



ACTIVITIES AND EXPENDITURES REPORT July 1 – December 31, 2023

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. Agency expenditures can be found at www.transparency.ms.gov. 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, the Office of the State Public Defender (“OSPD”) submitted a revised 5-Year Strategic Plan and FY 2025 Budget Request. The State Defender serves on the Corrections and Criminal Justice Oversight Taskforce and the Supreme Court’s Children’s Justice Commission.

In September the State Defender along with Parent Defense Program Manager Jennifer Morgan and Cindy Cheeks of *Hope Rising* presented an update on parent defense to the Youth Court Judge’s Conference. In October the State Defender provided testimony to the House Judiciary B Committee on indigent defense needs statewide.

In response to the Supreme Courts amendments to the Rules of Criminal Procedure the State Defender drafted a Model Local Rule for Appointment of Indigent Defendants. In developing the model rule the State Defender met with several circuit court judges. While not strictly following the model, two circuits adopted local rules on appointments that have been approved by the Supreme Court. In October the State Defender presented on the amendment and need for local rules to the Circuit Judge’s Conference and in December made a similar presentation at the New Justice Court Judge’s training.

OSPD has secured a grant through the Department of Public Safety to develop a Mental Health Defender Program at the Hinds County Public Defender Office. The goal is to connect mental health service providers with defense attorneys to better serve clients through identifying needs for competency evaluations and alternatives to incarceration.

Special Defender Unit for 7th Circuit Court District based in Jackson

OSPD continues to operate the Special Defender Unit. The unit is part of the Case Backlog Reduction Project funded by the Legislature through the Coronavirus State Fiscal Recovery Fund. The project consists of special judges, additional prosecutors in the District Attorney’s office, and the special defenders and support staff.

Since August 1, 2022, OSPD Special Defender Unit has opened 366 cases involving 586 charges. Seventy-four (74) cases involved a homicide charge or charges. Currently the unit is handling 149 cases involving 230 charges. Thirty (30) cases involve one or more homicide charges.

CAPITAL DEFENSE

At current staffing Capital Defense can handle up to 10 new trial level cases per year and 2 new appellate cases per year. This assumes local counsel will be appointed at the trial level.

Currently the division represents 11 clients at the trial level and one client at the direct appeal stage. The division had one trial, resulting in a life without parole sentence, and plead two cases, one to a life without parole sentence and one to a charge of murder in the second degree. They presented an oral argument to the state supreme court in the direct appeal case.

The Capital Defender has been working closely with the Training Division to plan the bi-annual Deep South Capital Conference scheduled for the first week of March.

INDIGENT APPEALS

Since July 1, 2023, Indigent Appeals (“IAD”) filed 56 briefs. IAD currently has 204 open cases including 60 awaiting the filing of the record and briefing schedule. Three cases have been assigned to a *pro bono* lawyer from the firm of Forman, Watkins and Kritz LLP. The firm previously worked with OSPD providing *pro bono* representation in *Miller* cases and is now in its third year of partnering on appeals. There are eight additional cases with independent outside counsel hired on contract due to conflicts.

Staff attorney Hunter Aikens serves as co-counsel in a death penalty appeal handled by the Capital Division and the division had one additional oral argument. The staff attorneys of IAD routinely answer questions and conduct research for trial level defenders in the field. IAD also assists with moot courts for defenders inside and outside the office preparing for oral arguments and handling oral arguments. IAD attorneys also serve on the Supreme Court committees and Mississippi Bar committees.

DEFENDER TRAINING

A Parent Defender Certification Training was held September 21-22, 2023, at the Whispering Woods Conference Center in Olive Branch, Mississippi. We offered 7 CLE hours. There were 26 in-person attendees and 11 virtual attendees. In total, there were 30 attorneys that were certified at this training.

The Youth Defender Certification Training was held September 20-21, 2023, at the Whispering Woods Conference Center in Olive Branch, Mississippi. We offered 7 CLE hours (including 1 ethics hour). There were 27 in-person attendees and 17 virtual attendees. In all, there were 36 attorneys that were certified at this training.

In October the general criminal defense training seminar was held in Jackson. Fifteen hours of CLE were provided. An ethics hour was held virtually on November 8, 2023. A total of 91 attended in person and 15 virtually.

The Training Division is phasing out virtual and hybrid training formats. This move is consistent with changes adopted by the Commission of Continuing Legal Education. We will continue to offer

distance learning opportunities for certification training on a limited basis as well as our regular in-person training throughout the year.

The Training Division has revamped the evaluation process for the conference sessions, now assigning numerical values to evaluations that range of 1 to 5, with 5 being the highest favored response. An overall average of 71.76% of the evaluation responses indicated that the thirteen sessions offered during the Fall training were extremely useful to them.

In addition to these trainings, Training Director Erin Briggs, continues to participate in trainings throughout the country. In September, she again participated as a facilitator in the Black Public Defender Association Anti-Racism Program Fellowship. Her involvement in this program will end at the Black Public Defender Associations Conference during the NLADA's Annual Conference in Oakland, CA this November.

FAMILY DEFENSE PROGRAM

The Family Defense Program formerly changed its name from Parent Defense to reflect the full scope of services provided.

The program continues to work with Casey Family Programs on developing an Interdisciplinary Defense Team model for Mississippi. We have pilot protects on the Gulf Coast and Lee County. Each project provides clients with a Parent Partner, a person with lived experience in the child welfare system, trained to assist parent/clients.

Family Defense now has an Interdisciplinary Team Coordinator on staff. The coordinator oversees and provides support for our Interdisciplinary Team Projects including parent partners and social workers and supervises social work interns in selected locations.

In November, Family Defense and Casey hosted a seminar on Interdisciplinary Defense with the assistance of the Oklahoma Parent Defense Team. The program brought together Child Protection Services employees, judges, attorneys, social workers, and parent partners to collaborate on best practices.

Family Defense provides training and technical assistance to family defenders across the state and provides expertise across the system. Jennifer Morgan, program director, participated in a panel discussion at the Youth Court Judges and Referees conference in September and served on the Foster Care and Adoption Task Force.

In the direct representation area, we are managing joint state-local and grant projects touching twenty-four counties and providing appellate representation in five cases as well as assisting 15 *pro se* litigants and/or local counsel on appeal.