



ACTIVITIES AND EXPENDITURES REPORT
July 1, 2018 – March 31, 2019

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 2020 Budget Request.

The State Defender serves on the Corrections and Criminal Justice Oversight Taskforce, the Sentencing Disparity Taskforce, is working with the Parent Representation Taskforce of the Supreme Court's Children's Justice Commission and worked with the Public Defender Taskforce. In February the Chief Justice appoint the State Defender to serve on the Children's Justice Commission.

The State Defender drafted the Public Defender Taskforce Final Report and Recommendations for reorganization of the felony indigent defense system in Mississippi. This plan has been submitted to the Legislature. OSPD worked throughout the 2019 session on the task force bill as well as other criminal justice bills. The Public Defender Oversight bill did not pass however a Forensic Mental Health bill crafted by OSPD with input from the Department of Mental Health and a coalition of judges and prosecutors was passed. This law will facilitate faster competency evaluations and easier transition from the criminal court to civil court for people found incompetent and not restorable to competency. OSPD also received an increase in funds to further expand our work in the child welfare system.

The State Defender submitted recommendations to the Oversight Taskforce and Sentencing Disparity Taskforce. We have also updated our report on [racial disparities](#) in the criminal justice system. The State Defender was principle drafter of the Oversight Task Force Report to the Legislature.

Effective July 1, OSPD began oversight of two additional parent defender programs, Hinds County and Bolivar County.

CAPITAL DEFENSE

Capital Defense is currently staffed to handle a mix of 10-12 new trial level cases per year and/or two new appeals per year. This assumes local counsel will be appointed. Currently the division is representing 16 clients at the trial level including one client sentenced to death and pending on motion for new trial. A motion for new trial was granted in one case and it is back on the trial docket. Capital Defense is representing two clients at the direct appeal stage. This includes a case argued in the Supreme Court of the United States. A second case in that court was denied certiorari review in March. These are all of the direct appeal cases pending.

The division has tried two cases this year. One is pending on motion for new trial the other was sentenced to life. Three other cases closed thus far in FY19: one case closed after a guilty plea and life sentence; the prosecution dropped the death penalty in one case and Capital Defense withdrew; one client was resentenced to life by agreement with the prosecution.

OSPD staff continues to be recognized as innovators and trainers. The State Defender was invited to present at the capital defense seminar in Salt Lake City in November. In December he presented to new Circuit Court Judges at the Mississippi Judicial College new judge training. Mitigation Specialist Lela Hubbard presented at the national mitigation training in Tampa, Florida.

INDIGENT APPEALS

Since July 1, 2018, IAD has filed 88 briefs and participated in two oral arguments and one bail hearing. IAD currently has 208 open cases including 31 awaiting the filing of the record and briefing schedule and ten assigned to the Criminal Appeals Clinic at UM Law School. Six are assigned to Juvenile Resource Counsel and the remaining 161 cases are divided between the six attorneys on staff.

The staff attorneys of IAD rotate responsibility for summarizing appellate court decisions to be disseminated to county level public defenders and routinely answer questions for these defenders in the field and provide updates at the semi-annual public defender training seminars.

IAD attorneys also serve on the Supreme Court committees and Mississippi Bar committees.

Indigent Appeals operated with seven lawyers from the merger in 2011 until June 2018. Following the resignation of an attorney who had served the office from its inception the State Defender chose to leave the position vacant. The increase in workload per attorney has been offset with a 9% reduction in new briefing schedules issued and the Capital Division filing five appeals in juvenile capital cases where life without parole was imposed. This situation is being monitored to be sure significant delays in filing briefs do not occur.

DEFENDER TRAINING

Since July 1, Defender Training conducted three Youth Court programs. In August a parent defender program was provided in Oxford for North Mississippi practitioners and in October a public defender program in Hancock. Also in October the Division coordinated a multi-disciplinary training for Child Welfare System practitioners. In September a juvenile defender

program was conducted in Jackson. The semi-annual felony defender program was held with 81 participants.

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.

OSPD through the Training Division 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. The project is funded through a grant from the Southern Poverty Law Center.

Below is an accounting of all special fund expenditures. The SPLC grant covers all but Subsidies category which is funded by Kellogg and Casey Family to provide Parent Defense.

YTD Detailed Cash Expenses as of March 31, 2019	
Special Fund	
SALARIES, WAGES & FRINGE BENEFITS	-122,285.95
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND SUBSI	-1,726.99
CONTRACTUAL SERVICES	-15,235.96
COMMODITIES	-273.60
SUBSIDIES, LOANS AND GRANTS	-30,250.00
TOTAL	-169,772.50

General fund expenditures:

State Defender

Cash Expenses as of March 31, 2019

SALARIES,WAGES & FRINGE BENEFITS	-183,459.64
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND SUBSI	-1,406.34
CONTRACTUAL SERVICES	-565.00
COMMODITIES	-33.26
TOTAL	-185,464.24

Office of Capital Defense

YTD Cash Expenses as of March 31, 2019

SALARIES,WAGES & FRINGE BENEFITS	-536,893.16
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND SUBSI	-24,801.41
CONTRACTUAL SERVICES	-70,504.20
COMMODITIES	-7,210.84
TOTAL	-639,409.61

Office of Indigent Appeals

YTD Cash Expenses as of March 31, 2019

SALARIES,WAGES & FRINGE BENEFITS	-731,374.08
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND SUBSI	-660.37
CONTRACTUAL SERVICES	-20,869.63
COMMODITIES	-2,143.96
TOTAL	-755,048.04

Office of Training

Cash Expenses as of March 31, 2019

SALARIES,WAGES & FRINGE BENEFITS	-154,094.02
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND SUBSI	-7,148.24
CONTRACTUAL SERVICES	-130,887.12
CONTRACTUAL SERVICES	
COMMODITIES	-22,566.65
TOTAL	-314,696.03

Parent Rep

Cash Expenses as of March 31, 2019

TOTAL	-160,775.93
AGENCY TOTAL	-2,055,393.85