



ACTIVITIES AND EXPENDITURES REPORT  
July 1, 2017 – March 31, 2018

The following report of activities and expenditures of the State Public Defender is submitted in accordance with Miss. Code §§ 99-18-1 and 99-18-15. A docket of potential death penalty eligible cases in the circuit courts and rosters of all death penalty cases in the state are available on our webpage at <http://www.ospd.ms.gov/CapDefInfo.htm>.

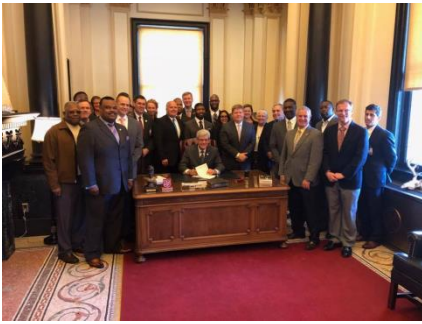
**STATE DEFENDER**

In July OSPD submitted a revised 5-Year Strategic Plan and FY 2019 Budget Request. OSPD sought additional funding to grow the Parent Representation project envisioned in HB 772 (2016). The request was modified to reflect level funding for all other programs consistent with LBCR. To meet the budget requirements for the current year OSPD reduced support staff effective July 1 and has not filed the Capital Defense staff attorney position vacated when Scott Johnson became director of Capital Post-Conviction Counsel.

OSPD restructured the distribution of legal work across the divisions. As a result we have been able to restore the pay cuts to the statutory level, move money to contractual to ensure client services are not harmed and still have an overall budget savings. Unless there is a significant and unexpected change in caseload level funding will meet needs. The 2018 Legislature responded positively to this plan. We received level funding for the agency. There was no additional funding for Parent Representation but OSPD continues to work with the Parent Representation Taskforce of the Supreme Court's Children's Justice Commission, private donors and counties across the state to continue the development of this important program.

The State Defender serves on the Corrections and Criminal Justice Oversight Taskforce and is working with the Parent Representation Taskforce of the Supreme Court's Children's Justice Commission and the Public Defender Taskforce. The State Defender served as principle drafter of reports to the Legislature for the Corrections and Public Defender taskforces. In addition OSPD has produced reports on [racial disparity](#) in the criminal justice system and recommendations for forensic mental health reforms.

The State Defender is finalizing plans for Parent Representation projects. OSPD has entered an MOU with Jackson County and assisting with hiring of their first Parent Attorney and support staff. The plan calls for providing an ABA model program. A second Parent Attorney training program was presented in conjunction with the regular felony defender training and a Youth Defender program. Since June 2017 forty-nine (49) lawyers have been certified for parent representation. OSPD is now supporting five of the pilot projects with training, technical assistance and funding.



The State Defender provided testimony and research assistance to the Legislature throughout the 2018 Session. The Legislature passed and the Governor signed a significant criminal justice reform bill, HB 387. This law will make over 150 non-violent offenders eligible for parole and reduce the number of probationers reentering prison with only technical violations among other system improvements.

On March 19, 2018, fifty-five years after the United States Supreme Court decision in *Gideon v. Wainwright*, the Public Defender Taskforce released a comprehensive [study](#) of felony indigent defense in Mississippi. The findings and recommendations will form the basis for a proposal for indigent defense reform to be submitted to the 2019 Legislature.

## **CAPITAL DEFENSE**

Capital Defense is currently staffed to handle a mix of 10-12 new trial level cases per year and/or 2 new appeals per year. This assumes local counsel will be appointed. Currently the division is representing 16 clients at the trial level and four at the appeal level. These are all of the direct appeal cases pending.

Capital Defense staff has provided training in Mississippi and across the country. Attorneys Alison Steiner and Bill Labarre presented at the Deep South Capital Defense Conference in February and in March JLWOP Resource Counsel Stacy Ferraro presented on *Miller v. Alabama* sentencing issues to the Oklahoma Public Defender CLE and mitigation specialist Lela Hubbard presented at a national death penalty training program in Baltimore.

OSPD-CDD continues to provide technical assistance to attorneys handling cases for juvenile offenders facing life without parole sentences (JLWOP) through the Juvenile Parole Resource Counsel project funded through a grant from the Vital Projects Fund in cooperation with SPLC. Effective January 1, 2018, this program expanded with the receipt of a grant from SPLC. The new grant provides funding for a full-time attorney and mitigation specialist. The grant is for one-year with renewal option for second year. OSPD was recognized for its leadership and service in this area by CRYOUT, a family centered advocacy organization for juvenile offenders, at its 5 Year Anniversary celebration.

## **INDIGENT APPEALS**

Since July 1, 2017, IAD has filed 98 briefs. Staff attorneys and the Appellate Clinic have participated in oral arguments in four cases. Stacy Ferraro, Juvenile Resource Counsel, filed a brief involving *Miller v. Alabama* issues.

IAD currently has 238 open cases including 47 awaiting the filing of the record and briefing schedule and nine assigned to the Criminal Appeals Clinic at UM Law School. The remaining 182 cases are divided between the seven attorneys on staff. There are an addition nine (9) cases being handled by private contract attorneys due to conflicts of interest.

The staff attorneys of IAD rotate responsibility for summarizing appellate court decisions to be disseminated to county level public defenders and routinely answer questions from these defenders in the field and make presentations at CLE programs.

IAD attorneys also serve on the Supreme Court Rules Committee, the Board of Directors of the Mississippi Public Defender Association and Mississippi Bar committees.

## **DEFENDER TRAINING**

In addition to providing support to the State Defender in developing the Parent Representation program and system reorganization plan, the Training Division is assisting with the development of a mental health cases resource project and defender data project. The Division is providing on-going technical assistance to trial level defenders. In October 2017 the division provided a public defender CLE seminar attended by 90 felony defenders with separate programs for youth court defenders and parent attorneys. Eighteen (18) youth defenders received training certification and 15 parent attorneys received certification.

In January the division took the lead in developing and producing the first ever multi-disciplinary training program for the child welfare system. *Coming Together to Safeguard MS Families: A Multidisciplinary Training Focusing on Safety and Removal* was held at Mississippi College School of Law. Eighty-nine people attended the program including Youth Court judges and staff, parent attorneys, prosecutors and CPS workers. The program was supported by MC, Casey Family Programs and the Administrative Office of Courts. OSPD, at the request of the Parent Representation Taskforce and Casey, has developed a plan for more multi-disciplinary training programs.

In February the division again hosted the *Deep South Capital Defense Conference*. Eighty-two attendees each earned 18 continuing legal education credits. The program included participants from neighboring states and consisted of both a death penalty and juvenile life track. Approximately 50 Mississippi attorneys, including staff of the Office of Post-Conviction Counsel, met the Supreme Court training requirements for death penalty representation.

In March the division partnered with Disability Rights Mississippi and the National Organization of Fetal Alcohol Syndrome to produce a multidisciplinary training program on Fetal Alcohol Spectrum Disorder. Thirty people attended and the attorney participants received 5 hours of CLE.

# Office of State Public Defender

Summary Budget as of March 31, 2018

Funds Center/Commitment Item	Current Budget	Purchase Order	Parked	Total Commitments	Actuals	Available Budget
<b>CmmtItem</b>	3,094,606.00	44,929.95	1,981.25	46,911.20	1,959,315.56	1,088,379.24
<b>60000 Salaries Wages</b>					1,638,148.72	1,638,148.72-
<b>60300 Travel &amp; Subsisten</b>					29,623.81	29,623.81-
<b>61000 Services</b>		43,478.38		43,478.38	200,490.07	243,968.45-
<b>62000 Commodities</b>		1,451.57		1,451.57	43,552.96	45,004.53-
<b>64000 Subsidies/Loans</b>			1,981.25	1,981.25	47,500.00	49,481.25-