



ACTIVITIES AND EXPENDITURES REPORT

July 1 – September 30, 2016

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

André de Gruy assumed responsibilities as the State Defender on July 1, 2016. He continues to provide direct supervision to the Capital Defense Division. In July OSPD submitted a revised 5-Year Strategic Plan and FY 2018 Budget Request. OSPD is seeking additional funding to begin the Parent Representation project envisioned in HB 772 (2016).

The State Defender serves on the Corrections and Criminal Justice Oversight Taskforce and the Asset Forfeiture Taskforce. In addition to participating in each taskforces meetings the State Defender attended and participated in a panel presentation at the *Justice Reinvestment Initiative Performance Measurement Convening* in Washington, D.C. October 5-6.

The State Defender is preparing an evidence-based workload assessment of felony trial level defenders throughout Mississippi to be presented to the Public Defender Taskforce. Along with the Training Director and the Youth Court Resource Counsel, the State Defender presented a talk on performance standards for Parent Attorneys at the Youth Court Judges Conference in September. Working with the AOC and private funders the State Defender is working on implementation of HB 772 (2016) which transferred to OSPD the responsibility for training and certification of lawyers in Youth Court and added Parent Representation provisions.

CAPITAL DEFENSE

Capital Defense is currently staffed to handle a mix of 10-15 new trial level cases per year and/or 3 new appeals per year. This assumes local counsel will be appointed. Currently the division is representing 17 clients at the trial level. One does not have local counsel and one has a separate homicide cases pending in another county that we are also representing him on. Capital Defense is representing five clients at the appeal level. These are all of the direct appeal cases pending.

OSPD has operated a capital conflict program in which private counsel, investigators and experts in conflict cases were paid for through the Capital Defense Fund established by *Miss. Code* §99-18-17(2). SB 2362 (2016) made OSPD a general fund agency, abolished the Capital Defense Fund and transferred the balance to the State General Fund. The conflicts program has been suspended. Existing contracts on two cases that are scheduled for trial this fiscal year are being honored by the State Defender but new contracts are not being entered into. OSPD is developing a recommendation for handling capital conflict cases to be presented to the Supreme Court and Legislature.

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.

INDIGENT APPEALS

Since July 1, 2016, IAD has filed 30 briefs. IAD currently has 206 open cases including 41 awaiting the filing of the record and briefing schedule and seven assigned to the Criminal Appeals Clinic at UM Law School. The remaining 158 cases are divided between the seven attorneys on staff. There was one oral argument before the COA in September at MUW and another is scheduled in November at Mississippi Valley State - both assigned to Hunter Aikens.

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.

IAD attorneys also presently serve on the Supreme Court Rules Committee (Justin Cook) and the DUI Task Force (George Holmes). George Holmes is a member of the Miss. Bar Resolution of Fee Disputes Committee and Erin Briggs just ended a term as Region 5 Director for the National Bar Association in July.

DEFENDER TRAINING

In addition to providing support to the State Defender in developing the Parent Representation program and workload assessment, 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 and is operating an intern-investigator program for the Hinds County Public Defender. In August the Training Division put on a 15 hour CLE program designed specifically for attorneys representing clients in municipal and justice courts. In September the division put on an 11 hour CLE program for Youth Court Defenders.

State Defender

Detail Expenses as of September 30, 2016

Cost element name	Val.in rep.cur.	Name of offsetting account	Posting Date
Salaries & Wages	18,691.65	SPAHRs Clearing	8/22/2016
Salaries & Wages	18,691.65	SPAHRs Clearing	9/21/2016
Salaries & Wages	37,383.30		
Emplr PERS Mtch	2,943.94	SPAHRs Clearing	8/22/2016
Emplr PERS Mtch	2,943.94	SPAHRs Clearing	9/21/2016
Emplr PERS Mtch	5,887.88		
Sal SS Match	1,382.23	SPAHRs Clearing	8/22/2016
Sal SS Match	1,382.23	SPAHRs Clearing	9/21/2016
Sal SS Match	2,764.46		
GrpHlth Ins Mtch	1,068.00	SPAHRs Clearing	8/22/2016
GrpHlth Ins Mtch	1,068.00	SPAHRs Clearing	9/21/2016
GrpHlth Ins Mtch	2,136.00		
GrpLife Ins Mtch	15.39	SPAHRs Clearing	8/22/2016
GrpLife Ins Mtch	15.39	SPAHRs Clearing	9/21/2016
GrpLife Ins Mtch	30.78		
I/S Travel	1,104.98		
Membership Dues	335.00	MS BAR ASSOCIATION	9/22/2016
Membership Dues	335.00		
Reimb Travel Comm	4.88	SPAHRs Clearing	8/29/2016
Reimb Travel Comm	4.88		
NonBudgeted Transfer	1,000.00	Petty Cash	8/26/2016
	1,000.00		
TOTAL	50,647.28		

Capital Defense

Detailed Expenses as of September 30, 2016

Salaries & Wages	61,519.15	SPAHRs Clearing	7/20/2016
Salaries & Wages	55,203.33	SPAHRs Clearing	8/22/2016
Salaries & Wages	55,203.33	SPAHRs Clearing	9/21/2016
Salaries & Wages	171,925.81		
Emplr PERS Mtch	9,689.27	SPAHRs Clearing	7/20/2016
Emplr PERS Mtch	8,694.52	SPAHRs Clearing	8/22/2016

Emplr PERS Mtch	8,694.52	SPAHRs Clearing	9/21/2016
Emplr PERS Mtch	27,078.31		
Sal SS Match	4,526.13	SPAHRs Clearing	7/20/2016
Sal SS Match	4,059.76	SPAHRs Clearing	8/22/2016
Sal SS Match	4,061.29	SPAHRs Clearing	9/21/2016
Sal SS Match	12,647.18		
GrpHlth Ins Mtch	3,204.00	SPAHRs Clearing	7/20/2016
GrpHlth Ins Mtch	3,204.00	SPAHRs Clearing	8/22/2016
GrpHlth Ins Mtch	2,848.00	SPAHRs Clearing	9/21/2016
GrpHlth Ins Mtch	9,256.00		
GrpLife Ins Mtch	71.19	SPAHRs Clearing	7/20/2016
GrpLife Ins Mtch	62.19	SPAHRs Clearing	8/22/2016
GrpLife Ins Mtch	62.19	SPAHRs Clearing	9/21/2016
GrpLife Ins Mtch	195.57		
Workers' Comp	6,310.00	Department of Finance and Administr	7/27/2016
Workers' Comp	6,310.00		
Unemployment Ins Tax	1,432.00	Department of Finance and Administr	8/2/2016
Unemployment Ins Tax	1,432.00		
Cafe Plan Admin Fee	250.00	GLYNN GRIFFING & ASSOCIATES	7/12/2016
Cafe Plan Admin Fee	250.00	GLYNN GRIFFING & ASSOCIATES	7/27/2016
Cafe Plan Admin Fee	250.00	GLYNN GRIFFING & ASSOCIATES	8/22/2016
Cafe Plan Admin Fee	250.00	GLYNN GRIFFING & ASSOCIATES	9/29/2016
Cafe Plan Admin Fee	1,000.00		
I/S Travel	13,679.32		
I/S Non Tax Lodging	3,031.71		
I/S Rented Vehicle	533.50		
O/S Travel	683.20	SPAHRs Clearing	7/19/2016
O/S Travel	683.20		
Travel SS Match	5.20		
Travel MCARE Match	1.21		
Postal Services	520.27	PITNEY BOWES BANK INC-LSVILLIE	8/3/2016
Postal Services	500.72	PITNEY BOWES BANK INC-LSVILLIE	8/3/2016
Postal Services	1,020.99		
Equipment Rental	469.00	RICOH USA INC	7/19/2016
Equipment Rental	469.00	RICOH USA INC	7/27/2016
Equipment Rental	54.34	PITNEY BOWES GLOBAL FINANCIAL	8/3/2016
Equipment Rental	132.14	RICOH USA INC	8/17/2016
Equipment Rental	469.00	RICOH USA INC	8/19/2016
Equipment Rental	469.00	RICOH USA INC	9/29/2016

Equipment Rental	2,062.48		
Acct & Financial	1,891.25	CORNERSTONE CONSULTING GROUP	8/15/2016
Acct & Financial	340.00	CORNERSTONE CONSULTING GROUP	9/16/2016
Acct & Financial	2,231.25		
Legal Services	650.00	FERRARO STACY L	9/2/2016
Legal Services	1,000.94	Jimmy R. Gardner	9/8/2016
Legal Services	455.00	FERRARO STACY L	9/7/2016
Legal Services	243.75	FERRARO STACY L	8/5/2016
Legal Services	195.98	FERRARO STACY L	8/11/2016
Legal Services	432.00	CUNNINGHAM PHD MARK D	8/17/2016
Medical Services	2,437.50	MONTGOMERY JOHN	8/16/2016
Legal Services	21,067.39	CUNNINGHAM PHD MARK D	9/14/2016
Legal Services	26,482.56		
Settlement Atty Fee	156.25	COXWELL & ASSOCIATES PLLC	8/12/2016
Settlement Atty Fee	156.25		
Fees&Svc Rmb no 1099	4,861.17		
Membership Dues	1,355.00	MS BAR ASSOCIATION	9/22/2016
Membership Dues	1,355.00		
Trade Subscriptions	392.54	MAGNOLIA CLIPPING SERVICE	8/2/2016
Trade Subscriptions	366.64	MAGNOLIA CLIPPING SERVICE	9/8/2016
Trade Subscriptions	105.25	LEXIS NEXIS RISK SOLUTIONS	8/5/2016
Trade Subscriptions	(160.50)	Cash-Direct Postings	8/22/2016
Trade Subscriptions	703.93		
IT Prof - Out Vend	525.00	MOORE CHARLES R	8/5/2016
IT Prof - Out Vend	525.00		
PCard Contractual	1.61	UMB BANK NA	8/5/2016
PCard Contractual	1.61		
PCard Commodity	673.00	UMB BANK NA	8/5/2016
PCard Commodity	673.00		
Reimb Travel Comm	111.46		
TOTAL	287,963.71		

Indigent Appeals

Detailed Expenses as of September 30, 2016

Salaries & Wages	72,390.37	SPAHRs Clearing	7/20/2016
Salaries & Wages	72,390.37	SPAHRs Clearing	8/22/2016

Salaries & Wages	72,390.37	SPAHRs Clearing	9/21/2016
Salaries & Wages	217,171.11		
Emplr PERS Mtch	11,401.48	SPAHRs Clearing	7/20/2016
Emplr PERS Mtch	11,401.48	SPAHRs Clearing	8/22/2016
Emplr PERS Mtch	11,401.48	SPAHRs Clearing	9/21/2016
Emplr PERS Mtch	34,204.44		
Sal SS Match	5,321.71	SPAHRs Clearing	7/20/2016
Sal SS Match	5,321.71	SPAHRs Clearing	8/22/2016
Sal SS Match	5,321.71	SPAHRs Clearing	9/21/2016
Sal SS Match	15,965.13		
GrpHlth Ins Mtch	3,204.00	SPAHRs Clearing	7/20/2016
GrpHlth Ins Mtch	3,204.00	SPAHRs Clearing	8/22/2016
GrpHlth Ins Mtch	3,204.00	SPAHRs Clearing	9/21/2016
GrpHlth Ins Mtch	9,612.00		
GrpLife Ins Mtch	80.10	SPAHRs Clearing	7/20/2016
GrpLife Ins Mtch	80.10	SPAHRs Clearing	8/22/2016
GrpLife Ins Mtch	80.10	SPAHRs Clearing	9/21/2016
GrpLife Ins Mtch	240.30		
I/S Travel	51.84	SPAHRs Clearing	8/4/2016
I/S Travel	253.24	SPAHRs Clearing	8/29/2016
I/S Travel	253.54	SPAHRs Clearing	8/29/2016
I/S Travel	558.62		
O/S Travel	2,108.57	SPAHRs Clearing	8/2/2016
O/S Travel	2,108.57		
Equipment Rental	469.00	RICOH USA INC	7/19/2016
Equipment Rental	469.00	RICOH USA INC	7/27/2016
Equipment Rental	257.69	RICOH USA INC	8/3/2016
Equipment Rental	85.26	RICOH USA INC	8/17/2016
Equipment Rental	469.00	RICOH USA INC	8/19/2016
Equipment Rental	469.00	RICOH USA INC	9/29/2016
Equipment Rental	2,218.95		
Membership Dues	2,420.00	MS BAR ASSOCIATION	9/22/2016
Membership Dues	2,420.00		
Reimb Travel Comm	39.00	SPAHRs Clearing	8/2/2016
Reimb Travel Comm	22.00	SPAHRs Clearing	8/29/2016
Reimb Travel Comm	5.63	SPAHRs Clearing	8/29/2016
Reimb Travel Comm	66.63		
TOTAL	284,565.75		

Training

Detailed Expenses as of September 30, 2016

Salaries & Wages	15,784.57	SPAHRs Clearing	7/20/2016
Salaries & Wages	12,851.24	SPAHRs Clearing	8/22/2016
Salaries & Wages	12,851.24	SPAHRs Clearing	9/21/2016
Salaries & Wages	41,487.05		
Emplr PERS Mtch	2,486.07	SPAHRs Clearing	7/20/2016
Emplr PERS Mtch	2,024.07	SPAHRs Clearing	8/22/2016
Emplr PERS Mtch	2,024.07	SPAHRs Clearing	9/21/2016
Emplr PERS Mtch	6,534.21		
Sal SS Match	1,103.65	SPAHRs Clearing	7/20/2016
Sal SS Match	891.15	SPAHRs Clearing	8/22/2016
Sal SS Match	891.15	SPAHRs Clearing	9/21/2016
Sal SS Match	2,885.95		
GrpHlth Ins Mtch	1,068.00	SPAHRs Clearing	7/20/2016
GrpHlth Ins Mtch	712.00	SPAHRs Clearing	8/22/2016
GrpHlth Ins Mtch	712.00	SPAHRs Clearing	9/21/2016
GrpHlth Ins Mtch	2,492.00		
GrpLife Ins Mtch	23.94	SPAHRs Clearing	7/20/2016
GrpLife Ins Mtch	17.55	SPAHRs Clearing	8/22/2016
GrpLife Ins Mtch	17.55	SPAHRs Clearing	9/21/2016
GrpLife Ins Mtch	59.04		
I/S Travel	1,278.21		
I/S Non Tax Lodging	1,618.62		
O/S Travel	79.53	SPAHRs Clearing	8/2/2016
O/S Travel	79.53		
O/S Non Tax Lodging	432.90	UMB BANK NA	8/5/2016
O/S Non Tax Lodging	432.90		
Inter-agency Fees	50.00	UMB BANK NA	8/5/2016
Inter-agency Fees	50.00		
Contract Wrkr PR EFT	963.90	SPAHRs Clearing	7/18/2016
Contract Wrkr PR EFT	1,193.40	SPAHRs Clearing	8/2/2016
Contract Wrkr PR EFT	2,134.35	SPAHRs Clearing	8/16/2016
Contract Wrkr PR EFT	1,836.00	SPAHRs Clearing	8/30/2016
Contract Wrkr PR EFT	1,836.00	SPAHRs Clearing	9/13/2016
Contract Wrkr PR EFT	1,560.60	SPAHRs Clearing	9/27/2016
Contract Wrkr PR EFT	9,524.25		
Ctr Wrkr PR Mtch EFT	225.55	SPAHRs Clearing	7/18/2016

Ctr Wrkr PR Mtch EFT	279.25	SPAHRs Clearing	8/2/2016
Ctr Wrkr PR Mtch EFT	499.44	SPAHRs Clearing	8/16/2016
Ctr Wrkr PR Mtch EFT	429.62	SPAHRs Clearing	8/30/2016
Ctr Wrkr PR Mtch EFT	429.62	SPAHRs Clearing	9/13/2016
Ctr Wrkr PR Mtch EFT	365.18	SPAHRs Clearing	9/27/2016
Ctr Wrkr PR Mtch EFT	2,228.66		
Fees & Svc-Prof Fees	2,700.00	AVS New Orleans	9/30/2016
Fees & Svc-Prof Fees	5,195.00	AVS New Orleans	9/30/2016
Fees & Svc-Prof Fees	7,895.00		
Fees&Svc Rmb no 1099	8,514.16		
Membership Dues	335.00	MS BAR ASSOCIATION	9/22/2016
Membership Dues	335.00		
Reimb Travel Comm	169.79		
TOTAL	85,584.37		

AGENCY TOTAL	708,761.11		