan is to pay an additional \$200 a month on top of his regular child support obligation until his arrearage of \$13,000 is paid in full.

**Doyce Walley**, age 43, of Brookhaven, pleaded guilty and was sentenced April 20, 2012, for felony non-support of a child before Pearl River County Circuit Court Judge Anthony Mazingo. Judge Mazingo sentenced Walley to two years in the custody of the MDOC, suspended, post-release supervision, and non-adjudication. Since being indicted by the AGO, Walley has paid over \$16,000 toward his \$26,000 child support arrearage. The Judge ordered him to pay an extra \$250 a month toward his back child support plus court costs until the remaining arrearage is paid in full.

**Earl Elliott**, age 46, of Houston, pleaded guilty and was sentenced on May 6, 2012, for felony non-support of a child before Chickasaw County Circuit Court Judge John Gregory. The Judge sentenced Elliott to five years in the custody of the MDOC, suspended, and non-adjudication. During the five years of probation, Elliott is to pay an additional \$150 a month on top of his regular child support obligation until his arrearage amount of \$17,000 is paid in full. He has paid over \$3,000 toward his child support arrearage amount since indictment.

**Mark Bushnell**, age 49, of Alexandria, Louisiana, pleaded guilty and was sentenced in May 13, 2012, for felony non-support of a child before Rankin County Circuit Court Judge John Emfinger Bushnell was sentenced to five years in the custody of the MDOC, with eight months imprisonment, and the remainder as supervised post-release supervision. During the years of supervised post-release supervision, Bushnell is to pay an additional \$200 a month on top of his regular child support obligation until his arrearage of \$25,000 is paid in full. He must also pay court costs.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Patrick Rader**, age 39, of Vicksburg, pleaded guilty and was sentenced for felony non-support of his children before Warren County Circuit Court Judge M. James Chaney on May 30, 2012. The Judge sentenced Raider on each count to five years in the custody of the MDOC, to run concurrently, suspended, with post-release supervision. Raider was made to and immediately paid \$1,100 toward his child support arrearage of \$40,000. During the five years of probation, Raider must pay an additional \$150 a month on top of his regular child support obligation until his obligation is met. He was also ordered to pay court costs.

### INDICTMENTS

The following people were indicted for Felonious Non-Support of a Child:

- Doyce Walley was indicted in Pearl River County on June 6, 2011.
- James Wright was indicted in Rankin County on July 28, 2011.
- Patrick Rader was indicted in Warren County on November 1, 2011.
- Robert Bagget was indicted in Newton County on January 30, 2012.
- Earl Elliot was indicted in Chickasaw County on February 15, 2012.
- Cesar A. Borgos III was indicted in Madison County on March 7, 2012.
- Vernon Richard was indicted in Bolivar County on March 21, 2012.
- Bobby Moore was indicted in Carroll County on April 10, 2012.

### CYBER CRIME UNIT

#### *2012 Cyber Crime Unit Accomplishments:*

- *Opened 163 new cases*
- *Arrested 78 individuals*
- *Obtained 20 convictions*

The forensics lab under ICAC standards performed 204 examinations on 37 separate requests for a total of approximately 28 terra bytes of data that were analyzed including the following media: 79 computers, 18 cellular devices, 42 other external media and 65 optical disks.

The Mississippi Attorney General's Internet Crimes Against Children Cyber Crime Unit is a multi-jurisdictional, multi-disciplinary Division covering 82 counties. The unit is dedicated to its mission of 1) proactive and reactive investigations, 2) forensic analyses of electronic evidence, 3) prosecutions of technological crimes against children and 4) education of law enforcement and the public. The Internet Crimes Against Children (ICAC) section of the unit implements strategies for the detection of internet crimes against children by engaging in on-line undercover operations, conducting on-line peer precision searches of ongoing criminal activity and expanding technical assistance to law enforcement and prosecutors. The ICAC teaches and mentors law enforcement students in its training facility that connects 16 laptops to the Internet at a time.

## **PUBLIC INTEGRITY DIVISION CONTINUED**

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Since the ICAC unit was established under a 2007 U.S. Department of Justice award, the unit now has 54 local, state and federal law enforcement, affiliate agencies and multi-disciplinary partners which include the Office of District Attorney Ninth Circuit Court District, Office of District Attorney Nineteenth Circuit Court District, Adams County Sheriff's Office, Alcorn County Sheriff's Office, Biloxi Police Department, Brandon Police Department, Brooksville Police Department, Cleveland Police Department, Columbus Police Department, Copiah County Sheriff's Office, Desoto County Sheriff's Office, D'Iberville Police Department, Florence Police Department, Fulton Police Department, George County Sheriff's Office, George County School District Police Department, Greenwood Police Department, Guntown Police Department, Hancock County Sheriff's Office, Harrison County Sheriff's Office, Hinds County Sheriff's Office, Jackson/Hinds County Child Protection Task Force, Horn Lake Police Department, Itawamba County Sheriff's Office, Iuka Police Department, Jackson County Sheriff's Office, Lauderdale County Sheriff's Office, Laurel Police Department, Lee County Sheriff's Office, Long Beach Police Department, Lowndes County Sheriff's Office, Madison Police Department, Meridian Police Department, Mississippi Bureau of Investigation, Monroe County Sheriff's Office, Moss Point Police Department, Newton Police Department, Ocean Springs Police Department, Oktibbeha County Sheriff's Office, Olive Branch Police Department, Petal Police Department, Prentiss County Sheriff's Office, Rankin County Sheriff's Office, Richland Police Department, Ridgeland Police Department, Ripley Police Department, Southaven Police Department, Tippah County Sheriff's Office, Tupelo Police Department, Warren County Sheriff's Office, Waveland Police Department, West Point Police Department, Union County Sheriff's Office, U.S. Department of Justice, Northern District and U.S. Department of Justice, Southern District.

# **Hood: Beware of sharks trolling the internet**

**Newton Appeal, 9/28/11**

Cases in which there is a child at the home or there is evidence of physical abuse of a child take priority in the forensics lab. Unfortunately, analysts are finding that offenders who share files in open networks are more sophisticated than offenders who earlier only chatted and sent webcam pictures; file sharing offenders store their collections of child pornography on thumb drives, in hard drives with terabyte storage capacity, or wipe their drives. The amount of media to be examined on a case, increases the amount of time needed to analyze the data for prosecution.

## PUBLIC INTEGRITY DIVISION CONTINUED

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In the FY 2012, members of the ICAC Unit made presentations to over 72 groups across the state. Internet safety presentations were given to 6,071 students, 392 adults, 141 members of law enforcement and 1,569 other professionals, for a total of 8,173 persons across Mississippi who were educated on the critical issue of online child exploitation.

Topics covered in the various trainings included Internet Safety (for children, tweens, teens and adults), Cyber-crime, Cyberbullying, Sexting, Computer Forensics, Online Grooming, Child and Adolescent Vulnerabilities to Online Crime, Illegal Downloads and Human Trafficking. With the passage of the new bullying law, the cyber unit will train teachers and students on alternative ways of combating bullying and cyber bullying.

Attorney General Hood has served as co-chairman of the technology committee for NAAG, and in that capacity he has lead the conversations with other Attorneys General, Internet Service Providers and social network representatives. He is particularly concerned about children on the internet and the lack of parental controls.

### CONVICTIONS

**Jarrold Kyle Newman**, age 33, pleaded guilty to three counts possession of child pornography. In Alcorn County he was sentenced to 10 years imprisonment, five to serve, and must pay \$1,000 in fines. He must also pay an additional \$1,000 payment to the Mississippi Crime Victim's Fund and a \$1,000 payment to the Mississippi Children's Trust Fund. Newman must also register as a sex offender for sharing and viewing pornographic images of subjects under the age of 18.

**Wallace Weeks**, age 50, of Florence appeared before Judge William Chapman in Rankin County Circuit Court and pleaded guilty to eight counts of child exploitation. He was sentenced to 10 years with five years to serve, five years suspended, five years post-release supervision. He must pay \$1,000 to the Attorney General's Crime Victim's Compensation fund, and he must also register as a sex offender.

**Brandon Henley**, age 23, of Hattiesburg, appeared before Judge Prentiss Harrell in Lamar County Circuit Court. Henley entered an open plea (meaning he threw himself on the mercy of the court) to one count possession of child porn. Judge Harrell sentenced Henley to 20 years behind bars, with five years to serve and 15 years of post-release supervision. Henley must also pay a \$1,000 fine and register as a sex offender upon his release from prison.

**Roy Lynn Ellis**, age 56, of Meridian pleaded guilty to four counts possession of child porn before Judge Lester Williamson. Ellis was sentenced to 10 years, with five to serve, five suspended and five years of post-release supervision. Ellis must also pay \$1,000 to the Children's Trust Fund and register as a sex offender upon his release from prison.

**Timothy Anderson**, age 50, of Columbia, appeared in Marion County Circuit Court before Judge Anthony A. Mazingo. Anderson entered an open plea (meaning he threw himself on the mercy of the court) to one count of possession of child porn. Judge Mazingo sentenced Anderson to 10 years, with five to serve behind bars. He will have to register as a sex offender upon his release.

**Michael Hitchcock**, age 37, of Olive Branch, pleaded guilty to three counts of child exploitation before Judge John Andrew Gregory. Hitchcock was sentenced to 10 years with five to serve, five years suspended, five years supervised probation.

## PUBLIC INTEGRITY DIVISION CONTINUED

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### DUI UNIT

The DUI Unit is part of the Public Integrity Division of the Office of the Attorney General. The unit is staffed by one attorney, an office assistant, and two part-time legal interns. The Traffic Safety Resource Prosecutor (TSRP) operates under a federal grant from the Office of Highway Safety/Department of Public Safety Division of Public Safety Planning. The purpose of the TSRP is to serve as a prosecutor, resource and liaison, while also providing technical legal assistance and training to all the State's prosecutors, law enforcement officers, and judges.

The TSRP coordinates the training of all state prosecutors on traffic safety issues, primarily DUI prosecutions, and provides legal assistance on matters related to such cases. Such assistance includes, but is not limited to: assisting with pre-trial investigations; upon request, serving as lead or second chair or assisting in the prosecution of DUI, vehicular homicide, DUI Death, or DUI Maiming court cases; researching and writing motions and briefs; drafting DUI legislation; writing and updating the DUI Manual; and preparing a bi-annual newsletter regarding "hot topic" issues of highway safety. The TSRP also coordinates joint training of prosecutors with their local law enforcement officers by corroborating with the Mississippi Law Enforcement Liaison's Office. The TSRP is available daily to prosecutors, law enforcement and judges should the need for assistance in DUI and traffic-related cases arise. On average, the DUI Unit handles approximately six or more technical/legal calls daily regarding DUI cases or DUI/traffic-related issues from across the state. Some of the information given is on blood draws, Drug Recognition Expert (DRE) Drug Evaluations, non-DRE drug cases, PBT use, use/non-use of Standardized Field Sobriety Testing (SFST), ignition interlocks, Daubert issues in blood cases, reasonable suspicion to stop, urine/blood draw warrants, breath test refusal, predicate questions for prosecutors, checkpoint issues, "margin of error" for testing instruments and calibration issues on testing instruments. Additionally, the TSRP receives the assistance of the national TSRP network and the National Traffic Law Center when necessary; most notably when seeking information on defense expert witnesses.

The TSRP works with all the state's law enforcement agencies, including the Mississippi Highway Safety Patrol, to provide assistance in DUI and traffic-related cases. The TSRP spent two days with the most recent MHP graduating class, which included a half-day session covering Basic DUI law, and the other half covering courtroom testimony preparation.

The TSRP teaches the Basic Recruit Class on a regular basis at the Mississippi Law Enforcement Training Academy. During FY 2012, the TSRP conducted DUI Basic Training and Rules of the Road to four classes totaling approximately 180 officers. Additionally, the TSRP provides testimony training to law enforcement officers in conjunction with every SFST class provided and taught by the Mississippi Law Enforcement Liaison's Office. The TSRP participated in 13 SFST classes with approximately 310 officers attending the training. A.R.I.D.E, which stands for Advanced Roadside Impairment Driving Enforcement, is another training offered to law enforcement officers that lasts two days and focuses on DUI Drug cases. The TSRP participated in four A.R.I.D.E. classes, and taught the legal portion of the training, which included providing relevant DUI Drug case law to approximately 66 officers.

## PUBLIC INTEGRITY DIVISION CONTINUED

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In 2008, Mississippi became the 45th Drug Recognition Expert (DRE) state (there are currently 48 DRE states.). A DRE is a highly effective officer skilled in the detection and identification of persons impaired by alcohol and/or drugs. A DRE is trained to conduct a systematic and standardized 12-step evaluation consisting of physical, mental, and medical components. This year, Mississippi had its third DRE school. Currently, 20 hand-selected officers are in the final stages to become certified DREs. The TSRP was actively involved in this two-week school, which included teaching the legal section of the course.

The TSRP works in conjunction with the Mississippi Judicial College (MJC) to provide legal training and case law updates on DUI and traffic related issues to our judges statewide. In FY 2012, the TSRP and MJC completed and published the *Mississippi DUI Benchmark*, a DUI manual to assist judges, prosecutors, and law enforcement officers.

The TSRP also participated in numerous traffic safety organizations and trainings both statewide and nationally, including the Mississippi Association of Highway Safety Leaders, S.T.O.R.M. (Sobriety Trained Officers Representing Mississippi), National Conference on Highway Safety Priorities (Lifesavers), and the Int'l Assoc. of Chiefs of Police Training Conference on Drugs, Alcohol, and Impaired Driving.

During FY 2012, the TSRP provided DUI training to approximately 1,500 judges, prosecutors, and law enforcement officers. TSRP's activities, included, but were not limited to, the following:

- **13 Cops in Court Trainings** statewide at the Law Enforcement Liaison Office's Standardized Field Sobriety Training classes. These trainings involved basic DUI law as well as mock trial simulations and courtroom preparation.
- **Four A.R.I.D.E. (Advanced Roadside Impairment Driving Enforcement) Trainings-** This two-day training focused on drug-related DUIs, including a review of Mississippi's DUI statute and relevant case law;
- **Four Basic DUI Law and Rules of the Road to Basic Recruit Classes** at the Miss. Law Enforcement Officer's Training Academy in Rankin County.
- Legal Updates On Recent DUI and Traffic-Related Case Law at Fall and Spring Prosecutors Conferences.
- **Mississippi's Third DRE (Drug Recognition Expert) School-** The Drug Evaluation and Classification Program (DEC) through the Mississippi Law Enforcement Liaison's Office and Mississippi's DRE Instructors trained 20 SFST- certified officers who had attended an A.R.I.D.E. class and were hand-selected to participate in this intensive two-week training (approximately 72 class hours with 40-60 hours of field certification) to become a certified DRE. **Mississippi currently has 24 certified DREs.**



This year, Mississippi had its third Drug Recognition Expert School.

## PUBLIC INTEGRITY DIVISION CONTINUED

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- **DUI Homicide & Crash Reconstruction Trial Advocacy Training** at the Mississippi Spring Prosecutors' Conference;
- **Legal Updates on Recent DUI and Traffic-Related Case law at Fall and Spring Mississippi Judicial College's Justice College's Justice Court Judges Conferences**
- **Legal Updates on Recent DUI and Traffic-Related Case law at MS Judicial College's Summer Municipal Judges Seminar**
- **Wrote and distributed two editions of the DUI Newsletter, *Driven***



- **Publication of Mississippi DUI Benchbook**, a DUI manual for judges, prosecutors and law enforcement officers
- **Special prosecutor in Gulfport DUI case** - In November 2011, a defendant was tried and convicted of DUI in Harrison County Courtl.
- **Presentations on underage drinking to the College of Business/Beverage Control and Service Classes at the University of Southern Mississippi**

## INSURANCE FRAUD UNIT

### *2012 Insurance Fraud Division Accomplishments:*

- *Responded to three new referrals*
- *Conducted 33 active criminal investigations*
- *Recovered \$622,991.82 from fees and restitution*
- *Obtained 24 arrests*
- *Obtained 18 arrests and convictions for insurance fraud*
- *Obtained one arrest for Workers Compensation fraud*
- *Conducted eight active criminal Workers Compensation investigations*

The Insurance Integrity Enforcement Bureau (IIEB) has completed an active year of investigation and prosecution throughout the state, encountering both criminal defendants and victims from all walks of life. During FY 2012, the IIEB has had strong positive interaction with the National Insurance Crime Bureau, as well as numerous local, state and federal entities in the course of fighting fraud within the state of Mississippi.

## PUBLIC INTEGRITY DIVISION CONTINUED

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Below is a brief synopsis of our activity during the period.

### CONVICTIONS

**Diane Haralson**, of Clinton, pleaded guilty to two counts of insurance fraud and was sentenced to four years of supervised probation each count (concurrent), ordered to pay \$4,565.00 in restitution to AFLAC, and a \$4,181.87 reimbursement fee to State General Fund for investigative costs.

**Adam Michael Brown** pleaded guilty to one count of possession of marijuana greater than 30 grams but less the 250 grams and was sentenced to three years supervised probation, ordered to pay a \$500 fine, \$100 to Mississippi Crime Victim's Compensation Fund, \$50 to Mississippi Crime Lab and court costs.

**Dinah Haralson**, of Clinton, pleaded guilty to seven counts of insurance fraud and was sentenced to four years supervised probation (each count concurrent), ordered to pay \$12,910 restitution to AFLAC, a \$977 fee for reimbursement to State General Fund investigative costs and court costs.

**Dinah Haralson**, of Clinton, pleaded guilty to six counts of insurance fraud and was sentenced to four years supervised probation (each count concurrent), ordered to pay \$4,565 in restitution to AFLAC, \$1,406.25 of reimbursements to the State General Fund investigative costs, and court costs.

**Sonya Mitchell**, age 35, of Hinds County, pleaded guilty in Rankin County to four counts of conspiracy, four counts of insurance fraud, four counts of mail fraud, and four counts of making false representations to defraud the government and was sentenced to 18 years to serve, 54 years suspended to run consecutive, five years post-release supervision, ordered to pay \$206,855.10 in restitution to Blue Cross Blue Shield of Mississippi jointly and severally with co-defendants and ordered to reimburse the State of Mississippi's General Fund \$7,692 for the cost of the investigation.

**Veronica Newell**, age 43, pleaded guilty to four counts of conspiracy, four counts of insurance fraud, four counts of mail fraud, and four counts of making false representations to defraud the government and was recommended and sentenced to 15 years to serve, 67 years suspended to run consecutive, five years post-release supervision, ordered to pay restitution to Blue Cross Blue Shield of Mississippi in the amount of \$149,216.80 to be paid jointly and severally with co-defendants and reimburse the State of Mississippi's General Fund in the amount of \$4,650 for the cost of the investigation.

**Tiana Whitsett** pleaded, age 35, of Hinds County, pleaded guilty in Rankin County to five counts of conspiracy, five counts of insurance fraud, five counts of mail fraud, and five counts of making false representations to defraud the government and was recommended and sentenced to 15 years to serve, 81 years suspended to run consecutive, five years supervised probation, ordered to pay restitution to Blue Cross Blue Shield of Mississippi in the amount of \$127,137.10 to be paid jointly and severally with co-defendants, and reimburse the State of Mississippi's General Fund in the amount of \$2,945 for the cost of the investigation.

**Contessa Davis**, age 37, of Jackson, pleaded guilty to one count of conspiracy, one count of insurance fraud, one count of mail fraud, and one count of making false representations to defraud the government and was sentenced in Rankin County to five years to serve, 13 years suspended to run consecutive, five years post release supervision, ordered to pay \$40,822.72 in restitution to Blue Cross Blue Shield of Mississippi jointly and severally with co-defendants and \$2,225 to reimburse the State of Mississippi's General Fund for the cost of the investigation.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Shantwana Johnson**, age 36, pleaded guilty to two counts of conspiracy, two counts of insurance fraud, two counts of mail fraud, and two counts of making false representations to defraud the government and was sentenced in Rankin County to eight years to serve, 28 years suspended to run consecutive, five years post-release supervision, ordered to pay \$68,023.12 in restitution to Blue Cross Blue Shield of Mississippi jointly and severally with co-defendants, and \$2,095 to reimburse the State of Mississippi's General Fund for the cost of the investigation.

**Kathy R. Carter**, age 40, pleaded guilty to two counts of conspiracy, two counts of insurance fraud, two counts of mail fraud, and two counts of making false representations to defraud the government and was sentenced in Rankin County to three years to serve, 33 years suspended to run consecutive, five years post-release supervision, ordered to pay restitution to Blue Cross Blue Shield of Mississippi in the amount of \$37,062.36 jointly and severally with co-defendants, and ordered to reimburse the State of Mississippi's General Fund \$1,255 for the cost of the investigation.

**Crystal Barnes**, age 36, of Jackson, pleaded guilty to one count of conspiracy, one count of insurance fraud, and one count of making false representations to defraud the government and was sentenced in Rankin County to five years to serve, eight years suspended to run consecutive, five years supervised probation, ordered to pay \$40,002.80 in restitution to Blue Cross Blue Shield of Mississippi to be paid jointly and severally with his co-defendants and \$2,680 to reimburse the State of Mississippi's General Fund for the cost of the investigation.

**Christine Degrate**, age 34, of Jackson, pleaded guilty to two counts of conspiracy, two counts of insurance fraud, two counts of mail fraud, and two counts of making false representations to defraud the government and was recommended and sentenced in Rankin County to 10 years to serve, 26 years suspended to run consecutive, five years post-release supervision, ordered to pay \$27,568.62 in restitution to Blue Cross Blue Shield of Mississippi to be paid jointly and severally with her co-defendants and reimburse the State of Mississippi's General Fund in the amount of \$1,795 for the cost of the investigation.

**Isis Young**, age 34, of Jackson, pleaded guilty to two counts of conspiracy, two counts of insurance fraud, two counts of mail fraud, and two counts of making false representations to defraud the government and was recommended and sentenced to 10 years to serve, 26 years suspended to run consecutive, five years post-release supervision, ordered to pay \$93,512.80 in restitution to Blue Cross Blue Shield of Mississippi to be paid jointly and severally with co-defendants and reimburse the State of Mississippi's General Fund in the amount of \$2,046 for the cost of the investigation.

**Kwame Smith**, age 30, of Greenville, pleaded guilty to three counts of conspiracy, three counts of insurance fraud, three counts of mail fraud, and three counts of making false representations to defraud the government and was recommended and sentenced to 10 years to serve, 44 years suspended to run consecutive, five years post-release supervision, ordered to pay \$69,232.72 in restitution to Blue Cross Blue Shield of Mississippi to be paid jointly and severally with co-defendants and reimburse the State of Mississippi's General Fund in the amount of \$3,200 for the cost of the investigation.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Erica Ball**, age 37, pleaded guilty to two counts of conspiracy, two counts of insurance fraud, and two counts of making false representations to defraud the government and was recommended and sentenced in Rankin County to eight years to serve, 18 years suspended to run consecutive, five years supervised probation, ordered to pay restitution to Blue Cross Blue Shield of Mississippi in the amount of \$55,723.20 to be paid jointly and severally with his co-defendants and reimburse the State of Mississippi's General Fund in the amount of \$2,865 for the cost of the investigation.

**Tambrela Johnson**, age 25, of Jackson, pleaded guilty to one count of conspiracy, one count of insurance fraud, one count of mail fraud, and one count of making false representations to defraud the government and was sentenced in Rankin County to five years to serve, 13 years suspended to run consecutive, five years post-release supervision, ordered to pay \$36,258.56 in restitution to Blue Cross Blue Shield of Mississippi jointly and severally with co-defendants and \$2,445 to reimburse the State of Mississippi's General Fund for the cost of the investigation.

**Fonda Church**, age 46, of Jackson, pleaded guilty to two counts of conspiracy, two counts of insurance fraud, and two counts of making false representations to defraud the government and was sentenced in Rankin County to eight years to serve, five years suspended to run consecutive, five years post-release supervision, ordered to pay \$51,260.36 in restitution to Blue Cross Blue Shield of Mississippi jointly and severally with co-defendants and \$1,250 to reimburse the State of Mississippi's General Fund for the cost of the investigation.

**Zaveon Cooperpleaded**, age 36, of Jackson, pleaded guilty to three counts of conspiracy, three counts of insurance fraud, three counts of mail fraud, and three counts of making false representations to defraud the government and was sentenced in Rankin County to 12 years to serve, 36 years suspended to run consecutive, five years post-release supervision, ordered to pay restitution to Blue Cross Blue Shield of Mississippi in the amount of \$91,666.52 jointly and severally with co-defendants and ordered to reimburse the State of Mississippi's General Fund \$1,355 for the cost of the investigation.

**Amanda Crystal Dennis**, age 29, of Lake, pleaded guilty to one count of insurance fraud and was recommended and sentenced in Scott County to three years MDOC with two years suspended and one year to serve, and ordered to pay a \$1,500 fine and court costs.

### INDICTMENTS

- **James Dustin Lowery** was indicted by Walthall County Grand Jury on one count of Capital Murder.
- **Redonda Smith** was indicted by Copiah County Grand Jury on one count of insurance fraud.
- **Lewis Preston, Jr.** was indicted by Forrest County Grand Jury on one count of insurance fraud.
- **Barbara Lee** was indicted by Lauderdale County Grand Jury on one count of insurance fraud.
- **Jennifer Pittman**- Misdemeanor affidavit and arrest warrant are pending in Lincoln County for one count of false pretense.
- **Dana Aikens** was indicted by Hancock County Grand Jury on one count of insurance fraud.

## PUBLIC INTEGRITY DIVISION CONTINUED

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### WORKERS' COMPENSATION FRAUD

#### CONVICTIONS

**Stacy Walls** pleaded guilty to one count of workers' compensation fraud and was sentenced to three years of supervised probation and ordered to pay \$1,178.20 in restitution to Union Standard Insurance Group of Irving, Texas, \$2,520 to reimbursement to the Attorney General's Office for the cost of the investigation and court costs.

**Justin Matthew Hughes** pleaded guilty to three counts of workers' compensation fraud and was sentenced to three years of suspended sentence on each count (consecutive), ordered to pay a \$500 fine, \$100 to Mississippi Victim's Compensation Fund, \$50,000 in restitution to AMFed, LLC, \$2,190 reimbursement to the Attorney General's Office for the cost of the investigation and \$990 for court costs.

#### *Restitution in Insurance Fraud Cases:*

<i>State General Fund</i>	<i>\$45,063.62</i>
<i>Workers' Comp. &amp; Investigative Fees</i>	<i>\$4,710</i>
<i>Blue Cross Blue Shield of Miss.</i>	<i>\$500,000</i>
<i>AMFED</i>	<i>\$50,000</i>
<i>Union Standard Ins. Group</i>	<i>\$1,178.20</i>
<i>AFLAC</i>	<i>\$22,040</i>

### VULNERABLE ADULTS

#### *2012 Vulnerable Adults Unit Accomplishments:*

- *Recovered over \$287,935 in restitution to victims and \$3,500 in investigation costs*
- *Received 2,231 complaints*
- *Opened over 200 new cases which resulted in 44 active criminal investigations*
- *Conducted 14 training sessions and presentations*
- *184 cases resolved and closed and/or closed through prosecution*
- *Obtained 10 convictions and 10 indictments*

#### CONVICTIONS

The following were charged and/or convicted of various crimes:

**Guy E. Watts III** was sentenced in Lee County on August 4, 2011, to 10 years in MDOC custody, five years supervised probation and five years unsupervised probation. He was ordered to pay \$41,386.07 in restitution, \$1,000 to the Mississippi Crime Victims Compensation Fund, and court costs.

## PUBLIC INTEGRITY DIVISION CONTINUED

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**Joey Carroll**, age 30, of Washington County, was sentenced on November 2, 2011, to 10 years on Count I and sentenced to 10 years on Count II, to run consecutive and five years each on Counts III-IX, to run concurrent to Counts I-II. He was ordered to pay \$1,000 to the Mississippi Crime Victims Compensation Fund, \$2,000 in investigative cost recovery, \$2,500 fine and court costs in the amount of \$325. In addition, Carroll was ordered to pay \$18,207 in restitution to the victim.

**Patricia Newcomb**, age 40, of Winston County, was sentenced on November 9, 2011, on one count of misdemeanor exploitation. She was sentenced to one year in the county jail, one year suspended. She was ordered to pay restitution in the amount of \$2,000 and \$500 to the Mississippi Crime Victims Compensation Fund.

**George Matthews**, age 39, of Bolivar County, was sentenced on November 30, 2011, to ten years in MDOC custody, five years to serve and five years post-release supervised probation. He was ordered to pay \$1,834.90 in restitution, \$1,000 to the Mississippi Crime Victims Compensation Fund, and court costs.

**Lisa Perkins**, age 39, of Rankin County, was sentenced on January 30, 2012, on five counts of uttering forgery. She was sentenced to five years supervised probation on each count to run concurrent. She was ordered to pay \$1,000 to the Mississippi Crime Victims Compensation Fund, \$3,600 in restitution and \$653 for court costs.

**Jeffrey Jerome Rivers**, age 41, was sentenced on March 7, 2012, in the Circuit Courts of Hinds and Rankin Counties on one count of exploitation of a vulnerable person. He was sentenced to 10 years in the custody of the MDOC and ordered to pay \$1,000 to the Mississippi Crime Victim's Compensation Fund.

**John McKissack**, age 56, was sentenced on May 3, 2012, in the Circuit Court of Lee County. He was sentenced to five years supervised probation in the custody of MDOC; sentence withheld pending one year judicial review. He was ordered to pay \$200,000 in restitution to the victim, \$100 to the Mississippi Crime Victim's Compensation Fund and court costs.

**Kathy Lyles**, age 40, was sentenced on May 3, 2012, in the Circuit Court of Lee County. She was sentenced to five years supervised probation in the custody of MDOC. She was ordered to pay \$3,500 in restitution to the victim, \$1,000 fine, \$100 to the Mississippi Crime Victim's Compensation Fund and all court costs.

**Erica Chivon Jackson**, age 29, was sentenced on May 14, 2012, in the Circuit Court of Simpson County on one count of exploitation of a vulnerable person. She was sentenced to five years supervised probation in the custody of MDOC. She was ordered to pay \$1,000 to the Mississippi Crime Victim's Compensation Fund, \$17,407.80 in restitution, and all court costs.

**Hortense Whigham**, age 65, was sentenced on May 14, 2012, in the Circuit Court of Winston County on one count of exploitation (attempt) of a vulnerable person. She was sentenced to five years in the custody of MDOC, four years suspended, one year of house arrest and four years of intensive supervised probation. She was ordered to pay \$1,000 to the Mississippi Crime Victim's Compensation Fund, \$1,500 to the AGO for recovery of investigative costs, and all court costs.

## **PUBLIC INTEGRITY DIVISION** CONTINUED

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### **INDICTMENTS**

The following people were indicted on one or more felony counts:

- Joey Carroll, age 30, was indicted on July 20, 2011, by the Grand Jury of Washington County on nine counts of exploitation of a vulnerable person.
- Neal Walker, age 50, was indicted on February 23, 2012, by the Grand Jury of Marion County on one count of exploitation of a vulnerable person.
- Hortense Whigham, age 65, was indicted on March 26, 2012, by the Grand Jury of Winston County on one count of exploitation (attempt) of a vulnerable person.
- Candy Lucas, age 26, was indicted on April 10, 2012, by the Grand Jury of Lowndes County on one count of credit card fraud.
- Kenneth Miller, age 62, was indicted on April 19, 2012, by the Grand Jury of Pike County on one count of exploitation of a vulnerable person. He was also indicted as a habitual offender.

### **ARRESTS**

- John McKissack was arrested on July 13, 2011, on a capias, post indictment.
- Neal Walker was arrested on March 15, 2012, on a capias, post indictment.
- Hortense Whigham was arrested on April 11, 2012, on a capias, post indictment.
- Kenneth Miller was arrested on May 8, 2012, on a capias, post indictment.
- Erica Chivon Jackson was arrested on May 11, 2012, on a bench warrant.
- Candie Lucas was arrested on June 1, 2012, on a capias, post indictment.
- Brenda Freeman was arrested on June 29, 2012, on a warrant for exploitation of a vulnerable person.
- Nakedra Freeman was arrested on June 29, 2012, on a warrant for exploitation of a vulnerable person.



## AGRICULTURE DIVISION

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The Agriculture Division performs legal services for the state's agriculture-related agencies, including the Department of Agriculture and Commerce, Board of Animal Health, Land Water and Timber Board, Farmer's Market, Fair Commission and the Mississippi Livestock Show. The attorneys in this division are Bob Graves and Rebecca Wilson.

The attorneys in this division deliver a wide variety of services to their agencies, such as representing the state in administrative proceedings, drafting legislation and regulations, conducting litigation, giving advice in the procurement process, assisting with personnel matters, drafting contracts and attending board meetings.

AGO attorneys represented the agencies in a number of personnel actions dealing with disciplinary violations and claims for unemployment compensation. They responded to a large number of open records requests, which require research and review of documents.

We have drafted or amended a number of regulations for our agencies this year. The office handles every step in the regulation adoption process, including drafting, presentation for board approval, filing with the Secretary of State and posting to the website. All agencies' regulations are now on each respective agency's website.

The Department of Agriculture regulates the sale of gasoline, diesel and kerosene, both at the retail and wholesale levels. Attorneys successfully represented the Department in an administrative action against a non-resident distributor who delivered unbranded fuel into a tank marked with the Shell® logo in violation of state law. This past year, attorneys handled administrative complaints against petroleum vendors resulting in the collection of \$27,750 in civil penalties.

The Department of Agriculture has a branch office in Starkville on the M.S.U. campus, which is called the Bureau of Plant Industry. This office regulates the sale, manufacture and application of pesticides, herbicides, feed, fertilizer, lime, seed and soil amendments. This office also grants licenses to pest control operators, crop dusters, tree surgeons, plant pathologists and landscapers. In the past year, attorneys represented the Bureau in administrative complaints resulting in the collection of \$24,650 in civil penalties. Attorneys also drafted legislation and regulations giving the Bureau the authority to control the planting and cultivation of non-native species of plants that will be used for fuel production.

The Board of Animal Health has been granted the responsibility for the prevention, control and eradication of contagious and infectious diseases in animals. In the past year, attorneys represented the Board in administrative complaints resulting in the collection of \$2,900 in civil penalties.

## **DEPARTMENT OF CORRECTIONS**

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Special Assistant Attorneys General David Scott, Stewart Smith and Jim Norris serve as legal counsel to the Mississippi Department of Corrections (MDOC), and Linda Craft serves as legal secretary. MDOC has over 3,000 employees who have the responsibility of overseeing more than 50,000 inmates, probationers and parolees. Providing legal assistance to such a large agency necessitates addressing numerous legal issues on a daily basis. The duties of the legal counsel include representing the agency in administrative, civil litigation and inmate litigation proceedings; drafting and reviewing contracts, policies, procedures and proposed legislation; responding to inquiries from prosecutors, judges, attorneys, inmate family members and the public; advising the department on all legal matters related to the operation of the agency including both employee and inmate matters; and overseeing agency compliance with existing court orders. Special Assistant Attorneys General Keith Gates and Tommy Goodwin also assist MDOC with civil litigation matters.

## **DEPARTMENT OF MENTAL HEALTH**

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The legal division of the Department of Mental Health represents the agency in actions filed against the Department of Mental Health, including EEOC claims, discrimination claims, Americans with disabilities claims and other matters that are filed against the Department of Mental Health and its various statewide facilities and programs. The division representative attends court on behalf of the Department of Mental Health whenever a minor with special needs is a party and acts as a liaison between the Department of Mental Health and various judges when questions arise concerning the placement of minors or adults with mental illness or intellectual developmental disabilities. In addition, the division representative is working with the U.S. Department of Justice on possible litigation regarding the State of Mississippi's Mental Health System.

## **MISSISSIPPI DEVELOPMENT AUTHORITY**

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Special Assistant Attorneys General Waverly Almon Harkins and Royce Cole are assigned as legal counsel to the Mississippi Development Authority (MDA) and the Mississippi Major Economic Impact Authority (MMEIA). They also provide legal services to the State Mineral Lease Commission since its duties and responsibilities were transferred by legislation to MMEIA. MDA/MMEIA work to secure economic development projects for the State of Mississippi through incentives that are both technical and financial in nature. The attorneys work with local units of government to draft documents setting forth the terms of binding agreements between private companies coming into the state and the governmental agencies involved in the project. The state ports are also overseen by this agency which calls for the legal department to review construction contracts among other matters. MDA's Energy Division works with schools and local units of government to review energy saving methods and contracts. The agency also provides administrative assistance by statute to other commissions and boards. Promotion of tourism in the state is an important part of MDA's mission. This allows the attorneys to review documents pertaining to incentives offered to bring movies and other productions into the State. MDA also certifies minority and women-owned businesses which advances a small business's ability to secure both public and private contracts.

## MISSISSIPPI DEVELOPMENT AUTHORITY CONTINUED

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The attorneys assigned to MDA provide legal advice to the agency and represent the agency in civil litigation and personnel matters before the Employee Appeal Board. They also draft legislation and regulations and documents for various statutory programs. In the aftermath of Hurricane Katrina, the attorneys have provided legal advice on matters of state law and procedures to the Disaster Division. More recent federal programs dealing with stimulus funds and energy programs have been worked by this agency and have required the attorneys to provide legal advice on such matters.

## DEPARTMENT OF EDUCATION

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For the FY 2012, Kathy Boteler, Heather Deaton and Raina Lee served as legal counsel to the State Department of Education and the State Board of Education, which includes the Mississippi School for the Deaf, the Mississippi School for the Blind, the Mississippi School for Mathematics and Science and the Mississippi School for the Arts. Kathy Boteler and Raina Lee counsel the board and agency in matters which include: representing the Department's two commissions, the Commission on School Accreditation and the Commission on Teacher and Administrator Education, Certification and Licensure and Development; reviewing and drafting contracts; drafting Attorney General opinions; handling personnel matters (including employee grievances, EAB appeals, and EEOC complaints); providing general advice on policy and regulatory matters; responding to public records requests; analyzing pending state and federal legislation; providing legal research and general legal advice to the agency's bureaus; providing assistance to local school districts; and responding to citizen questions and complaints. Heather Deaton represents the Department and the board in all matters related to special education.

Attorneys for the Department provided counsel as educational and safety concerns were addressed in the Aberdeen School District which led to a declaration of a state of emergency by the Governor and the take-over of this school district by the Board and Department. And, attorneys for the Department continue to counsel the Board and the Department in their efforts after the declaration of a state of emergency and the take-over of the Drew School District, North Panola School District, Hazlehurst City School District, Indianola School District, Tate County School District, District and the Sunflower County School District and in reconstituting the Okolona Municipal Separate School District. Attorneys provided legal advice to the Department regarding violations of the Mississippi Educator Code of Ethics and Standards of Conduct and state statutes that provide specific grounds for revocation or suspension of a teacher's or administrator's license.

In 1975, the Mattie T. class action lawsuit was filed against the Mississippi Department of Education on behalf of all Mississippi students with disabilities and those suspected of having disabilities. In December 2003, the parties entered into a Modified Mattie T. Consent Decree that was approved by United States District Court Judge Mike Mills of the Northern District of Mississippi. By the December 1, 2010, child count, local school districts and the Department were responsible for obtaining substantial compliance with the provisions in the Consent Decree related to (1) child find for other health impaired and emotionally disturbed students and (2) African-American students being disproportionately identified as Educable Mentally Retarded and Specific Learning Disabled. The Department of Education attorneys have worked with the Office of Special Education to obtain substantial compliance with the provisions of the Consent Decree, resulting in the parties filing a Joint Motion to Dismiss. Attorneys continue to advise the Office of Special Education with regard to the State Performance Plan and Annual Performance Reports filed with the U.S. Department of Education pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Attorneys also assist the Office of Special Education with the resolution of individual and class complaints filed under the IDEA.

## DEPARTMENT OF FINANCE AND ADMINISTRATION

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Special Assistant Attorneys General Romaine L. Richards and Aubrey Leigh Goodwin serve as legal counsel to the Department of Finance and Administration (the Department) and its divisions. As counsel for these entities, the attorneys represent the Department in administrative and civil litigation proceedings; draft and review contracts, policies, procedures, and proposed legislation; and provide legal advice on various matters including, but not limited to, employment law, contractual issues, construction law, garnishments, bankruptcies, public records requests, open meetings, public purchasing, real property and bid protests.

Richards provides assistance to the Executive Director on legal matters relating to the Department, including the preparation of the State's Comprehensive Annual Financial Report (CAFR) and assistance to the Health Insurance Management Board, which governs the State and School Employees' Health and Life Insurance Plan (the Plan). She also serves as general counsel to the State Bond Commission. In addition to these duties, Richards provides counsel and representation to the Department of Finance and Administration on matters pertaining to the Office of Budget and Accounting, which is responsible for budgeting, accounting, purchasing and payroll functions; the Office of Fiscal Management, which is responsible for providing oversight and assistance to other state agencies to insure compliance with state laws, rules and regulations; the Office of Capitol Facilities, which is responsible for providing security and maintenance for the buildings located within the Capitol Complex; the Office of Capitol Police; the Office of Surplus Property (State and Federal); the Office of Information Technology, which is responsible for the management of data processing of the DFA; the Office of Insurance, which administers the State and School Employees' Health and Life Insurance Plan, the State Agencies' Self Insurance Workers' Compensation Pool, and the Employment Compensation Revolving Fund; the Office of Personnel and Training; and the Office of Air Transport, which provides air transportation to all state government entities. In June 2012, pursuant to Chapter 531, Laws of 2010, Richards assisted the Department of Finance and Administration with leasing what is commonly referred to as the "Old Capitol Green or Jefferson Street Properties" to Full Spectrum South, LLC, to develop significant and complimentary commercial and residential buildings with attendant parking structures, art facilities and pedestrian walkways and green spaces and other recreational uses of the property.

Goodwin serves as counsel to the Bureau of Buildings, Grounds and Real Property Management (the BOB), whose primary function is to properly administer funds appropriated by the Legislature in accordance with state laws, regulations and established procedures, for construction and maintenance of state-owned facilities and real property. Goodwin is responsible for reviewing both construction and professional contracts for all projects under the control of the Bureau of Buildings; providing legal advice during the progress of construction projects and other real property transactions; counseling on procurement matters and other related issues. Goodwin also advises the Public Procurement Review Board, which approves procurement by state entities and hears protests and contract disputes generating from those procurements and the advises Office of Purchasing and Travel, and Fleet Management, which serves as the State Procurement Office, on legal matters regarding procurement, statutes, regulations, contracts, policies and procedures, protests, the State's Master Lease Purchase Program, and the acquisition and use of state vehicles.

# MISSISSIPPI FORESTRY COMMISSION

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The Forestry Commission offers a variety of forest management services to private and non-industrial land owners. The Commission also actively manages much of Mississippi's public timberland, including Sixteenth Section school lands and state parks. The Forestry Commission by statute has the primary duty of wildfire suppression. Forestry Commission crews suppress wildfires occurring day or night on nearly 17 million acres of timbered and uncultivated land.

## ROLE OF THE AGENCY ATTORNEY

The attorney assigned to the agency provides advice and assistance to the Forestry Commission in all areas of its operations where legal counsel is needed. This can be divided into areas of personnel, purchasing, accounting, fire protection, timber management and general administration. The attorney assists with all aspects of personnel actions and discipline, assists with questions regarding the purchasing laws and procedures, and is involved as needed with questions regarding the interpretation of the regulations dealing with payroll, bid laws, ethics laws and contract disputes, and reviews and drafts contracts as needed.

The Commission engages in operations and services that require and create legal issues. By statute, the Commission has the duty to suppress wildfires and has the authority to recover the costs of the suppression from the party responsible for the fire. Legal representation is necessary to assist in the normal daily operations of the Commission.



Natchez National Cemetary- photo taken by Matt Poole

## MISSISSIPPI GAMING COMMISSION

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The Gaming Control Division is charged with representing the Mississippi Gaming Commission in all its legal matters, assisting local law enforcement authorities as pertains to gaming law and generally carrying out legislative mandate and state public policy as it regards the gambling laws of Mississippi. FY 2012 was especially active for the division. There were staff changes, rebuilding efforts on the Coast continuing, other gaming venues continuing to grow and the State adapting to both new gaming laws and technologies. During 2012, Gaming Control attorneys represented the Commission in over 40 cases involving gaming work permit applications, including the revocation of gaming work permits and in the appeal of denials of applications for gaming work permits.

Additionally, the division advised the Commission on numerous requests for unanimous approval of work permit applications. The division handled 17 disputes between patrons and casinos that resulted in administrative hearings. These administrative hearings were heard and ruled on by the newly appointed agency hearing examiner, Special Assistant Attorney General Deanne Saltzman, who renders decisions on behalf of the Commission as well as recommendations for further action. Some of these disputes have been appealed and are presently pending before the civil and appellate courts.

The division also assisted as the Mississippi Gaming Commission issued Orders to Show Cause for various violations of the Gaming Control Act and/or the Mississippi Gaming Regulations. On four occasions, Gaming Division attorneys drafted complaints as well as stipulations and agreements imposing monetary fines and other disciplinary actions against certain gaming licensees. Division attorneys advised the Commission in conducting its hearings and in imposing this disciplinary action when appropriate.

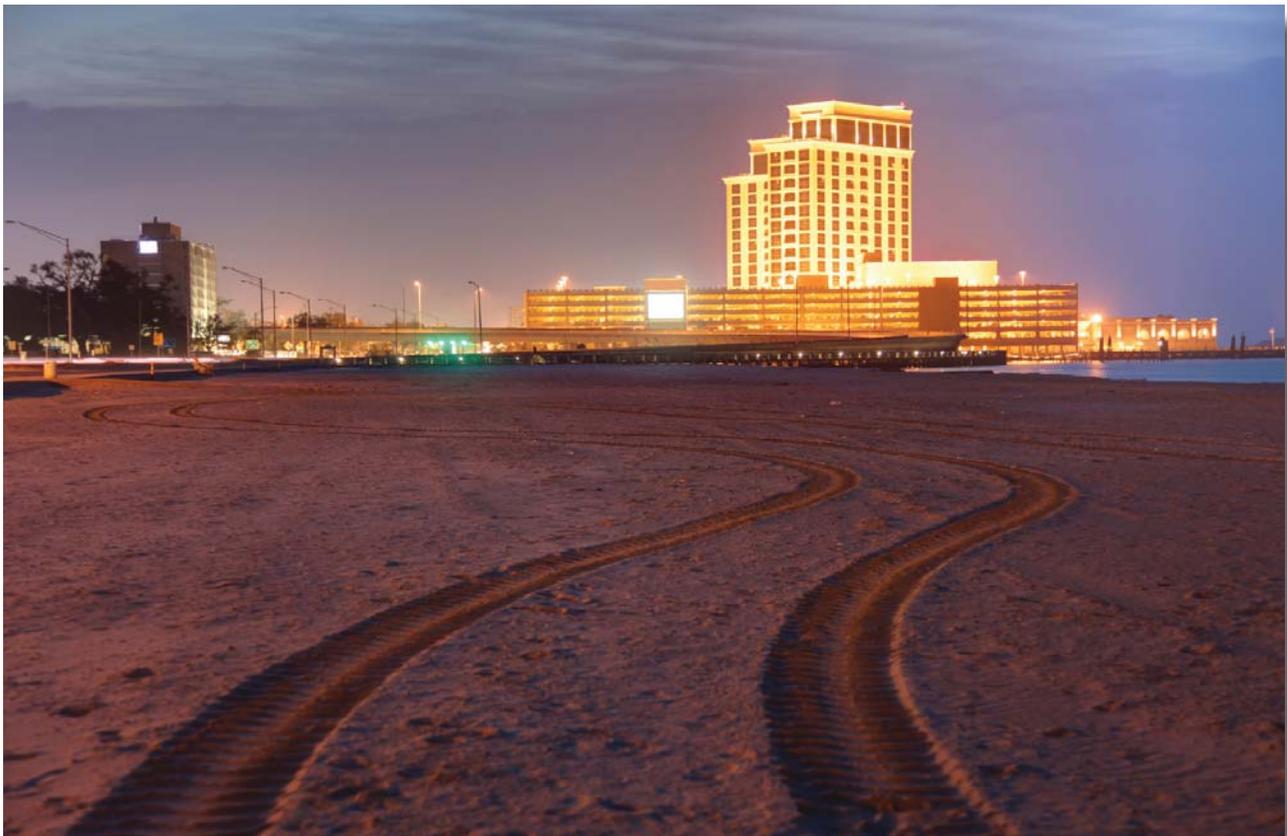
The Division was also instrumental in advising the Charitable Gaming Division of the Commission in the imposition of disciplinary action against charitable gaming licensees for various violations of the charitable gaming regulations, including exceeding allowable expenses and failing to give an adequate percentage to the charitable purpose (the "60/40 rule"). Several of these bingo matters resulted in full administrative hearings handled by Attorney General's Office staff.

Outside of the administrative arena, the Gaming Control Division is actively participating in a number of litigation matters involving state gambling laws. Division attorneys secured a favorable decision in a case involving an "internet café" and the seizure of several dozen illegal gambling devices. Staff attorneys also represented the State and Gaming Commission in multiple bankruptcy matters involving entities with Mississippi gaming licenses. The division handled the legal issues involved when one of the state's casinos closed. As part of its duties in advising the Gaming Commission, the division has been busy examining the legality of numerous proposed casino sites throughout the State. The number of proposals has recently jumped in connection with the rebounding of the national economy and the increased interest in the Mississippi market from willing investors. As more of these decisions are handed down by the Commission, the number of appeals are predicted to rise. In fact, the division has been involved in litigation surrounding one of the most recent proposals under construction.

## MISSISSIPPI GAMING COMMISSION CONTINUED

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Throughout the year, division attorneys also assisted various district attorneys and other state law enforcement agencies in providing information and training in the handling of matters relating to illegal gambling devices and the growing problem of illegal poker tournaments. Gaming Division attorneys provide assistance on a daily basis to the general public with requests for public records and basic information related to gaming in Mississippi, including inquiries by charitable organizations regarding raffles and bingo. The increased interest in internet gambling has recently caused the division to focus its attention on questions surrounding this issue as well. On a daily basis, the Gaming Division busies itself providing general legal advice to the Mississippi Gaming Commission, local government entities and the State concerning ongoing casino expansion, Gulf Coast rebuilding efforts and the developments in the gaming world.



Biloxi is known to be one of the biggest gaming cities in the southern region.

# MISSISSIPPI DEPARTMENT OF HEALTH

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The Health Law Section of the Attorney General's Office represents the Mississippi State Department of Health and its governing body, the Mississippi State Board of Health. This representation includes legal services to the Board, the State Health Officer, who serves as Director of the Department, the Department's various divisions, nine public health districts and 81 county health departments.

## **GENERAL ADVICE**

During the past year, the five attorneys in this section provided advice to the Department of Health in a wide variety of areas including, but not limited to, conducting meetings under the Open Meetings Law, drafting proposed legislation and proposed amendments to regulations, assisting with compliance with the Administrative Procedures Act; reviewing and enforcing licensure and certification determinations for health care facilities, including hospitals, nursing homes and child care facilities, as well as for various professional licensure; assisting with the enforcement of orders for the promotion of public health; reviewing the disclosure of documents under the Public Records Act; assisting with the disclosure of medical records through subpoena and otherwise; reviewing contracts; providing planning and policy assistance; processing garnishments upon employees; preparing Attorney General's Opinions on questions posed by the Department; handling personnel matters, and responding to inquiries from Department of Health Staff and members of the public on health-related matters.

## **ENFORCEMENT OF ENVIRONMENTAL LAWS**

The Department's Bureau of Environmental Health was assisted with enforcement of environmental laws in the areas of boiler and pressure vessel safety, radiological health, food sanitation, general sanitation involving regulation of wastewater, institutional sanitation, milk sanitation, water supply involving enforcement of Mississippi Safe Drinking Water Act and certification of operators of water systems. Activity in these areas involved advice, administrative hearings and litigation.

## **ENFORCEMENT EFFORTS:**

Onsite Wastewater- Assistance in enforcement training of new employees. Filed administrative enforcement actions against professional installers. Advised staff regarding cases in justice court concerning failing wastewater systems and resulting sewage on neighboring property. Worked with the Department of Environmental Quality, boards of supervisors and department staff in resolving wastewater issues in several counties.

Public Water Supply- Filed administrative and court enforcement actions against public water systems for endangerment of the health of their customers by noncompliance with applicable statutes and regulations.

## **MISSISSIPPI DEPARTMENT OF HEALTH CONTINUED**

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### **HEALTH FACILITIES LICENSURE AND CERTIFICATION**

In conjunction with the Bureau of Licensure and Certification of Health Care Facilities, the attorneys provided ongoing legal counsel in areas including, but not limited to, utilization review, subpoenas, public records requests, and licensure of hospitals, long-term care facilities, personal care homes, ambulatory surgical facilities, abortion clinics, hospice and home-health care providers. Attorneys also assisted the Bureau in matters concerning the transition of rural hospitals to critical access hospitals.

The attorneys handled administrative hearings against certified nurse aides charged with abuse and/or neglect of residents in long-term care facilities, as well as hearings for matters of denial or revocation of licenses. The attorneys also provide advice and counsel to the Bureau in matters involving the informal dispute resolution process and the federal administrative law hearing process.

### **CERTIFICATE OF NEED AND HEALTH PLANNING**

In the Certificate of Need (CON) Program, our attorneys assisted the Division of Health Planning on procedural and evidentiary matters at administrative hearings, and represented the Department in CON appeals to Chancery Court and the Mississippi Supreme Court. The attorneys also provided ongoing legal advice in matters including, but not limited to, requests for declaratory rulings under CON law, review of changes of ownership of health care facilities and legal review of staff analyses of new projects proposed under CON law.

### **EMERGENCY MEDICAL SERVICES (EMS) LICENSURE AND THE STATEWIDE TRAUMA SYSTEM**

Our attorneys provided legal advice to the Department in matters pertaining to the licensure and regulation of emergency medical technicians and emergency medical (ambulance) services, including disciplinary proceedings. They have also continued to assist the Department in the operation of Mississippi's first statewide trauma system. They have counseled the Department on such matters as procedures for trauma center designation and the development of reimbursement policies and procedures for indigent trauma care.

### **VITAL RECORDS**

During the past year, this section handled approximately 950 chancery court complaints to correct birth certificates and other vital records, responded to telephone calls and letters from attorneys having filed such complaints or planning to do so and met with numerous such attorneys. In addition, general advice was provided to the public regarding vital records and statistics.

### **COMMUNITY HEALTH SERVICES**

Assistance was given to the Department in administrative and court actions to enforce vaccination requirements and to quarantine persons with AIDS, other sexually transmitted diseases and tuberculosis to prevent the spread of such diseases, and to compel hospitalization and treatment for those with active, infectious, communicable diseases.

## **MISSISSIPPI DEPARTMENT OF HEALTH CONTINUED**

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### **CHILD CARE AND PROFESSIONAL LICENSURE**

Our attorneys represented the agency in administrative hearings to determine the qualifications of applications and in disciplinary hearings which may have resulted in suspension or revocation of the license or registration of the following: child care centers, occupational therapists, occupational therapy assistants, dieticians, respiratory care practitioners, medical radiation technologists, hearing aid dealers, athletic trainers, speech-language pathologists, speech-language pathologists aides, audiologists and audiologists aides. Additionally, our attorneys reviewed criminal history records and determined eligibility for every person applying to work in a child care facility.

### **DISASTER PREPARATION**

The Department has continued to focus on training in and outbreak intervention and disaster response. The attorneys have participated in training programs in order to provide legal advice and assistance in the development of strategies and plans for dealing with a major bioterrorism attack against the State or other public health emergencies. They have also provided valuable legal advice to the Division of Health Protection on measures for disease control, including interventions against the West Nile Virus.

### **PRIVACY LAW CONSIDERATIONS**

The Federal Privacy Rule continued to impact the department in various ways, and under the guidance of the HIPPA steering committee and the legal department, the Department continued to monitor patient disclosure forms and patient authorization forms and modified contracts with business associates to protect individually identifiable health information. While implementing these new protections for individual privacy, the department continued to pursue its essential public health objectives for public health research, bioterrorism preparedness, health surveillance and outbreak investigations, and general health promotion.

### **PERSONNEL**

Our attorneys assisted the Department, which employs approximately 2,500 people, in personnel matters through continuing advice, representing the agency in hearings before the Employee Appeals Board of the Mississippi State Personnel Board, and insuring compliance with state and federal employment and labor laws. They also worked in conjunction with the Civil Litigation Division of the Attorney General's Office to defend the agency in federal litigation originating from claims filed with the Equal Employment Opportunity Commission (EEOC).

## **HUMAN SERVICES DIVISION**

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The Human Services Section of the Attorney General's Office offers legal assistance to the Mississippi Department of Human Services (MDHS) and its county offices in providing services through assistance to needy and disadvantaged individuals and families found or living in the State of Mississippi. It offers legal counsel, advice, and representation to the executive director, division directors, managers, supervisors and other employees in matters relating to child protective services, adult protective services, family support services, child support enforcement, and in developing and enhancing service delivery tools.

The Division represented MDHS before various administrative and judicial bodies, conferred with MDHS on the Agency's legislative needs, wrote advisory opinions, continuously replied to questions from MDHS' service recipients, providers of services, public officials and the general public; consulted on child support cases; acted on records requests pursuant to subpoenas, subpoena duces tecum, and the Public Records Act; and helped with tort claims. We worked with MDHS in providing for the care of children with mental illnesses or multiple disorders and children requiring interstate placement.

### **CONTRACTS**

Contractual procurement agreements and partnerships remain essential to MDHS' service delivery system. During FY 2012, the Human Services Division

- Reviewed, revised, drafted, and/or negotiated more than 728 contracts, subgrants, requests for proposals, memoranda of understanding and other agreements.

### **DIVISION OF YOUTH SERVICES**

Through this Division, subgrants with community-based organizations were issued to operate its Adolescent Opportunity Program (AOP), which provide intervention and prevention services designed to decrease criminal activity among adolescents and to safely divert adolescent offenders from further contact with the criminal justice system. AOP served 1,316 clients. Thus far, there are 20 subgrant providers covering 41 counties.

### **DIVISION OF COMMUNITY SERVICES**

Subgrants between the Division of Community Services and community action agencies/human resource agencies, allowed MDHS-DCS to provide assistance to the elderly, disabled and children through Weatherization, CSBG and LIHEAP programs.

- For FY 2012, the Weatherization Program provided assistance to a total of 1,898 homes. This amount includes regular Weatherization and ARRA.
- In addition, the Division also assisted over 123,079 people through its LIHEAP and CSBG programs.

## **HUMAN SERVICES DIVISION CONTINUED**

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### **DIVISION OF FAMILY AND CHILDREN SERVICES**

The Division of Family and Children Services provide a safety net for those children who have been abused and/or neglected; however, it is their responsibility to reunite these children with their parents. When the effort failed or was not possible, MDHS referred the cases to the Human Services' Division for Termination of Parental Rights (TPR).

A total of 241 new TPR cases were referred to this Division during FY 2012. Human Services attorneys obtained court orders terminating parental rights on behalf of 409 children.

The Division worked with MDHS in placements for hard to place children such as those with mental illness and behavior problems. The Division also:

- Handled two vulnerable adult cases
- Conducted 66 administrative fair hearings. These hearings involved persons whose names appeared on MDHS' Child Abuse/Neglect Central Registry
- Completed 208 legal clearances for the adoption unit, which allowed children to be adopted by loving families
- Conducted local and state level training sessions with social workers

### **DIVISION OF HUMAN RESOURCES**

- Handled 85 personnel cases for MDHS
- Responded to more than 182 subpoenas and summonses
- Responded to 72 open public records requests
- Processed over 345 writs of garnishments and other wage-withholding matters

### **OAKLEY TRAINING SCHOOL AND COLOMBIA TRAINING SCHOOL**

During the last 12 months, Oakley Training School has maintained compliance in the areas of Medical and Dental Services and Special Education Services while continuing to work on improving services in the areas of Protection from Harm, Suicide Prevention and Mental Health.

## **INFORMATION TECHNOLOGY SERVICES**

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During FY 2012, Special Assistant Attorney General Donna Rogers drafted and/or negotiated 334 contracts of various types (software licenses, software development contracts, turnkey agreements, purchase contracts, maintenance contracts, leases, application service provider (ASP) contracts and professional services contracts) with providers of data processing and telecommunications hardware, software and services. Some of those contracts involved projects for a time and attendance system for the Mississippi State Department of Health, a business recovery services contract for ITS, a data warehouse/business intelligence solution for the Mississippi Department of Education, and a web-based newborn screening and birth defect surveillance registry system for the Mississippi State Department of Health. In addition to contract negotiations, Rogers provided legal advice to the Executive Director and staff of ITS, and responded to garnishments and public records requests.

## **MISSISSIPPI DEPARTMENT OF INSURANCE**

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The Attorney General's Insurance Division provides legal support for the Mississippi Insurance Department (Department). The Department primarily regulates the business of insurance in the state, and in that respect is responsible for administering Title 83 of the Mississippi Code. There are currently over 1,700 insurance companies and nearly 100,000 insurance producers (agents or agencies) licensed in the state. The Department also licenses bail bondsmen, with some 1700 professional bail agents, bail soliciting agents and bail enforcement agents in the state.

The Commissioner of Insurance is the chief officer of the Department, and also serves by statute as State Fire Marshal. The State Fire Marshal's Office, a division of the Department that has law enforcement authority, is directed by the State Chief Deputy Fire Marshal. This Office conducts arson investigations and fire code inspections throughout the state. It is also the state licensing authority for factory-built homes, residential electronic protection systems, and liquefied compressed gas dealers. Further, the Office oversees Fire Services Development, Fire Safety Education and pyrotechnics permits at the state level. Another Department division is the State Fire Academy. The Academy, which is located on an 85 acre complex in Rankin County, trained over 16,000 students during FY 2012 in basic and advanced fire fighting.

The Legal Division advises and represents the Department on all matters within its purview, including, but not limited to, financial and market conduct examinations, producer and insurer disciplinary actions, administrative hearings, drafting of regulations and bulletins, insolvency proceedings (rehabilitations and liquidations), fraud investigations, consumer complaint resolution, and the mergers, acquisitions and redomestications of insurers. Special Assistant Attorneys General Linda Boozer, Kim Causey, Jay Eads, Mark Lampton and Michelle Partridge are members of the Insurance Division. There are also two Department staff attorneys and two Department legal secretaries who work under the direct supervision of the division director.

## MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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Special Assistant Attorneys General Joseph Runnels and Sandy Chesnut serve as general counsel to the Mississippi Department of Marine Resources (MDMR) and the Mississippi Commission on Marine Resources (MCMR). Their duties include drafting legislative amendments to marine resources related statutes and MCMR regulations; coordinating defense with outside counsel on tort claims; drafting and reviewing contracts, memoranda of agreement, and memoranda of understanding; handling employee law issues including EEOC Complaints and employment grievance cases appealed to the Mississippi Employee Appeals Board; pursuing enforcement of non-compliance with the MCMR's wetlands restoration orders and derelict vessel removal notices; prosecuting judicial and administrative forfeiture of seized illegal equipment; counseling the Executive Director and the MCMR during Commission meetings; interpreting laws, regulations, policies and other controlling authorities (e.g., Mississippi Coastal Program and federal environmental laws) advising MDMR personnel and the MCMR on compliance and enforcement issues; drafting Official Attorney General Opinions applicable to the MCMR and MDMR; identifying and disseminating legal reference materials applicable to the MDMR and MCMR's duties and responsibilities; and defending the MCMR and MDMR's actions and orders which are the subject of appeal, a duty that includes preparing the record and pleadings and making oral arguments to appellate courts. The Special Assistant Attorneys General for the MCMR/MDMR are actively engaged in administrative proceedings and in litigation.

Legal Counsel for the MDMR/MCMR continue to deal with the aftermath of the Deepwater Horizon Oil Spill, by reviewing contracts, responding to public records requests and advising staff in conjunction with same.

## DIVISION OF MEDICAID

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Special Assistant Attorneys General Chuck Quarterman, Bill Mounger, Nicole Litton, Fran Ingram and Tara Pattie, and an administrative assistant, Pam Thomas, provided legal services to the Division of Medicaid during FY 2012. The Division of Medicaid, with over 900 employees, has a total budget of over \$4 billion dollars and provides health care coverage to approximately one out of every four Mississippians.

The attorneys represented the agency on a variety of matters, including statutory and regulatory issues, administrative appeals and hearings, contracts and procurements, personnel actions, requests for public information, third party subrogation, estate recovery, garnishments, levies, bankruptcies and tax liens. In addition, the attorneys facilitate investigations for the Medicaid Fraud Control Unit and coordinate defense of complex civil litigation through the Attorney General's Civil Litigation Division. The attorneys working with third party recovery cases have approximately 900 active files and successfully recovered approximately \$2,150,000 for the agency during FY 2012. The attorneys working in the estate recovery area have approximately 1,100 active files and successfully recovered \$1,182,000 for the agency during FY 2012. Furthermore, \$560,671 and \$2,500 were collected from Special Needs Trusts and Income Trusts, respectively.

## **DIVISION OF MEDICAID CONTINUED**

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In addition to state level agency administrative hearings, our attorneys have also represented the Division of Medicaid in matters before the Employee Appeals Board, the EEOC, United States Bankruptcy Court, and other state and federal courts. In addition, the agency and the attorneys continue to assist special counsel retained by the Office of the Attorney General to pursue State claims against pharmaceutical manufacturers concerning prescription drugs, including the AWP litigation involving the fraudulent pricing of drugs.

## **STATE PERSONNEL BOARD**

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Special Assistant Attorney General Sara DeLoach serves as General Counsel to the Mississippi State Personnel Board (MSPB). As General Counsel, she provides legal advice to the MSPB, the Personal Service Contract Review Board (PSCRB), and the Employee Appeals Board (EAB).

At the MSPB, DeLoach supports the Executive Director and agency staff in performing their statutory duties of managing and improving the central personnel agency for state government. She provides legal counsel regarding the application of state and federal law to MSPB policy, and also assists in developing and revising all MSPB policies and procedures. Furthermore, she provides assistance to the MSPB and other state agencies regarding specific employment and human resources issues, including, but not limited to, personal/medical and donated leave, wage and hour practices, accommodation of disabilities, and employee discipline. In her capacity as General Counsel, DeLoach also advises the MSPB on open meetings, public records, garnishments, Administrative Procedures Act filings, internal contracts/agreements, and other matters. DeLoach reviews all legal services contracts submitted to the MSPB for approval and presents said contracts at the monthly Board meetings. She represents the MSPB in all litigation matters and serves as the liaison between the MSPB and the Office of the Attorney General.

As counsel to the PSCRB, DeLoach reviews all personal and professional service contracts entered into with state agencies in excess of \$100,000, to ensure compliance with state law and PSCRB procurement regulations. She also provides legal advice to the PSCRB at their monthly Board Meetings.

DeLoach assists the EAB in researching legal questions regarding the employee grievance and appeals process.

## **PROFESSIONAL LICENSURE AND REGULATORY SECTION**

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The Professional Licensure and Regulatory Section of the State Government Division of the Attorney General's Office, consisting of Deputy Attorney General Onetta Whitley and Assistant Attorneys General Leyser Morris-Hayes, Maudine Eckford and Gloria Green, is charged with providing legal representation to the various professional licensing and regulatory boards and commissions of the State of Mississippi. This representation includes, but is not limited to, providing general counsel and advice, representing agency staff in administrative hearings, serving as hearing officers in administrative proceedings, handling a variety of personnel issues, including employee discipline and equal employment compliance and advising on matters pertaining to rule making. In addition, this Section represents the various agencies in courts of law on matters of injunctive relief, some civil litigation and appeals from administrative decisions.

The agencies include the State Board of Professional Engineers and Land Surveyors, State Board of Public Accountancy, State Board of Dental Examiners, Board of Psychology, State Board of Cosmetology, State Board of Funeral Service, Mississippi Auctioneer Commission, Real Estate Appraiser Licensing and Certification Board, Licensed Professional Counselors, Massage Therapists, Physical Therapists, Fire Fighter Certification Board, Commercial Mobile Radio Services Board and Home Inspector Board, as well as several others.

In addition to providing general counsel to the professional licensing agencies, the Section also provides general counsel to a variety of other state agencies in the Executive Branch of Government including Mississippi Emergency Management, Mississippi Authority for Educational Television, Mississippi Industries for the Blind, the Athletic Commission and others.

This year the legal services provided to agencies via contractual agreements between the agencies and the Office of the Attorney General resulted in an estimated savings of \$10,812,681 in legal costs.

## **DEPARTMENT OF REHABILITATION SERVICES**

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Special Assistant Attorney General Billy Taylor represents the Department of Rehabilitation Services, which includes the Office of Vocational Rehabilitation, the Office of Vocational Rehabilitation for the Blind, the Office of Disability Determination Services, the Office of Special Disability Programs and Support Services, as well as the Department's governing entity, the State Board of Rehabilitation Services. In his capacity as legal counsel he advises the Board and Department regarding employment and personnel issues, in house, as well as before the Equal Employment Opportunity Commission, Employee Appeals Board, and the Employment Security Commission. He also advises and represents the agency concerning open meetings, public records, subrogation, bankruptcy, garnishments, administrative procedures, subpoenas, public purchasing, Workers' Compensation, immigration, American Indians, contracts, leases, policy, Americans with Disabilities Act, Social Security Disability and other disability related issues.

## **PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**

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Special Assistant Attorney General Jane Mapp serves as legal counsel to the Public Employees' Retirement System of Mississippi (PERS). PERS is responsible for administering the Public Employees' Retirement System, the Mississippi Highway Safety Patrol Retirement System, the Government Employees Deferred Compensation Plan, the Mississippi Municipal Retirement Systems, the Supplemental Legislative Retirement Plan, the Retiree Group Life and Health Benefits, the Optional Retirement Plan for the Institutions of Higher Learning and the Federal-State Agreements providing Social Security coverage to eligible participants.

Mapp's responsibilities include ensuring the governmental status of entities for requesting membership in the System; drafting contracts; assisting outside counsel on securities litigation cases; assisting the third party administrator for the Deferred Compensation Program address legal questions relative to the Plan, as well as ensuring that federal guidelines are satisfied; assisting in personnel matters; providing necessary assistance to the Civil Litigation Division on cases involving the Retirement System; and representing PERS at administrative hearings and in appeals to the Circuit Court and Supreme Court relative to disability claims and membership service claims. Presently there are 24 appeals involving PERS in the Circuit and/or Supreme Court.

Mapp also assists the Personnel Director with issues relative to employee relations; offers advice and assistance in drafting legislation and agency regulations; and assists PERS staff, as well as staff from other agencies, respond to questions regarding the application of the statutes which govern the administration of PERS and the separate plans it administers. Issues include, but are not limited to, service credit, disability benefits, garnishments, beneficiary disputes, eligibility for benefits, membership in PERS or other retirement plans, refunds, investments, the fiduciary responsibility of the Board of Trustees and monitoring of federal legislation for impact on PERS.

## SECRETARY OF STATE PUBLIC LANDS DIVISION

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Special Assistant Attorney General Nancy Morse Parkes is assigned to the Secretary of State's Office Public Lands Division. Her duties include providing general legal advice regarding tax sales, AG opinion research, and other related matters. Additionally, she works with the Secretary of State's Senior Public Lands Attorney on 16th Section Land issues. Nancy handles all suits to clear title in which the state is named as a defendant. In defending these cases, she works with the Secretary of State's Office to determine what interest, if any, the State has in the property in question, and files the appropriate answer and other pleadings. Parkes handled more than 337 of such suits last year. Parkes represents the Secretary of State in eminent domain suits where the Secretary of State is named as a defendant due to possible interests via un-matured tax sales. Her further litigation duties include protecting the state's interest in lawsuits where individuals claim to own 16th Section School Trust land and Public Trust Tidelands.

Parkes provides legal assistance to the Elections Division in regard to the campaign finance reporting and lobbying laws, and to the Business Regulation and Enforcement Division and Business Services Division in certain lawsuits. She also handles employee appeals board hearings for the Secretary of State. Additionally, Parkes regularly meets with and advises the Assistant Secretary of State for Public Lands and the Senior Public Lands Attorney on a variety of issues ranging from dealing with other agencies to litigation being handled by outside counsel.



## MISSISSIPPI DEPARTMENT OF TRANSPORTATION

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The Transportation Division of the Attorney General's Office employs six Special Assistant Attorneys General full time and another on a part-time basis under its contract with the Mississippi Transportation Commission, and coordinates with four staff attorneys outside the Division who act in an administrative capacity: two staff attorneys in Human Resources Division and two staff attorneys in Right-of-Way Division. The Mississippi Department of Transportation also employs one contract staff attorney who works with the Transportation Division. The Division's support staff includes one Branch Director, one Special Projects Officer, and an administrative assistant employed by the Attorney General, as well as a law clerk, two paralegals, a legal secretary and a receptionist working on direct contract with MDOT. They assist the agency in implementing its mission of providing an efficient transportation system in a cost-effective and environmentally friendly manner. This includes implementing programs involving highways, railroads, public transit systems, aviation, ports and waterways for the citizens of the State. One other Special Assistant Attorney General is housed in the Transportation Division's offices, although his exclusive assignment is to perform patent, trademark and copyright work for the State's colleges, universities, and other state agencies.

The Commission also had outside counsel contracts with a number of attorneys who provided services on an hourly, as-needed basis for various reasons, such as in situations where special expertise was required or when the in-house attorneys had a conflict.

FY 2012 was a transitional period for the Transportation Division, since two of the three Transportation Commissioners were newly elected, and a new Executive Director was appointed. The Chief Engineer, all of the Office Directors, and most of the District Engineers were also new in their positions. In addition to the usual and customary work for MDOT, several lawyers in the office took on extra duties as managing attorneys for tobacco litigation and representation of the Mississippi Emergency Management Agency, and the Mississippi Development Authority's office. These services were provided to the outside agency on an hourly basis for which the MDOT was reimbursed. Others were busy serving as members and/or chairmen of national committees for the National Transportation Research Board, the American Association of State Highway and Transportation Officials and the National Alliance of Highway Beautification Agencies.

The Commission paid \$1,115,054 under its contract with the Attorney General. It also paid \$1,125,293.70 to approximately 12 different firms for eminent domain work; \$674,605.56 to four firms for title and closing work related to property acquisition; and \$537,281.28 to 11 different law firms, expert witnesses, forensic accountants, and related litigation support firms in bond issues, admiralty, workers' compensation and various other types of lawsuits.

### LITIGATION

The Division has continued to take on complex litigation in house, including defending high-dollar construction claims and the successful settlement of a \$20 million dollar suit filed against the Commission by Madison County. With assistance from outside counsel appointed by the Attorney General, the Transportation Commission is a named plaintiff in a multimillion-dollar, bond price-fixing class action suit in Federal Court in New York. Special Assistant Attorney General Margaret Ellis continues her deep involvement in the ongoing tobacco litigation, and assisted in obtaining a judgment against Brown & Williams for \$8,000,000 and one for \$6,600,000 against R.J. Reynolds. Ellis, with assistance from an outside admiralty attorney, pursued a case against TK Towing for damage to the Commission's bridge fender system and reached a settlement for \$135,000.

## MISSISSIPPI DEPARTMENT OF TRANSPORTATION CONTINUED

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Special Assistant Attorney General Roy Tipton, with editorial assistance from Law Clerk Ben Jones, negotiated a settlement of a claim brought by the Federal Emergency Management Agency against the Mississippi Emergency Management Agency for a fraction of the amount demanded, and successfully represented the Mississippi Development Authority in an appeal asserted by the Sierra Club.

The Division continued to support the Department of Transportation's efforts to find creative methods of funding, planning and building public transportation facilities. Contracts with the states of Tennessee, Arkansas and Louisiana, as well as various counties and municipalities within Mississippi, allowed the expedited planning and construction of facilities of many different types. Special Assistant Attorney General Judy Martin was instrumental in this arena, representing the agency at the Federal peer exchange on innovative contracting, as well continuing to consult on design/build projects.

Special Assistant Attorney General Thomas S. Coleman worked to facilitate grants from the Mississippi Development Authority, through the Economic Development Highway and Community Development Block Grant programs, funded with state bonds and with U.S. Department of Housing and Urban Development monies.

Thanks to the efforts of Law Clerk Ben Jones, the Division was able to assist in resolving audit issues in Hancock County and Vicksburg that threatened to delay grants of Federal assistance, and worked through high dollar post-Katrina issues relating to engineering firms and the American Recovery and Reinvestment Act.

Special Assistant Attorney General Jimmy Isonhood continued his work on the often controversial task of controlling encroachments on the public right-of-way and controlling billboards adjacent to the right-of-way. In furthering the advancement of law in these areas, Isonhood chairs the Committee on Eminent Domain and Land Use for the National Transportation Research Board (NTRB) and continues to be active in both the American Association of State Highway and Transportation Officials (AASHTO) Outdoor Advertising Technical Subcommittee, the NTRB Digital Billboard Committee and multiple committees for the National Alliance of Highway Beautification Agencies (NAHBA). In addition to his work in these organizations, Isonhood has participated in a Federal Highway Administration study under the Osprey Group, which developed Federal Guidance Memoranda on pressing outdoor advertising issues.

Ellis was appointed to the Tort Liability and Risk Management Committee of the National Transportation Research Board.

Special Assistant Attorney General Larry Schemmel, a qualified trademark and copyright attorney and licensed patent attorney, obtained approximately twelve trademarks for various state agencies, obtained five patents and applied for a number of others, and represented agencies such as the Department of Finance and Administration, the Mississippi Development Authority, Mississippi Educational Television and several different universities in copyright and trademark issues. Most of his time was charged to agencies other than the Transportation Commission.

Special Assistant Attorney General J.D. "Woody" Woodcock acted as administrative hearing officer for a number of different state agencies and continued to represent several other agencies pursuant to contracts with the Attorney General, in addition to handling MDOT-related issues.

## MISSISSIPPI DEPARTMENT OF TRANSPORTATION CONTINUED

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As always, the Division provided the general day-to-day advice, assistance and representation expected from an agency with some 3,300 employees, 14,000 miles of roadway to maintain, offices in all 82 counties and annual expenditures approaching \$1 billion.

### **PROPERTY ACQUISITION:**

The Commission acquires thousands of parcels of property in a typical year to utilize in construction of highways and other facilities, a process overseen by Special Assistant Attorney General Billy D. Hall. The agency's Right-of-Way Division has continued to place extra emphasis on making good faith efforts to purchase this property at fair market value rather than condemning it, so only 136 new cases were filed during the year, while 90 suits were either tried or settled. Some 178 cases were active at the end of the fiscal year. For a variety of reasons, most eminent domain cases were pursued by outside counsel.

### **PROPERTY DAMAGE CLAIMS:**

Asserting claims against those responsible for damage to MDOT facilities and equipment continues to generate a significant work load for the Division. Ellis, with assistance from paralegal Shannon Cleveland, has aggressively continued to represent the public's interests. Through their efforts they collected and returned to the citizens of Mississippi a total of \$331,735.40.

### **WORKERS' COMPENSATION:**

The Division continued to represent the Commission's self-insured, self-administered Workers' Compensation program. This program paid \$1,770,453.70 in disability benefits and \$846,145 in 15 compromise settlements to current and former employees of the agency, as well as \$1,957,719.99 to medical providers. There were approximately 40 controverted cases active at some point during the year, with Staff Attorney Rodney Love and Woodcock as lead counsel in a number of them and the rest being assigned to three private firms. The sum of \$1,667.83 was recovered for the agency through subrogation claims asserted against third parties responsible for accidents that resulted in claims.

The Transportation Division of the Attorney General's Office continued to strive to give the best possible representation to the Transportation Commission and to the State of Mississippi as a whole, while minimizing the public's expenditures. Several of the attorneys billed substantial amounts of time to other agencies, thereby reducing the division's cost to the Commission and properly allocating the expense. Despite the reduced time applied to transportation issues by the Division, the agency received adequate representation at a rate substantially less expensive than that charged by outside counsel, so the mutually beneficial relationship between the client and its attorneys flourished.

## UNIVERSITIES DIVISION

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Leigh H. Patterson, Katie Lusk and Stephanie Ganucheau serve as legal counsel to the Board of Trustees of State Institutions of Higher Learning (IHL), the Commissioner of Higher Education, the eight state institutions of higher learning, as well as various other public agencies associated with the Board. Additional university campus attorneys have been authorized and assigned to Jackson State University, Mississippi State University, Mississippi University for Women, The University of Mississippi, The University of Mississippi Medical Center, and The University of Southern Mississippi. Patterson, Lusk and Ganucheau coordinate activities with each campus attorney and participate in joint efforts maximizing the legal representation available to the various institutions of higher learning in Mississippi.

Patterson, Lusk and Ganucheau are active in the management of litigation involving higher education. The Division receives inquiries from students and parents and assists in resolving problems relating to the institutions. The attorneys in this Division work closely with the faculty, staff and administrators of the eight state universities. In addition, the three attorneys in this Division are the actual campus counsel for Alcorn State University, Mississippi Valley State University and Delta State University.

The IHL Board Offices and the Institutions of Higher Learning, pursuant to legislative authorization, operate under the Mississippi Tort Claims Act separately from the administration provided by the State Tort Claims Board. The AGO's Universities Division works closely with the IHL Insurance and Risk Management Division and plays a vital and significant role in the evaluation and disposition of tort claims. During FY 2012, the Division provided a myriad of other legal services to the Agency, including, but not limited to, the following:

- Provided advice and assisted with numerous construction and renovation projects developing facilities on and off campus at each of the institutions
- Assisted the University Press of Mississippi with various intellectual property and contractual issues this year
- Assisted the State Office of Student Financial Aid with the development of and amendments to the contracts, notes and regulations for the various types of financial aid which it administers
- Represented Mississippi Automated Resource Information Systems and reviewed their contracts with other agencies
- Worked closely with the Commissioner of Higher Education in drafting new Policies and Bylaws for the Institutions of Higher Learning
- Acted as in-house counsel to the Mississippi Commission on College Accreditation, which has offices located in the Education and Research Center
- Advised IHL on Ayers implementation issues in furtherance of the settlement of that lawsuit
- Worked closely with the IHL Board Office of Human Resources in advising on various employment issues
- Worked closely with the IHL Office of Contracts and Grants in reviewing and/or drafting all contracts for that office
- Advised GEAR-UP in all legal matters
- Represented and advises America Reads-Mississippi in all legal matters
- Worked closely with the IHL Finance and Academic Departments, as well as with the Real Estate and Facilities Department, in addressing various legal issues affecting same

## STATE VETERANS AFFAIRS BOARD

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The State Veterans Affairs Board (SVAB) assists former and present members of the Armed Forces of the United States and their dependents in securing benefits or privileges under any federal or state law or regulation to which they are entitled and to advise the Governor and Legislature on veterans affairs. The State Veterans Nursing Homes in Collins, Jackson, Kosciusko and Oxford are maintained and operated by the State Veterans Affairs Board. The State Veterans Affairs Board is also charged with the duty to inspect, approve and supervise schools, institutions and establishments for war orphan and veteran training under the GI Bill and with the establishment and operation of a State Veterans Memorial Cemetery and the Persian Gulf War Memorial. SVAB provides speakers for meetings and works with the legislature, governor and veterans organizations regarding veterans' issues.

SVAB maintains copies of military discharges (DD 214) for individuals recently released from military service who list Mississippi as their home of record on the DD 214. SVAB can access Mississippi Draft cards from WW II through post-Korea and can access some records pertaining to WW II and Korean War discharges.

Additionally, the Veterans Service Officers of the Claims Division with SVAB provide free advice and guidance to veterans and dependants concerning VA claims, VA casework, hearings, appeals and discharge upgrades. These service officers are also responsible for the training of County Veterans Service Officers. Claims Division employees represent the Mississippi State Veterans Affairs Board and are accredited representatives for the American Legion, American Red Cross, American Ex-POWs, Blinded Veterans Association, Fleet Reserve Association, Non-Commissioned Officers Association and the Veterans of Foreign Wars.

Special Assistant Attorney General Avery Lee serves as General Counsel to the State Veterans Affairs Board. Her duties include representing the agency before the Equal Employment Opportunity Commission, the Employee Appeals Board and various other agencies and courts. As in-house counsel, she advises and represents the agency concerning Open Meetings, Public Records, Administrative Procedures, contracts, leases and policies as well as provides on-site training to the employees of the nursing homes.



## DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

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Special Assistant Attorney General Doug Mann is assigned as legal counsel to the Department of Wildlife, Fisheries and Parks and the Mississippi Commission on Wildlife, Fisheries and Parks. He is assisted by Annette Clark. Mann provides legal services including drafting, negotiating and reviewing contracts, real property transactions, representing the department in the initiation of seized property civil forfeiture proceedings, and advising and representing the department concerning State Personnel Board matters and hearings before the Mississippi Employee Appeals Board. This agency is one of the largest in terms of number of employees with more than 850 full-time employees.

A primary function of the department is law enforcement which includes not only violations of the game and fish statutes and environmental matters, but also safe boating enforcement and the recovery of stolen boats and motors. Mr. Mann makes presentations at training sessions for all law enforcement personnel and advises them daily on legal matters. Mr. Mann has also had the privilege of addressing the Prosecutors' Training seminars sponsored by the AGO.

In addition, Mann advises department management on various matters dealing with the operation of 25 State Parks.

In 2012, Mann assisted and advised the department and commission on matters ranging from helping revise regulations to assisting sister agencies in the development of public works projects. The attorney also provided advice and counsel on more recent inter-governmental efforts regarding the claims process for reimbursement of agency efforts following the BP Gulf Oil Spill and the cooperative effort for handling record flooding of the Mississippi River. In addition, the attorney provides continuing advice and counsel on compliance with State purchasing regulations as well as the regulations of the Personnel Services Contract Review Board. Risk management issues at state parks and wildlife management areas remain a high priority for the department. The attorney maintains a close working relationship with the Tort Claims Board in order to ensure that claims are processed promptly, as well as providing support and assistance to law firms hired by the Tort Claims Board to defend the Department in liability suits. All regulations promulgated by the commission are filed by the legal staff with the Secretary of State's office under the Administrative Procedures Act.

The legal staff also assists Departmental staff in advising the Chairmen of the Wildlife, Fisheries and Parks Committees of both the House and Senate when reviewing proposed legislation, drafting changes and researching legislation. Mann also takes an active role in national and regional Wildlife organizations such as the Association of Fish and Wildlife Agencies (AFWA) and the Southeastern Association of Fish and Wildlife Agencies (SEAFWA). Participating on the Legal Committees of these organizations, Mann has contributed to official comments on proposed Federal regulations affecting interstate movement of captive deer, elk and other cervids and control of Chronic Wasting Disease (CWD). Mann continues to assist with the review or development of contracts for the Department and provides any other legal support needed.



## **SUPPORT SERVICES DIVISION**

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The Attorney General's Support Services Division is responsible for providing overall administrative and technical support to the Office in the areas of finance and accounting, budgeting, human resources and personnel, grant management and reporting, purchasing, property, payroll, maintenance of the law library, management of inter-agency legal contracts and information systems.

### **FINANCE AND ACCOUNTING**

Support Services is responsible for the management of the day-to-day accounting activities through the Statewide Automated Accounting System (SAAS) and the analysis of financial reports and preparation of cost projections to manage agency funds and to ensure compliance with spending authority requirements contained in the Agency's appropriation bill. The Finance and Accounting area also prepares Generally Accepted Accounting Principles (GAAP) financial statements and related information for inclusion in the Comprehensive Annual Financial Report and the preparation of the Agency's indirect cost plan and negotiation of the indirect cost rate with the Federal Division of Cost Allocation

Support Services is also responsible for the administration of the Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund. Mississippi Code Section 45-2-21 (1972, annotated) transferred supervision of this fund from the Department of Public Safety to the Attorney General's Office beginning July 1, 2006. Any actively employed law enforcement officer or fire fighter who is accidentally or intentionally injured in the line of duty as the direct result of a single incident is eligible to receive benefits. If approved, the Attorney General's Office will make a monthly disability payment equal to 34 percent of the covered individual's regular base salary at the time of injury. If the covered individual also receives workers' compensation benefits, then payments from the Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund will be limited to the difference between the workers' compensation benefits and the amount of the covered individual's regular base salary. As many as 12 payments for any single injury can be made. Applications and instructions for submission are posted on the Attorney General's Website at [www.agjimhood.state.ms.us](http://www.agjimhood.state.ms.us).

### **BUDGETING**

The Budgeting area includes the planning and preparation of the Agency's annual budget for submission to the Legislative Budget Office. This process includes reviewing and compiling financial information for all funds and programs and maintaining systems and methods to capture performance measurement data to comply with the "Mississippi Performance Budget and Strategic Planning Act of 1994." A part of the budgeting process is the compilation of supplemental information on program accomplishments and assistance in Legislative Budget Hearings through compilation of costs associated with new, expanding and/or existing programs. The culmination of the budgeting process is the preparation of the Agency's Z-1 budget with subsequent revisions as necessary throughout the fiscal year. An additional part of the legislative budget process is the preparation of the personal services budget as required by the State Personnel Board which ensures adequate manpower in accomplishing the Office's mandates.

## **SUPPORT SERVICES DIVISION CONTINUED**

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### **HUMAN RESOURCES AND PERSONNEL**

The Human Resources and Personnel area ensures compliance with all state and federal laws, rules and regulations regarding employment and employees (SPB, Section 125, FLSA, Title VII, FMLA, HIPAA, COBRA, etc.). Other functions of this area include maintaining agency, position and employee data in SPAHRS; ensuring that leave usage complies with state and federal laws; conducting employee orientation; coordinating Benefits Training and Cafeteria Plan Enrollment; ensuring uniform implementation of Performance Appraisal Review (PAR); and maintaining the Office's organizational chart.

### **GRANT MANAGEMENT AND REPORTING**

Support Services provides financial and administrative support to all divisions within the Office working under grants and contracts. This support includes assisting with the preparation of grant applications and budgets, interpreting grant language, making recommendation on implementation and fulfilling all grant reporting requirements, e.g., Financial Status Reports (FSR), Cost Reimbursement Reports, Federal Cash Transactions Reports, and various programmatic reports. During FY 2012, the Office entered into over \$4,327,195 in grants/contracts with DHHS-Medicaid Fraud, Public Safety, Department of Justice and National Science Foundation through Mississippi State University.

### **PURCHASING, PROPERTY MANAGEMENT, SPACE MANAGEMENT**

Support Services is responsible for all procurement of goods and services for the Office. The Division ensures that all purchases are made in compliance with State purchasing laws as well as the rules and regulations set forth by the Department of Finance and Administration and Information Technology Services (ITS). Support Services maintains an effective property system to track and document all equipment purchases and prepares monthly reports of additions and deletions for submission to the State Auditor's Office. The Division also negotiates building leases and manages office space.

### **PAYROLL**

Support Services is responsible for processing a monthly payroll for over 270 full-time employees utilizing the Statewide Payroll and Human Resources System (SPAHRS) inclusive of maintaining direct deposit information and balancing/payment of deductions and for processing a bi-weekly payroll from 70 to 100 individuals including interns, minors participating in alcohol and tobacco enforcement and other contractual workers.

### **LAW LIBRARY**

The law librarian is responsible for all library materials received by the Office; handling book orders, cancellations, and account inquiries/problems; verifying statements from book vendors; updating all current library materials; and maintaining library records on the Inmagic database. The librarian also maintains a directory of Westlaw passwords and trains employees on Westlaw, often assisting attorneys in their legal research.

## **SUPPORT SERVICES DIVISION CONTINUED**

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### **MANAGEMENT OF INTERAGENCY CONTRACTS AND OUTSIDE LEGAL COUNSEL**

During FY 2012, the Attorney General's Office entered into 70 interagency contracts to provide legal services to various state agencies, boards and commissions. Support Services prepares all contracts, computes costs, maintains all contracts on file, makes adjustments when necessary, prepares invoices and ensures collection of amounts billed. Additionally, Support Services is responsible for ensuring the review and processing of all Outside Legal Counsel Contracts.

### **INFORMATION SYSTEMS**

The Information Systems (IS) staff provides software/hardware support for the Office's Wide Area Network (WAN). The WAN includes staff housed in the Walter Sillers Building, Bolden Office Building, as well as staff housed in other state agencies. IS provides assistance with Office Suite software, on-line Legal Research and Internet access. The Office supports and maintains its own Web Server which is regularly updated with Press releases and consumer news. The IS staff supports and creates reports for an in-house case management system (CRIMES) that is used office-wide to track case information and time entry.

The Office is currently working with the AGO Cyber Crimes Unit program CRIMES to allow electronic submission of Consumer complaints. The Office is in the process of implementing a state-wide case management system for the District Attorneys. The system is located at the Attorney General's Office in Jackson. Future plans will include an interface with NCIC to provide case disposition data. The Office is also currently working to implement a Domestic Violence Uniform Reporting system and a Protective Order Registry. Both of these will be state-wide repository data systems with search capability via NCIC.

## FUNDS RECOVERED DURING FISCAL YEAR 2012

Source of Funds	Amount	Disposition
Medicaid Fraud Control Unit - Restitution and Civil Penalties	\$2,774,302	State of MS, Division of Medicaid, Attorney General
Consumer Protection Division - Restitution, Recovery of Costs	\$775,478	State of MS, Attorney General, Consumers
Mortgage Settlement- Bank of America, Citi, Chase, GMAC, and Wells Fargo - Restitution	\$32,947,437	Mississippi Consumers
National Mortgage Settlement Funds	\$13,580,374	State of MS, Mississippi Consumers
Civil Litigation Division - Audit Recoveries	\$983,651	State of MS
Public Integrity Divisions - Fines and Fees	\$37,474	State of MS, Attorney General
Medicaid - Estate Recovery, Special Needs and Income Trusts	\$2,150,000	State of MS, Division of Medicaid
MDOT - Property Damage Claims, with Comp Subrogated Claims and Other Litigation	\$468,403	State of MS, MDOT
Microsoft Corporation Settlement	\$5,000,000	State of MS, Attorney General
Satyam Computer Services, Ltd - Securities Litigation	\$14,400	State of MS, Attorney General
Semtech - Securitates Litigation	\$28,341	State of MS, PERS, Attorney General
Ambac - Securities Litigation	\$11,420	State of MS, PERS, Attorney General
Merrill Lynch - Securities Litigation	\$30,380	State of MS, PERS, Attorney General
Parpharmaceutical, Inc - Average Wholesale Price Litigation	\$2,802,000	State of MS, Attorney General
Actavis - Average Wholesale Price Litigation	\$3,230,000	State of MS, Attorney General
Astrazeneca Pharmaceuticals - Average Wholesale Price Litigation	\$8,000,000	State of MS, Attorney General
Forest Laboratories - Average Wholesale Price Litigation	\$166,000	State & School Employees' Health Insurance Fund
Merck Corp - Average Wholesale Price Litigation	\$171,750	State & School Employees' Health Insurance Fund
Teva Pharmaceuticals - Average Wholesale Price Litigation	\$186,750	State & School Employees' Health Insurance Fund
Abbott Labs - Average Wholesale Price Litigation	\$490,000	State & School Employees' Health Insurance Fund
BP Oil - MOEX Penalty Settlement	\$5,000,000	DEQ
BP Oil - MOEX - Settlement - Land Asset Value	\$5,000,000	State of MS
Facility Construction Management - Beef Plant	\$3,900,000	State of MS
Facility Construction Management - Beef Plant	\$65,000	Settlement Payment to Vendor
Teva Pharmaceuticals - Average Wholesale Price Litigation	\$12,279,800	State of MS, Attorney General
Abbott Labs - Depakote Settlement	\$250,000	Attorney Fees
Abbott Labs - Depakote Settlement	\$1,685,947	State of MS, Attorney General
<b>TOTAL FUNDS RECOVERED</b>	<b>\$102,028,907</b>	

# EXPENSES DURING FISCAL YEAR 2012

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## ACTUAL EXPENDITURES

FISCAL YEAR ENDING JUNE 30, 2012

### PERSONAL SERVICES

Salaries, Wages and Fringe Benefits	\$21,065,971
Travel and Subsistence (In-State)	\$748,726
Travel and Subsistence (Out-of-State)	\$193,834

**TOTAL PERSONAL SERVICES** **\$22,008,531**

### CONTRACTUAL SERVICES

Tuition	\$60,049
Communications and Utilities	\$89,399
Public Information	\$52,324
Rents	\$1,152,140
Repairs and Services	\$43,892
Fees, Professional and Other Services	\$1,478,772
Other Contractual Services	\$145,058
Data Processing	\$638,272
Other	\$41,127

**TOTAL CONTRACTUAL SERVICES** **\$3,701,033**

### COMMODITIES

Printing and Office Supplies and Materials	\$142,409
Equipment, Repair Parts, Supplies and Accessories	\$179,582
Professional and Scientific Supplies and Materials	\$426
Other Supplies and Materials	\$249,569

**TOTAL COMMODITIES** **\$571,986**

### CAPITAL OUTLAY

Vehicles	\$55,450
Office Machines, Furniture, Fixtures & Equipment	\$12,971
IS Equipment (Data Processing & Telecommunications)	\$212,851
Other Equipment	\$6,118
Wireless Communication Devices	\$300

**TOTAL CAPITAL OUTLAY** **\$287,690**

### SUBSIDIES, LOANS and GRANTS

**TOTAL SUBSIDIES, LOANS and GRANTS** **\$566,906**

**TOTAL EXPENDITURES** **\$27,136,146**

# REPORT OF STATE OWNED AUTOMOBILES

DESCRIPTION	MILES TRAVELED IN FY 2012	DEPRECIATION EXPENSE FY 2012
2004 FORD F-150 TRUCK	34,431	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	14,182	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	13,337	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	16,696	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	18,070	FULLY DEPRECIATED
2007 FORD CROWN VICTORIA	5,368	FULLY DEPRECIATED
2007 FORD CROWN VICTORIA	10,182	FULLY DEPRECIATED
2008 CHEVROLET IMPALA	23,818	FULLY DEPRECIATED
2008 CHEVROLET IMPALA	27,657	FULLY DEPRECIATED
2008 CHEVROLET IMPALA	22,632	FULLY DEPRECIATED
2008 CHEVROLET IMPALA	27,961	FULLY DEPRECIATED
2008 CHEVROLET IMPALA	26,455	FULLY DEPRECIATED
2008 CHEVROLET IMPALA	18,035	FULLY DEPRECIATED
2009 CHEVROLET IMPALA	27,203	\$349
2009 CHEVROLET IMPALA	48,837	\$349
2009 CHEVROLET IMPALA	22,069	\$349
2009 CHEVROLET IMPALA	13,824	\$349
2009 CHEVROLET IMPALA	21,190	\$349
2009 CHEVROLET IMPALA	20,221	\$349
2009 CHEVROLET IMPALA	28,149	\$349
2009 CHEVROLET IMPALA	22,535	\$349
2009 CHEVROLET IMPALA	18,430	\$349
2009 CHEVROLET IMPALA	13,466	\$4,180
2009 CHEVROLET IMPALA	16,721	\$4,180
2009 CHEVROLET IMPALA	29,065	\$4,180
2009 FORD F-150	30,047	\$4,912
2009 FORD F-150	15,171	\$4,912
2009 JEEP CHEROKEE	22,285	\$5,257
2009 JEEP CHEROKEE	17,984	\$5,257
2009 JEEP CHEROKEE	23,109	\$5,257
2009 JEEP CHEROKEE	24,392	\$5,257
2009 JEEP CHEROKEE	25,539	\$5,257
2010 FORD FUSION	9,547	\$4,937
2010 FORD FUSION	18,206	\$4,937
2010 FORD FUSION	20,211	\$4,937
2010 FORD FUSION	19,767	\$4,937
2010 DODGE CHARGER	27,824	\$4,492
2010 DODGE CHARGER	27,282	\$4,492
2010 DODGE CHARGER	18,212	\$4,492
2010 FORD F-150	37,999	\$4,799
2010 FORD F-150	50,978	\$4,799
2011 CHEVROLET SILVERADO	23,805	\$5,951
2012 CHEVROLET IMPALA	8,269	\$3,234
2012 CHEVROLET IMPALA	23,987	\$3,234
2012 DODGE CARAVAN	11,917	\$3,855
<b>TOTAL</b>	<b>997,065</b>	<b>\$110,886</b>

## REPORT OF STATE OWNED AUTOMOBILES

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### **FY 2012 State-Owned Automobiles Costs:**

Number of State-Owned Automobiles:	45
Depreciation expense	\$110, 886
Repairs & maintenance, fuel, tires	\$197,306
<b>Total Costs</b>	<b>\$308,192</b>
<b>Average Cost Per Mile:</b>	<b>\$0.31</b>

### **FY 2012 Report of Mileage in Privately Owned Automobiles:**

Number of Miles Traveled in Privately Owned Automobiles:	785,464
Average Cost Per Mile:	\$0.520
<b>Total Costs for Mileage in Privately Owned Automobiles:</b>	<b>\$408,215</b>

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**CHILD DESERTION UNIT: 601-359-3302**

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