



A MESSAGE FROM ATTORNEY GENERAL JIM HOOD

Dear Fellow Mississippians:

Serving as your Attorney General is a great job that allows me to get up every morning excited about being able to help protect our most vulnerable Mississippians - the children, the poor, and the elderly. I hope that our 2008 annual report provides a sample of just how dedicated our career prosecutors and staff are to protecting Mississippi families.

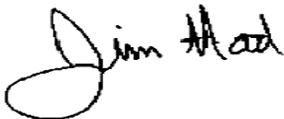
Our investigators and prosecutors are working night and day to track down cyber criminals, child predators, fraudulent contractors, and others who take advantage of our citizens. Still, the scope of the work done by our office encompasses so much more. Every day we are opening new cases, investigating cases, prosecuting cases, making arrests, conducting undercover operations, training law enforcement officers, and serving you to the best of our ability in all we do.

We are proud to have recovered more than \$150 million in funds due our state. With a \$10 million general fund budget, the Office of Attorney General more than pays for itself in a given year. In these tough economic times we use all of our resources to collect what is owed to the taxpayers and consumers.

Some of my favorite highlights from the fiscal year include our new prevention resources (shown on p.9), the work being done in our Consumer Protection Office (p. 16), our inspiring 'Badges for Baseball' program (p.23), the training programs of our Domestic Violence Division (p. 36), the convictions we have obtained through our Public Integrity Division (p.48), and the work of our Internet Crimes Against Children (ICAC) unit in our Cyber Crime Fusion Center (p.57). It is immensely gratifying to know we are protecting our children and putting predators behind bars.

It is indeed astounding to watch how technology is advancing to help us in law enforcement not only to track down criminals, but to also find them before they harm our children and elderly. I look forward to another year watching out for those who would take advantage of you, your business or your family.

Sincerely yours,

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive style with a large, looping initial "J".

Jim Hood
Attorney General

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MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

THE EXECUTIVE SUMMARY FOR THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE OUTLINES THE WORK OF THE PRIMARY DIVISIONS OF THE AGO FROM, JULY 1, 2007 THRU JUNE 30, 2008, 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 over \$1,795,000 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties.

CONSUMER PROTECTION DIVISION

- Received 76,359 telephone calls
- Recovered \$2,896,378.40 in total restitution
- Recovered a total of \$ 839,809.22 in costs and fees
- Opened 1717 new cases
- Opened 146 Identity Theft Cases
- Opened 423 Home Repair Fraud Cases
- Made 64 Home Repair Fraud Arrests
- 100% conviction rate on criminal cases

The Consumer Protection Division presented speeches on consumer issues across the State to create a better informed public to prevent problems before they occur. We cooperated with other state agencies including speaking at the "Scam Jam" and "Jumpstart."

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION

VICTIM'S SERVICES:

- Increased maximum total benefit award
- 39.93% increase in total benefits awarded
- 13.98% increase in average benefit awarded
- 84% increase in Sexual Assault Forensic Examination total payments
- 188% increase in outreach and public awareness trainings

This division also includes Youth Services which 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, the legislative appropriation of State Farm Settlement funds, and existing public funds, the Division was able to provide opportunities for growth, training, and technical assistance to community programs.

CRIMINAL LITIGATION DIVISION SIGNIFICANT CASES

APPELLATE SECTION:

- Filed 322 briefs
- Won approximately 94.7% of the criminal cases disposed of by the Supreme Court and Court of Appeals
- Processed 150 extraditions

DEATH PENALTY SECTION:

- Prevailed in all pleadings filed in all courts with two exceptions
- On May 21, 2008, all appeals were completed, and the death sentence was carried out, in the case of Earl Wesley Berry v. State.

CRIMINAL LITIGATION DIVISION CONTINUED

FEDERAL HABEAS SECTION:

- Filed 295 answers, briefs, motions and responses in the United States District Courts for the Southern and Northern Districts of Mississippi and in the Court of Appeals for the Fifth Circuit
- Obtained a favorable result in 99.5% of cases handled

MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

DOMESTIC VIOLENCE DIVISION

- Hosted over 400 people, representing law enforcement, prosecution, advocacy, judiciary, court clerks and probation/parole at their annual conference
- Trained a total of 1,829 law enforcement officers during fiscal year 2008
- Assisted in the training of 45 nurses
- Assisted 182 court clerks with the protective order process
- Created a training DVD for law enforcement use
- Created a Statewide Uniform Domestic Violence Offense Report
- Was instrumental in the creation of the MS Supreme Court's Commission on the Study of Domestic Abuse Proceedings

MEDICAID FRAUD CONTROL UNIT

- Netted \$2,165,245.63 in restitution and penalties actually paid to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit.
- December 5, 2007 Merck & Co., Inc paid penalty and restitution to the Mississippi Division of Medicaid and to the Mississippi Medicaid Fraud Control Unit totaling \$1,175,087
- February 22, 2008 Merck & Co. Inc., paid penalty and restitution to the Division of Medicaid and to the Medicaid Fraud Control Unit in the total sum of \$838,509
- January 28, 2008 InterMune, Inc., agreed to pay an initial payment in the sum of \$59,459.90, with further installments to be paid during later years.
- August 7, 2007, Medicis and the State of Mississippi compromised and settled a claim. They paid a total sum of \$92,189.73 in restitution and penalty to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit.

PUBLIC INTEGRITY DIVISION

- Opened 202 investigations during Fiscal Year 2008
- Convicted 94% of defendants after indictment
- Received 2,088 complaints

CHILD DESERTION UNIT

- Received approximately 300 complaints
- Opened seven new investigations in Fiscal Year 2008

VULNERABLE ADULT UNIT

- Received approximately 1,300 complaints of suspected abuse, neglect, or exploitation of a Vulnerable Adult in the setting of a private home.
- Opened 13 cases; have 30 active cases for criminal investigation
- Conducted approximately 23 training sessions or presentations.

INSURANCE FRAUD UNIT

- Responded to 143 new referrals
- Had 10 active criminal investigations
- Had \$45,000 ordered in restitution
- Recovered \$17,752.82 in restitution
- Recovered approximately \$10,000 in investigative costs
- Achieved a positive result in 90% of Workers Compensation and other insurance cases

MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

PUBLIC INTEGRITY DIVISION CONTINUED

CYBER CRIMES UNIT

- Opened 93 new investigations
- Indicted five individuals
- Convicted 10 defendants
- Responded to 95 technical assistance inquiries from state law enforcement agencies
- Responded to 161 requests for public assistance

ALCOHOL & TOBACCO ENFORCEMENT DIVISION

- Conducted 5,172 tobacco enforcement checks
- Conducted 4,627 beer enforcement checks
- Conducted 43 retailer training sessions in which approximately 249 managers and clerks were trained
- Referred nine cases to the Tax Commission with a recommendation for the beer permit to be suspended for one or two weeks and or to pay the state a fine of \$1,000

OPINIONS

- Completed 83% of formal opinions in 30 days or less.
- Wrote 606 opinions in response to state and local officials' requests.
- Trained local officials in implementation of new laws passed by the Legislature.
- Provided hearing officers to the Department of Health and other state agencies.

PROSECUTORS TRAINING

- Conducted 7 Prosecutors Training Conferences.
- Trained 724 Prosecutors.
- Trained 185 Investigators, Victim Assistance Coordinators, and Worthless Check Unit Personnel.
- Provided 60 Hours of CLE to Prosecutors.
- Had a 97% Approval Rating on Prosecutor Training.

FUNDS RECOVERED FOR FISCAL YEAR 2008 BY THE ATTORNEY GENERAL'S OFFICE

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit - Restitution & Penalties	\$10,950,859	State of MS, Division of Medicaid
Consumer Protection Division - Restitution Cost & Fees	\$3,736,187	State of MS, Attorney General; Restitution to Consumers
Public Integrity Division - Fines & Costs	\$32,076	State of MS, Attorney General
Insurance Integrity Enforcement - Penalties	\$17,753	State of MS
Civil Litigation Division - Audit Recoveries	\$1,795,000	State of MS
Pursue Energy Corp. - Severance Tax Recovery	\$8,263,514	State of MS, Tax Commission
WorldCom, Inc. Securities - Settlement	\$7,425	Public Employees' Retirement System; Health Care Trust Fund
Merck Pharmaceuticals, Inc. - Settlement	\$8,900,000	State of MS, Division of Medicaid
State Farm Insurance Co. - Settlement	\$74,000,000	Mississippi Policyholders
Nationwide Insurance Co. - Settlement	\$40,000,000	Mississippi Policyholders
MDOT - Damage Claims; W'Comp & Subrogated Claims	\$612,531	State of MS, MDOT
Medicaid - Estate Recovery; Trauma/Casualty	\$5,660,152	State of MS, Division of Medicaid
TOTAL FUNDS RECOVERED FOR FISCAL YEAR 2008	\$153,975,497	

MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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

STATE AGENCIES

SUPPORT SERVICES DIVISION

EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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 Attorney General Mary Jo Woods, Public Information Officer Jan Schaefer and her assistant Kristen Powe and Receptionists Donna Thomas and Marilyn Robinson.

ATTORNEY GENERAL

Attorney General Jim Hood was elected to serve the state as Attorney General by 60% of Mississippians casting votes on election day in 2007. 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 big businesses that threaten the livelihood of Mississippi citizens.

EXECUTIVE ASSISTANT

During Fiscal Year 2008 Attorney General Hood was assisted by Donna Matthes, Executive Assistant to the Attorney General. 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. 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.

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 office also assists citizens with complaints and questions and handles outside counsel contracts through the SPAHRS system. Assisting the Chief of Staff in his daily duties is Cindy Burnham, who has over 29 years of service to the State of Mississippi.



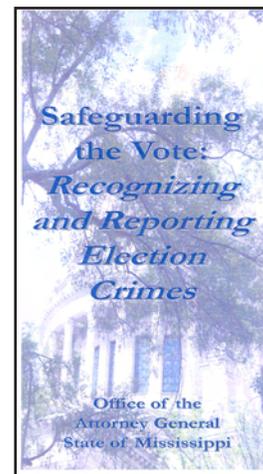
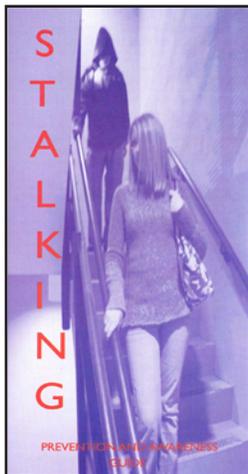
EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

PUBLIC INFORMATION OFFICE

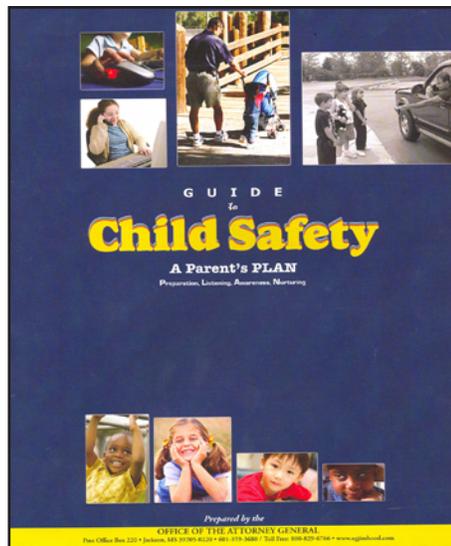
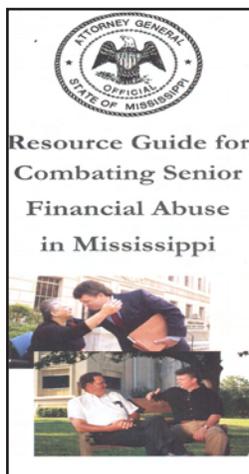
The Mississippi Attorney General's Office recognizes the important role played by the press in our efforts to serve the people of our great state and supports an open relationship with members of the press. The Public Information Officer is Jan Schaefer, who has a Master's Degree in Communication and approximately 18 years experience in public relations, as well as print and broadcast journalism. She is assisted by Kristen Powe a graduate student at Mississippi College majoring in communication. The Public Information Office is responsible for writing and distributing news releases and agency publications, handling public inquiries and planning public events. Below are some brochures that are produced by the public information office.

SUPPORT STAFF

Receptionists Donna Thomas and Marilyn Robinson are an invaluable asset to the Attorney General and his staff. 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 the callers to the best person in the office who can address their questions. These ladies also greet the many visitors the office receives each day.



Brochures developed and produced by the Attorney General's Office.



CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

- 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 over \$1,795,000 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

Jim Hood v. Miss. Farm Bureau Ins., et al. (Hinds County Chancery Court) September 15, 2005, in the aftermath of Hurricane Katrina, the Attorney General initiated 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. The Attorney General filed the lawsuit as a matter of statewide interest in order to protect the general public and reach a prompt resolution of the legal issues common to all affected Mississippi property owners. The day after the Attorney General filed his Complaint, the insurance company defendants removed the case to the United States District Court for the Southern District of Mississippi on the false premise of federal question jurisdiction. The Attorney General promptly filed a motion to remand the case to state court, which was finally granted on March 7, 2006. On March 21, 2006, the insurance companies filed motions asking the district court to reconsider its remand order. In December 2006, the federal district court agreed with the Attorney General and issued a final order remanding the cause to state court. Following remand, two of the insurance companies asked the court to transfer venue to Rankin County. In June 2007, the chancery court transferred the claims against Nationwide and Allstate to Rankin County, but retained the claims against Farm Bureau and USAA. The Attorney General's Office is pursuing the cases separately.

In a related matter, the Attorney General filed a complaint against State Farm after the company breached its settlement agreement with the State to reevaluate claims based on criteria approved by the U.S. District Court for the Southern District of Mississippi. This suit was filed in the First Judicial District of Hinds County Circuit Court on July 11, 2007.

Hood says State Farm dispute has been resolved

CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

RECOVERING FUNDS DUE TO 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.

DEFENDING STATE AGENCIES AND STATE STATUTES

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, effective July 1, 2005, 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 during the implementation phases of the agreements.



CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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 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.

Presley, et al. v. Epps, et al. (U.S. Dist. Ct., N.D. Miss.) The Civil Litigation Division represents the Mississippi Department of Corrections in this class action lawsuit involving Unit 32 at the State Penitentiary at Parchman, Mississippi. The plaintiffs, represented by the American Civil Liberties Union, asserted claims similar to those brought against the MDOC in *Russell, et al. v. Miss. Dept. of Corrections* (U.S. Dist. Ct., N.D. Miss.). In *Russell*, the Court granted relief to approximately seventy (70) death row inmates regarding housing and medical claims. In *Presley*, the remaining nine hundred inmates housed in Unit 32 filed almost identical claims as those in *Russell*. An Agreed Judgment was entered in May, 2006; however, the plaintiffs have filed a motion for contempt. The parties have resolved the contempt motion and are moving forward with to implement the agreement.

Miss. State Democratic Party, et al. v. Haley Barbour, et al. (U.S. Dist. Ct., N.D. Miss.) The 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.

In addition to the above, the Civil Litigation Division is monitoring or participating in dozens of other state or federal cases in which the constitutionality of a state statute is being challenged. Also, the Division is 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.



CIVIL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

ENSURING THE ORDERLY ADMINISTRATION OF ELECTIONS

In the weeks preceding the 2006 and 2007 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 State and federal 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 Bord 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. Slyvester Tate, et al.* (Lauderdale County Circuit Court). Prior to the November 2007 general election in Wilkinson County, the Division was called upon to obtained a writ of mandamus against Wilkinson County election officials who had announced there intention not to conduct the election. *Jim Hood, et al. v. Chantel Morris* (Wilkinson County Circuit Court).

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.

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 non-profit 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 multi-million 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, the State of Tennessee, and this office 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).

Maddox Foundation secured by State's AG

CIVIL LITIGATION DIVISION AUDIT SECTION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

- In fiscal year 2008, the Office of the State Auditor has secured or assisted in securing indictments, arrests or guilty pleas for 40 public officials and/or public employees, along with Housing Applicant Fraud indictments, arrests or guilty pleas, and has recovered \$1,795,174 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:
- Recovered \$70,321.37 from the bonding company on William M. ("Mel") Williams, former Circuit Court Clerk for Greene County, Mississippi. This amount includes principal, interest and investigative costs.
- Recovered \$29,361.10 from the bonding company on Peter Walker, Sheriff of Jefferson County, Mississippi. This amount includes principal, interest and investigative costs.
- Recovered \$300,000 from the bonding company on Burnell Harris, former Circuit Clerk of Jefferson County, Mississippi.
- Recovered \$76,044.62 from the bonding company on David Smith, former Sheriff of Tishomingo County, Mississippi. This amount includes principal, interest and investigative costs.

These funds resulted from embezzlements, salary overpayments, unauthorized work, misuse of funds and fee cap violations.



CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

Telephone calls received	76,359
Total Restitution Recovered	\$2,896,378.40
Total Costs and Fees Recovered	\$ 839,809.22
Total Cases Litigated	28
Total New Cases Opened	1717
Identity Theft Cases Opened	146
Home Repair Fraud Cases Opened	423
Home Repair Fraud Arrests	64

100% conviction rate on criminal cases

The Consumer Protection Division presented speeches on consumer issues across the State to create a better informed public to prevent problems before they occur. We cooperated with other state agencies including speaking the "Scam Jam" and "Jumpstart" programs sponsored by the Secretary of State's Office.

SIGNIFICANT LITIGATION AND INVESTIGATIONS:

PRICE GOUGING:

ECONO LODGE: Laurel, MS: Following the receipt of consumer complaints alleging price gouging by this business establishment in the aftermath of Hurricane Katrina, our office initiated an investigation. Our investigation substantiated the allegations and we appeared before the Jones County Grand Jury and obtained a 15 count indictment. The owner was arrested in April 2008 and trial is set for 25 August 2008.

HOME REPAIR FRAUD:

CHARLES W. BANYARD D/B/A Renaissance CONSTRUCTION: Consumer complained that she paid \$8,500 to the above contractor for repairs to her home; that very little work was done by said contractor; and that the contractor refused to complete the job. Following our investigation, Mr. Banyard was indicted and arrested on charges of false pretense and home repair fraud in October 2006. Motion to amend indictment to reflect habitual offender status of the defendant was filed on July 7, 2008. Trial was continued several times at the defendant's request and is now set for August 11, 2008 in the Hinds County Circuit Court.

ERIC SCOTT FILMER A/K/A ARIEL FILMER D/B/A ARIEL & SONS CONSTRUCTION: The consumer paid Mr. Filmer over \$79,000 to remodel her home located in Stone County, MS. Mr. Filmer removed the home's roof and several of the home's exterior walls, exposing the interior of the home to the weather. He then ceased all work and never returned to complete the job. He was arrested and indicted in Stone County on one charge of home repair fraud. He entered a guilty plea and was sentenced on January 28, 2008 to three years non-adjudicated probation, conditioned on his paying a \$5,000 fine and \$79,429 restitution to the victim in installments of \$10,000 per month.

CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

SHANNON JOHNSON D/B/A JOHNSON & ASSOCIATES: Two daughters entered into a contract with Shannon Johnson for him to make repairs to their elderly mother's home in Copiah County, MS. They paid him in full, \$11,500 dollars. Mr. Johnson did very little work and the work he did do was of little or no value. Mr. Johnson was indicted on June 2, 2006 whereupon he fled the State. Mr. Johnson was eventually located under a house in Knoxville, TN and was arrested by federal marshals and Knox County Deputies as part of "Operation Hammer Strike." He was extradited from TN and plead guilty to two counts of home repair fraud on March 13, 2008. He was sentenced to serve six months on each count with said sentences to run consecutively. The second sentence will be suspended, however, upon his payment of all fines, fees, court costs, and restitution. Mr. Johnson is presently in the custody of the Copiah County Jail serving his first six months.

SHANNON JOHNSON D/B/A JOHNSON & ASSOCIATES: An elderly couple in Hinds County, MS entered into a contract with Shannon Johnson to repair the foundation of their home, and to repair their roof and carport. The contract required that \$6,400 be paid when the job began and \$6,400 be paid on completion. The beginning \$6,400 was duly paid and work was begun. Approximately 4 days later Mr. Johnson told the couple he needed medical treatment, but did not have the money to pay for it and requested they pay the remaining \$6,400 immediately, promising to have the work completed within a week. They paid and Mr. Johnson never returned. The couple subsequently hired another contractor to repair the foundation who charged them over \$18,000 because he had to repair the "work" done by Mr. Johnson before he could repair the foundation. This case is pending Grand Jury action.

IDENTITY THEFT

KACHETA HARLEY: obtained information about her co-worker and used that information to obtain credit cards in the co-worker's name. Harley was indicted on one count of identity theft and one count of fraudulent use of identity. She pled guilty on Jan. 14, 2008 and was sentenced to 5 years in the Mississippi Dept. of Corrections, with 5 years suspended and 3 years of Supervised Probation, fined \$3000 and ordered to pay \$1000 to the crime victim's assistance fund and restitution to the victim in the amount of \$280.

ANGELA "FAT ANGIE" MCNEAL: presented a tax refund check at a local pawn shop in the victim's name and presented false identification in the victim's name in order to cash the check. McNeal was indicted on one count of identity theft and one count of uttering a forgery. She pled guilty on Mar. 17, 2008. She was sentenced to 5 years in the Mississippi Dept. of Corrections with 3 years suspended and two years to serve.

ARRESTS

ERIC LUCKE: was arrested and has been charged with one count each of identity theft, fraudulent use of identity and wire fraud. He is presently awaiting trial.

JANICE SINGLETON: was arrested and has been charged with five counts of identity theft, five counts of wire fraud, five counts of fraudulent use of identity and five counts of making false statements to the government. While an employee with MDOC, she allegedly obtained the identifying information of inmates with which she filed false state and federal income tax returns and obtained tax refunds. At present she is awaiting trial on these charges.

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WIRE FRAUD

GERALD TREADWAY: used an internet advertisement to trick the victim into giving him money to purchase a vehicle that Treadway did not have. Treadway was indicted on one count of wire fraud. On Feb. 11, 2008 he pled guilty and was sentenced to five years in the Mississippi Dept. of Corrections with 4 years suspended and one year to serve, fined \$5000, ordered to pay \$1000 to the crime victim's assistance fund and restitution in the amount of \$16,800.

MULTI-STATE ACTION

GUIDANT CORPORATION, CARDIAC PACEMAKERS, INC. AND GUIDANT SALES CORPORATION: Mississippi received \$390,000 in settlement funds from Guidant Corporation, a wholly owned subsidiary of Boston Scientific and one of the world's three largest manufacturers of Implantable Cardioverter Defibrillators (ICDs). ICDs are medical devices that doctors surgically implant in a patient's chest to monitor for abnormal heart rhythms. If the heart stops, the ICD delivers a small jolt of electricity to start the heart functioning again. The settlement concerns the sale of one particular ICD, the Ventak Prizm 2 DR Model 1861 (Prizm) which had a wiring problem that could cause the unit to short-circuit and fail to deliver the life-saving jolt when needed. The suit arose when it was learned that although Guidant discovered the problem in 2002, it continued to sell the faulty unit in 2002 and 2003 and did not inform physicians or the public of the problem until May 2005. As a result of the States' action, Guidant agreed to provide new devices at no cost to consumers who wish to replace their Prizms and to reimburse them up to \$2,500 for their out-of-pocket expenses. Guidant further agreed to establish a patient safety advisory board to evaluate data concerning ICD performance and to maintain a data system to track the serial numbers, implant dates and explant dates of all ICDs Guidant distributes in the United States.

Hood: Mississippi getting \$390,000 in lawsuit against defibrillators firm

AIRBORNE HEALTH, INC., doing business as AIRBORNE and AIRBORNE, Inc., formerly doing business as Knight-McDowell Labs; Victoria Knight-McDowell, individually, and Thomas "Rider" McDowell, individually. This case concerns the unsubstantiated health claims made by Airborne regarding its products. The States have given Airborne the opportunity to provide substantiation of its claims and Airborne has been unable to do so. The States are seeking injunctive relief, penalties, and costs. Settlement negotiations have commenced.

AMERICA ONLINE: Mississippi, along with 47 other states as well as the District of Columbia, entered into a settlement with AOL, one of the nation's largest internet service providers, requiring the company to make significant changes in honoring consumer cancellation requests and further ordering refunds for consumers. The settlement further required AOL to reimburse the states, \$3,000,000, collectively. Of that amount, Mississippi received \$45,000.

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AMERIQUEST: A \$325 million settlement was entered into with Ameriquest Mortgage Company, the nation's largest sub-prime lender. The company agreed to pay \$295 million to consumers and agreed to make sweeping reforms of practices that states alleged amounted to predatory lending. Ameriquest also paid a total of \$30 million to 49 states and D.C. that participated in the national settlement agreement for costs of the investigation and consumer education and enforcement. A total amount of \$952,401.05 was paid to Mississippi consumers for restitution. Additionally, Mississippi received \$125,000 for attorney fees, costs, consumer education and enforcement.

Mississippians eligible for refunds in Ameriquest suit

DIRECTORY BILLING: Directory Billing, LLC, (doing business as USDirectory.com) agreed to settle allegations that they engaged in deceptive business practices by using "live" activation checks aka check solicitations to obligate businesses and organizations to pay for a preferred business listing on Directory Billing's on-line yellow page directory, located at www.USDirectory.com. The agreement was the result of an investigation by Mississippi and 25 other states regarding Directory Billing's use of activation checks. Under the terms of the settlement agreement, Directory Billing agreed to not use activation checks as the means of obligating businesses to purchase its products and services. The company also agreed to pay \$400,000, collectively, to the states that participated in the settlement agreement. Mississippi's portion of said amount was \$9,304.74.

KROGER: Mississippi joined 40 other states and Guam in an agreement with Kroger Co., the nation's largest grocery chain. The company has 2,468 supermarkets in 31 states under two dozen banners and 779 convenience stores in 15 states under 5 banners. All but 92 of the convenience stores are company-owned. Kroger Co. operated approximately 31 stores in the State of Mississippi. The agreement was part of an ongoing multi-state enforcement effort by the Attorneys General to secure national retailers' agreement to take specific corrective actions to prevent sales of tobacco products to minors. State laws prohibit such sales. The agreements incorporate "best practices" to reduce sales to minors, developed by the Attorneys General in consultation with researchers and state and federal tobacco control officials.

CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

GENERAL

SWEET POTATOES: A group of sweet potato farmers from North Mississippi filed complaints with the Attorney General's Office requesting assistance in receiving payment for crops from a company based out of state. The farmers had sold their 2008 crop through a consignment company but had failed to receive payment. They were concerned that they would not be able to afford to replant and that the year's crop would be a total failure. Our office met with these farmers and began opening the lines of communication with the company resulting in these farmers obtaining over \$400,000 in full payment for Mississippi sweet potatoes.

ROGERS MEMORIAL MANAGEMENT COMPANY: owned four cemeteries across the State of Mississippi. This company took thousands of dollars from Mississippians as payment on pre-need burial plans (including caskets, opening and closing fees, headstones, etc.) and cemetery plots, pilfered the trust money and absconded leaving hundreds of Mississippi victims with no burial products at all. In January of 2008, our office filed Consumer Protection Actions against Rogers Memorial Management Company and the owners, James Rogers, Sr., and Donald Middleton, in an effort to place these cemeteries in receivership. Our intent is to aid these Mississippians by selling these cemeteries to an individual or company which can honor these contracts in some form.

NELL MORGAN, INDIVIDUALLY; AND NELL MORGAN, DOING BUSINESS AS GULF SOUTH PERPETUAL CARE CEMETERIES; JACKSON COUNTY MEMORIAL PARK, INC.; AND JACKSON COUNTY MEMORIAL GARDEN; The Nell Morgan case is about deceased persons and their families paying the cemetery, located in Jackson County, for tomb markers that were never placed on the tombs. After Nell Morgan and the cemetery failed to respond to an Attorney General's Civil Investigative Demand, a Petition to Compel Obedience of Investigative Demand was filed in Jackson County Chancery Court. An August 22 hearing is scheduled to determine how many complaints exist against Nell Morgan and the cemetery. The case is ongoing.

FINANCING ALTERNATIVES, INC.; is a Virginia based company that targeted low income Mississippians for overpriced, cheap computers sold on layaway. The Virginia Attorney General's office has taken action against the company to recoup losses for all states' victims. A Virginia court has placed the company in receivership and appointed a receiver. Our office is monitoring the Virginia court and Attorney General's actions. The case is ongoing.

ANTITRUST ACCOMPLISHMENTS

HARMONICA PROJECT RESULTING FROM THE MULTISTATE ANTITRUST SETTLEMENT IN IN RE: COMPACT DISC MINIMUM ADVERTISED PRICE ANTITRUST LITIGATION.



As part of the final 2002 multistate antitrust settlement In re: Compact Disc Minimum Advertised Price Antitrust Litigation, this Office had resources for the implementation of a music education program to benefit of the people of the State. The Office received the final distribution in 2007 and used these resources for the B.B. King Harmonica Project, as described in the State's distribution plan approved by the judge in the abovementioned case.

CONSUMER PROTECTION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

Through the B.B. King Museum & Delta Interpretive Center, this Office was successful in using these funds for educating young Mississippians about their musical heritage through the Mississippi Harmonica Project (“Harmonica Project”). The Harmonica Project was the first “Artist in Residence” program in which a renowned blues artist used his skills and passion for the blues to inspire young Mississippian to learn about the blues through a “hands on” approach. Specifically, the Harmonica Project highlighted Master Harmonica player, Billy Branch who developed the original “Blues in Schools” program in Chicago, IL over 25 years ago. Mr. Branch was accompanied by local Delta blues guitarist Bobby Whalen. Working with civic groups, schools and after-school programs in the State, the Harmonica Project gave Mississippians in the communities listed below, an opportunity to learn the basic fundamentals of Blues in an exciting manner, by learning how to play the harmonica. Participants were shown how to play basic chords and given a harmonica to continue learning how to play. They were also challenged to write collective Blues lyrics, to the rhythm of the harmonicas. All students received the same basic lessons to create their own Blues songs. The participants were stimulated to move with the rhythm, while experiencing or rediscovering their roots and historic pride in Blues. In addition, members of the Consumer Protection Division participated in the program and also presented anti-piracy and internet downloading issues to inform participants of dangers of such unlawful activities.

THE ITINERARY

Indianola Academy	45 students*
Boys & Girls Club (Indianola)	225 students
Greenville Weston High School	65 students
Cassie Pennington, Jr High School	279 students
Teacher Professional Dvmt Wksp	35 participants
John F. Kennedy High, Mound Bayou	350 students
Boys & Girls Club (Charleston)	25 students
Glendora community	60 participants
Glendora (Youth wksp)	25 students
Pass Christian Middle School	45 students
Pass Christian High School	35 students
Kate Griffin, Jr High, Meridian	60 students
Boys & Girls Club (Meridian)	180 students
Nanih Waiya School/Noxapater,	70 students
Weir Attendance School	175 students
Boys & Girls Club (Kosciusko County)	350 students
Sunflower Freedom Project (Sunflower)	30 students
Central Delta Academy, Sunflower	92 students
TOTAL	2146 participants



Students learn the art of playing the Harmonica

DRAM: In July, 2006, this office along with 36 other states used seven foreign and domestic firms that manufacture DRAM chips, for alleged price fixing scheme fixing the price of dynamic random access memory (DRAM) chips from 1999 to 2002. The lawsuit seeks millions of dollars in damages to private citizens and governmental agencies that purchases DRAM chips and equipment containing those chips. In February, 2007, this office and 41 other states signed a \$90 million settlement with Samsung Semiconductor, Inc. And Samsung Electronics Company, Ltd. Claims are still pending against several other companies. Several states, including MS, had been identified as response deficient with respect to the defendants’ discovery requests. Mississippi has since been recognized as fully discovery compliant. The case is now in somewhat of a "holding pattern" wherein defendants are given time to analyze the information and documents provided by the States.



Above: A Champions for Children Scholarship winner poses with her mentee.



Above: Students participating in the Badges for Baseball program listen to Attorney General Jim Hood, and learn baseball basics.



Above: Attorney General Jim Hood speaks to Saltillo Elementary School and poses for a photo with Kyle Sullivan who was elected Attorney General of his 4th grade class at Saltillo Elementary.



Below and Right: Photos from Crime Victim's Rights Week.



CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

YOUTH SERVICES

Youth Services 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, the legislative appropriation of State Farm Settlement funds, and existing public funds, the Division was able to provide opportunities for growth, training, and technical assistance to community programs.

BOYS AND GIRLS CLUBS OF MISSISSIPPI **Hood gives clubs money pledged**



Through a legislative appropriation of State Farm Settlement funds, the Division was able to partly support efforts of the Boys and Girls Clubs of Mississippi. On March 12, 2008, Attorney General Jim Hood issued 20 Boys and Girls Clubs a check for one-half of their allotted share of \$800,000 State Farm Settlement funds. The remaining balance was requested by the clubs through a Request for Cash disbursement process. The clubs included in the allocation of funds represented more than 64 sites, covering approximately 45 counties across the state. These clubs reported that from July through December 2007, their average monthly attendance of youth was 86,793.

CAL RIPKEN, SR. FOUNDATION — BADGES FOR BASEBALL PROGRAM



In May 2008, the Office of the Attorney General entered into an agreement with the Cal Ripken, Sr. Foundation to implement its Badges for Baseball Program in Mississippi. The agreement was made possible through a \$200,000 commitment from both the Cal Ripken, Sr. Foundation and the legislative appropriation of State Farm Settlement funds. The Mississippi Badges for Baseball Program is a community crime prevention initiative that utilizes law enforcement officials as mentors.

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. Through its many programs, the Cal Ripken, Sr. Foundation helps kids understand the importance of choosing to stay in school, staying off harmful substances, and staying away from negative peer groups and gangs.

On April 11, 2008, representatives from the Cal Ripken, Sr. Foundation, Office of the Attorney General, Boys and Girls Clubs of Central Mississippi, Big Brothers Big Sisters, Jackson State University staff and other state partners convened on Jackson State University Women's Softball Field to kick-off the program. During the kick-off, coaches with the Cal Ripken, Sr. Foundation provided youth from the Boys and Girls Clubs of Central Mississippi and other youth organizations with a sample of the Badges for Baseball Program activities. The goal of the Badges for Baseball Program is to recruit, train and engage 400-500 mentors with 8,000 youth participating.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

MISSISSIPPI INSTITUTE FOR SCHOOL SAFETY

The Mississippi Institute for School Safety was originally established as a collaborative effort on the part of the Mississippi Department of Education, the Mississippi Office of the Attorney General, and others. The institute was established to provide effective and efficient training to parents, students, teachers, administrators, and other interested parties in the area of school safety.

The Institute is currently presenting a minimum of one major course per quarter in each congressional district. Concurrent with the courses, Mississippi Department of Education personnel meet with parent groups to discuss parental concerns for school safety. The Office of the Attorney General provides attorneys with expertise in school law, search and seizure, cyber crime, youth court, and other matters for consultation and training.

This innovative program is the first of its type in the nation and is being carried out with no additional appropriations of funding from the Legislature. All partners are using internal funds to furnish the training. The Institute has been expanded and other partners have been invited to join this collaborative effort and broaden the focus beyond K-12 to junior colleges, community colleges, colleges and universities.

On May 1, 2008, the Office of the Attorney General was awarded a Juvenile Accountability Block Grant (JABG) through the Department of Public Safety, Division of Public Safety Planning, to provide comprehensive training on school safety to law enforcement officials and administrators assigned to schools at the K-12 and college level.

The training will focus on equipping law enforcement officials and administrators with the tools to effectively design, implement and administer crisis response plans, techniques, protocols, school safety law, policy and procedure development, weapons of mass destruction and counter-terrorism crisis planning as well as emergency management.

THE ANNIE E. CASEY FOUNDATION – JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)

In December 2007, the Annie E. Casey Foundation awarded the Office of the Attorney General a \$100,000 grant to replicate the Juvenile Detention Alternatives Initiative (JDAI) in at least two counties as a pilot project. JDAI was designed to support youth involved in the juvenile justice system. After more than a decade of innovation and replication, JDAI is one of the nation's most effective, influential, and widespread juvenile justice system reform initiatives.

JDAI focuses on the juvenile detention component of the juvenile justice system because youth are often unnecessarily or inappropriately detained at great expense, with long-lasting negative consequences for both public safety and youth development. JDAI promotes changes to policies, practices, and programs to:

- reduce reliance on secure confinement;
- improve public safety;
- reduce racial disparities and bias;
- save taxpayers' dollars; and
- stimulate overall juvenile justice reforms.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

WORKPLACE AND SCHOOL VIOLENCE PREVENTION

The Crime Prevention and Victim Services Division of the Attorney General's Office and the State Department of Education continue their collaborative efforts in order to provide training to school superintendents, school board attorneys, school resource officers, teachers and other school personnel on school-safety law, search and seizure issues, discipline, civil liability, drug testing and other school-law issues.

- In December 2007, the Office of the Attorney General staff along with law enforcement personnel across the state were trained through the National Rifle Association (NRA) as regional counselors for the Refuse To Be A Victim Program. The Refuse To Be A Victim Program is a nationally recognized crime prevention and personal safety initiative designed to provide men and women with information that assists in the development of their own personal safety plan. Since the training, there have been five new trainers certified, of which, one was from the University of Southern Illinois and another from a Houston Texas Law Enforcement Agency. There have also been more than 150 participants across the state trained through Refuse To Be A Victim seminars.
- The Office of the Attorney General served as a conference partner to the Hinds County Sheriff's Office and others in sponsoring the Crime Prevention Conference on April 8-9, 2008. The goal of the conference was to provide law enforcement professionals with knowledge and resources to make their communities safe. The conference included workshops on the media; identity theft, school safety, homeland security, cyber crime, crime stoppers, drug courts and other crime prevention resources.

TEEN VICTIMIZATION INITIATIVE

In 2001, the National Center for Victims of Crime launched its Teen Victim Initiative in response to high levels of victimization among teens and the lack of services specifically for teens. The Teen Victim Initiative builds the capacity of victim service providers to serve teen victims and urges the youth services community to consider victimization among the many risk factors impeding youth's healthy development through:

- Training
- Technical Assistance
- Research
- Publications
- Public Awareness
- Youth-led demonstration projects

In February 2008, the Mississippi Office of the Attorney General in partnership with the Boys and Girls Clubs of the Mississippi Delta and Communities in Schools was awarded a \$20,000 grant by the National Center for Victims of Crime for startup costs for a Teen Action Partnership for Teen Victims Program.

The Teen Action Partnership for Teen Victims Program is a youth-led civic engagement program designed to improve local policies, outreach, and services to teen victims of crime.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

DO THE WRITE THING

Attorney General Jim Hood is the Chair of the Mississippi "Do the Write Thing" Committee. The "Do the Write Thing Challenge" is an initiative aimed at confronting the many sources of violence targeted at or caused by American youth. Teachers lead a classroom discussion about the problem of youth violence and then participating middle school students write how violence impacts their daily lives. They are asked to expose the causes and impact of violence and identify what they will do to address these problems. The object is to empower young people to break the cycles of violence in their homes, schools and neighborhoods.

The program was originated by the Kuwait-American Foundation (KAF) with the focus to express gratitude toward the United States for liberating Kuwait from Iraq. KAF's members wanted to help make communities in the United States safer for American youth, thus establishing the National Campaign to Stop Violence, a private, non-profit organization. It started in 1994 and the Office of the Attorney General and the Department of Education has been involved for a number of years.

In July, the National Campaign to Stop Violence (NCSV) publishes a book containing the writings of all national finalists that is placed in the Library of Congress and organizes a national ceremony in Washington, D.C. to honor these students, their parents and teachers. During the 2007 school year, more than 40,000 seventh and eighth grade students participated in writing an essay on the causes of and solutions for youth violence and by pledging not to engage in violent acts. The two national finalists from each congressional district were honored at a national recognition ceremony in Washington, D.C. in July 2007. Justin Greene, Pearl River County Junior High, and Mia Knox, D. M. Smith Middle School, were the winners from Mississippi this year and were able to travel to Washington, D.C., along with their parents and teachers, for the recognition ceremony. All of the expenses were paid by the NCSV.

Guide to Child Safety – A Parent's Plan

The "Guide to Child Safety – A Parent's Plan" was completed and released to the public. The publication is a comprehensive guide to help parents prepare a PLAN to protect their children. The printing of the publication was sponsored by CIBER. Youth Services' staff along with Attorney General Jim Hood distributed the guide at schools across the state.

The guide outlines four elements that are key to ensuring child safety:

P reparation
L istening
A wareness
N urturing

The guide covers topics from child safety to online safety and drinking and substance abuse. Of course, the key to a successful PLAN is the parent. Parents should read the guide and arm their children with the knowledge that they need to live protected today while training them to live safely as adults

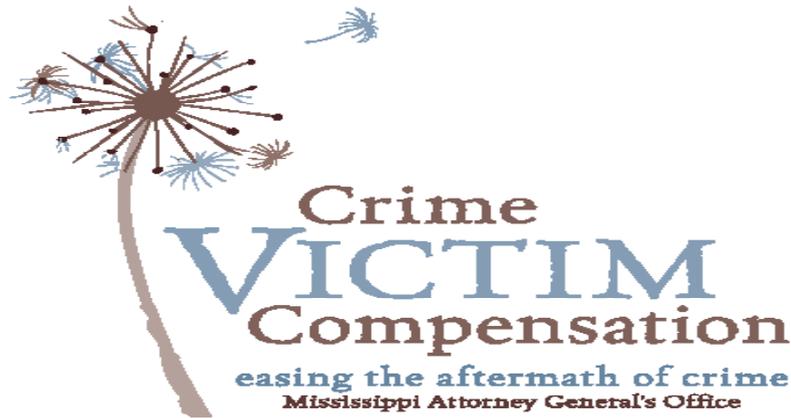
CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

OTHER WORK OF THE YOUTH SERVICES DIVISION INCLUDES COLLABORATION ON THE FOLLOWING:

- MS College School of Law, Child Advocacy Program Advisory Board
- MS KIDS COUNT Program Advisory Board
- Prevent Child Abuse Mississippi
- Shared Youth Vision
- Champions for Children
- Teen Courts
- Youth Patrols
- 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
- MS Model Youth Transition Innovation State Level Management Team
- State Drug Court Advisory Committee
- MS 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
- MS Alliance for Drug Endangered Children
- MS Youth Suicide Prevention Council
- Children's Justice Center Advisory Council
- Training provided for, Youth Court Judges and Referees, Prosecutors, Guardians Ad Litem, Attorneys, Social Workers, Educators, Law Enforcement and others

AG Jim Hood makes child safety a priority

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE



HIGHLIGHTS & ACCOMPLISHMENTS

- Increased maximum total benefit award
- Benefit expansions
- 39.93% increase in total benefits awarded
- 13.98% increase in average benefit awarded
- 84% increase in Sexual Assault Forensic Examination total payments
- 188% increase in outreach and public awareness trainings

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 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 July 1, 2007 through June 30, 2008, the Division received a total of 968 claim applications, awarded \$2,011,894.35 in financial assistance (39.93% increase), and increased the average payout (\$4,614) by 13.98%. In addition, the Division awarded \$179,464.10 in payments for Sexual Assault Forensic Examinations, an increase of 84%.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Division received a \$553,000 Victims of Crime Act (VOCA) Victim Compensation federal grant from the U.S. Department of Justice, Office for Victims of Crime.

Expansion of Eligible Expenses and Overall Maximum Increase

As of July 1, 2007, the Division expanded its eligible expenses to include domestic violence relocation assistance, domestic violence temporary housing assistance, crime scene cleanup, court related travel, repair and replacement costs and execution travel. Payout for these new benefits totaled \$15,519.26. The overall maximum award increased to \$20,000.

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, 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 Adults Unit, Cyber Crime Unit and the Public Integrity Division.

This fiscal period, the Victim Assistance Program assisted 614 victims of violent and non-violent crimes. Approximately 4,155 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 list serve 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 VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

OUTREACH, PUBLIC AWARENESS AND COMMUNITY INVOLVEMENT

Training continues to be an ongoing and integral component of the Division. Staff conducted a total of 75 trainings, a 188% increase from last fiscal year. Trainings included the Justice Court Clerks' Conference, multiple Mississippi Attorney General Domestic Violence Division trainings, Youth Court Prosecutors' Conference, Families and Communities Together (FACT) Conference, Sexual Assault Nurse Examiner Training, spring and fall Mississippi Prosecutors' Conference, training for newly elected Sheriffs and county prosecutors, counselor and social worker trainings and various trainings for state agencies, non-profit organizations, associations and the public-at-large.

The Division continues to host and/or participate in the Annual Crime Victims' Rights Week Events; 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 and services for crime victims, to promote the Crime Victims' Bill of Rights; and to recognize the many individuals who provide much needed services and assistance to victims and survivors alike.

OTHER OUTREACH ACTIVITIES

- Serve as faculty members for the Sexual Assault Nurse Examiner (SANE) Training sponsored by the Mississippi Coalition Against Sexual Assault.
- Received Refuse To Be A Victim (crime prevention program) training sponsored by the National Rifle Association. Successful completion of the training qualifies staff to serve as Regional Counselors. Staff participated in two Refuse To Be a Victim trainings since becoming Regional Counselors.
- Conducted statewide regional trainings that highlighted payment procedures for sexual assault forensic exams and sexual assault forensic exam forms for medical professionals. Those in attendance included nurses, billing and medical records directors/representatives, and emergency room directors/representatives.
- Trained Mississippi Coalition Against Domestic Violence employees and shelter staff regarding policies and procedures for the newly established domestic violence temporary housing and domestic violence relocation assistance.

SPECIAL PROJECTS

MISSISSIPPI ATTORNEY GENERAL ("MAG") CERTIFIED LAW ENFORCEMENT TRAINING

For the first time, the Division partnered with the Office on Law Enforcement, Emergency Telecommunications, and Detention Officer Standards and Training to offer statewide "MAG" (Mississippi Attorney General) Certified Law Enforcement Training. "MAG" training provided law enforcement officers who are required to receive certified continuing education with six opportunities to receive training in various locations across the state. These trainings took place in Senatobia, Wesson, Amory, Richland, Morton and Lucedale, Mississippi. As a result of this partnership, 388 individual officers representing 119 law enforcement agencies were trained.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

Experienced advocates, attorneys and investigators provided lectures and/or workshops on topics specifically related to law enforcement, including, but not limited to Effective Responses to Victims of Violent Crime, Crime Victims' Bill of Rights, Stalking, Domestic Violence, Legislative Updates, Search & Seizure, Probable Cause, Investigative Techniques & Report Writing, Courtroom Testimony and Preparation, Vulnerable Adults and Identity Theft. Staff continues to provide practical information officers can use on a daily basis. These trainings are held at no cost to the attendees, and topics are continually modified to provide the most current information available.

Training evaluations reflected numerous positive responses including, but not limited to the following:

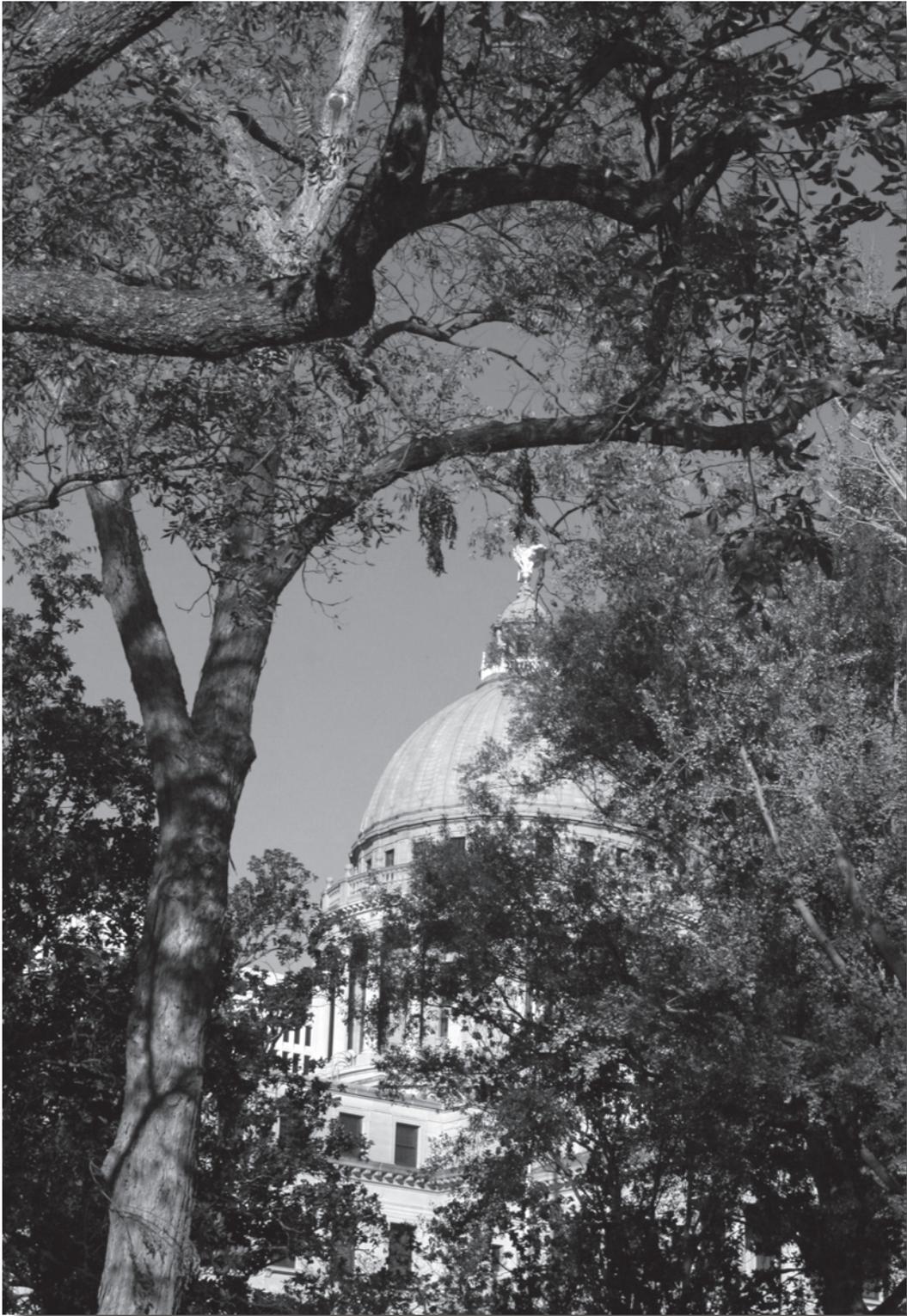
- "I really enjoyed this workshop, and I learned something new with each topic."
- "Thanks to all the speakers for their time and effort in sharing their knowledge so I can better help others."
- "Thank you for providing these classes free of charge. Otherwise, some agencies may not be able to afford to send personnel to better serve the general public."
- "Thanks for your time and professionalism showed toward the State of Mississippi law enforcement agencies."
- "The training opens your eyes to things you've never thought of before."

MISSISSIPPI CRISIS RESPONSE TEAM (MS-CRT)

The mission of the MS-CRT is to facilitate crisis intervention services to crime victims and their communities in the aftermath of a traumatic event involving multiple victims, survivors and/or witnesses. Examples of such crimes are: crimes affecting children, such as school shootings; workplace violence; or multiple deaths from any criminal activity that causes an entire community to grieve.

This fiscal period, the Division made a concerted effort to provide information about the MS-CRT to public schools and institutions of higher learning. Staff provided information and technical assistance at the Mississippi State University Emergency Management Conference, Campus Police Conference, Deans of College meeting, and Community College Presidents' Association. Attendees at these conferences/meetings received information regarding the background, training and experience of the crisis responders, instances in which the team responds, how to request assistance and the services provided by the MS-CRT.

To become eligible for membership, an individual must complete 40 hours of basic crisis intervention training sponsored by the National Organization for Victim Assistance (NOVA). MS-CRT members are required to complete a minimum of eight hours of continuing education to maintain active MS-CRT membership. All members are volunteers.



CRIMINAL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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 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 Mississippi Supreme Court, the Mississippi, 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 Fiscal Year 2008, among other various matters, the attorneys in the Appellate Section filed 322 briefs, as well as numerous miscellaneous motions and responses in the Mississippi Supreme Court and the Mississippi court of Appeals, winning approximately 94.7% of the criminal cases disposed of by the Supreme Court and Court of Appeals. This section also processed 150 extraditions.

DEATH PENALTY SECTION

The attorneys in the Death Penalty Section of the Criminal Division represent the State of Mississippi in all courts in defending the 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.

During Fiscal Year 2008, among other various matters, the attorneys in the Death Penalty Section prevailed in all pleadings filed in all courts with two exceptions. The Mississippi Supreme Court partially granted one post-conviction motion to allow a hearing on a claim of ineffective assistance of counsel, and the Supreme Court of the United States granted a stay of execution. That stay, however was later vacated, and on May 21, 2008, all appeals were completed, and the death sentence was carried out, in the case of Earl Wesley Berry v. State.

CRIMINAL LITIGATION DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

FEDERAL HABEAS SECTION

The attorneys in the Federal Habeas Section of the Criminal Division represent the State of Mississippi in non-death penalty habeas corpus proceedings in all federal courts. During Fiscal Year 2008, the attorneys in the Federal Habeas Section of the Criminal Division filed 295 answers, briefs, motions, and responses in the United States District Courts for the Southern and Northern Districts of Mississippi and in the Court of Appeals for the Fifth Circuit, obtaining a favorable result in 99.5% of cases handled.

SIGNIFICANT CASES IN FISCAL YEAR 2008

Salts and Salts v. State, 984 So.2d 1050 (Miss.App.2008): The Mississippi Court of Appeals affirmed the embezzlement convictions and sentences of a husband-wife duo who had stolen burial insurance proceeds while they operated a funeral home in Booneville, Mississippi.

Moore v. State, 2005-CT-02063-SCT (Miss.2008): The Mississippi Supreme Court affirmed the lower court's denial of post-conviction relief, holding that a traffic stop may be objectively reasonable even if based on a mistake of law.

Ellis v. State, 2006-KA-01163-COA (Miss.App.2007): The Mississippi Court of Appeals affirmed the convictions and sentences of the defendant for the crimes of sexual battery and statutory rape in a case in which the State proved the defendant's repeated sexual abuse of a thirteen-year old girl.

Scott v. State, 981 So.2d 964 (Miss.2008): The Mississippi Supreme Court determined that the lower court had properly found that the defendant had not established a prima facie case of discrimination in jury selection.

Callins v. State, 975 So.2d 219 (Miss.2008): The Mississippi Supreme Court affirmed the denial of post-conviction relief and reiterated that trial courts are not required to inform defendants who are pleading guilty of their intent not to follow a sentence recommendation.

Williams v. State, 2005-KA-01338-COA (Miss.App.2008): The Mississippi Court of Appeals affirmed the convictions and sentences of a seventeen-year old who had murdered his father and step-mother.

Vickers v. State, 2006-KA-01711-COA (Miss.App.2008): The Mississippi Court of Appeals affirmed the convictions of and sentences for the crimes of capital murder, aggravated assault, two counts of conspiracy to commit capital murder, and possession of a firearm by a felon in a case in which the defendant contracted for the killing of his brother and sister-in-law.

Golden v. State, 984 So.2d 1026 (Miss.App.2008): The Mississippi Court of Appeals affirmed the fondling conviction and fifteen-year sentence for the molesting of the defendant's seven-year old daughter.



DOMESTIC VIOLENCE DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Domestic Violence Division of the Attorney General's Office is making great strides to improve the response of Mississippi's legal system to victims of domestic violence. The following is a summary of the activities performed by the Division during the period from July 1, 2007, through June 30, 2008.

ANNUAL CONFERENCE

The Division, in cooperation with the Mississippi Coalition Against Domestic Violence, hosted its second annual domestic violence conference in Choctaw, Mississippi, on May 13-14, 2008. We were able to bring a number of out of state speakers to Mississippi to share their knowledge and expertise. The interest of the law enforcement community in this year's conference was overwhelming - over 400 people were registered for the conference, representing law enforcement, prosecution, advocacy, judiciary, court clerks and probation/parole.

ONGOING LAW ENFORCEMENT TRAINING

Throughout the year, the Division performs training workshops with local law enforcement agencies around the state. Many of these training sessions were conducted in cooperation with the Crime Prevention and Victims Services Division of the Attorney General's Office. These training workshops are held around the state of Mississippi, to better enable local law enforcement to attend. In addition to this training, staff of the Division provides training to many of the law enforcement academies around the State, teaching both the new recruits and refresher classes. The total number of law enforcement officers who received training from staff of the Domestic Violence Division for the period of July 1, 2007, through June 30, 2008, was 1,829. Training was also provided to approximately 200 Department of Corrections personnel.

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 participation in the Sexual Assault Nurse Examiner (SANE) program, and during the period in question, assisted in the training for 45 nurses, by conducting a mock trial.

COURT CLERKS

Division staff has been quite active in assisting court clerks in the protective order process. In addition to speaking at a number of court clerk conferences or association meetings, individual trips to court clerk's offices for one-on-one visits and personal instruction on the applicable statutes and information court clerks need when assisting a victim of domestic violence. 84 separate informal meetings were held, and a total of 182 court clerks were in attendance.

OTHER INITIATIVES

In to the training outlined above, the Division has also been working on number of other initiatives. During this period, a training DVD for use by law enforcement was created utilizing private contractors for a professional and high-quality project. Division staff has worked with representatives from the MS Department of Public Safety and law enforcement officials towards the creation of a Statewide Uniform Domestic Violence Offense Report, which will be a web-based reporting system, to better enable law enforcement, prosecutors and judges to track offenders. The Division has also been instrumental in the creation of the MS Supreme Court's Commission on the Study of Domestic Abuse Proceedings, established pursuant to an administrative order of the Supreme Court. This commission was created to perform a thorough review of Mississippi's domestic violence laws and to make recommendations to the Legislature for modifications to make the system more efficient, to ease access to the courts by victims and to enhance victim safety.



MEDICAID FRAUD CONTROL UNIT OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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 facilities licensed by the Mississippi State Department of Health. 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. In terms of participation in Global (multi-state) litigation, Mississippi’s efforts netted \$2,165,245.63 in restitution and penalties actually paid to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit.

MFCU is located in Jackson, Mississippi—with no satellite offices elsewhere in the state. With a total of six investigators assigned to the investigation of neglect, abuse and exploitation of vulnerable adults in eighty-two counties, we continued in 2007-2008 to train and assist local law enforcement agencies and local prosecutors in the peculiarities of prosecuting elder abuse. We are still faced with an expansion of ever-evolving financial crimes against the elderly. We have attempted to continue to form a partnership with local law enforcement which addresses abuse and neglect case in their respective jurisdictions. This has allowed MFCU Investigators the ability to more adequately focus on this area of crime, resulting in multiple arrests and prosecutions.

DURING FISCAL YEAR 2007-2008, THE FOLLOWING GLOBAL CASES WERE SETTLED:

On December 5, 2007 Merck & Co., Inc., compromised a claim and paid penalty and restitution to the Mississippi Division of Medicaid and to the Mississippi Medicaid Fraud Control Unit totaling \$1,175,087. The State alleged, and Merck denied, that Merck offered discounts and things of value to hospitals to influence providers’s choice of prescription drugs and improperly reported their best prices in violation of the Medicaid Rebate Statute. Merck denied any wrongdoing. The payment was in settlement and compromise of the claim.

On February 22, 2008 Merck & Co. Inc., compromised a claim and paid penalty and restitution to the Division of Medicaid and to the Medicaid Fraud Control Unit in the total sum of \$838,509. The State of Mississippi alleged, and Merck denied, that Merck knowingly misreported Best Prices paid under the Medicaid Drug Rebate Program for Pepcid. The payment was in settlement and compromise of the claim. Merck denied any wrongdoing.

On January 28, 2008, InterMune, Inc., settled and compromised a claim and agreed to pay an initial payment in the sum of \$59,459.90, with further installments to be paid during later years. It was alleged, and InterMune denied, that InterMune promoted the sale and use of Actimmune for uses not approved by the United States Food and Drug Administration. The payment was in settlement and compromise of the claim. InterMune denied any wrongdoing.

On August 7, 2007, Medicis and the State of Mississippi compromised and settled a claim. Medicis paid the total sum of \$92,189.73 in restitution and penalty to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit. The State alleged, and Medicis denied, that Medicis promoted the sale and use of Loprox for uses not approved by the United States Food and Drug Administration. Medicis denied any wrongdoing.

MEDICAID FRAUD CONTROL UNIT OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

INSIDER'S LOOK - MEDICAID FRAUD

Three typical cases handled by the abuse, neglect, and exploitation section of the office are the prosecutions of Greg Knight, Gene Amason, and Sharon Holmes and Chelika Bailey.

Greg Knight entered a plea of guilty to felony exploitation of the money of three individuals while operating Safehaven Outreach Personal Care Home. Knight was ordered to serve three concurrent ten year terms, five years suspended, to make full restitution to the three victims totaling \$7,204 and to pay \$1,000 to the Victims' Compensation Fund.

Gene Amason entered into a pretrial intervention program for one year for allegedly embezzling the funds and property of Gladys Harrison. Amason was required to pay a \$15,000 lump sum, execute a deed to homestead property to Harrison, to release funds held in a Merrill Lynch account to Harrison's conservator totaling approximately \$389,735.13, to pay \$1,000 to the Crime Victims' Compensation Fund, and to pay court costs and the costs of supervision in the pretrial intervention program.

Sharon Holmes former psychiatric assistant at Millcreek of Pontotoc, entered a plea of guilty to fondling. She was sentenced to fifteen years, thirteen years suspended, and five years on post-release supervision. Upon release, she will be required to pay court costs totaling \$289.50 and \$1,000 to the Mississippi Children's Trust Fund and register as a sex offender.





OPINIONS AND LOCAL GOVERNMENT DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

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 which 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 Fiscal Year 2008, we issued over 600 official opinions. Of these more than 82% 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.

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 over 6,000 hours giving general advice by telephone in Fiscal Year 2008. Over 560 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 AG 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. Twelve submissions for administrative review by the United States Department of Justice were made in 2008 and all have been approved.

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, and by responding to telephone inquiries from state and local officials as well as from members of the public. The Attorney General is a member and director of the Mississippi Center for Freedom of Information.



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PROSECUTORS' TRAINING DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

Mississippi's prosecuting attorneys serve the State and criminal justice system by prosecuting criminal defendants in Circuit, County, Justice, and Municipal Court. Prosecuting attorneys represent crime victim during one of the most difficult times in each victims' life, while upholding the right to safety that all citizens need. As technology quickly advances, newer and more proficient methods, equipment, and tools are available to improve and protect the integrity of the criminal justice system. Training is one of the greatest underlying tools available to prosecutors, investigators, and victim coordinators. Whether or not a technology is yet affordable or available to Mississippi, the knowledge of advances is crucial.

Under the direction of Attorney General Jim Hood, and the Mississippi Prosecutors Association, the availability of training opportunities has expanded tremendously. The Prosecutors' Training Division of the Mississippi Attorney General's office is the arm which coordinates and provides continuing legal education training at no cost to each of Mississippi's prosecutors. Attorney General Hood has encouraged, supported, and provided the opportunity to escalate training in courtroom basics, legal changes and trends, violent and financial crimes, as well as the higher technology arenas while continuing to provide resources for the ever evolving trends in the criminal justice system. The Mississippi Prosecutors Association is governed by a Board of Directors. District Attorney Ben Creekmore, of the Third Judicial District, served as president during 2007-2008.

The Division of Prosecutor Training includes Director, Melanie Webb; Assistant, Tamera Lyons; Traffic Safety Resource Prosecutor (TSRP), Molly Miller; who provides law enforcement training and prosecution assistance for cases related to Driving Under the Influence (DUI) TSRP Assistant, Amy Ashley and Systems Analyst, Glynn McMillen who provides Information Technology support to the District Attorney's offices across the State.



PROSECUTORS' TRAINING DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

TRAINING TRENDS

NEW COUNTY PROSECUTORS: 2007 - 2008 has been a year of advances for Prosecutors' Training. For the first time, the Mississippi Prosecutors Association (MPA) and the Prosecutors' Training Division added a training session for newly elected County Prosecuting Attorneys. About 30 newly elected County Prosecuting Attorneys participated, and received insight from panel presentations, individual resource presentations, and additional materials for those who also serve as youth court prosecutors.

NEW DA/ADA: Every four years (2008 included) a New Prosecutors class is offered for newly elected District Attorneys, and appointed Assistant District Attorneys. Full-time criminal prosecution brings many changes for even the most experienced attorney. Some 25 participated in the session which included court room and Grand Jury preparation, as well as State Audit regulations.

PROSECUTING DUI: One of the most exciting new classes offered in 2008 expanded the "City/County" one day conference into an intensive three day "Prosecuting DUI" conference. During Attorney General Hood's administration, a grant to provide law enforcement and prosecution training was obtained and a Traffic Safety Resource Prosecutor (TSRP) was appointed. Additional funding from the National Highway Traffic Safety Administration (NHTSA) provided the foundation to offer the three day intensive Prosecuting DUI Conference. About 70 municipal and county prosecuting attorneys were trained by some of the Nations leading DUI Prosecutors.

FALL AND SPRING PROSECUTORS CONFERENCE: Two main conferences offer classes for all prosecutors in the State and provide technical assistance to District Attorneys by offering training classes for Criminal Investigators, Victim Assistance Coordinators (VACs), and Worthless Check Unit Directors. Annual conference may often have a centralized theme, but also offer state and national case law updates, and technical/resource updates for other crimes outside the focus area.

The 2007 Fall Prosecutors' Conference "Courtroom Voices" included the "voices" or evidence which speaks out in the courtroom. Canada's leading child abuse/child witness program developer, Lynn Barry, spoke to some 350 prosecutors, investigators, and victim coordinators about unique aspects of the child victim/witness. Prosecutors also had new DNA technology updates, as well as an in-depth review of prosecuting cases involving donated organs.

"PROSECUTING GANGS AND VIOLENT CRIME" in Spring 2008, brought more than 385 prosecutors, investigators, VACs, and check unit staff for updates in a local version of "Domestic Terrorism," the violent crimes which threaten the safety of our communities every day. National Gang instructor Tony Avendorph of Prince George's County Police, Maryland, gave prosecutors, investigators and VACs national and local updates, insight into the gang impact on all crime, and techniques for investigating and prosecuting.

District Attorney/Assistant District Attorney Summer Session: 60-70 full-time state prosecutors (including Special and Assistant Attorneys' General) are trained each summer in areas of special focus to full-time prosecutors.

PROSECUTORS' TRAINING DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

YOUTH COURT PROSECUTORS: Nearly 70 youth court prosecutors are trained in special emphasis classes for juvenile justice.

SPECIAL THANKS: Federal and State partners have worked throughout the year by providing instructors and specialized expertise in the areas of Cyber crime, gang and immigration issues, homeland security, financial investigations, Ethics, and the laws affecting government attorneys. A special thanks to the following: The Mississippi Ethics Commission; Mississippi State Auditor, Stacey Pickering; Mississippi Department of Public Safety; Mississippi Department of Corrections, Mississippi Law Research Institute, University of Mississippi; United States Attorney Dunn Lampton; United States Attorney Jim Greenlee; Federal Bureau of Investigation; Bureau of Immigrations and Customs Enforcement; Bureau of Alcohol, Tobacco, Firearms and Explosives, National Highway Traffic Safety Administration; Regional Organize Crime Information Center; Hinds County Sheriff's Office; Laural Junior Auxiliary; and the many Attorney General's office attorneys and program directors, along with District and Assistant District Attorneys, city and county prosecutors and Judges who have offered program development and instruction.

QUICK STATS 2007-2008

PROSECUTORS' TRAINING DIVISION CLASSES: 1,000 total trained (total number of attendees for each conference added together. Many attendees participated in more than one conference)

CONFERENCES/TRAINING SESSIONS OFFERED: 7 Conferences provided

TSRP CLASSES AND TRAINING: 40 approximate sessions taught (teaching includes approximately 35 law enforcement sessions and five prosecutor/judicial presentations)

BUILDING BLOCKS FOR PROSECUTORS

MISSISSIPPI PROSECUTORS TRIAL MANUAL: Rick Carlisle of the Mississippi Law Research Institute completed work on the "Mississippi Prosecutors Trial Manual" update which was given to full time prosecutors during the spring and Summer months. Rick has agreed to help the Board of Mississippi Prosecutors keep the manual updated each year.

MISSISSIPPI PROSECUTORS' DIRECTORY: The directory of prosecutors in Mississippi was updated for the first time since 2000.

CRIMES: Statewide Case Management software took its first implementation steps on a statewide server hosted at the University of Southern Mississippi. Prosecutors offices are expected to be added into the program on a district by district basis in early 2009.

TSRP: Assisted with several DUI related cases, including one of note in Jackson. In 2004, Mississippi Capitol Police Officer David Corban was gravely injured when his patrol car was struck by an intoxicated driver. Officer Corban (recently retired) required intensive medical procedures, and continues to suffer severe pain as a direct result of the accident. The defendant fled to avoid prosecution, but was located, extradited, and has now been sentenced after a cooperative effort by Attorney General Jim Hood, Prosecutors' Training Division, Traffic Safety Resource Prosecutor, Molly Miller, and Hinds County District Attorney Robert Smith.

PROSECUTORS' TRAINING DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

NEW HORIZONS FOR PROSECUTORS

Camela "Cammie" Wyatt has been named Director of Prosecutor Training for the Mississippi Attorney General's Office for the next fiscal year. She is an eleven year veteran of the Attorney General's office and comes to Prosecutor Training from the Consumer Protection Division.

Arch Bullard will serve as President of the Mississippi Prosecutors Association for the 2008-2009 year. He serves as an Assistant District Attorney in the First Judicial District. Arch and the executive officers are drafting a three year plan for prosecutors with a special emphasis on providing resources for the prosecution and prevention of child abuse.

Capital Case Initiative: Prosecutors Training will receive funding for the development of a forty hour course in Capital Case Prosecution. The funding is from a Department of Justice grant which will provide resources for 30 District Attorneys and Assistant District Attorneys to receive intensive training in cases involving the death penalty.





PUBLIC INTEGRITY DIVISION
OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

SIGNIFICANT CASES:

CONVICTIONS

LAUDERDALE/CLARKE COUNTY CHILD SUPPORT CLERK PLEADS GUILTY TO EMBEZZLEMENT

Cindy Phillips Truhett, former Lauderdale/Clarke County Child Support Clerk, pled guilty to embezzling from the Lauderdale and Clarke County child support program where she served as a clerk. Lauderdale County Circuit Court Judge Lester Williamson sentenced Truhett to eight years behind bars with four suspended, four to serve and four years on post-release supervision. She must also pay \$1,000 to the Crime Victim Compensation Fund, and pay restitution for embezzling \$216,967.56 after writing unauthorized checks to herself from January 3, 2002 through April 10, 2007.

JACKSON COUNTY PROBATION OFFICER CONVICTED OF EXTORTION IN JURY TRIAL

Frank Tipton, former Gulf Coast probation officer was found guilty following a two-day jury trial in Jackson County Circuit Court, as a result of a case investigated and prosecuted by the Public Integrity Division of the Attorney General's Office. Jackson County Circuit Court Judge Dale Harkey sentenced Tipton to the maximum five year sentence with one year to serve behind bars, two to serve on supervised house arrest with two years of supervised probation. Tipton was also ordered to pay a \$5,000 fine plus court costs.

COPIAH COUNTY MAN PLEADS GUILTY TO MURDER

Christopher Bridges, of Copiah County, entered a guilty plea to Murder for a 2005 killing, in a case that was co-prosecuted by attorneys from the Public Integrity Division of the Attorney General's Office. 6th Judicial Circuit Court District Judge Forrest Johnson sentenced Bridges to life in prison without possibility of parole for the murder.

CLAIBORNE COUNTY MAN CONVICTED OF AGGRAVATED ASSAULT, SHOOTING INTO OCCUPIED DWELLING AND MANSLAUGHTER IN JURY TRIAL

Carl Ray Brandon, a former employee of the Claiborne County Board of Supervisors, was found guilty following a four-day trial, in a case that was co-prosecuted by attorneys from the Public Integrity Division of the Attorney General's Office. 9th Judicial Circuit Court District Judge Frank Vollor sentenced Brandon to twenty years to serve in prison on each of the aggravated assault charges and on the manslaughter charge, and to ten years to serve in prison on the shooting into occupied dwelling charge, for a total of 70 years to serve in prison for his actions.

HINDS COUNTY MAN PLEADS GUILTY TO CAPITAL MURDER AND KIDNAPPING

George G. Bell, III, of Jackson, MS, entered a plea of guilty to capital murder involving the death and rape of his girlfriend Heather Spencer. He also pled guilty to having kidnaped her roommate, Elizabeth Hall, forcing her to go with him to his mother's home where Miss Spencer lay dead. Judge Winston Kidd, in Hinds County Circuit Court, sentenced Bell to life without parole on the capital murder charge and 30 years (the maximum sentence, to run concurrent with the life sentence) on the kidnaping charge.

BOLIVAR COUNTY MEN PLEAD GUILTY TO OPERATION OF ILLEGAL GAMING DEVICES

Bruce Collier, Jr., of Merigold, MS, Manager of Bruce's Place aka Joe's Bar located in Boyle, MS, and Jimmy Utz, of Boyle, MS, Owner/Manager of Sky King's Lounge, also located in Boyle, MS, appeared in Bolivar County Justice Court before Judge Harold Ward, Sr. to address charges that they willfully, and unlawfully possessed, displayed and operated slot machines or similar devices, in violation of §97-33-7.

48 Utz pled guilty to possession of illegal slots, paid a \$500 fine plus court costs, for a total of \$640.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

Utz also pled guilty to operating a gaming operation without a license in Bolivar County Justice Court, paid a \$500 fine plus court costs, for a total of \$640 (total \$1,000 fine and \$280 in court costs).

Collier pled guilty to possession of illegal slots in Bolivar County Justice Court, paid a \$500 fine plus court costs, for a total of \$640. Collier also pled guilty to operating a gaming operation without a license in Bolivar County Justice Court, paid a \$500 fine plus court costs, for a total of \$640 (total \$1,000 fine and \$280 in court costs).

Ethics Commission Investigator Pleads Guilty to False Pretense

Robert King, former Investigator for the Mississippi State Ethics Commission, pled guilty to 2 counts of false pretense in relation to filing false claims for mileage reimbursement. King entered his plea in Hinds County Circuit Court, and was sentenced by Circuit Judge Breland Hilburn to 2 years, with 2 years suspended, 2 years supervised probation, ordered to pay a fine of \$5000 and ordered to pay restitution in the amount of \$1000.

Hinds County Probation Officer Pleads Guilty to Extortion

Joaquin Kurtz, former Hinds County Probation Officer, entered a guilty plea to the charge of extortion in Hinds County Circuit Court. Kurtz is scheduled to be sentenced by Circuit Judge Breland Hilburn, at the time of this publication.

Rankin County Man Pleads Guilty to False Pretense

Roscoe Bandy, of Jackson, MS, entered a guilty plea to the charge of False Pretense, before Rankin County Circuit Court Judge William Chapman, who sentenced Bandy to 60 days to serve in Rankin County Jail, and is required to pay \$16,000 in restitution and pay \$1000 to the Mississippi Victim's Compensation Fund.

INDICTMENTS/ARRESTS

CARROLL COUNTY SUPERVISOR INDICTED FOR EMBEZZLEMENT: Lloyd D. "Honey Ashmore, a Carroll County Supervisor, has been indicted and arrested on two counts of embezzlement, in a case brought by investigators with the Office of the Attorney General and the State Auditor's Office. Per the indictment, Ashmore is accused of using county labor, materials and equipment for his own personal use to build a bridge on private property in two separate incidents, one between September and December 2006, the other on or about June 15, 2003. The penalty for a violation of §97-11-25 (Embezzlement; officers, trustees and public employees converting property to own use) is up to 20 years in the custody of the department of corrections and a fine of up to \$5,000.

BENTON COUNTY VOTER FRAUD INVESTIGATION RESULTS IN ARREST OF 16 PEOPLE ON 10 INDICTMENTS: Sixteen people connected to a Benton County voter fraud investigation have been indicted and arrested as a result of ten separate multiple count indictments issued by the Benton County Grand Jury. The investigation stems from the August 7, 2007 primary election and the August 27, 2008 runoff elections in Benton County. Indictments were returned by a Benton County Grand Jury on February 27, 2008 against the following people:

- Ronnie Wilkerson, Blue Mountain, MS. Indicted on two counts of conspiracy to commit voter fraud
- Jerry Huck Childers, Hickory Flat, MS. Indicted on two counts of conspiracy to commit voter fraud and two counts voter fraud.
- Henry Massey, Hickory Flat, MS. Indicted on one count conspiracy to commit voter fraud and two counts voter fraud.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

INDICTMENTS/ARRESTS CONTINUED

- Arnold Rooker Sr. ,Hickory Flat, MS. Indicted on three counts of voter fraud.
- Tate King, Ashland, MS. Indicted on one count conspiracy to commit voter fraud and two counts of voter fraud.
- Jasper Buggs, Sr., Michigan City, MS. Indicted on one count of conspiracy to commit voter fraud and four counts of voter fraud.
- Stanley Maurice Warren, Hickory Flat, MS. Indicted on one count of conspiracy to commit voter fraud and three counts of voter fraud.
- David Massey, Hickory Flat, MS. Indicted on one count of conspiracy to commit voter fraud and three counts of voter fraud.
- Larry Tip Massey, New Albany, MS. Indicted on one count of conspiracy to commit voter fraud and three counts of voter fraud.
- Kenny Ray Bowen, Holly Springs, MS. Indicted on one count of conspiracy to commit voter fraud and two counts of voter fraud.
- Billy E. Street, Hickory Flat, MS. Indicted on one count of conspiracy to commit voter fraud and two counts of voter fraud.
- James Bullock , Ashland, MS. Indicted on five counts of voter fraud.
- Cooper Epps , Ashland, MS. Indicted on four counts of voter fraud.
- Clint Moffitt, Hickory Flat, MS. Indicted on one count of conspiracy to commit voter fraud and one count of voter fraud.
- Lillie Jean Norton, Ashland, MS. Indicted on one count of conspiracy to commit voter fraud and one count of voter fraud.
- Ada Moore Tucker, Ashland, MS. Indicted on one count conspiracy of commit to voter fraud and one count voter fraud.

As of the date of this publication, all defendants have been arraigned and are awaiting trial dates in Benton Count Circuit Court.

WASHINGTON COUNTY TAX COLLECTOR AND DEPUTY CLERKS INDICTED FOR FRAUD

Nine persons, including the Washington County Tax Collector and six deputy clerks, have been indicted and arrested, for charges of fraud and conspiracy arising out of a scheme by which numerous citizens were allowed to register automobiles by the use of false address registration information, and thereby being allowed to avoid paying proper and full county and city automobile taxes. These charges arose following an extensive investigation by the Public Integrity Division of the Attorney General's Office, and resulted in nine separate multiple count indictments against each of the nine persons. As of the date of this publication, all defendants have been arraigned and are awaiting trial.

NOXUBEE COUNTY MURDER INVESTIGATION AND INDICTMENT

The Public Integrity Division cooperated with Noxubee County law enforcement officials in the re-opening of an investigation of two separate murder cases which were overturned by the Mississippi Supreme Court following presentation of conflicting DNA-based evidence on behalf of two wrongly convicted defendants from the early 1990's. DNA testing revealed that the wrong suspects had been tried and convicted of the separate crimes, and upon re-opening of the cases, PID investigators made the arrest and conducted the time-sensitive and critical interview of the newly discovered suspect, who confessed to both crimes. That suspect, Albert Johnson, of Macon, MS, has been indicted for Capital Murder in relation to both incidents by a Macon County Grand Jury.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

ADAMS COUNTY SHERIFF'S DEPUTY INDICTED FOR EMBEZZLEMENT

Eric Kaho, former Adams County Sheriff's Deputy, has been indicted and arrested on eight counts of embezzlement, in a case brought by investigators with the Public Integrity Division of the Office of the Attorney General, arising out of his wrongful appropriation of money from an area drug task force. As of the date of this publication, Kaho has been arraigned and is awaiting a trial date.

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CHICKASAW COUNTY MAN INDICTED FOR OBSTRUCTION OF JUSTICE

Andrew Dexter, of Chickasaw County, MS, has been indicted and arrested on two counts of obstruction of justice, in a case brought by investigators with the Public Integrity Division of the Office of the Attorney General, arising out of his attempts to prevent a material witness from appearing to testify in an on-going criminal case being prosecuted by local authorities. As of the date of this publication, Dexter has been arraigned and is scheduled for trial.

SIMPSON COUNTY MAN INDICTED FOR AGGRAVATED ASSAULT

Andretti Camper, of Magee, MS, has been indicted and arrested on a charge of Aggravated Assault, in a case brought by investigators with the Public Integrity Division of the Office of the Attorney General, arising from the shooting of an individual with a firearm which caused serious bodily injury. As of the date of this publication, Camper has been arraigned and is scheduled for trial.



PUBLIC INTEGRITY DIVISION
OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

CHILD DESERTION UNIT

CONVICTIONS

KOSCIUSKO MAN PLEADS GUILTY TO FELONIOUS NON-SUPPORT OF A CHILD

Dennis Kern, of Kosciusko, MS, entered his plea of guilty and was sentenced by Oktibbeha County Circuit Court Judge Lee Howard for willfully, unlawfully, feloniously, and knowingly refusing to provide for the support and maintenance of his natural children in direct violation and contradiction of state law. Kern was sentenced to 10 years in the custody of the Mississippi Department of Corrections, with two years to serve and eight years suspended. He was also sentenced to supervised probation and ordered to make restitution of back child support in the amount of \$68,215. The Court ordered Kern to start paying the owed child support payments 60 days after release from the penitentiary.

MONROE COUNTY MAN PLEADS GUILTY TO FELONIOUS NON-SUPPORT OF A CHILD

James Gannon, of Monroe County, MS, entered his plea of guilty and was sentenced in Monroe County Circuit Court for willfully, unlawfully, feloniously, and knowingly refusing to provide for the support and maintenance of his natural children in direct violation and contradiction of state law. Gannon was sentenced to five years in the custody of the Mississippi Department of Corrections, with those five years suspended. He was also sentenced to supervised probation and ordered to make restitution of back support in the amount of \$27,600 at the rate of \$300 per month for 92 months.

INDICTMENTS

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

- Christopher Aderholt, indicted in Union County, with child support arrearage of \$54,232
- Winfred Busby, indicted in Harrison County, with child support arrearage of \$49,850
- Isiah Golden, indicted in Madison County, with child support arrearage of \$18,387
- Michael Haig, indicted in Harrison County, with child support arrearage of \$34,816
- Elmer McDonald, indicted in Harrison County, with child support arrearage of \$10,000
- Patrick Scoggins, indicted in Smith County, with child support arrearage of \$18,700
- Robert Warner, indicted in DeSoto County, with child support arrearage of \$22,385
- Jimmy Warden, indicted in Yazoo County, with child support arrearage of \$25,216
- James Wells, indicted in Warren County, with child support arrearage of \$26,887
- Giroud Parker, indicted in Jefferson County, with child support arrearage of \$16,179

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

VULNERABLE ADULT UNIT

The Vulnerable Adults Unit (VAU) is part of the Public Integrity Division of the Office of the Attorney General. The VAU was created to prosecute those accused of crimes against vulnerable adults. A vulnerable adult is defined as a person who is unable to take care of the activities of daily living or is unable to provide for his or her own protection due to a mental, emotional, physical or developmental disability or dysfunction, or brain damage or the infirmities of aging.

The VAU received over 1300 complaints of exploitation, neglect or abuse against vulnerable adults during Fiscal Year 2008 . The unit is staffed by one attorney and one investigator. In addition to prosecuting crimes against vulnerable adults, the unit is charged with the responsibility to provide training to law enforcement. The training is also extended to various civic organizations and health care providers along with other attorneys, court personnel and various other entities. Included in the training sessions were the Mississippi Law Enforcement Training Academy in Pearl, Mississippi; the Southern Regional Public Safety Institute at Camp Shelby, Hattiesburg, Mississippi; the Forest Police Department in Forest, Mississippi; the Scott County Sheriff's Department in Forest, Mississippi; the Gulfport Police Department in Gulfport, Mississippi; and Triad, a national community policing initiative wherein law enforcement professionals, seniors and community groups partner to meet the crime safety needs of seniors.

The VAU has successfully prosecuted both felony and misdemeanor crimes falling under the purview of abuse, neglect and exploitation of vulnerable adults. Included in the felony prosecutions:

DEBRA LOUISE LOWERY: convicted in Forrest County of exploitation of a vulnerable adult in the amount of \$3,600. Lowery was sentenced to 3 years in the custody of the Mississippi Department of Corrections, with 3 years suspended, with 3 years post release supervision and ordered to pay restitution along with other court costs.

JOHN D. MOTES: convicted in Forrest County of exploitation of a vulnerable adult in the amount of \$10,872.17. Motes was sentenced to 4 years in the custody of the Mississippi Department of Corrections, with 4 years suspended subject to the completion of one year intensive supervised probation followed by 3 years supervised probation, ordered to perform 200 hours of community service and ordered to pay restitution to the victim in the amount of \$6,000 plus court costs.

The VAU has numerous indicted cases awaiting trials scheduled in 2008 and 2009. Included in those indictments are:

- Karynette Arnold, indicted in Hinds County for two counts felony exploitation of a vulnerable adult.
- Vanessa Decker, indicted in Clay County for four counts of exploitation of a vulnerable adult.
- John Allen Greer, indicted in Hinds County for three counts of exploitation of vulnerable adult.
- Minnie Sheriff, indicted in Hinds County for twenty five counts of embezzlement and eight counts of uttering a forgery. (Sheriff is being prosecuted jointly by the VAU and the Medicaid Fraud Unit of the Attorney General's Office.)
- Jeffery Spooner, indicted in Jackson County for three counts of exploitation of a vulnerable adult.

In addition, the unit has several cases awaiting presentation to various grand juries across the state and continues to actively pursue charges against those accused of abusing, neglecting and exploiting vulnerable adults.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

INSURANCE FRAUD UNIT

The Insurance Integrity Enforcement Bureau has completed an active year of investigation and prosecution throughout the state, encountering both criminal defendants and victims from all walks of life. Over the last fiscal year, this Unit has received and reviewed 154 referrals from the National Insurance Crime Bureau. We have also added a fourth full-time insurance fraud investigator.

We are pleased to be working on numerous referrals from various state agencies, including the Mississippi Workers' Compensation Commission, the Mississippi Highway Patrol, the Mississippi Department of Insurance, the Mississippi Secretary of State's Office, the Mississippi Office of the State Auditor, and the Mississippi Department of Banking and Consumer Finance.

Below is a brief synopsis of our activity during the last fiscal year.

1) In July 2008, Tupelo resident John Henry High pleaded guilty to two counts of insurance fraud in the Circuit Court of Lee County, Mississippi. High had been a medical provider for the Children's Health Insurance Program (CHIPs), a program which provides healthcare coverage to children of low income families who do not qualify for Medicaid benefits. High submitted claims to Blue Cross Blue Shield, the third party administrator, for providing psychotherapy services to children in his office while he was actually on vacation. Circuit Judge Thomas Gardner III sentenced High to three years in the custody of the Mississippi Department of Corrections, with one year to serve and two years suspended, as a result of his plea of guilty on Count One. Upon release, Mr. High is subject to two years of post release supervision. Further, he was ordered to pay \$1000 to the Crime Victims' Compensation Fund and \$45,000 in restitution to Blue Cross/Blue Shield. On Count Two, Judge Gardner sentenced Mr. High to three years in the custody of the Mississippi Department of Corrections, to run consecutively to that time to serve in Count One, but with this latter three years suspended. Also, with respect to Count Two, Mr. High was ordered to serve three years of post release supervision to run consecutively to his two years of the same in Count One. In other words, upon his release from incarceration, Mr. High will be on probation for five years and will have the possibility of being sentenced to serve up to an additional five years' imprisonment if he violates the terms of his probation.

2) Donald Middleton, the former owner of four cemeteries throughout the state of Mississippi, has been charged with eight counts of failing to meet accounting and reporting requirements for perpetual care cemeteries, in violation of Miss. Code Ann. Sections 41-43-39(2) and (3). Families and individuals with prepaid funeral arrangements through Prentiss Memorial Gardens in Baldwyn, Pine Crest Memorial Park in Pittsboro, Sunset Gardens Memorial Park in Laurel and Liberty Memorial Park in Booneville have discovered that Middleton has apparently abandoned these properties, in addition with his contractual obligations to our citizens. Middleton has also been sued by the Consumer Protection Division of the Attorney General's Office for violating consumer protection laws. Warrants on Middleton are outstanding at this time.

3) On June 30, 2008, a Mississippi insurance agent charged with fraud has pled on a bill of information in Tate County to three counts of mail fraud after submitting falsified insurance applications to the insurance company where he worked in order to receive advance commissions. David Bass Williams of Senatobia, Mississippi, was sentenced to serve 24 months in prison, followed by two years of supervised probation. He has paid \$10,000 to reimburse the State of Mississippi for investigative costs incurred in the case, and will pay an additional \$10,000 to complete reimbursement over the course of his probation.

PUBLIC INTEGRITY DIVISION

OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

4) Jackson resident Dianne Smith was arrested and charged on October 19, 2007 for one count of insurance fraud. She is accused of making false statements about an accident in which she claimed to have slipped and fallen in an attempt to receive a financial settlement. Ms. Smith is set for trial in Hinds County Circuit Court August 4, 2008.

5) Former Bolivar County Sheriff's Deputy and Rosedale Police Officer Marvin Johnson was arrested on August 15, 2007 and charged with one count of insurance fraud after filing a stolen vehicle claim with Progressive Insurance on a vehicle for which he had secured a license plate using a fraudulent title application. Johnson is scheduled for trial in Panola County Circuit Court on August 11, 2008.

6) On April 8, 2008, Gautier resident Eva Pierce was arrested and charged with one count of insurance fraud after submitting false documentation in support of an insurance claim, following an injury she alleges occurred while she shopped in an Ocean Springs business. Ms. Pierce is scheduled for trial in Jackson County Circuit Court on August 19, 2008.

7) Cynthia Hightower has been charged in DeSoto County with two counts of insurance fraud. She is accused of presenting insurance policy applications to PacifiCare Health Plan Administrators Inc. on behalf of citizens who had no knowledge of her actions and who did not seek insurance coverage; according to the indictment, Hightower would then collect a commission for selling the policy. She is set for trial in the Circuit Court of DeSoto County on August 25, 2008.

8) Gulfport resident Natalie Shepherd was charged with one count of insurance fraud, accused of submitting a false claim to Allstate Insurance Co. for custom rims and tires as part of a stolen vehicle claim. She is set for trial in Harrison County on September 25, 2008.

9) David Leo King pleaded guilty on November 7, 2007 in the Circuit Court for Walthall County to one count of insurance fraud and was sentenced to three years' of imprisonment, which were suspended, and three years of supervised probation. As part of the agreement, King will also pay \$2000 in investigative costs to the General Fund, a \$500 fine, and a \$1000 payment to the Crime Victims' Compensation Fund. King admitted that he had filed a false insurance claim by omitting a material fact in a life insurance policy issued by Globe Life and Accident Insurance Company. The life insurance application he submitted for his sister omitted the fact that she was then receiving chemotherapy treatments for cancer; in fact, King represented to the insurer that his sister was in good health and attempted to collect the proceeds from the policy upon her death.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

CYBER-CRIMES UNIT

HISTORY OF THE UNIT

The Attorney General's Cyber Crime Unit has been recognized as a Model Unit by the National Center for Justice and the Rule of Law at the University of Mississippi and by the National Association of Attorneys General. The Attorney General's Cyber Crime unit was begun in 2002 and has continued its outstanding work in the active apprehension of cyber criminals, rendering assistance to law enforcement, state prosecutors, assistance to the general public and the promotion of public awareness of crimes against children and internet frauds. Since 2004, when statistics were first kept, the unit has worked over one hundred and eighty cases in which a criminal was arrested, indicted, and/or prosecuted.

The Attorney General has partnered with the F.B.I., the Secret Service, the U.S. Attorney's Office, the U.S. Postal Inspectors, Mississippi State University Forensics Training Center, the University of Mississippi's National Center for Justice and the Rule of Law, and local law enforcement to form a Cyber Crime Task Force. The agencies share resources and support each other in the investigation and prosecution of all types of cyber crimes.

Forensic training is available to law enforcement and training on legal issues pertaining to cyber crime is available to prosecutors, law enforcement, students, and the judiciary through our alliance with the University of Mississippi and Mississippi State University. The center is located on the 17th floor of the Walter Sillers Building and houses the Cyber Crime Task Force.

Over three hundred and fifty investigations have been opened by the unit itself, and assistance has been given to state agencies, such as the Department of Audit and the Secretary of State. Approximately ninety cases remain active. The unit works with local law enforcement and prosecutors on statewide investigations analysis and prosecution of cyber crime throughout the state of Mississippi.

During the past fiscal year alone, the Cyber Fusion Center has received almost three hundred and fifty calls for assistance and over one hundred and sixty public requests for information have been responded to by task force members.



Mississippi Cyber Crime Fusion Center

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

INTERNET CRIMES AGAINST CHILDREN

The Attorney General was awarded U.S. Justice Department ICAC grant in October of 2007, and the unit is now one of sixty nationwide units investigating and prosecuting crimes against children. In 2008, Matt Ishee and Jay Houston were hired as law enforcement Internet Crimes Against Children investigators. Investigator Houston has received ICAC training in Investigative Techniques and Undercover Chat and will receive training in Peer to Peer investigations. Investigator Ishee has been trained in ICAC Investigative Techniques and will receive ICAC training in Undercover Chat Techniques the last week in July. Both investigators and two Attorney General prosecutors are scheduled to attend the Crimes Against Children Conference in Dallas, Texas in August for additional ICAC training.

Equipment has been purchased and installed for an undercover line, and a laboratory has now been configured for undercover chats. ICAC investigators participated in the recent "Tara" investigation, scouring the state of Mississippi for the suspect who was connected with an orange Buick Aztec, of which eleven were found in the state. Fortunately, the child was located alive in Georgia through a coordinated ICAC investigation.

ICAC investigators also assisted the U.S. Marshall's Service in the arrest of an online perpetrator, Mitchell Shane Hooks, from Petal, Mississippi, who chatted with an undercover agent whom he thought to be a thirteen year-old girl. The perpetrator traveled from Mississippi to Spanish Fort, Alabama for an arranged visit with the child and was arrested. Hooks is scheduled to be presented to a federal grand jury.

AG investigators have actively participated in investigation of CYBERTIPS sent from the National Center for Missing and Exploited Children. Seventy nine Cybertips were received and addressed on a case by case basis. Cybertips were also shared with investigators for the United States Attorney's Office in Oxford, Mississippi and with the Biloxi and Pascagoula Sheriffs' Offices on the Mississippi Gulf Coast.

AG investigators are also training law enforcement officers in cyber investigative techniques, as part of the Attorney General's agreement with Mississippi State University and the Mississippi Law Enforcement Training Academy. Cyber Crime investigators have also taught at the RCTA in Meridian, Mississippi on bag and tag protocol. Since the ICAC grant was awarded in October of 2007 until May of 2008, ten training sessions for local law enforcement officers on cyber crime investigations have been taught to a total of one hundred and eighty five attendees. Twenty Educational presentations to children, teachers and parents were made to two thousand six hundred and forty persons. The ICAC investigators are averaging at least four presentations per month to teachers, children and persons who work with children.

It is anticipated that the educational presentations will continue since the ICAC investigators are in demand and have requests for presentations scheduled until the end of this calendar year. Plans are underway to join with the Mississippi Department of Education to reach as many school teachers and students as possible with internet safety presentations; a youth cyber crime council is planned to assist the investigators in staying in touch with young persons and their current trends in social networking, text messaging, popularity of computer games and sites.

Computer students from Jackson State University and Mississippi State University's Computer Security graduate programs also participate in the training of law enforcement, and the cyber crime forensic examiners have mentored local law enforcement on a one to one basis through the Mississippi State Department of Justice grant, of which the Attorney General's unit is a subgrantee. Legal interns from from both the University of Mississippi and Mississippi College School of Law continue to work with the prosecutor on the rapidly growing caselaw and new legal issues in the apprehension and prosecution of cyber criminals.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

FORENSIC EXAMINATIONS

The Cyber Crime Center also has an active forensics laboratory, and during the Fiscal Year 07-08, the center opened ninety three new cases and answered one hundred and sixty one requests for public assistance. Technical assistance in the form of forensic examinations was provided to local law enforcement agencies, state and federal, for a total of ninety five technical assists. Forensic exams of one hundred and one hard drives and thirteen cellular phones, resulted in the examination of eight and six tenths terabytes of data.

The types of cases examined ranged from child exploitation, internet threats, wire fraud and hacking. Thirty one of the new cases opened were solely investigated, forensically examined and the prosecution initiated by the Attorney General's cyber unit. The majority of cases involved child exploitation or the possession, production and receipt of child pornography; Top priority investigations included live victims in Mississippi.

PROSECUTIONS AND CONVICTIONS

The Cyber Crime Unit prosecuted John Argo, IV who was convicted by a DeSoto County Circuit Court jury on possession of fourteen counts of child pornography and was sentenced to serve fourteen years. Argo applied for an appeal bond stating that he needed to be out of jail, and argument was heard by Judge Bobby Chamberlain, who announced that the egregiousness of the images Argo possessed spoke for themselves, finding that Argo would be a danger to persons in the community, particularly children.

Rubin Renfrow was prosecuted in Simpson County Circuit Court by the Attorney General's Cyber Unit in assistance with the local district attorney, Eddie Bowen. AG certified forensic examiner Keith Leavitt was qualified as a forensic expert and told the jury about the evidence found on Renfrow's computer in the registry, emails, attached images of child pornography, and internet search terms such as Lolita. The jury found Renfrow, a retired elementary school principal guilty of possession of child pornography, and Judge Robert Evans sentenced Renfrow to serve fourteen years.

Other prosecutions resulted in guilty pleas from Ricky Coleman (wire fraud), Victor Paul Smith (child exploitation), Shannon Gilbert (child exploitation), and Timothy Patterson (child exploitation). The prosecutor also helped the AG Public Integrity Unit in the prosecution of Larry Mitchell (extortion), Leo King (insurance fraud), Frank Tipton (extortion by parole officer).

Mississippi law officials at forefront on cybercrime fight

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Cyber Crime Fusion Center's forensics lab also performed a various technical assists for various statewide law enforcement agencies. Thirteen technical assists resulted in prosecution and guilty pleas in FY07-08. Technical assists ranged from execution of search warrants to performing the forensic analysis on electronic media. Convictions by local district attorneys in which the forensics were done by the Attorney General's Office included: Derrick Lee Stokes (gratification of lust with a child and child exploitation) in Madison County, Charles Randle Williamson (child exploitation) in Forrest County, Damien Henderson (child exploitation) in Green County, Joseph Greenhil (child exploitation) in Madison County, James Gannon (felony non-support of a child) in Monroe County, Ralph Hunter (child exploitation) in Jackson County, Billy Nichols (sexual battery) in Warren County, David Pillow (cyberstalking) in Hinds County, Joseph Sheridan (child molestation and child exploitation) in Jackson County, James Ware (possession of child pornography) in Madison County, and Charles Dollar in Rankin and Madison Counties.

ATTORNEY GENERAL INDICTMENTS

Other pending cybercrime cases include: Walter David Woodard (possession of child pornography) in Lauderdale County, James Larry Dykes, Jr. (possession of child pornography) in Marshall County, Terry Welch (possession of child pornography) in Attala County, Sean Thomas (possession of child pornography) in Yazoo County, John Boyles, Jr. (fondling a child and possession of child pornography) and Jarrod Milloy (Covington County) sexual battery of a child under eighteen by a teacher). For a complete description of all recent cyber crime statistics, convictions, and technical assists, please see attached graphs.

Mississippians have always worked together as a community; today Mississippians have found a natural connection in joining forces against crime. This exciting coalition of state and federal law enforcement is formidable in the fighting of cyber crime in Mississippi. Because of this demonstrated strength, the unit was awarded an Internet Crimes Against Children designation by the Department of Justice, and though this grant status and funding the unit will hire two proactive investigators, train state law enforcement, prosecute in conjunction with the Northern and Southern District United States Attorneys and educate the public, particularly through active participation in Project Safe Childhood, a federal grant to educate teens on the dangers of internet posting.

CHILD SAFETY AGREEMENTS WITH SOCIAL NETWORKS

FACEBOOK AGREEMENT, MAY 2008

Attorney General Jim Hood and the attorneys general of 48 other states and the District of Columbia announced that Facebook has agreed to changes to better protect children from predators and inappropriate content and to participate in a task force on implementation of age and identity verification software. The agreement was hammered out by a Multistate Executive Working Group of 11 Attorneys General from Mississippi, Connecticut, Georgia, Idaho, Massachusetts, New Hampshire, North Carolina, Ohio, Pennsylvania, Virginia and the District of Columbia. Facebook agreed to provide automatic warning messages when a child is in danger of giving personal information to an unknown adult; to restrict the ability of users to change their listed ages; and to act more aggressively to remove inappropriate content and groups from the site and to require third party vendors to adhere to Facebook's safety and privacy guidelines.

PUBLIC INTEGRITY DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

MYSACE AGREEMENT, JANUARY 2008

The Facebook Agreement is similar to the initial agreement Attorney General Hood and forty nine other attorneys general reached with MySpace.com in January of 2008, following two years of negotiations with the social networking site. My Space and the attorneys general agreed to a joint effort to promote industry-wide internet safety. MySpace is heading a head a task force, which Facebook has now joined, to explore and develop age and identity identification tools for social networking sites.

The independent study of social network sites is being conducted at Harvard by an examiner who reports quarterly to the Attorney General's executive committee on technological changes and improvements to social networks which will enhance the safety of online experience for young users. General Hood strongly urged that MySpace and Facebook initiate an email verification for parents in which parents would be notified and would in turn send approval to the site that their child has permission to be on the social network.

The My Space agreement has already made definite changes in the MySpace format and terms of service for young users. For example, the site is not available to persons under 14. Under 18's are now blocked from sites advertising alcohol and tobacco products. Under 18"s can make their pages "private". Users over 18 will not have access to the pages of users under 18. Under 18 users will not be allowed on mature chat groups.

Profiles can be made private and cannot be surfed unless the person is a friend; users under 16 are automatically assigned a private profile. Users can conceal "online now" status. Safety links for parents will include links to free blocking software. "Tom" will present safety tips to teens, and parents will have access to a proposed children's email registry. Inappropriate content can be reported with the help button each page and will be promptly removed.

ALCOHOL & TOBACCO ENFORCEMENT DIVISION

During the period of July 1, 2007 - June 30, 2008 the Alcohol and Tobacco Enforcement Division conducted 5,172 tobacco inspections with 268 violations. There were 4,627 beer inspections conducted with 382 violations during this period. The Division conducted 43 Retailers Training with 249 Managers and Clerks trained. When training is conducted, our number one goal and objective are to educate Managers and Clerks on the importance of checking ID's and to increase the realization that they are the first line of defense in reducing the access of tobacco and alcohol products to minors. There were nine cases sent to the Mississippi State Tax Commission with a recommendation for the beer permit to be suspended for one or two weeks and/or to pay the state a fine of \$1,000.

**Hood tells adults to stop
giving minors alcohol**



AGRICULTURE DIVISION OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

The Agriculture Division performs legal services for the state's agriculture-related agencies, including the Department of Agriculture, Board of Animal Health, Land Water & Timber Board, Farmer's Market and Fair Commission.

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, representing agencies in personnel matters and attending agency board meetings.

This year we drafted the legislation and the regulations providing for the sale of ethanol-blended gasoline in Mississippi, and the legislation and regulations requiring country-of-origin labeling for catfish sold in restaurants.

The Agriculture Aviation Board has regulated the crop-dusting industry in this state for a number of years. This Board's statutory authority was not renewed in the latest term of the legislature, and the Department of Agriculture assumed jurisdiction over this industry. Our attorneys drafted a complete set of regulations to govern the Department's regulatory supervision of this activity.

The Consumer Protection Division of the Department inspects some 2,300 retail food establishments annually, and works to insure that the consumer receives a quality product that bears accurate identity, quantity and cost information. Our attorneys assisted this Division in bringing two administrative complaints against grocery stores for violations of the U.S. Food Code. Civil penalties in the amount of \$1,250 were assessed against the respondents.

The Petroleum Products Division of the Department works to insure that the people who purchase petroleum products and motor fuels get the quantity that they pay for, as well as the quality they expect. The Division monitors and regulates 3,366 retail outlets that sell gasoline and other petroleum products. This year our attorneys prosecuted two administrative complaints against retail dealers, resulting in the levy of \$2,750 in civil penalties.

The Land Water & Timber Board makes grants and loans to agriculture-related enterprises for the purpose of providing financing to farmers and ranchers. The activities of this Board require the preparation of numerous finance documents, and the closing of such transactions by our legal staff. Since the Board's inception in 2001, the Board has approved over \$31,000,000 in loans and grants for 48 separate projects in the state, resulting in the creation of over 1,000 new jobs for our citizens. During the past year, the Board approved two applications for funding, and disbursed \$75,000 for such enterprises.

DEPARTMENT OF CORRECTIONS

Special Assistant Attorneys General David Scott and Jane Mapp serve as legal counsel to the Mississippi Department of Corrections (MDOC). MDOC has over 3,000 employees who have the responsibility of overseeing over 50,000 inmates, probationers and parolees. Providing legal assistance to such a large agency necessitates addressing numerous legal issues on a daily basis. As MDOC legal counsel the duties of Mr. Scott and Ms. Mapp include representing the agency in administrative and civil litigation proceedings; drafting and reviewing contracts, policies, procedures, and proposed legislation; advising the department on all legal matters related to the agency including both employee and inmate matters; and overseeing agency compliance with existing court orders. The diverse litigation matters handled by the MDOC attorneys range from Employee Appeals Board and Title VII discrimination cases filed by employees to conditions of confinement cases filed by inmates.

MISSISSIPPI DEVELOPMENT AUTHORITY

Patricia A. Hancock serves as legal counsel to the Mississippi Development Authority (MDA) and the Mississippi Major Economic Impact Authority (MMEIA).

MMEIA has statutory authority to offer incentives to bring new business and industry into this State and to assist existing Mississippi industries to expand. In this past year, this office has provided legal advice to the Executive Director and staff relative to the drafting of special legislation, contracts, loan agreements and notes between the State and major companies and other related companies that relocate to Mississippi as a result of MMEIA projects such as Toyota and SeverCorr. MMEIA also serves as the body responsible for the duties of the former Mineral Leasing Commission.

MDA oversees the Mississippi State Port Authority and the Yellow Creek State Inland Port Authority. MDA is also the agency designated by the Governor to administer Community Development Block Grant funds. MDA has created a division to deal exclusively with matters related to Katrina CDBG funds and programs. There are a number of statutory grant and loan programs administered by MDA which are available to public and private entities to promote economic development. Legal services relative to the above entail writing and reviewing grant agreements, leases, other contracts and working with staff and local public officials in support of MDA's mission to promote economic development in all parts of the State of Mississippi.

Legal service to these agencies includes: representing the agency in administrative and civil litigation proceedings including Employee Appeals Board Hearings and EEOC matters; drafting and reviewing contracts, policies, procedures and legislation; reviewing Regional Economic Development Alliances, tax incentive agreements and port contracts; responding to Public Records Request; preparing bond resolutions; drafting incentive agreements; providing legal research and general advice to the agency.

DEPARTMENT OF EDUCATION

Charlene Pierce, Kathy Boteler, Leigh Patterson and Raina Lee serve as legal counsel to the Mississippi Board of Education and the Mississippi Department of Education. The Mississippi Board of Education is also responsible for 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. Charlene Pierce, 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. Leigh Patterson represents the Department and the Board in all matters related to special education.

Attorneys for the Board provided counsel as safety, educational and/or financial concerns were addressed by the Department in the Hazlehurst City School District and the North Panola School District. These concerns led to a declaration of a state of emergency in these school districts by the Governor and the take-over of the districts by the Mississippi Board of Education. And, the education attorneys continued counseling the Board and the Department in their efforts after the declaration of a state of emergency and the take-over of the Jefferson Davis County School District when the local board of trustees declared a state of emergency and requested the assistance of the Board and the Department.

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. The local school districts are responsible for obtaining substantial compliance by the end of the 2009-2010 school year with the provisions in the Consent Decree related to Child Find, Least Restrictive Environment and minority students being disproportionately identified as Educable Mentally Retarded and Specific Learning Disabled and receiving special education services. The Department of Education attorneys continue to work with the Special Education Division to obtain substantial compliance with the provisions of the Consent Decree.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Special Assistant Attorneys General Romaine L. Richards and Sarah E. Berry serve as legal counsel to the Department of Finance and Administration (the Department) and its divisions. As counsel for these entities, Ms. Richards and Ms. Berry 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.

Ms. 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 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, Ms. 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 office responsible for providing security and maintenance for the buildings located within the Capitol Complex; 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, as well as administers the Children's Health Insurance Program (CHIP); the Office of Personnel and Training; and the Office of Air Transport, which provides air transportation to all state government entities.

Ms. Berry serves as counsel to the Bureau of Building, 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. Ms. Berry 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. Ms. Berry 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 Office of Purchasing and Travel, which serves as the State Procurement Office, on legal matters regarding procurement, statutes, regulations, contracts, policies and procedures, protests and the State's Master Lease Purchase Program.

MISSISSIPPI FORESTRY COMMISSION

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. The Commission provides assistance and training to urban areas in developing community forestry programs including assistance with tree ordinances and urban forest management plans.

ROLE OF THE AGENCY ATTORNEY

I provide 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, equipment acquisitions, fire protection, timber management and general administration. I assist with all aspects of personnel actions and discipline. I assist with questions regarding the purchasing laws and procedures. I am involved as needed with questions regarding the interpretation of the regulations dealing with payroll, bid laws, ethics laws and contract disputes. I review and draft contracts as needed.

PROJECTS OR CASES

Day in and day out 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 has been provided to assist in the normal daily operations of the Commission. Legal counsel has recently assisted the Commission in conjunction with the Secretary of State's Office in the process of developing a more robust and effective operating model for Sixteenth Section and other public land management to maximize revenue, and to increase transparency of operations related to said management consistent with and in compliance with statutory requirements.



MISSISSIPPI GAMING COMMISSION

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. The 2008 fiscal year was as active for the division as any previous year with the rebuilding efforts on the Coast continuing, other gaming venues continuing to grow, and the State adapting to both new gaming laws and technologies.

During 2008, Gaming Control attorneys represented the Commission in the revocation of approximately thirty gaming work permits and in the appeal of over fifty denials of applications for gaming work permits. In addition, the division advised the Commission on nearly ten requests for unanimous approval of work permit applications. During this period, twenty-six disputes between patrons and casinos were handled by the division. Of these disputes, fourteen were scheduled to be heard by the agency Hearing Examiner, Special Assistant Attorney General Joan Myers, who renders decisions on behalf of the Commission as well as recommendations for further action.

The Mississippi Gaming Commission issued ten Orders to Show Cause for various violations of the Gaming Control Act and/or the Mississippi Gaming Regulations. Accordingly, Gaming Division attorneys drafted complaints as well as stipulations and agreements imposing monetary fines and other disciplinary actions against certain gaming licensees. The violations included failure to obtain prior approval for involvement in foreign gaming, the payment of a jackpot to an individual on the state-maintained self-exclusion list, failure to prevent gaming by an underage individual, and the transfer of stock without prior approval. The division attorneys advised the Commission in conducting its hearings and in imposing this disciplinary action when appropriate. On five occasions, 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”).

Gaming Control is actively participating in a number of litigation matters arising from Commission decisions as well as involving state gambling laws. The division attorneys are involved in a matter filed by a former casino employee against the Commission wherein the former employee alleged false arrest and malicious prosecution by a Commission enforcement agent. The matter is presently on appeal to the 5th Circuit, Federal Court of Appeals. One decision to deny an applicant a work permit has been appealed and is in active litigation. The division anticipates another similar appeal in the coming months. Likewise, a decision by the Commission on a patron dispute matter is before the Mississippi Supreme Court, and a similar case appears ripe for appeal. Gaming Control recently filed an amicus brief with the Mississippi Supreme Court asking for clarification of its decision in *Ameristar Casino Vicksburg, Inc. v. Duckworth*, No. 2006-IA-01877-SCT. Also presently in litigation, a case involving an “internet café” and the seizure of several dozen illegal gambling devices is being handled by division attorneys.

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. As more of these decisions are handed down by the Commission, the number of appeals are predicted to rise.

MISSISSIPPI GAMING COMMISSION

The attorneys worked closely with the Criminal Investigations Division of the Commission as well as the District Attorneys in several counties in the confiscation of illegal gambling devices and in the prosecution of those cases. Throughout the year, they also assisted various DA's, ADA's 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 Gaming Division continues to busy itself providing general legal advice to the Mississippi Gaming Commission, local government entities and the State concerning the ongoing casino expansion and Gulf Coast rebuilding efforts.

MISSISSIPPI GAMING COMMISSION HEARING EXAMINER

With twenty-nine casinos presently in operation under the jurisdiction the Mississippi Gaming Commission, and two more due to open within the next few months, numerous matters requiring administrative hearings regularly come before the Commission. The hearing examiner is a facilitator for the Commission, conducting hearings involving gaming work permits, disciplinary actions, and patron disputes. The hearing examiner issues a written decision in each case, making detailed findings of fact and conclusions of law. A specialized knowledge of gaming law is increasingly important to the hearing examiner's role, as technological advances occur in the gaming industry and as new issues arise.



MISSISSIPPI DEPARTMENT OF HEALTH

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

In 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; 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 garnishment 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 IN THESE AREAS INVOLVED THE FOLLOWING ACTIONS:

On-Site Wastewater - Assistance in enforcement training of new employees. 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 departmental staff in resolving wastewater issues in several counties.

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

Food Protection - Administrative enforcement actions against retail food service facilities for endangerment of the health of their customers by noncompliance with applicable regulations governing retail food sanitation.

MISSISSIPPI DEPARTMENT OF HEALTH

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. The 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 800 chancery court complaints to correct birth certificates, death 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

CHILD CARE AND PROFESSIONAL LICENSURE

Our attorneys represented the agency in administrative hearings to determine the qualifications of applicants 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, dietitians, respiratory care practitioners, medical radiation technologists, hearing aid dealers, athletic trainers, speech-language pathologists, speech-language pathology aides, audiologists and audiology 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 intervening 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 bioterrorist 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 HIPAA 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 in personnel matters through continuing advice and representing the agency in hearings before the Employee Appeals Board of the Mississippi State Personnel Board. 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

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, children requiring interstate placement.

CONTRACTS

Contractual procurement agreements and partnerships remain essential to MDHS' service delivery system. During FY 2008, the Human Services Division:

- Reviewed, revised, drafted, and/or negotiated over 903 contracts, subgrants, requests for proposals, memoranda of understanding and other agreements.

DIVISION OF CHILD SUPPORT ENFORCEMENT

The Division of Child Support Enforcement has collected a record breaking \$264,727,367 for SFY 2008 for the children and families of Mississippi. This is an increase of \$21,958,670 over SFY 2007.

SSBG funds were used to contract Young Williams Law Firm to continue the work on the backlog of cases affected by Katrina. Child Support Enforcement has received 268 paternity only orders and 651 orders for paternity and support. The total monthly amount of these orders is \$116,415.41 for the children affected by Katrina.

OFFICE OF CHILDREN AND YOUTH

Of the 65 Subgrants administered by the Office of Children and Youth 16 of those subgrants were used to increase the quality of child care provided.

DIVISION OF YOUTH SERVICES

Through this division subgrants with community-based organizations were issued to operate its Adolescent Offender 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 1,751 clients. Thus far there are 46 programs covering 82 counties.

MISSISSIPPI DEPARTMENT OF HEALTH

DIVISION OF COMMUNITY SERVICES

Subgrants and agreements, with the Division of Community Services, allowed MDHS to provide assistance to the elderly, disabled, and children through Weatherization, CSBG, LIHEAP and ECIP.

- From April 2007 thru March 2008, the Weatherization Program provided assistance to a total of 341 homes, 219 Elderly persons, 83 Disabled persons and 57 Children.
- In addition, The Division of Community Services also assisted 144,859 households, 33,082-Disabled persons, 61,874-Elderly persons, and 94,485-Children through CSBG, LIHEAP, and ECIP.

DIVISION OF FAMILY AND CHILDREN'S 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).

In FY 2008, 382 new TPR cases were referred to this Division. Human Services attorneys obtained court orders terminating parental rights for 310 children.

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

- 18 vulnerable adults cases
- 58 administrative fair hearings. These hearings involved persons whose names appeared on MDHS' Child Abuse/Neglect Central Registry
- 433 legal clearances completed by legal staff 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

- Our Division handled 35 personnel cases for MDHS.
- Responded to more than 182 subpoenas and open public records request.
- Processed over 221 writs of garnishments and other wage withholding matters.
- Represented the Department in response to 10 cases filed in the U. S. Bankruptcy Court.

OAKLEY TRAINING SCHOOL AND COLUMBIA TRAINING SCHOOL

The 2008 Fiscal Year was one of changes for the Division of Youth Services and the Training Schools. After months of negotiating, the 2005 Consent Decree entered into by the State of Mississippi and the United States Department of Justice was amended to extend the agreement to May 2010. In addition, the State went from having one federal court appointed monitor to five monitors, one in each of the five areas of the agreements.

INFORMATION TECHNOLOGY SERVICES

During the past fiscal year, Mrs. Rogers drafted and/or negotiated 227 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 an electronic health record management system for Ellisville State School; an inmate calling service for the Mississippi Department of Corrections; an audio/visual system for Mississippi State University; a prescription monitoring system for the Board of Pharmacy, and a collection system for delinquent taxes for the Mississippi State Tax Commission. In addition to contract negotiations, Mrs. Rogers provided legal advice to the Executive Director and staff of ITS, and responded to garnishments and public records requests.

MISSISSIPPI DEPARTMENT OF INSURANCE

Special Assistant Attorneys General Mark Haire, Stephanie Ganuchau, Kim Causey, Joel Jones, and Linda Boozer are assigned as legal counsel to the Department of Insurance. Mark Haire serves as Division Director specializing in life and health insurance, market conduct examinations, and corporate matters. Stephanie Ganuchau specializes in life, health and disability insurance, receiverships, and corporate matters. Joel Jones specializes in viatical settlements, agent enforcement, burial insurance, departmental personnel matters, and property and casualty insurance. Kim Causey specializes in agent enforcement, bail bond matters, burial insurance, property and casualty insurance, electronic protection regulation, and legislative affairs. Linda Boozer specializes in agent enforcement, bail bond matters, electronic protection regulation, and property and casualty insurance.

The legal staff is responsible for consulting with the Commissioner and Deputy Commissioner, as well as technical and professional staff, to insure compliance with state law and Department rules and regulations. The legal staff also represents the Commissioner in various proceedings regarding receiverships, liquidations and insolvencies of insurance companies, corporate matters, and disciplinary actions. The legal staff serves as counsel for the Commissioner of Insurance, State Fire Marshal Division, Liquefied Compressed Gas Division, and the Mississippi State Fire Academy.

Throughout the fiscal year the legal staff participated in numerous administrative proceedings concerning insurance agents and companies resulting in the collection of administrative fines/penalties and/or the suspension or revocation of the agents’ or companies’ licenses. Fines/penalties collected and premium refunds obtained from agents and companies during the fiscal year totaled \$638,664.86.

The devastating damage caused by Hurricane Katrina continues to present countless opportunities for the legal staff to provide assistance to Mississippi insurance consumers. These attorneys continue to work closely with Katrina claimants in an effort to help them resolve disputed claims.

An emphasis continues to be placed on issues affecting Mississippi’s senior citizens. The legal staff is involved in developing and promulgating regulations addressing suitability and other issues arising from the marketing of long-term care and annuity products.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Special Assistant Attorneys General Joseph Runnels and Sandy Chesnut serve as general counsel to the Mississippi Department of Marine Resources (DMR) and the Mississippi Commission on Marine Resources (CMR). Their duties include: drafting legislative amendments to marine resources related statutes and CMR ordinances; 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 CMR's wetlands restoration orders and derelict vessel removal notices; prosecuting judicial and administrative forfeiture of seized illegal equipment; counseling the Executive Director and the CMR during Commission meetings; interpreting laws, ordinances, policies and other controlling authorities (e.g., Mississippi Coastal Program and federal environmental laws) advising DMR personnel and the CMR on compliance and enforcement issues; drafting Official Attorney General Opinions applicable to the CMR and DMR; identifying and disseminating legal reference materials applicable to the DMR and CMR's duties and responsibilities; and defending the CMR and DMR'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.

During this time period, Counsel for the DMR/CMR continue to deal with many issues in conjunction with Hurricane Katrina and specifically with FEMA. Negotiations involving interpretation of jurisdictional boundaries for the Department and the State of Mississippi, impacts to water ways from dredging activities, and jurisdictional authority of the Department's marine patrol are examples. Disaster relief projects continue to be very active. Legal Counsel have reviewed the program requirements, project bids and contracts for several upcoming projects.

DIVISION OF MEDICAID

Four Special Assistant Attorneys General, Richard Roberson, Bill Mounger, Chuck Quarterman and Reed Toms, and two administrative assistants, Pam Thomas and Saranne Smith, provided legal services to the Division of Medicaid during FY08. The Division of Medicaid, with over 900 employees, has a total budget of nearly four 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 1300 active files and have successfully recovered over \$5,000,000 for the agency during FY 2008.

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, agency continue to assist special counsel retained by the Office of the Attorney General to pursue State claims against pharmaceutical manufacturers concerning prescription drugs, including Vioxx and Zyprexa, as well as claims against pharmaceutical companies for fraudulent pricing practices regarding their drugs.

DEPARTMENT OF MENTAL HEALTH

The legal division of the Department of Mental Health handles the defense of cases 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 agencies. He attends court on behalf of the Department of Mental Health whenever a minor with special needs is a party 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 problems, insures that the placement is proper, and advise judges on the most appropriate placement of mentally ill persons.

STATE PERSONNEL BOARD

Special Assistant Attorney General Bob Fagan serves as General Counsel to the State Personnel Board (SPB). His duties as general counsel include assisting the State Personnel Director and the Board in the performance of their statutory responsibilities; assisting in the development of Board decisions, regulations, opinions, and other statements concerning implementation of personnel policy; interpreting and defining state and federal laws, including but not limited to Title VII of the Civil Rights Act of 1964 and the amendments thereto, the Civil Rights Act of 1991, the Age Discrimination in Employment Act, the Equal Pay Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Pregnancy Discrimination Act of 1978, and the Fair Labor Standards Act of 1938, as amended; assisting state agencies and their legal counsel as well as the general public concerning specific employment and human resource issues; representing the Board in litigation in all courts; analyzing contracts for outside legal services submitted to the Board for approval; developing and drafting proposed rules and regulations and legislation; monitoring legislation during the legislative session; serving as a liaison between the Board officers and the Office of Attorney General; and conducting seminars and training in employment law and human resource management for state attorneys, human resource professionals, and supervisors.

As General Counsel to the State Personnel Board and the Statewide Personnel System, Mr. Fagan also serves as legal counsel to the Personal Service Contract Review Board (PSCRB) and the Mississippi Employee Appeals Board (EAB). As Counsel to the Personal Service Contract Review Board, Mr. Fagan reviews all personal and professional service contracts with state agencies in excess of \$100,000 to insure compliance with state law and PSCRB procurement regulations.

During Fiscal Year 2006, 233 contracts were approved for execution through Fiscal Year 2010 by the PSCRB, totaling approximately \$418,086,475.

PROFESSIONAL LICENSURE AND REGULATORY SECTION

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, Home Inspector Board as well as several others.

In addition to providing general counsel to the professional licensing agencies, this 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 have resulted in an estimated savings of \$11,343,787 in legal costs.

DEPARTMENT OF REHABILITATION SERVICES

Special Assistant Attorney General Sara DeLoach 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 her capacity as legal counsel she 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. She 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)

Special Assistant Attorney General Margo Bowers serves as legal counsel to PERS. The Retirement System 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 Agreement providing Social Security coverage to eligible participants.

Ms. Bowers' responsibilities include: ensuring the governmental status of entities for requesting membership in the System, drafting of contracts, assisting outside counsel on securities cases; working with outside counsel on the necessary documentation involved in PERS' involvement in alternative investments; assisting the third party administrator for the Deferred Compensation Plan address legal questions relative to the Plan as well as ensuring that federal guidelines are satisfied; assisting in personnel matters; and representation of PERS at Administrative hearings including Disability appeals, and Circuit Court and Supreme Court appeals relative to disability claims and membership service claims. Presently there are 37 appeals before the Circuit and/or Supreme Court.

Ms. Bowers also assists the Personnel Director with issues relative to employee relations; responds to opinion requests relative to the Retirement System and the programs it administers; offers advice and assistance in drafting legislation and agency regulations; assists the staff within the Retirement System, as well as staff from other agencies, to respond to questions regarding the application of the statutes which govern the administration of PERS and the separate plans it administers, which 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

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 closely 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. Nancy handled more than 464 of such suits last year. Ms. 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.

Ms. Parkes provides legal assistance to the Elections Division in regard to the campaign finance reporting and lobbying laws. Additionally, Ms. 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

The Transportation Division of the Attorney General's Office employs ten Special Assistant Attorneys General under its contract with the Mississippi Transportation Commission. They assist the Commission and MDOT in implementing their 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 taxpayers of the State.

The Department of Transportation also employs four attorneys who act in an administrative capacity: one Senior Attorney in Human Resources Division, two Senior Attorneys in Right-of-Way Division, and a part time attorney representing Law Enforcement Division. The support staff for the Transportation Division includes one administrative assistant and two secretaries employed by the Attorney General, as well as a paralegal, a part-time secretary, two part-time receptionists, along with a law clerk working on direct contract with MDOT. With the funds provided by the Legislature and additional monies made available from the United States Government, its total expenditures for Fiscal Year 2008 amounted to \$1,170,050,319.

The Commission also had master 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.

The Commission paid approximately \$1,200,000 to the Attorney General under its contract, although some of these funds were to be credited back to the Commission for work done by Division attorneys for other agencies. It also paid \$682,330.78 to fifteen different firms for eminent domain work; \$355,878.64 to eleven firms for title and closing work related to property acquisition; and \$718,686.78 to fourteen different law firms, expert witnesses, forensic accountants, and related litigation support firms in admiralty, workers' compensation, and various other types of lawsuits.

The Division's philosophy continued emphasize practicing "preventative law," and on handling more and more complex litigation in-house. The goal of this philosophy is to reduce litigation by hands on involvement by the Attorney General in process details, to increase in-house expertise by local handling as many cases as possible, and to be good stewards of the tax proceeds made available to the Commission by the people of Mississippi.

General: In pursuit of this philosophy, the Division's activities for the year were remarkable in many ways. Foremost among them was expediting the Department of Transportation's efforts to find creative methods of funding, planning, and building public transportation facilities. This has become increasingly important as increased fuel prices reduce consumption, and therefore the amount of fuel taxes collected. Special Assistant Attorney General Judy T. Martin represented the taxpayers' interests with "3-P", the Public/Private Partnership, dedicated to constructing a connection between downtown Jackson and Jackson-Evers International Airport with the use of private funds. Special Assistant 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, and also worked with the National Aeronautics and Space Administration to improve emergency evacuation routes. Special Assistant Roy Tipton aided the Commission in concluding its first ever private acceleration agreement which allowed for the early opening of the Frontage Road adjacent to the Renaissance Center on I-55 in Ridgeland.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

With the assistance of a fee paid admiralty attorney, the litigation between the Transportation Commission and Signal International, Inc. proceeded to trial, with the result that a judgment in the amount of \$1,533,400 ultimately was awarded to the Commission.

Over thirty lawsuits against the Transportation Commission were defended during the year, the subject matter of which ranged from inverse condemnation and breach of contract to employment discrimination. Most were handled by the Special Attorneys General of the Division, although the Commission was represented by fee counsel in approximately six of them.

Several other agencies also availed themselves of the staff's expertise during the year. Walker Watters spent much of his time representing the Oil and Gas Board, in addition to his usual caseload of workers' compensation cases and a breach of contract lawsuit for MDOT. Larry Schemmel, a licensed patent attorney, obtained or applied for a number of U.S. patents for various Mississippi state universities. He defended and settled a copyright infringement suit brought in the state of New York against the University Press, and filed several applications for trademarks. J.D. "Woody" Woodcock represented the Nursing Board, the Geology Board, and the Architectural Board, in addition to overseeing the closure of the Agricultural Aviation Board after it was abolished by the Legislature. Mr. Coleman and Mr. Tipton assisted the Nursing Board. Mr. Hall and Mr. Tipton worked with the GM&O Rails to Trails District of North Mississippi to acquire a railroad right-of-way for a multi-use trail facility.

Jimmy Isonhood continued his work on the often controversial task of keeping the rights-of-way clear of obstructions. He also served as lead counsel in a number of suits seeking judicial interpretation of the state's outdoor advertising laws. In addition to his other duties, Mr. Isonhood served as the National Chairman of the National Association of Highway Beautification Agencies, and was selected to chair the National Transportation Research Board's legal committee on eminent domain.

As always, the Division provided the general day-to-day advice, assistance, and representation expected by an agency with some 3,300 employees, 14,000 miles of roadway to maintain, and offices in all 82 counties. Lloyd Arnold continued to supply valuable administrative advice in all areas, and to and to represent the Office of State Aid Roads.

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 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 83 new cases were filed during the year. Some 155 cases were active at some point during the fiscal year. For a variety of reasons, notably, that local attorneys are more effective in selecting juries when engaged the emotionally charged issue of taking property away from its owners, most eminent domain cases were pursued by outside counsel. Mr. Hall also worked with the Bureau of Buildings at DFA on several property acquisition issues.

Tort Claims: Performing construction work and operating thousands of vehicles are inherently dangerous activities, and as a result more than one thousand of tort claims are typically filed against the Department of Transportation each year. According to the Tort Claims Board, a total of \$754,480.99 was paid in damages on behalf of the Department of Transportation during the year, while the Board paid \$221,166.90 to fee counsel for defense work. Anthony Williams has continued in his role of representing the agency in this area, at an hourly rate substantially lower than outside fee counsel.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

Property Damage Claims: Special Assistant Attorney General Jimmy Isonhood, with the assistance of one secretary and one full time paralegal, aggressively pursued parties who had damaged facilities and equipment owned by the Department. They collected and returned to the citizens of Mississippi a total of \$501,891.83.

Workers' Compensation: The Division continued to represent the Commission's self-insured, self-administered Workers' Compensation program. This program paid \$1,422,042.92 in disability benefits and compromise settlements to current and former employees of the agency, and \$2,180,951.45 to medical providers. There were some forty controverted cases active at some point during the year, with Walker Watters and J.D. "Woody" Woodcock as lead counsel in a number of them, with the rest being he rest were assigned to three private firms. Twelve new controverted cases were filed, while thirteen were settled or otherwise disposed of during the year. The sum of \$110,639.33 was collected for the agency through subrogation claims asserted against third parties responsible for accidents which resulted in claims.

Conclusion: 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 that charged by outside counsel, so the mutually beneficial relationship between the client and its attorneys flourished.

UNIVERSITIES DIVISION

Van Gillespie, Keyla McCullum and Jamie Christian serve as legal counsel to the Board of Trustees of State Institutions of Higher Learning (IHL), the Commissioner of Higher Education, the eight 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. Gillespie, McCullum and Christian 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.

Gillespie, McCullum and Christian 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 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 filed thereunder. This Division of the Attorney General's Office provides a myriad of other legal services to the Agency, including, but not limited to, the following:

UNIVERSITIES DIVISION

- This Division has provided advice and assisted with numerous construction and renovation projects developing facilities on and off campus at each of the institutions;
- This Division has assisted the University Press of Mississippi with various intellectual property and contractual issues this year;
- This Division has 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;
- This Division represents Mississippi Automated Resource Information Systems and reviews their contracts with other agencies;
- Gillespie functions as the affirmative action officer for the IHL Board offices;
- This Division works closely with the Commissioner of Higher Education in drafting new Policies and Bylaws for the Institutions of Higher Learning;
- This Division serves as in-house counsel to the Mississippi Commission on College Accreditation, which has offices located in the Education and Research Center;
- This Division advises IHL on Ayers implementation issues in furtherance of the settlement of that lawsuit;
- This Division works closely with the IHL Board Office of Human Resources in advising on various employment issues;
- This Division works closely with the IHL Office of Contracts and Grants in reviewing and/or drafting all contracts for that office;
- This Division represents and advises GEAR-Up in all legal matters;
- This Division represents and advises America Reads Mississippi in all legal matters;
- This Division works closely with the IHL Finance and Academic Departments in addressing various legal issues affecting same;
- This Division has prepared and presented campus educational sessions at various universities to help reduce the number of lawsuits; and
- Gillespie serves as parliamentarian for the Board of Trustees.

STATE VETERAN'S AFFAIRS BOARD

The State Veterans Affairs Board 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 as provided in Section 1771, Chapter 35, Title 38, United States Code.

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

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. Mr. Mann provides legal services including drafting, negotiating and reviewing contracts, real property transactions, representing the department in the initiation of seized property forfeiture proceedings (of which there were approximately 100 actions initiated last year), 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.

Mr. Mann makes presentations at training sessions for all law enforcement personnel and advises them virtually daily on legal matters. One 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 has also had the privilege of addressing the Prosecutors' Training seminars sponsored by the Office of the Attorney General.

In addition the attorney advises department management on various matters dealing with the operation of 27 State Parks.

In 2008, the attorney has assisted and advised the department and commission on matters ranging from helping revise regulations related to feeding wild animals to assisting sister agencies in the development of public works projects such as the Mississippi Children's Museum to be constructed at Lefleur's Bluff State Park. 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.

The legal staff continues to devote a good deal of its time to handling the administrative forfeiture of equipment seized for game and fish violations, advice on personnel matters, and responding to inquiries posed by the general public. The attorney also assisted 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. The Attorney also took 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, Mr. 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), and has presented an address on Surface Use Agreements at the 2008 SEAFWA Annual Conference, for the Legal Committee. Mr. Mann continues to assist with the review or development of contracts for the Department and provides any other legal support that is needed by the Department.



SUPPORT SERVICES DIVISION

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, payroll, maintenance of the law library, management of interagency 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% 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. Up to 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.

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.

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.

SUPPORT SERVICES DIVISION

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 2008, the Office entered into over \$3,340,232 in grants/contracts with DHHS-Medicaid Fraud, Public Safety, Department of Justice, and National Science Foundation through Mississippi State University and also assisted in the administration of \$1,000,000 from the State Farm lawsuit in awards to Boys and Girls Clubs and the Cal Ripken, Sr. Foundation for the purpose of serving the unmet needs of “at risk” youth in the State of Mississippi.

PURCHASING, PROPERTY MANAGEMENT, SPACE MANAGEMENT

Support Services is responsible for all procurement of goods and services for the Office in compliance with the Department of Finance and Administration and ITS including preparation of bid specifications and local advertisement for certain goods, negotiation of building leases, office moves, and space management. During FY 2008 the Support Services Division coordinated the final stages of the move into the Sillers Building.

PAYROLL

Support Services is responsible for processing a monthly payroll for 240+ 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 for 70-100 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.

MANAGEMENT OF INTERAGENCY CONTRACTS AND OUTSIDE LEGAL COUNSEL

During FY 2008, the Attorney General’s Office entered into 69 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.

SUPPORT SERVICES DIVISION

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 Ciber(CRIMES) to allow electronic submission of Consumer complaints, Identity Theft complaints and Vulnerable Adult complaints. The Office is also involved in a Pilot Project to place Gulfport and Pascagoula District Attorneys' Offices on a shared database located at USM in Hattiesburg. ASP (Automated System Project) is helping fund the District Attorney Coast Pilot Project. The shared database will interface with the local Jail Management System to receive case arrest information. The shared database will also interface with CIC and provide case disposition data. Future plans include adding other DAs to the shared database. 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 CIC.

FUNDS RECOVERED DURING FISCAL YEAR 2008

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit - Restitution & Penalties	\$10,950,859	State of MS, Division of Medicaid
Consumer Protection Division - Restitution Cost & Fees	\$3,736,187	State of MS, Attorney General; Restitution to Consumers
Public Integrity Division - Fines & Costs	\$32,076	State of MS, Attorney General
Insurance Integrity Enforcement - Penalties	\$17,753	State of MS
Civil Litigation Division - Audit Recoveries	\$1,795,000	State of MS
Pursue Energy Corp. - Severance Tax Recovery	\$8,263,514	State of MS, Tax Commission
WorldCom, Inc. Securities - Settlement	\$7,425	Public Employees' Retirement System; Health Care Trust Fund
Merck Pharmaceuticals, Inc. - Settlement	\$8,900,000	State of MS, Division of Medicaid
State Farm Insurance Co. - Settlement	\$74,000,000	Mississippi Policyholders
Nationwide Insurance Co. - Settlement	\$40,000,000	Mississippi Policyholders
MDOT - Damage Claims; W'Comp & Subrogated Claims	\$612,531	State of MS, MDOT
Medicaid - Estate Recovery; Trauma/Casualty	\$5,660,152	State of MS, Division of Medicaid
TOTAL FUNDS RECOVERED FOR FISCAL YEAR 2008	\$153,975,497	

EXPENSES DURING FISCAL YEAR 2008

ACTUAL EXPENDITURES

FISCAL YEAR ENDING JUNE 30, 2008

PERSONAL SERVICES

Salaries, Wages & Fringe Benefits	\$19,194,715
Travel & Subsistence (In-State)	\$749,393
Travel & Subsistence (Out-of-State)	\$162,512

TOTAL PERSONAL SERVICES **\$20,106,620**

CONTRACTUAL SERVICES

Tuition	\$56,130
Communications & Utilities	\$106,401
Public Information	\$548
Rents	\$1,162,043
Repairs & Services	\$44,772
Fees, Professional & Other Services	\$1,314,184
Other Contractual Services	\$120,604
Data Processing	\$856,099
Other	\$69,082

TOTAL CONTRACTUAL SERVICES **\$3,729,863**

COMMODITIES

Printing & Office Supplies & Materials	\$270,371
Equipment, Repair Parts, Supplies & Accessories	\$85,110
Professional & Scientific Supplies & Materials	\$1,937
Other Supplies & Materials	\$270,596

TOTAL COMMODITIES **\$628,014**

CAPITAL OUTLAY

Automobiles, SUV, Van's, Trucks & Other Vehicles	\$234,008
Office Machines, Furniture, Fixtures & Equipment	\$103,088
IS Equipment (Data Processing & Telecommunications)	\$339,327
Other Equipment	\$37,176
Wireless Communication Devices	\$2,278

TOTAL CAPITAL OUTLAY **\$715,877**

SUBSIDIES, LOANS & GRANTS

TOTAL SUBSIDIES, LOANS & GRANTS **\$428,547**

TOTAL EXPENDITURES **\$25,608,921**

REPORT OF STATE OWNED AUTOMOBILES

DESCRIPTION	MILES TRAVELED IN FY 2008	DEPRECIATION EXPENSE FY 2008
1997 FORD EXPLORER	17,617	FULLY DEPRECIATED
1997 FORD F-150 TRUCK	22,506	FULLY DEPRECIATED
2002 FORD TAURUS	28,392	FULLY DEPRECIATED
2002 FORD TAURUS	15,585	FULLY DEPRECIATED
2003 FORD TAURUS	16,083	FULLY DEPRECIATED
2003 FORD TAURUS	31,851	FULLY DEPRECIATED
2003 FORD F-150 TRUCK	20,289	FULLY DEPRECIATED
2003 FORD F-150 TRUCK	18,895	FULLY DEPRECIATED
2004 FORD TAURUS	26,210	FULLY DEPRECIATED
2004 FORD TAURUS	30,904	FULLY DEPRECIATED
2004 FORD TAURUS	14,782	FULLY DEPRECIATED
2004 FORD TAURUS	18,175	FULLY DEPRECIATED
2004 FORD TAURUS	34,333	FULLY DEPRECIATED
2004 FORD F-150 TRUCK	14,869	FULLY DEPRECIATED
1999 FORD CROWN VICTORIA	24,926	FULLY DEPRECIATED
1999 FORD CROWN VICTORIA	19,213	FULLY DEPRECIATED
1999 FORD CROWN VICTORIA	28,862	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	36,959	\$5,295
2006 PONTIAC GRAND PRIX	18,003	\$5,467
2006 PONTIAC GRAND PRIX	23,297	\$5,467
2006 PONTIAC GRAND PRIX	22,636	\$5,734
2007 FORD CROWN VICTORIA	50,660	\$5,543
2007 FORD CROWN VICTORIA	20,659	\$5,543
2000 FORD CROWN VICTORIA	12,074	FULLY DEPRECIATED
1998 FORD CROWN VICTORIA	9,804	FULLY DEPRECIATED
1999 FORD CROWN VICTORIA	1,540	FULLY DEPRECIATED
TOTAL	579,124	\$33,049

REPORT OF MILEAGE IN PRIVATELY OWNED AUTOMOBILES

NUMBER OF STATE-OWNED AUTOMOBILES:	26
FY 2008 STATE-OWNED AUTOMOBILE COSTS:	
DEPRECIATION EXPENSE	\$33,049
REPAIRS & MAINTENANCE, FUEL, TIRES	\$113,518
TOTAL COSTS	\$146,567
AVERAGE COST PER MILE:	\$0.25

Total Number of Miles Traveled in Privately Owned Automobiles	FY 2008 Average Cost Per Mile	Total Costs for Mileage in Privately Owned Automobiles
698,706	0.4912	\$343,204

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ALCOHOL & TOBACCO ENFORCEMENT DIVISION, 1-888-213-8830

CONSUMER PROTECTION DIVISION, 1-800-281-4418

GAMING DIVISION, 1-800-504-7529

INSURANCE FRAUD DIVISION, 1-888-528-5780

MARINE RESOURCES DIVISION, 1-800-374-3449

MEDICAID FRAUD DIVISION, 1-800-852-8341

PROSECUTOR'S TRAINING DIVISION, 1-800-852-1281

VICTIM COMPENSATION DIVISION, 1-800-829-6766