



A MESSAGE FROM ATTORNEY GENERAL JIM HOOD



Dear Fellow Mississippians:

It is a pleasure to present to you our annual report for FY2010, which represents my 7th year as your Attorney General.

While I am proud of so many things, the work we do to fight child predators and elder abuse is truly the most rewarding. We open new investigations every day, and prosecute to the fullest extent of the law. During FY2010, we arrested approximately 60 persons for possession of child pornography through the work of our Internet Crimes Task Force. I anticipate those numbers will go even higher in the next fiscal year as we are able to train and equip more law enforcement with the necessary tools to catch potential predators. We arrested approximately 60 other defendants for abuse and/or neglect involving vulnerable persons. These crimes are among the worst we see, and we are going after these violators with a vengeance.

I am pleased to tell you that our office recovered more than \$67 million of embezzled and misused funds owed to the state during FY2010. That total is more than six times our annual budget, meaning our office continues to bring in much more to the State than it expends.

From Civil and Criminal Litigation to Consumer Protection, Domestic Violence, Public Integrity and State Agency representation, we are proud to serve you. I hope you will take the time to review this report and see all the ways we are helping to Protect Mississippi.

May God bless you and yours!

Sincerely yours,

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive, flowing style.

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, 2009 THRU JUNE 30, 2010, THAT RESULTED IN A NOTED RETURN FOR THE STATE OF MISSISSIPPI.

CIVIL LITIGATION DIVISION

- Positive outcome in 80% of civil litigation cases in federal and state courts
- Positive outcome in 100% of prisoner complaints filed in federal courts
- Recovered over \$1,216,890 for state and local taxpayers in audit and ethics matters, including recoveries for cities and counties

CONSUMER PROTECTION DIVISION

- Has a 100% conviction rate on all criminal cases
- Received 67,455 phone calls from consumers
- Recovered \$2,098,038 in restitution fees
- Recovered \$330,102 in costs and fees
- Litigated 93 consumer cases
- Opened 1,779 cases this fiscal year
 - 229 Identity Theft cases opened
 - 378 Home Repair cases opened

The Consumer Protection Division presented speeches on consumer issues across the State in an effort to create a public that is better informed and able to avoid problems before they occur.

VICTIM COMPENSATION

- Awarded \$3,476,037.52 through the Crime Victim Compensation Fund
- Awarded \$461,921.47 for Sexual Assault Forensic Examinations
- Provided 7,631 units of service to crime victims
- Provided direct services to 994 crime victims
- Trained 364 law enforcement officers from 113 agencies through "MAG" Pre-Certified Law Enforcement Training

CRIMINAL LITIGATION DIVISION

Attorneys in the Appellate Section of the Criminal Division:

- Filed 281 briefs in the Mississippi Supreme Court and Court of Appeals
- Won 89.6% of the criminal cases disposed of by the Supreme Court and Court of Appeals
- Processed 142 extraditions

DEATH PENALTY SECTION:

Attorneys in the Death Penalty Section of the Criminal Division litigated the cases involving James Holland and Paul Woodward in which the death penalty has been imposed

MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

Attorneys in the the Federal Habeas Section of the Criminal Division:

- Filed 248 answers, briefs, motions, and responses
- Obtained a favorable result in 99% of cases handled

DOMESTIC VIOLENCE DIVISION

- Hosted over 600 people, representing law enforcement, prosecution, advocacy, judiciary, court clerks, and probation/parole at their annual conference
- Trained a total of 1,620 law enforcement officers during Fiscal Year 2010
- Assisted in the training of 22 nurses
- Assisted 1,393 court personnel with the protective order process
- Was instrumental in the creation of the MS Protection Order Registry

MEDICAID FRAUD CONTROL UNIT

- Netted \$2, 084, 035.75 in restitution and penalties actually paid to the Mississippi Division of Medicaid and the Mississippi Medicaid Fraud Control Unit
- Opened 771 abuse/neglect cases and 18 fraud cases during Fiscal Year 2010
- Made 53 abuse/neglect arrests
- Convicted 30 offenders and 62 indictments during Fiscal Year 2010

PUBLIC INTEGRITY DIVISION

- Opened 73 Investigation during Fiscal Year 2010
- Convicted 93% of defendants after indictment
- Received 862 complaints during Fiscal Year 2010

CHILD DESERTION UNIT

- Received approximately 265 complaints
- Opened 24 new investigations in Fiscal Year 2010
- Made 9 convictions and two arrests this Fiscal Year

VULNERABLE ADULT UNIT

- Received approximately 2,750 complaints of suspected abuse, neglect, or exploitation of a Vulnerable Adult in the setting of a private home
- Opened 23 cases during Fiscal Year 2010
- Currently have 27 active cases open
- Indicted 10 persons on felony charges and convicted nine persons for Fiscal Year 2010

INSURANCE FRAUD UNIT

- Responded to 33 new referrals
- Conducted 43 active criminal investigations
- Recovered \$4,362.89 in restitution
- Insurance Fraud made 15 arrests and 11 convictions during Fiscal Year 2010

MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

PUBLIC INTEGRITY DIVISION (CONTINUED)

CYBER CRIMES UNIT

- Opened 105 new investigations
- Indicted 10 individuals
- Convicted five defendants
- Made over 60 arrests this Fiscal Year, averaging more than one per week
- Responded to 120 technical assistance inquiries from state law enforcement agencies
- Responded to 161 requests for public assistance

ALCOHOL & TOBACCO ENFORCEMENT DIVISION

- Conducted 7,418 tobacco enforcement checks
- Conducted 7,121 beer enforcement checks
- Conducted 55 retailer training sessions in which approximately 628 managers and clerks were trained
- Referred 63 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 76% of formal opinions in 30 days or less
- Spent approximately 5,000 hours giving general advice by telephone and e-mail and approximately 500 hours in preparing and conducting seminars around the state
- 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 nine Prosecutor Training Conferences
- Trained 740 Prosecutors
- Had a 97% Approval Rating on Prosecutor Training

SUPPORT SERVICES

- Entered into over \$3, 477, 055 grants and contracts this Fiscal Year
- Responsible for monthly payroll for 260+ full time employees and process bi-weekly prayroll for an additional 70-100 individuals
- Entered into 69 interagency contracts to provide legal services to state agencies
- Responsible for the administration of the Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund
- Recovered \$67, 531,320 for Mississippians in Fiscal Year 2010
- Recovered over \$500 million total from Fiscal Year 2003 through December 2010

MISSISSIPPI ATTORNEY GENERAL'S EXECUTIVE SUMMARY

FUNDS RECOVERED FOR FISCAL YEAR 2010 BY THE ATTORNEY GENERAL'S OFFICE (AGO)

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit - Restitution & Penalties	\$2,084,036	State of MS, Division of Medicaid
Consumer Protection Division - Restitution Cost & Fees	\$2,428,141	State of MS, Attorney General; Restitution to Consumers
Public Integrity Division - Fines & Costs	\$7,998	State of MS, Attorney General
Insurance Integrity Enforcement - Penalties	\$34,388	State of MS
Civil Litigation Division - Audit Recoveries	\$1,216,890	State of MS
Pursue Energy Corp. - Severance Tax Recovery	\$8,263,514	State of MS, Tax Commission
Microsoft Corporation Settlement*	\$40,000,000	State of MS
WorldCom, Inc./MCI Securities - Settlement	\$501	Public Employees' Retirement System; Health Care Trust Fund
Pfizer/Bextra Settlement	\$3,558,701	State of MS, Division of Medicaid, Attorney General
DISH Network LLC Settlement	\$125,000	State of MS, Attorney General
Merck Pharmaceuticals, Inc. - Settlement	\$100,000	State of MS, Division of Medicaid
State Farm Insurance Co. - Settlement	\$74,000,000	Mississippi Policyholders
Average Wholesale Price Litigation	\$11,236,850	State of MS, Division of Medicaid, Attorney General
Nationwide Insurance Co. - Settlement	\$40,000,000	Mississippi Policyholders
MDOT - Damage Claims; Workman's Compensation & Subrogated Claims	\$5,313,815	State of MS, MDOT
TOTAL FUNDS RECOVERED FOR FISCAL YEAR 2010	\$67,531,320	

*Made an additional \$60,000,000 available to consumers in Microsoft hardware vouchers

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 Martin Millette, Public Information Officer Jan Schaefer and Receptionists Donna Thomas and Marilyn Robinson.

ATTORNEY GENERAL

Attorney General Jim Hood was elected to serve a second term 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 those who threaten the livelihood of Mississippi citizens.

EXECUTIVE ASSISTANT

Attorney General Jim Hood is assisted by Melanie Webb. 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 throughout the SPAHRS system. Assisting the Chief of Staff in his daily duties is Cindy Burnham, who has over 30 years of service to the State of Mississippi.

PUBLIC INFORMATION OFFICE

The Mississippi Attorney General's Office recognizes the important role played by the press in our efforts to serve the people in 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 20 years experience in public relations, as well as print and broadcast journalism. The Public Information Office is responsible for writing and distributing news releases and agency publications, handling public inquiries and planning public events.

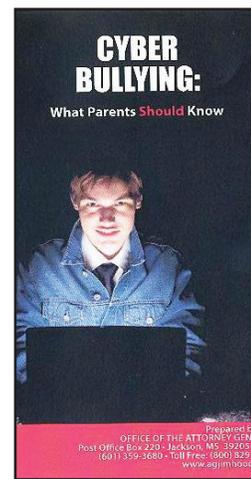
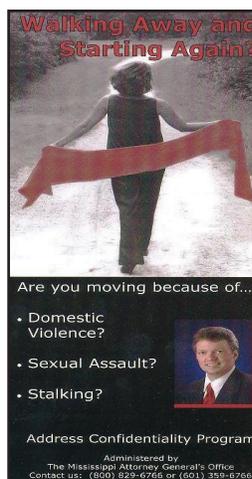
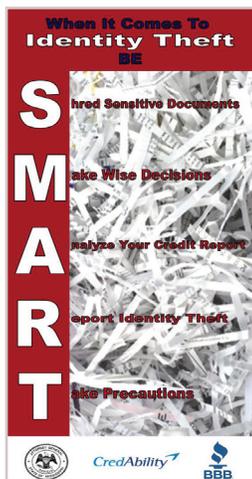
SUPPORT STAFF

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 to address their questions. These ladies also greet the many visitors the office receives each day.

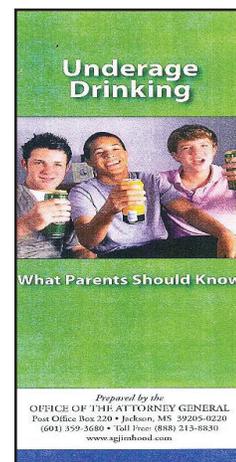
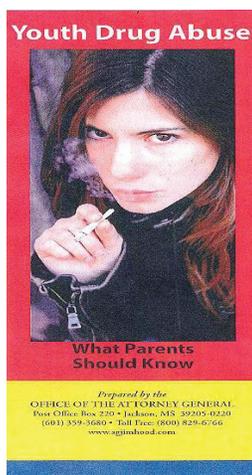
EXECUTIVE BRANCH OF THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE

PUBLIC INFORMATION OFFICE

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



CIVIL LITIGATION DIVISION

Significant or particularly successful litigation cases handled by the Civil Litigation Division or that are pending include the following:

PROTECTING IMPORTANT STATEWIDE INTERESTS

Corban v. United Services Auto. Association (Mississippi Supreme Court) In the aftermath of Hurricane Katrina, the Attorney General initiated and joined 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. For example, in the Corban case, the Attorney General's Office submitted an amicus curiae brief to the Mississippi Supreme Court arguing that certain insurance companies were improperly shifting the burden upon the policyholder to prove that the wind caused the damage rather than the insurer having to prove that the damage was excluded from coverage. The Supreme Court's opinion agreed with the arguments presented by the homeowner and the Attorney General and set a strong precedent in favor of the homeowners for future victims of natural disasters.

Metal Management Mississippi, Inc. v. Governor Haley Barbour (U.S. Dist. Ct., S.D. Miss.) To curb the epidemic of metal theft, the legislature enacted new regulations on companies that purchase scrap metal. A scrap metal purchaser filed suit in federal court asserting the law violated the federal Constitution. The purchaser sought a preliminary injunction prohibiting the law from taking effect. The Civil Litigation Division filed a memorandum in opposition to the requested relief. After a lengthy oral argument, the federal court denied the purchaser's request to stay the law. In light of the arguments presented by the Division, the purchaser later dismissed the suit in its entirety.

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.

Patients' Choice Medical Center of Humphreys County v. Robinson, et al. (U.S. Dist. Ct., S.D. Miss.); (Hinds County Chancery Court) The Civil Litigation Division has been representing the Division of Medicaid in suits filed by Patients' Choice Medical Center of Humphreys County. In May 2007, Medicaid began withholding payments to Patients' Choice on all claims submitted by it for behavioral health services because of suspected fraud and/or abuse and/or willful misrepresentation.

CIVIL LITIGATION DIVISION

After auditing Patients' Choice, Medicaid determined that Patients' Choice had obtained \$4,082,471.79 in improper payments. Patients' Choice filed suit in federal court seeking an injunction preventing Medicaid from recouping the improper payments. The district court, after reviewing the arguments made by Civil Litigation, denied Patients' Choice's request for a preliminary injunction. Subsequently, Patients' Choice sued Medicaid in Hinds County Chancery Court seeking a temporary restraining order stopping Medicaid from re-auditing; asking the Chancery Court to declare that the claims for behavioral health services that it had submitted were lawful under Medicaid's regulations; and requesting an injunction lifting the suspension of payment for behavioral health services. The Chancery Court denied Patients' Choice's petition for a restraining order on the ground that Patients' Choice was asking it to intervene in an ongoing administrative proceeding. The Civil Litigation Division has filed a Motion to Dismiss on behalf of DOM, Robinson and Mann. At this time, the Motion to Dismiss is still pending.

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, 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.

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.

CIVIL LITIGATION DIVISION

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 into 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.

Mississippi 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.

Deborah Ellis, et al. v. Mississippi Department of Health, et al. (U.S. Dist. Ct., N.D. Miss.) A child care facility challenged the authority of the Mississippi Department of Health to conduct warrantless searches of licensed facilities. The Civil Litigation Division successfully argued that the searches were constitutionally adequate and the actions of the agency's employees were not objectively unreasonable. The District Judge's dismissal of the case was affirmed by the Fifth Circuit Court of Appeals.

DEFENDING STATE EMPLOYEES SUED FOR ALLEGED VIOLATIONS OF FEDERAL LAW

Paul Morgan v. State of Mississippi (U.S. Dist. Ct., S.D. Miss.) This case involved an allegation by the Plaintiff that his rights under the Americans with Disabilities Act were violated by the Department of Correction's alleged failure to accommodate his handicap. The Plaintiff alleged that the dining halls, showers and living quarters were not equipped for handicapped inmates such as himself and that the Department had taken no steps to bring its facilities into compliance with the ADA. The Plaintiff also alleged that he was denied proper medical treatment and supplies while incarcerated. Following a three day trial, the Court ruled in favor of Defendants finding no liability on the part of Department.

Stern v. Epps, et al. (U.S. Dist. Ct., S.D. Miss.) This civil action involved an alleged violation of Plaintiff's right to be free from Environmental Tobacco Smoke (ETS)/second hand smoke in the inmate housing unit. Stern alleged that the exposure to the second-hand smoke caused a bulging eye condition that ultimately affected his vision. This case was tried before a jury over the course of three days with the jury returning a verdict in favor of the State Defendants. The outcome set important parameters within the Southern District relating to the numerous claims of inmates regarding exposure to ETS within housing units.

The prisoner litigation team has been successful in defending a number of additional claims to include claims of excessive force, deliberate indifference, retaliation, cruel and unusual punishment, and many others which are primarily resolved at the motion stage.

CIVIL LITIGATION DIVISION

Reese v. Monroe County Sheriff's Department (U.S. Dist. Ct., N.D. Miss.) Tried before United States District Court Judge Sharon Aycock, this civil action involved complex litigation, alleging an illegal search and seizure by Officers of the Mississippi Department of Corrections; Probation, Parole and House Arrest Officers. Originally, Monroe County Sheriff's Deputies were apart of the litigation as defendants along with MDOC officers. Summary Judgment was granted. However, the case was appealed by Attorney Jim Waide, to the Fifth Circuit Court of Appeals who sent the case back for trial. A three-day jury trial followed and no liability was assigned to the Defendants.

Jacqueline Williams, et al. v. Governor Haley Barbour, et al. (U.S. Dist. Ct. S.D. Miss.) A construction company brought suit against Governor Barbour, Mississippi Development Authority Director Gray Swoope, the State of Mississippi, the Mississippi Development Authority, and Toyota alleging that they were improperly denied the opportunity to bid on a construction contract with the auto maker. The Civil Litigation Division secured a dismissal of all claims against the state, state agencies, and state officials at the earliest possible point in the proceedings thereby saving the State from the expense of discovery and from the possibility of any financial liability.

Oliver E. Diaz, Jr., et al. v. Darlene Ballard (U.S. Dist. Ct. S.D. Miss.) A former Mississippi Supreme Court justice filed suit against a staff attorney with the Mississippi Judicial Performance Commission alleging that the attorney had violated state and federal law during her prosecution of a judicial performance complaint against the former justice. The Civil Litigation Division represented the staff attorney and argued to the Court that the staff attorney had violated no federal or state law. After extensive briefing, the Court agreed with the Division's arguments and dismissed all claims against the staff attorney.

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.

ENSURING THE ORDERLY ADMINISTRATION OF ELECTIONS

In the weeks preceding the 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 Board of Election Commissioners (U.S. Dist. Ct., S.D. Miss.).

CIVIL LITIGATION DIVISION

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. Sylvester Tate, et al.* (Lauderdale County Circuit Court). Prior to the general election in Wilkinson County, the Division was called upon to obtain a writ of mandamus against Wilkinson County election officials who had announced their 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.

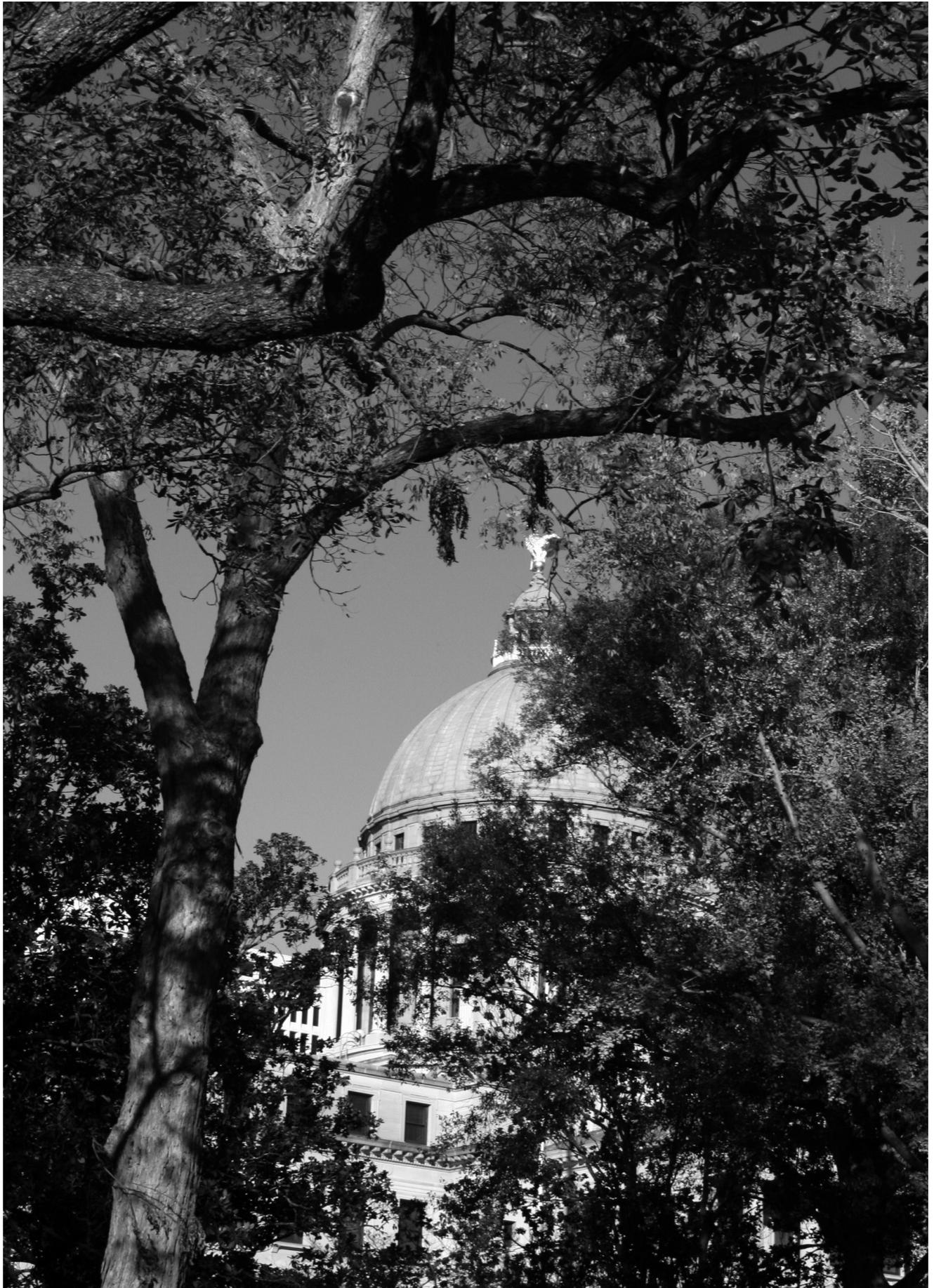
PROTECTION OF CHARITABLE ASSETS

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 and the State of Tennessee 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).

AUDIT

In fiscal year 2010, the Office of the State Auditor has secured or assisted in securing indictments, arrests or guilty pleas for fifty-one (51) public officials and/or public employees, along with Housing Applicant Fraud indictments, arrests or guilty pleas, and has recovered \$1,216,893 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 \$748,000 from the Jefferson Davis County School Board Jefferson County, Mississippi for misspent 16th Section land funds.
- Recovered \$5,562 from the Town of Isola, Humphreys County, Mississippi for misspent fire insurance rebate funds.
- Recovered \$267,265 from the sale of contraband cigarettes located in Lee County, Mississippi. The amount of \$211,738 was disbursed to the State of Mississippi.
- Recovered \$9,679 from former City Clerk of Taylorsville, Smith County, Mississippi, Michelle Sharpley, for funds embezzled. This amount includes principal, interest, and investigative costs.
- Recovered \$44,045 from former Walthall County Garbage Collection Clerk, Rhonda Sumrall, Smith County, Mississippi for embezzlement of public funds. This amount includes principal, interest and investigative costs.



CONSUMER PROTECTION DIVISION

Telephone calls received	67,455
Total Restitution Recovered	\$2,098,038.50
Total Costs and Fees Recovered	\$330,102.45
Total Cases Litigated	93
Total New Cases Opened	1,779
Identity Theft Cases Opened	229
Home Repair Fraud Cases Opened	378

100% conviction rate on criminal cases

The Consumer Protection Division presented numerous speeches, presentations and exhibits across Mississippi in an effort to educate consumers regarding scams, identity theft, intellectual property theft crimes, automobile sales, home repair fraud, and mortgage/foreclosure issues. Some of the events included: Lawrence County Triad Meeting, Keesler Federal Credit Union, ETIC Awareness Day City of Jackson, ADA Conference at the Jackson Hilton Hotel, Senior's Luncheon First Methodist Church Philadelphia, Jackson County Triad Meeting, and Carthage Senior Citizens Day, and Southwest Mississippi Heath Coalition.

HIGHLIGHTS OF CONSUMER EDUCATIONAL EFFORTS

SHRED-IT AND FORGET IT CAMPAIGN

The Consumer Protection Division held its 4th Annual "Shred-It and Forget-It" Campaign in February 2010. The purpose of the event is to educate Mississippians on the dangers of identity theft and offer them a means to discard their sensitive materials. The event was held statewide with shred stations located in Jackson, Hattiesburg, D'Iberville and Tupelo. A total of 696 consumers across the state protected their identity by shredding more than 41,400 lbs of paper. The Consumer Protection Division teamed up with the Secretary of State's Office, Better Business Bureau, Shred It, MS State University Extension Service, MS Consumer Education Partnership, Walmart, The Home Depot, Coca-Cola, Bancorp South and the Leadership Council on Aging to host this event.

DID YOU KNOW INITIATIVE

In November 2009, the Consumer Protection Division spearheaded the AGO's "Did You Know" initiative. The initiative was created to help the state's residents understand all of the resources available from our office. The initiative consisted of mailing to churches, community centers and nonprofit organizations across the state. In total 2,700 letters were mailed to churches statewide, and an additional 2,500 posters were mailed to community centers and non-profit organizations including: Boys and Girls Clubs, daycare centers, and domestic violence shelters.

Additionally, representatives from our spotlight divisions traveled across the state, to inform our communities of the assistance available to them through the Attorney General's Office. The highlighted divisions were: Victims' Compensation, Consumer Protection, Cyber Crimes Unit, Administrative Division, Domestic Violence, Child Desertion, Medicaid Fraud Control Unit, and Vulnerable Adults. The AGO's also created an in-house brochure that outlines the services provided by these divisions.

CONSUMER PROTECTION DIVISION

EMERGENCY PREPAREDNESS EVENT

Representatives from the Consumer Protection Division handed out hurricane preparedness and awareness material in September 2009 at the following Home Depot locations: Biloxi, Brandon, Gulfport, Hattiesburg, and Jackson. The information provided included a suggested emergency supply list, information on developing a family emergency plan and resources to better inform yourself and prepare your community.

BE SMART INITIATIVE

In conjunction with National Protect Your Identity Week 2009, the Consumer Protection Division together with the Consumer Credit Counseling Service and the Better Business Bureau, took part in an initiative to help educate consumers on the dangers of identity theft. Representatives were at Walmart locations in Pearl, Ridgeland, D'Iberville and Tupelo.

The "Be SMART" campaign focused on five key prevention tips:

- Shred Sensitive Documents
- Make Wise Decisions with personal information
- Analyze Your Credit Report
- Report Identity Theft
- Take Precautions; know what safeguards are in place with your creditors

OPERATION KNOCK OUT KNOCK-OFFS GETS UNDERWAY

The Consumer Protection Division of the Attorney General's Office was awarded a \$200,000 grant from the Office of Justice Program (OJP). Our office combines \$200,000 of in-kind state funds for a total of \$400,000. Our office was one of seven grantees who were awarded funding under the category for support to law enforcement. This category is geared towards improving the state's capacity to address criminal intellectual property enforcement. Other grantees were: the Los Angeles County Sheriff's Department, City of Los Angeles, New York City, NY, Bronx County District Attorney, NY, Chesterfield County, VA, North Carolina Department of the Secretary of State.

The grant helps fund Operation Knock Out Knock-Offs ("Operation K.O.K.O.") which will:

- create a statewide task force of federal, state and local authorities;
- increase the knowledge of local authorities on IP enforcement through intensive statewide and regional training;
- assist local authorities in enforcing IP laws through investigatory, technical, and prosecutorial assistance; and,
- focus on counterfeit goods which implicate safety concerns.
- The grant period is October 1, 2009 - December 31, 2010.

CONSUMER PROTECTION DIVISION

LEGISLATION

During the 2010 legislative session, two new laws were passed providing consumers greater protection:

HB 872 CALLER ID ANTI-SPOOFING ACT: This act prohibits entering or causing to be entered false information into a telephone caller identification system with the intent to deceive, defraud or mislead. The Act also prohibits placing a call knowing that false information was entered into the telephone caller identification system, as well as provides that any violations of this act constitutes an unlawful trade practice under the Mississippi consumer protection laws.

HB 583 NOTICE OF SECURITY BREACH: This legislation requires any person who conducts business in the state and maintains an individual's personal information to notify that individual when a breach of security has occurred. For example, the new law would address the situation of a person hacking into a business computer and acquiring consumers' names and social security numbers. Failure to comply with this law is an unfair trade practice, which will be enforced by the Attorney General. Mississippi joins 45 other states that have this type of law

SIGNIFICANT MULTI-STATE ACTIONS

Countrywide Financial Corporation, *\$1,018,955*
Countrywide Home Loans, Inc. and Full Spectrum Lending, Inc.

As a part of a national settlement entered into with Countrywide Financial Corporation (Countrywide), eligible Mississippians received \$1,018,955.52 in foreclosure relief in the form of a settlement payment. The payments are part of a previously announced 2008 settlement with Countrywide and the State of Mississippi which required the lender to offer several forms of assistance to eligible borrowers, including loan modifications, as well as the upcoming settlement payments. Letters to eligible borrowers were sent in July 2009 and checks were mailed in February 2010.

Dish Network, LLC *\$125,000*

Mississippi, along with 45 other states, reached a settlement agreement with Dish Network, LLC on July 16, 2009. The agreement provided that Dish would pay \$5,991,000 to settle consumer protection allegations. On, September 25, 2009, Mississippi received its portion of the settlement. The \$125,000.00 was for attorney's fees and other costs of investigation and litigation and/or for future public protection purposes such as consumer protection education and litigation. Restitution to consumer was separate and was distributed directly by Dish.

**Countrywide Program Brings Mississippians
over \$1Million in Foreclosure Relief**

CONSUMER PROTECTION DIVISION

*Merck & Co. Inc., Shering-Plough Corp.
and MSP Singapore Co., LLC*

\$100,000

Mississippi, together with 35 other State Attorneys General, announced a settlement with Merck & Co. Inc, Shering-Plough Corporation, and a joint venture of the two companies, MSP Singapore Company, LLC in July 2009. The agreement resolved an investigation into the companies' lengthy delay releasing negative results from the clinical trial called Ezetimibe and Simvastatin in Hypercholesterolemia Enhances Atherosclerosis Regression (ENHANCE). For its work on the investigation, Mississippi received \$100,000.00 in costs and fees.

Lifelock Multistate

\$15,000

A settlement with Lifelock, Inc. was announced on March 9, 2010. The settlement was a result of a multistate investigation of Lifelock regarding misleading advertising practices. As part of the settlement, the State of Mississippi received a payment in the amount of \$15,000 on March 30, 2010.

Dell, Inc. ("Dell") and Dell Financial Services

\$12,317.08

Mississippi received an additional \$12,317.08 on Jan. 29, 2010, in response to a settlement signed by Mississippi and 33 other states in January 2009. This amount was the remaining restitution funds for unclaimed checks by citizens in other states, plus interest.



CONSUMER PROTECTION DIVISION

SIGNIFICANT INVESTIGATIONS/LITIGATION

IDENTITY THEFT

Janice Singleton, who was employed as a security guard for the Mississippi Dept. of Corrections, used her computer at work to access and obtain personal information about inmates. She used that information to file false tax returns on the inmates and received tax refunds in their names which she deposited into her own accounts. She pled guilty on November 2, 2009 to identity theft and received 15 years in prison with 12.5 years suspended and 2.5 years to serve. She was ordered to pay a \$25,000 fine, \$1,000 to the crime victims' compensation fund and \$134,246.55 in restitution.

Pamela Loizzo was employed as a house keeper for the victim. She obtained the victim's personal identifying information and used it to obtain several credit cards which she used to obtain goods and services. Loizzo pled guilty to identity theft on July 20, 2009, and was sentenced to 10 years with three years suspended and seven years to serve followed by three years of supervised probation. She was ordered to pay \$500 to the crime victim compensation fund, \$3,000 in restitution and a \$1,000 fine.

Edward Alexander obtained the personal identifying information of the victims and used it to file false tax returns and claim the refunds. He pleaded guilty to the charge of identity theft on January 29, 2010, and was sentenced to 10 years with four years suspended and six years to serve followed by three years of supervised probation. He was also ordered to pay \$1,000 to the crime victim compensation fund, a \$1,000 fine and \$26,577 in restitution.

HOME REPAIR FRAUD

Benjamin White was found guilty on September 10, 2009, of misdemeanor home repair fraud for failing to perform works as promised after accepting over \$53,000.00 in payment. White was sentenced on September 15, 2009, to six months confinement in the Madison County Jail, suspended with 15 days to serve and placed on probation contingent upon payment of court costs, a \$1,000.00 fine, and restitution in the amount of \$37,539.33.

Lee Andrew Thweatt pleaded guilty on October 6, 2009, in Jackson County. Thweatt was received more than \$20,000 to repair a home damaged in a fire. He walked off the job without holding up to his end of the agreement. Thweatt was sentenced to serve five years in prison, with five years suspended. He was ordered to be placed in the Jackson County Restitution Center until the victim is paid back in full in the amount of \$24,450. He must also pay the Mississippi Department of Corrections a total of \$50 per month until he is released from the restitution center.

Alphonse White entered a guilty plea to accusations that he took a large sum of money from a St. Martin resident for work to be done on a home, and then failed to complete the work. White was sentenced to five years in prison with five suspended and five years probation. White was also sentenced to the Restitution Program until all fines, fees and restitution are paid. In addition, White was ordered to pay a fine of \$1000 and a sum of \$100 to the Attorney crime victim compensation fund and restitution in the amount of \$27,833.33 to the victimized home owner.

CONSUMER PROTECTION DIVISION

INTELLECTUAL PROPERTY CRIMES

Harold Hunt pleaded guilty November 18, 2009, to one felony count of Unauthorized Sale of Recordings, Miss. Code Ann. section 97-23-87(3)(a)(I), in the Circuit Court of Lee County, Mississippi. Mr. Hunt was sentenced to three years in prison. The prison sentence was suspended and Hunt was placed on reporting probation for three years. He was also ordered to pay \$1,000 to the crime victim compensation fund, \$2,500 for investigative costs and expenses, plus court costs. Mr. Hunt was charged following an investigation which revealed he was selling counterfeit compact discs at the North Mississippi the Flea Market in Tupelo. Over 1,000 counterfeit compact discs were seized from Mr. Hunt on October 11, 2008, in a joint effort between the Attorney General's Office and the Tupelo Police Department

Mississippi Launches Counterfeit Task Force

HOW CAN I SPOT A KNOCK-OFF?

- Is the product priced substantially below retail?
- Does the product appear to be of poor quality?
- Is the product packaging incomplete, torn, or otherwise suspicious?
- Is the licensing, copyright and trademark information missing from the packaging?
- Does the packaging have typographical errors or inconsistencies in the graphics/printing?
- Is the product sold at a reputable retailer?
- Is the seller using suspicious sales practices?
- Does the seller accept payments in cash only?
- Are the logos properly attached to the products?

All these are signs that a product may be counterfeit.

REMEMBER:
IF IT SOUNDS TOO GOOD TO BE TRUE... IT PROBABLY IS!

What is Operation Knock Out Knock-Offs?

Operation Knock Out Knock-Offs ("Operation K.O.K.O.") is a two-phase project funded in part by a federal grant. The first phase focuses on law enforcement efforts to stop counterfeiting, including:

- The formation of a statewide Intellectual Property Theft Task Force consisting of federal, state and local authorities.
- Increasing the knowledge of local authorities and task force members through intensive statewide and regional training.
- Coordinated enforcement efforts, enhanced by specialized equipment and resources.

The second phase consists of a public education campaign geared to merchants and consumers. This phase will build public awareness of the economic and safety impact associated with counterfeit products.

IF YOU HAVE QUESTIONS OR WANT TO REPORT A POSSIBLE COUNTERFEIT PRODUCT CALL
THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE
CONSUMER PROTECTION DIVISION
AT
601-359-4230 OR 1-800-281-4418
FOR MORE INFORMATION REGARDING
OPERATION KNOCK OUT KNOCK-OFFS VISIT WWW.AGJIMHOOD.COM

The Consumer Protection Division creates educational information, like this flyer on Operation Knock Out Knock-Offs, to keep Mississippians informed and safe.

CRIME PREVENTION AND VICTIM SERVICES DIVISION

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, 2009 through June 30, 2010, the Division received a total of 1003 claim applications, awarded \$3,476,037 financial assistance, and increased the average payout (\$5,597) by 8.62%. In addition, the Division awarded \$461,921 in payments for Sexual Assault Medical Forensic Examinations, an increase of 49%. The Division received a \$470,000 Victims of Crime Act (VOCA) Victim Compensation federal grant from the U.S. Department of Justice, Office for Victims of Crime.

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 994 victims of violent and non-violent crimes, a 12.69% increase. Approximately 7,631 units of service were provided, including referrals, support, advocacy and information on the Crime Victim Compensation Division and the Crime Victims' Bill of Rights.

CRIME PREVENTION AND VICTIM SERVICES DIVISION

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.

OUTREACH, PUBLIC AWARENESS, AND COMMUNITY INVOLVEMENT

Training continues to be an ongoing and integral component of the Division. Staff conducted a total of 56 trainings and awareness events. Those trainings and/or events included, but are not limited to Mississippi Attorney General's Domestic Violence Division training, Judicial College conferences, Sexual Assault Nurse Examiner (SANE) Trainings through the Mississippi Coalition Against Sexual Assault, Mississippi College student education forums, Mississippi Prosecutor's Association conferences, Catholic Charities community events, Citizens with Disabilities Conference and Camp Shelby Victim Service Awareness events.

The Division continues to co-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.

SPECIAL PROJECTS

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

The Division continues to partner 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 nine opportunities to receive training in various locations across the state. These trainings took place in Meadeville, Oxford, Richland, Morton and Meridian, Mississippi. As a result of this partnership, 364 individual officers representing 113 law enforcement agencies were trained.

Experienced advocates, attorneys, medical personnel and investigators provided lectures and/or workshops on topics specifically related to law enforcement, including, but not limited to, Crime Victims' Bill of Rights, Mississippi Attorney General's Crime Victim Compensation and Victim Services Programs, Cyber Crime, Legislative Updates, Search & Seizure, Stalking, Domestic Violence, Protection Orders, Uniform Offense Report, Strangulation, Address Confidentiality Program, Officer Safety, Investigating Counterfeiters, Basic DUI and DUI case law updates, Investigating Identity Theft, Landing Zone Safety, Vulnerable Adults Law and Reporting Requirements and Drug Facilitated Sexual Assault.

CRIME PREVENTION AND VICTIM SERVICES DIVISION

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

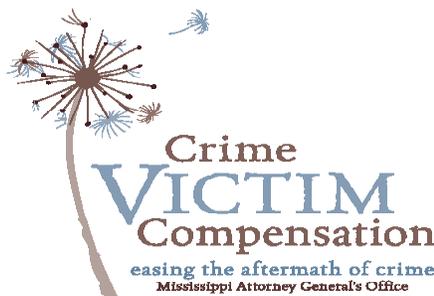
- “Great program. Thanks for allowing our officers to attend.”
- “This was a very educational class, and I would love to attend more classes with these instructors.”
- “All the instructors and the material were wonderful. Keep up the great work.”
- “Thank you all for the hospitality and lending your time to further educate us in the line of duty.”
- “Overall, the information and handouts were very helpful, and I’m feeling great about the teachers.”
- “I would like to extend thanks and appreciation to all of the staff and speakers involved in this educational training. Thanks!”

VICTIM COMPENSATION RESPONSE FORM

As a way to assist the division in on-going efforts to continually enhance program effectiveness, participants awarded compensation benefits were sent a Victim Compensation Response Form.

These response forms reflected numerous positive remarks including, but not limited to, the following:

- “I just wanted to say thank you for assisting me in my situation and for all the work you do in helping the many victims out there.”
- “Thank you all for everything and for the prompt attention you gave us. May God bless you.”
- “Thank you so much for all your help. This program has been such a blessing. Kindnesses encourage us all; especially in these circumstances.”
- I never dreamed that I would need your service. Everyone has been so helpful and friendly. I never knew that our government has such a service, but I have been thankful for it.”
- “I called the Victim Compensation Division after they sent me a letter describing my rights as a victim. I can’t tell you in words how much I appreciate this. Thank you and God bless your entire staff.”
- “You went above and beyond our expectations. Thank you so much for everything you did.”



CRIME PREVENTION AND VICTIM SERVICES DIVISION

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 and existing public funds, the Division was able to provide opportunities for enhancement, training, and technical assistance to community programs and other state agencies.

CAL RIPKEN, SR. FOUNDATION – BADGES FOR BASEBALL PROGRAM

The partnership with the Cal Ripken, Sr. Foundation began in May 2008 when 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 partnership expanded on May 27, 2009, when representatives from the Cal Ripken, Sr. Foundation, Mississippi Department of Human Services, Office of the Attorney General, Boys and Girls Clubs of Central Mississippi, Oprah Winfrey Boys and Girls Club, Jackson State University staff and other state partners convened on the Trustmark Park. The purpose of the event was to announce the expansion of the Badges for Baseball Program made possible through funding from the Mississippi Department of Human Services. During the event, coaches with the Cal Ripken, Sr. Foundation provided youth with a sample of the Badges for Baseball Program activities. The goal of the Badges for Baseball Program is to recruit, train and engage mentors with youth participating in the program.

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.



CRIME PREVENTION AND VICTIM SERVICES DIVISION

SCHOOL SAFETY RESOURCE PUBLICATIONS

There are publications, such as the ones identified, that are available on the Mississippi Office of the Attorney General web site (www.agjimhoo.com). These publications serve as resource materials to equip parents, teachers and administrators with the tools needed to protect children in communities and schools. The web site also has other publications that are valuable to the protection of children and adults.

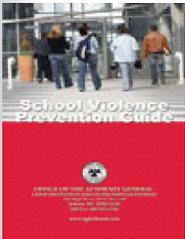
- reduce racial disparities and bias;
- save taxpayers' dollars; and
- stimulate overall juvenile justice reforms.

A PARENT'S PLAN TO CHILD SAFETY



Vital factors in ensuring child safety are Preparation, Listening, Awareness, and Nurturing. Because dangerous situations are real in a child's world, parents must use every measure available to protect their children. Unfortunately, parents cannot be with their child at all times, so this PLAN provides parents with some indicators of predatory behavior, steps to implement, precautionary guidelines to follow and some basic safety skills for children.

SCHOOL VIOLENCE PREVENTION GUIDE



This school violence prevention guide is designed to help teachers identify the warning signs of a potentially violent child and to help school administrators establish a protocol for students and teachers to report these signs before a violent act occurs.

MISSISSIPPI YOUTH VIOLENCE AND SCHOOL SAFETY INITIATIVE



This publication looks at steps taken to ensure safe academic settings for children to learn in and the steps taken to deter youth violence.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION

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

The Juvenile Detention Alternatives Initiative (JDAI) is being replicated in Adams County, Leflore County and Washington County. The official JDAI Launch took place April 7-8, 2009 at each individual site. On April 9, 2009, key local stakeholders from the three sites and key state level stakeholders met in Jackson, Mississippi for the JDAI Kick-Off. Several representatives from the Annie E. Casey Foundation facilitated the event. The JDAI Launch and Kick-Off served as an opportunity to bring together local stakeholders and state level stakeholders to understand and commit to the goals and objectives of replicating JDAI. After more than a decade of innovation and replication, JDAI is one of the nation's most effective, influential, and widespread juvenile initiatives for justice system reform.

The Annie E. Casey Foundation recognized that effective and influential leaders – committed to juvenile detention reform as a means to achieving significant system reform in juvenile justice – are needed to accelerate the achievement of results in the field. Consequently, it established the JDAI Applied Leadership Network. The Foundation hopes the program will “grow” highly skilled, visionary leaders working to strengthen and transform the juvenile justice system. Judge Vernita King Johnson, Washington County Youth Court Judge and Errick Simmons, Washington County Public Defender were selected as members of the 2010 – 2011 JDAI's Applied Leadership Network Class. This was an honor for the two to be selected by the Annie E. Casey Foundation to participate in the rigorous leadership training. Their training will greatly benefit the juvenile reform efforts in Washington County.

In our efforts to expand JDAI into other counties, Rankin County Youth Court has been selected to be the next JDAI site. Through funding made available by a 2006 Juvenile Accountability Block Grant (JABG) from the Department of Public Safety Planning, Rankin County Youth Court will become a JDAI site. Judge Thomas Broome, Rankin County Youth Court, attended the Model Site Visit that took place in Multnomah County (Portland) Oregon in March 2010.

JDAI focuses on the juvenile detention component of the juvenile justice system and 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.

The following activities were completed in carrying out the core objectives of JDAI:

- Nineteen delegates from Mississippi participated in a Model Site Visit to Multnomah County (Portland, Oregon) on March 11 -12, 2010. The delegation included stakeholders from the three JDAI sites and state representatives.
- Over 42 stakeholders attended the Conditions of Confinement Training held in Greenville, Mississippi on June 1-2, 2010. The participants represented the areas that included: judicial, youth court, law enforcement, detention center, health, mental health, community-base, faith-base, media, prosecutors, and public defenders. There were representatives from the local JDAI site and state level.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION

THE OAKLEY YOUTH DEVELOPMENT CENTER GARDEN PROJECT

On April 8, 2010, representatives from the Office of the Attorney General, Mississippi Department of Human Services Division of Youth Services, Partnership for a Healthy Mississippi, Mississippi Department of Education, Mississippi Department of Agriculture and Commerce, Mississippi State Extension Services, Hinds County Sheriff's Office and other agencies met to discuss plans to develop a garden project for juveniles incarcerated at the Oakley Youth Development Center.

The Garden Project will expose juveniles incarcerated at Oakley Youth Development Center to the benefits of healthy eating and healthy living. Youth will realize the benefits of healthy eating and healthy living on their physical and psychological well-being through a facility-based hands-on process of selecting, planting, cultivating, growing and harvesting their own specialty crops. This project will serve as a model for other secured facilities throughout the state.

Through the Garden Project, incarcerated youth will participate in healthy behavioral modification programs; healthy eating programs, and exercise programs. Since youth will be involved in every aspect of the project, they will unknowingly apply educational tools, such as, math, science, reading, and astronomy in developing and maintaining the garden. This should give them a sense of ownership, which will benefit them when they return to their communities. They will also take with them valuable skills, which could lead to employment.

SAVE THE CHILDREN

In May 2010, the Office of the Attorney General entered into an agreement with Save the Children to implement its literacy program in the Chickasaw County School District. Save the Children is the leading independent organization creating lasting change in the lives of children in need in the United States and around the world. Recognized for their commitment to accountability, innovation and collaboration, their work takes them into the heart of communities, where they help children and families help themselves.

Save the Children's literacy program provides children in kindergarten through eighth grade with the opportunity to increase their reading achievement by supplying the tools they need to develop reading skills and the guidance and support they need to grow as readers. The hallmark of their literacy initiative is the Literacy Block, which consists of an hour of activities that support increased reading achievement including guided independent reading practice, fluency-building support and listening to books read aloud.

To provide additional reading support, staff members work with select groups of struggling readers during the school day to provide tutorials in phonics, sight word growth, comprehension and vocabulary enhancement.

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION

GANG AWARENESS TRAINING

In October 2009, the Office of the Attorney General sponsored three gang awareness training sessions throughout the state targeting law enforcement officers, school resource officers, school safety officers, and other school officials at K-12 schools, community/junior colleges and universities, youth services counselors, training school staff and "at-risk" youth program officials. The facilities at local community colleges were utilized to conduct the training session to alleviate the cost of training space.

There were more than 135 participants attending the training sessions. Participants were equipped with the tools to identify gang activity in their communities and schools; develop a plan for intervention and prevention in their schools and communities; understand the different styles and traditions of street gangs, such as "left-side" and "right-side" affiliation; understand the significance of various types of clothing and slang; and identify risk and protective factors.

The gang awareness training sessions were held at the following locations:

October 1-2, 2009

Richland Community Center
410 E Harper Street
Richland, MS

October 6-7, 2009

Northwest MS Community College – Senatobia, MS
Haraway Center
4875 North Panola Street
Senatobia, MS 38668

October 14-15, 2009

MS Gulf Coast Community College – West Harrison County Center
Administration Building, Conference Room 205
21500 B Street
Long Beach, MS 39560

On June 16-17, 2010, Chief Kennedy Meaders conducted a Gang Awareness Strategic Planning Session in Washington County. The purpose of the session was to bring awareness to the gang issue in Washington County and to discuss strategies to implement in addressing the issue. The first day consisted of only law enforcement personnel. The second day brought community leaders together to think strategically in addressing Washington County's gang issue. The meeting was very successful and ended with community leaders agreeing to reconvene to finalize workable solutions.

AG Crime Victim Compensation Division Implements New Program to Help Victims of Domestic Violence, Stalking and Sexual Assault

CRIME PREVENTION AND VICTIM'S SERVICES DIVISION

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
- 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 Youth Transitional Advisory Council
- 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 Youth Suicide Prevention Council
- Mississippians Advocating Against Underage Drinking (MAAUD) Task Force
- Children's Justice Center Advisory Council
- Interagency Coordinating Council for Children and Youth
- Interagency System of Care 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



CRIMINAL LITIGATION DIVISION

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 2010, among other various matters, the attorneys in the Appellate Section filed 281 briefs, as well as numerous miscellaneous motions and responses in the Mississippi Supreme Court and the Mississippi court of Appeals, winning approximately 89.6% of the criminal cases disposed of by the Supreme Court and Court of Appeals. This section also processed 142 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 2010, among other various matters, the attorneys in the Death Penalty litigated to conclusion the death penalty cases involving James Holland and Paul Woodward and the execution in these two cases were carried out. Holland's case involved the rape and murder of 15-year-old Krystal King. Woodward's case involved the kidnapping, rape and murder of Rhonda Crane, an employee of the Jackson County Youth Court.

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 2010, the attorneys in the Federal Habeas Section of the Criminal Division filed 248 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% of cases handled.

CRIMINAL LITIGATION DIVISION

SIGNIFICANT CASES IN FISCAL YEAR 2010

Roger Thorson v. State. Thorson, under a sentence of death for murder, claimed that he is mentally retarded and, therefore, not eligible for execution pursuant to the United States Supreme Court decision, *Aiken v. Virginia*. The Circuit Court received expert testimony and other evidence and found Thorson not to be mentally retarded.

Siegfried v. Greer, United, United States Court of Appeals for the Fifth Circuit. Siegfried sought habeas corpus claiming a denial of effective assistance of counsel. Siegfried claimed trial counsel should have struck a juror who expressed concern over homosexuality. The court found that the juror claimed she could still be impartial, and the Fifth Circuit affirmed.

Seal v. State, Circuit Court of Sunflower County. The Mississippi Court of Appeals affirmed Stephen Seal's conviction on two counts of manslaughter. Seal shot a pregnant woman. The young woman delivered a daughter after being shot but both mother and baby daughter died.

Randall Pittman v. State, Circuit Court of Perry County. The Court affirmed Pittman's two convictions murder. Pittman murdered a 67-year-old partially paralyzed man and his 91-year-old mother. Pittman was hired to perform construction work on the victims' home before he brutally beat them to death.

Gore v. State, Rankin County Circuit Court. The court sentenced Gore to fifteen years for gratification of lust for sexually molesting his 21 month old granddaughter. The trial court properly admitted evidence that Gore previously sexually molested other children.

Barfield v. State, Circuit Court of Harrison County. The Mississippi Court of Appeals affirmed Barfield's manslaughter conviction. Barfield shot and killed his ex-girlfriend, a popular high school basketball player.

Moses v. State, Washington County Circuit Court. The Mississippi Court of Appeals affirmed Moses' conviction for carjacking a car from the woman who owned it.

Sneed, et al., v. State, Circuit Court of Coahoma County. The Mississippi Court of Appeals affirmed the convictions of five men who beat another man to death.

DOMESTIC VIOLENCE DIVISION

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, 2009, through June 30, 2010.

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 19-21, 2010. 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 600 people were registered for the conference, representing law enforcement, prosecution, advocacy groups, judiciary, court clerks and probation/parole.

ONGOING LAW ENFORCEMENT TRAINING

Throughout the year, the division performed training workshops with local law enforcement agencies around the state. These training workshops are held around the state of Mississippi so that more local law enforcement will be able 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, new recruits and reserve officer classes. The total number of law enforcement officers who received training from the Domestic Violence Division staff for the period of July 1, 2009, through June 30, 2010, was 1,620.

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 22 nurses, by conducting a mock trial.

COURT CLERKS AND JUDGES

Division staff has been quite active in assisting the judicial system and providing guidance on the domestic violence laws related to the protection order process. Division staff members are regular presenters at annual judicial and court clerk conferences or association meetings, having the opportunity to train over 1,393 court personnel.

OTHER INITIATIVES

Aside from the training outlined above, the division has also been working on a number of other initiatives. Division staff continues to work 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 Protection Order Registry. Other activities of the division involved researching and making recommendations to the Legislature for improvements to the laws related to domestic violence and stalking and working with the MS Department of Education to establish pilot programs in several high schools addressing teen dating violence.

MEDICAID FRAUD CONTROL UNIT

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 health care facilities. MFCU negotiated settlements with numerous providers whose misconduct (i.e. erroneous billing, etc.) had not risen to the level of criminal fraud, but which justified payment of restitution, civil penalties and/or investigative costs. MFCU recovered \$2,084,035 in restitution and civil penalties from Medicaid providers through investigations and participation in Global (multi-state) litigation.

MFCU received numerous allegations of provider fraud and opened several for criminal investigation. Two individuals were adjudicated guilty as a result of the MFCU investigation and prosecution. Over 2,000 complaints of abuse, neglect or exploitation in health care facilities were received by the MFCU. The unit reviewed and processed each complaint and obtained convictions of 28 individuals.

In addition to the criminal prosecution and civil litigation, the MFCU provided over 100 educational programs for health care facility staff, civic clubs, professional organizations, educational institutions, planning and development districts, law enforcement agencies, and health care associations. With a total of 15 investigators assigned to the MFCU, the unit investigates allegations of neglect, abuse and exploitation of vulnerable adults and allegations of provider fraud throughout the State of Mississippi. The MFCU investigators continue to 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 are working with local law enforcement and federal agencies to address abuse, neglect and fraud.

AG gets \$100K for Medicaid



OPINIONS AND LOCAL GOVERNMENT DIVISION

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 2010, we issued over 650 official opinions. Of these more than 76% 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. Fourteen opinions were issued to Legislators.

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 approximately 5,000 hours giving general advice by telephone or email in Fiscal Year 2010. Over 500 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. Twenty-four submissions for administrative review by the United States Department of Justice were made in 2010 and all but one legislative bill had been approved as of June 30, 2010.

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

PROSECUTORS' TRAINING DIVISION

The Prosecutor Training Division of the Attorney General's Office, in conjunction with the Mississippi Prosecutors Association, identifies, develops and implements training and resource programs for prosecutors within the State of Mississippi and their supporting personnel. In addition, this division monitors criminal law as it develops in our state legislature and alerts District Attorneys, City and County Attorneys, Youth Court Prosecutors and Assistant Attorneys General regarding criminal justice legislation.

Under the direction of Attorney General Jim Hood, and the Mississippi Prosecutors Association, the curriculum and the number of classes have expanded immensely. Prosecutors Training offers two major statewide conferences every year for all prosecutors, with specialized training in up to six tracks being offered simultaneously. Each breakout track allows training sessions to target specific groups of prosecutors, i.e., youth court prosecutors, and often, narrowly tailored curriculum such as Capital Litigation Training. Beyond prosecutors, we offer training for Investigators, Victims Assistance Coordinators and Worthless Check Units. Throughout the year, our Division offers smaller conferences such as a municipal prosecutor conference and a separate district attorney and assistant district attorney conference. Our conferences are held at no cost to prosecutors, with training funds covering speakers' fees, lodging, food and travel expenses. Training funds are also used to send prosecutors to out-of-state training opportunities.

The Mississippi Prosecutors Association is governed by a Board of Directors with Assistant District Attorney Jon Mark Weathers of the Twelfth Judicial District serving as President for 2009-2010. The Prosecutor Training Division consists of Director, Camala Wyatt; Assistant, Amy Ashley; Rural Law Enforcement Prosecutor, Linda Davis, and part-time Rural Law Enforcement Prosecutor Project Officer, Cynthia McMillian.

TRAINING TRENDS

Prosecutor Training has worked diligently to provide knowledgeable and beneficial speakers to our members from the State of Mississippi, as well as national speakers. This year Prosecutor Training trained 740 prosecutors and offered sixty-six hours of Continuing Legal Education to Mississippi Prosecutors. Prosecutor Training is in its second year of funding with the Capital Litigation Grant to offer specialized training to District Attorneys, Assistant District Attorneys and Special Assistant Attorneys General in the Criminal Death Penalty Section on Death Penalty Litigation. The purpose of the Capital Litigation initiative is to provide high quality training and technical assistance to our prosecutors who litigate death penalty cases. Capital case litigation consists of two trials, a guilty phase and a penalty phase, and is governed by unique evidentiary rules and processes. Proper legal training is essential to help ensure reliable jury verdicts and minimize post-conviction litigation.

This Division continues to maintain a successful list server to assist in the exchange of information between prosecutors and supporting personnel. This includes information on expert witnesses and requests for assistance on various issues, as well as simple administrative announcements. Case updates from the United States Supreme Court, the Mississippi Supreme Court and the Mississippi Court of Appeals are sent out through the list server. The office also assists in conducting legal research as needed to include actual trial assistance.

PROSECUTORS' TRAINING DIVISION

To better equip our prosecutors and protect the residents of our state, a District Attorney State -Wide Automated Case Management System known as CRIMES has been developed and is currently undergoing the roll-out phase of implementation. This system allows District Attorneys' Offices to communicate automatically with the Criminal Information Center (CIC) of the Mississippi Department of Public Safety. Our prosecutors will use this information to share pertinent information on criminals, make crucial charging decisions and track criminals in our state.

BUILDING BLOCKS FOR PROSECUTORS: 2009-2010 CONFERENCES AND TRAINING

Separate specialized DA/ADA, Municipal and Youth Court Conferences: Every year, specialized conferences are held offering District Attorneys, Assistant District Attorneys, Municipal and Youth Court Prosecutors training in criminal matters specific to each.

Fall and Spring Prosecutors Conference: Two main conferences offer classes for all prosecutors in the State and provide technical assistance to the District Attorneys by offering training classes for Criminal Investigators, Victim Assistance Coordinators and Worthless Check Personnel. Further, these conferences offer state and national case law updates and provides training for new and senior prosecutors.

The Drug Evaluation and Classification Program: The Attorney General Office's Traffic Safety Resource Prosecutor, Molly Miller, partnering with the Prosecutor Training Division, trained forty-nine prosecutors in the second installation of the Drug Recognition Expert Training. This is an extensive training program offered to certify participants on the systematic, standardized post-arrest procedure to determine whether a suspect is impaired by one or more categories of drugs. This training is based on a variety of observable signs and symptoms proven to be reliable indicators of drug impairment.

Capital Litigation Summits: The Prosecutor Training Division of the Attorney General's Office hosted 40 hours of Death Penalty Training over a twelve-month period to Mississippi District Attorneys and Assistant District Attorneys. The goals of this initiative were to (1) increase the number of capital litigation attorneys trained in capital case procedures and strategies and (2) to ensure our prosecutors have the most up-to-date in comprehensive information available to aid them in death penalty litigation.

Domestic Violence Initiative: The Prosecutors' Training Division and the Domestic Violence Division of the Attorney General's Office, along with Equitas, a Washington, D.C. based technical assistance and training provider created to address the needs of prosecutors and allied professionals in the prosecution of domestic violence, stalking and sexual assault cases, joined forces to provide a domestic violence, sexual assault, stalking track at the 2009 Fall Prosecutors Conference. Funding for the track was provided through a Katrina supplemental grant administered by the Department of Public Safety's Public Safety Planning Division. Experts from around the country served as faculty for the track which included workshops on the non-stranger rapist, strategies for prosecuting alcohol facilitated sexual assaults, domestic violence prosecution after Crawford, Davis and Giles, strangulation, stalking and cyberstalking. In addition, in three repeated sessions, Herb Tanner with the Prosecuting Attorneys Association of Michigan offered a three-hour adaptation of his two-day "Protect & Serve" interactive virtual reality workshop, which was designed to give prosecutors a better understanding of the unique issues faced by law enforcement when responding to domestic violence calls.

PROSECUTORS' TRAINING DIVISION

Drug Recognition Expert Training: Offered in conjunction with Molly Miller, the Attorney General Office's Traffic Safety Resource Prosecutor, this session was the second installation of this very important training. Prosecutors handling drug-impaired driving cases find DRE testimony and training particularly helpful.

Counterfeit Product Initiative: The Attorney General's Office was awarded a Criminal Intellectual Property Grant, with the grant period running from October 1, 2009 to December 1, 2010. This state-specific program provided necessary training and resources for investigation and enforcement of these types of crimes. The Attorney General's Office Consumer Protection Division, in conjunction with the Prosecutors Training Division, conducted two trainings- one at the Fall 2009 Prosecutors Conference and one at the Spring 2010 Prosecutors Conference. Task force members, prosecutors, and victim assistance coordinators were trained on the investigation and enforcement of IP crimes and IP-related dangers.

Rural Law Enforcement Grant: The Attorney General's Office was awarded a grant under the American Reinvestment and Recovery Act to form the Mississippi Rural Law Enforcement Joint Task Force to improve rural community safety by enhancing criminal investigations that will, in turn, make cases more prosecutable and ultimately help retain rural law enforcement jobs. The grant proposes we accomplish this by (1) forming a task force under which departments may undertake specific criminal investigations, even crossing jurisdictional lines to share resources if needed, (2) dedicating a criminal prosecutor to provide free legal advice and case review as desired, (3) offering free training that meets continuing education requirements geared specifically to law enforcement, and (4) developing community programs that will foster trust between citizens and law enforcement. To date, the Task Force has provided thirty-two hours of training, has trained 114 rural law enforcement officers, and is currently facilitating two criminal investigations.

Youth Court Seminar: The Prosecutor Training Division offered a day long seminar offering continuing legal education and youth court hours to youth court prosecutors throughout the state. The seminar addressed many issues affecting youth court, including the new Youth Court Rules.

ON THE HORIZON

John R. Justice Grant: Prosecutor Training has applied for the JRJ grant funding administered by the individual states is an effort to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service. It provides up to a yearly maximum of \$10,000 in loan repayment for state prosecutors and public defenders. The aggregate maximum amount is \$60,000. It covers loans made under the Higher Education Act of 1965, including consolidation loans. Repayment benefits will be available on a first-come, first served basis to borrowers who agree to remain employed as prosecutors or public defenders for at least three years. The first disbursement is scheduled for October 1, 2010.



PUBLIC INTEGRITY DIVISION

SIGNIFICANT CASES:

CONVICTIONS

Rankin County Woman Pleads Guilty to Hindering Prosecution of Jackson Crematorium Owner

Angela Darlene Bishop, appeared before Judge Breland Hilburn in Hinds County Circuit Court and entered a plea of guilty to one count Hindering Prosecution. Bishop was sentenced to one-year probation and a \$500 fine to be paid to the Attorney General's Crime Victim Compensation Fund. The case will be non-adjudicated after one year if Bishop completes all of the adjudication requirements.

Incarcerated Inmate Pleads Guilty of Conspiring to Bring Contraband into the County Jail

Demon Clopton, entered a plea December 7, 2009 on three counts, before Jefferson County Circuit Court Judge Lamar Pickard. Clopton was already incarcerated in the Jefferson County Jail on unrelated charges at the time of the attempt. Clopton was sentenced to serve five years on count one, three years on count two, to run consecutive to the original five, and five years, with five suspended, on count three: for a total of eight years to serve. Clopton must also serve five years of post release supervision, pay all court costs, and pay a fine of \$500.

Former State Employee Pleads guilty to Embezzlement

Dr. Kentrell Liddell, entered a guilty plea to 13 counts of embezzlement before Hinds County Circuit Court Judge Malcolm Harrison. She was sentenced to serve 10 years in the custody of MDOC, with eight years suspended, two to serve. She also must serve five years of post release supervision for each count. Her sentences will run concurrently. Liddell must also pay \$5,000 in fines, all court costs, and the full restitution of \$94,745 to MDOC.

Former Lafayette county Coroner Pleads Guilty to Embezzlement

Lonnie Weaver, pled guilty to embezzlement before Lafayette County Circuit Court Judge Andrew K. Howorth. Weaver was ordered to pay full restitution of \$5,000 to the Mississippi Coroner's Association. He also received one year of unsupervised probation and must pay \$1,000 to the Crime Victim's Compensation Fund.

Woman Pleads Guilty For Her Role in Jefferson County Contraband Operation

Liniee Shay Winston, pled guilty to attempting to smuggle contraband into the Jefferson County Correctional Facility before Jefferson County Circuit Court Judge Lamar Pickard. Winston was sentenced to five years on five counts to run consecutively. Winston will serve the term under house arrest. The judge also ordered Winston to pay a \$10,000 fine by Monday or be subject to re-sentencing and to pay \$308.00 for court costs and a \$110.00 bond fee.

Ponotoc County Man Pled Guilty to False Pretense

Jacky Bennett pled guilty to one count of false pretense, pursuant to a bill of information. Bennett was sentenced under the non-adjudication statute to three years supervised probation and \$1,300.00 restitution.

PUBLIC INTEGRITY DIVISION

CONVICTIONS (CONTINUED):

Benton County Residents Pled Guilty to Voter Fraud

Jerry Huck Childers pled guilty to voter fraud. The Judge deferred sentencing to a later date not yet set as he agreed to provide truthful testimony against his co-conspirators.

Cooper Epps pled guilty to voter fraud. The Judge deferred sentencing to a later date not yet set as he agreed to provide truthful testimony against his co-conspirators.

David Massey pled guilty to voter fraud. The Judge deferred sentencing to a later date not yet set as he agreed to provide truthful testimony against his co-conspirators.

Stanley Maurice Warren, Jr. pled guilty to voter fraud. The Judge deferred sentencing to a later date not yet set as he agreed to provide truthful testimony against his co-conspirators.

Benton County Man Admits to Perjury in Voter Fraud Case

Larry L. "Tip" Massey, pled guilty to one count of perjury after changing the facts of his testimony in a voter fraud case. Judge Lackey sentenced Massey to five years, three suspended, two to serve, followed by three years of post release supervision. Massey was already serving two years after being found guilty of conspiracy to commit voter fraud in Benton County. The perjury sentence will run concurrent to the conspiracy sentence.

Marion County Man found Guilty of False Pretense

Randall Cunningham, was found guilty on October 16, 2009, of False Pretense. Cunningham was sentenced to seven years suspended, Drug Court and \$640 to the Victims Compensation Fund.

Hinds County Man found Guilty of Murder

Deric Bailey, was found guilty of Murder on December 10, 2009. Bailey was sentenced to Life Imprisonment.

Hinds County Woman Sentenced to the Pre-Trial Diversion Program

Erica Stimage pled to a Bill of Information and was sentenced to the Pre-Trial Diversion Program. Stimage was ordered to pay \$1,200 in Restitution.

Katrina Vance pled to a Bill of Information and was sentenced to Pre-Trial Diversion Program. Vance was ordered to pay \$1,200 in Restitution.

Dwight Mason was charged with violating the provisions of his probation and pursuant to a hearing on March 22, 2010, he paid \$13,000 the date of the hearing and was ordered to pay \$250, per month for two additional years towards total restitution of approximately \$16,000.

Two Sentenced in Benton County Voter Fraud Cases

PUBLIC INTEGRITY DIVISION

INDICTMENTS/ARRESTS:

Former Mississippi Department of Corrections Officer Arrested on charges of Embezzlement

Gerald D. Jones, Jr., has been indicted and arrested on a six-counts of embezzlement and extortion. Jones was arraigned before Judge W. Swan Yerger in Hinds County Circuit Court and released on a \$3,000 bond. A trial date has been set for September 13, 2010.

Tunica County Funeral Home Employee Indicted on charges of Embezzlement and False Pretense

Francis Powell was indicted in August 2009 on one count of False Pretense and one count of Embezzlement.

Jackson County Man Indicted for Gratification of Lust

Andrew Hunter Knight, was indicted on December 14, 2009, on one count of Gratification of Lust. The charge involved the inappropriate touching of a minor.

Former Jefferson Davis County Deputy Indicted on charges of Grand Larceny

Duane Dampier was indicted on March 8, 2010 on one count of Grand Larceny.

Former Jefferson Davis County Employee Indicted for Accessory after the Fact

Kimberly Walker was indicted on March 8, 2010, on one count of Receiving Stolen Property.

Chickasaw County Man Removed from the Board of Alderman

Thomas McNeil was removed from the office of Alderman in New Houlka, Mississippi, on December 10, 2010.

Former Marion County Police Department Captain Indicted on charges of Embezzlement

David C. Powell was indicted on December 22, 2009 on three counts of Embezzlement

Former Marion County Police Chief Indicted on charges of False Pretense and Embezzlement

Joe Van Parkman was arrested on December 16, 2009 on two charges of False Pretense and one count of Embezzlement

Adams County Man Indicted on charges of Conversion on Pre-Arranged Funeral Contracts

Theodore J. West turned himself in on July 9, 2009, after a warrant was issued for him on three counts of Conversion

DESOTO COUNTY WOMAN INDICTED FOR FALSE PRETENSE

Sweetie Wooten, was indicted on November 25, 2009, for False Pretenses by a Macon County Grand Jury.

PUBLIC INTEGRITY DIVISION

CHILD DESERTION UNIT

CONVICTIONS

Washington County Man Sentenced in Child Support Case

Eunice Austin, appeared before Washington County Circuit Court Judge Margaret Carey McCray. Judge McCray ordered Bishop to pay \$3,000 and ordered him into the custody of the Mississippi Department of Corrections for five years suspended with post release supervision and non-adjudication. Bishop must also pay an additional \$100 a month on top of his regular child support payments until the arrearage amount of \$13,000 is paid in full.

Lee County Man Sentenced in Child Support Case

Barrett Bishop was sentenced by Judge Jimmy Roberts. He was ordered to pay \$2000 today and sentenced to five years, suspended, in the custody of MDOC with Post Release supervision and non-adjudication. He is to pay an additional \$200 a month on top of his regular child support payments until the arrearage amount of \$18,000 is paid in full.

Monroe County Man Sentenced in Child Support Case

Stephen Chism was sentenced three counts of felonious non-support of a child. He is to serve five years to run consecutive, suspended non-adjudication, supervised probation in the custody of the Mississippi Department of Corrections. Chism was ordered to pay and did pay \$3000 and an extra \$175 on top of his regular child support payment plus court costs. Chism's arrearage amount of \$19,000 is to be totally paid at the end of his probation.

Madison County Man Pleads Guilty to Felonious Non-Support of a Child

Isiah Golden pled guilty to felony non-support of a child before Madison County Circuit Court William Chapman, III. He was sentenced to five years in the custody of the Mississippi Department of Corrections, two years to serve and three years probation. Golden will have to pay \$300 a month during his probation until the total arrearage of \$20,000 is paid.

Jackson County Man Pleads Guilty to Felonious Non-Support of a Child

Charles Hewlett was sentenced for felony non-support of a child before Jackson County Circuit Judge Kathy King Jackson. He was sentenced to five years in the custody of MDOC with all five years suspended and five years probation. Hewlett will have to pay an extra \$150 a month on top of his regular child support obligation during his probation until the total arrearage of \$17,000 is paid in full. He paid \$3770 toward his child support arrearage before sentencing.

Harrison County Man Sentenced in Child Support Case

Edward Kopszywa was sentenced by the court to five years, with four years, ten months and 20 days suspended/post release supervision, leaving 41 days to be served in the custody of MDOC. Was ordered to pay 3k immediately, an extra \$100 on top of his regular child support payment and court costs.

PUBLIC INTEGRITY DIVISION

LeFlore County Man Sentenced in Child Support Case

Dexter Pernell was sentenced for felony non-support of a child before LeFlore County Circuit Court Judge Margaret Carey-McCary. Pernell was sentenced by the court to five years in the custody of Mississippi Department of Corrections, with five years suspended and five years probation. The defendant was ordered to pay an extra \$100 on top of his regular child support payment of \$250 a month, for the first year. After the first year, the defendant is ordered to pay an extra \$150 on top of his regular child support obligation of \$250 for the remaining four years. Pernell's arrearage amount of \$20,000 is to be paid in full by the end of his probation

Attorney General Prosecutes Deadbeat Dad

INDICTMENTS

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

- Stephen Scales, indicted in Scott County with a child support arrearage of \$61,000
- Eunice Austin, indicted in Washington County, with a child support arrearage of \$12,0000
- Charles Hewlett, indicted in Jackson County, with a child support arrearage of \$17,000
- Edward Kopszywa, indicted in Harrison County, with a child support arrearage of \$13,000
- Patrick Scoggins, indicted in Smith County, with a child support arrearage of \$22,000
- Stephan Chism, indicted in Monroe County, with a child support arrearage of \$15,000

PUBLIC INTEGRITY DIVISION

VULNERABLE ADULTS 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 person. A vulnerable person 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 2250 complaints of exploitation, neglect or abuse against vulnerable persons during the Fiscal Year 2010. The unit is staffed by one attorney and two investigators and an administrative assistant. In addition to prosecuting crimes against vulnerable persons, 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 Souther 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 persons. Included in the felony prosecutions:

The following were charged and/or convicted of various crimes:

Rodney Windham was convicted in Union County on two counts of exploitation of a vulnerable person. Windham was sentenced to two concurrent sentences totaling ten years in the custody of the Mississippi Department of Corrections, five years were suspended. He will also have five years of post release supervision. Windham is expected to pay for court costs and was assessed a \$500 fine to be paid to the Victim Compensation Fund.

Valeria Knight was convicted in Forrest County on one count of exploitation of a vulnerable person. She was sentenced to ten years in the custody of the Mississippi Department of Corrections with five years suspended. Knight will also be responsible for her court costs.

Minnie Sheriff was convicted in Hinds County on one count of embezzlement and forgery. She was sentenced to ten years in the custody of the Mississippi Department of Corrections with 5 years suspended and five years on house arrest. She will also be responsible for \$9000 in restitution and all court costs.

Ricky Caples was convicted in Tallahatchie County on four counts of exploitation He was sentenced to ten years with eight suspended and two years to serve in the custody of the Mississippi Department of Corrections. Caples will also have to serve three years of supervised probation and five years unsupervised. He is responsible for the payment of \$5000 in restitution and \$500 to the Attorney General's Office Victim Compensation Fund.

PUBLIC INTEGRITY DIVISION

VULNERABLE ADULT UNIT (CONTINUED)

INDICTMENTS

The following people were indicted on one or more Felony counts:

- Hazel Emmons, indicted in Jones County for exploitation
- Brian Thomas, indicted in Winston County on sexual and physical abuse charges
- Godiva Fox, indicted in Lowndes County on physical abuse and exploitation charges
- Ricky Caples, indicted in Okitbbeha county for exploitation
- Hershel Ross, indicted in Tallahatchie County on for exploitation
- Terry Ashmore, indicted in Tallahatchie and Attala County Charges for exploitation
- Allen Lightsey, indicted in Oktibbeha County for exploitation
- Michael Reese, indicted in Tallahatchie County for exploitation
- Hershel Ross, III, indicted in Tallahatchie County for exploitation
- Patricia Newcomb, indicted in Winston County for exploitation

The unit also 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/or exploiting vulnerable persons.

**AG Prosecutes Jackson Residents
for Crimes Against Elderly**

PUBLIC INTEGRITY DIVISION

The Insurance Integrity Enforcement Bureau (IIEB) 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, the IIEB has had strong positive interaction with the National Insurance Crime Bureau, as well as, numerous local, state, and federal entities in the course of fighting fraud within the state of Mississippi.

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

Yazoo County Staged Accident Ring

Terrance Wade, his twin Terry Wade, Melissa Gates, Kildrick Deering, Kevin Jones, Lorenzo Deering, Jeraldvick Adams, and Connie Stewart were all convicted of Attempted Insurance Fraud following a staged accident the group created on Mississippi Highway 432 during August of 2008. The group towed a disabled vehicle to the scene and struck it repeatedly with another car. The group then laid by the roadside waiting for a passerby to call for help. The group failed, however, to remove the tow-chain from the disabled vehicle's front axle. Observant first responders discovered the chain and were able to provide excellent assistance to IIEB investigators.

Lowndes County Man Indicted on Insurance Fraud

Dr James Donovan, age 63, of the Donovan Chiropractic Clinic in Columbus turned himself in to the Lowndes County Sheriff's Office after being indicted by a Lowndes Grand Jury on four counts of insurance fraud. The indictment alleged that Donovan made false or fraudulent claims on the insurance policies of four patients totaling more than \$3,500. The crimes are all alleged to have occurred between January 1, 2007 and March 23, 2008. If convicted, he faces up to 12 years behind bars, a \$20,000 fine and reimbursement expenses.

Tylertown Resident Pleads Guilty to Insurance Fraud

Larry Gatlin, age 53, of Tylertown, was arrested and pled guilty to a single count of Attempted Insurance Fraud. On September 18, 2008, Gatlin was alone driving a commercial vehicle when he claimed the brakes failed. Gatlin jumped from the moving vehicle injuring his ankle. As he jumped, his vehicle continued in the direction of a family residence. Thick brush and a small ditch stopped the vehicle before it was able to strike the occupied dwelling. Afterwards Gatlin submitted an insurance claim in which he stated that the vehicle was being driven by a fictitious individual. His insurer had barred him from driving as a condition of the insurance policy. Investigation showed that Gatlin was in fact the driver of the vehicle at the time of its collision. He pled guilty and was sentenced to serve time concurrent to additional charges of false pretense brought by Walthall and Pike Counties. (July 1, 2009-June 30, 2010)

**Four Sentenced in Yazoo County
For Staging Car Accident**

PUBLIC INTEGRITY DIVISION

CYBER-CRIMES UNIT

- Opened 105 new investigations
- Indicted 10 individuals
- Made over 60 arrests in Fiscal Year 2010
- Convicted five defendants
- Responded to 161 requests for public assistance
- Responded to 120 technical assistance inquiries from state law enforcement agencies

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 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.

Operation Fairplay Arrest Results in Another Child Resuce

PUBLIC INTEGRITY DIVISION

INTERNET CRIMES AGAINST CHILDREN

The Mississippi Attorney General's Internet Crimes Against Children Cyber Crime Unit is a multi-jurisdictional, multi-disciplinary agency covering 82 counties. The unit is dedicated to its mission of proactive and reactive investigations, the forensic analyses of electronic evidence, the prosecutions of technological crimes against children and the education of law enforcement and the public. The Internet Crimes Against Children section of the unit (ICAC) implements strategies for the detection of internet crimes against children by engaging in on-line undercover operations, conducting on-line peer precision searches of ongoing criminal activity, and by expanding technical assistance to law enforcement and prosecutors. The ICAC teaches and mentors law enforcement students in its training facility that connects 16 laptops to the Internet at a time. The ICAC partners with the Hinds County Sheriff's Office and the Children's Advocacy Center on training for the forensic interviews of children through the Finding Words program.

The forensics lab under ICAC standards performed 130 examinations on 52 separate requests for a total of approximately 17 terra bytes of data that were analyzed including the following media: 57 computers, 47 cellular devices, 429 other external media, and 579 optical disks.

Since the ICAC unit was established with the 2007 DOJ award, the unit now has 36 local, state and federal law enforcement, affiliate agencies and multi-disciplinary partners. The focus of ICAC investigations is now both reactive and proactive, particularly with the addition of the Wyoming Toolkit software to our statewide fight against sexually explicit electronic crimes against children.

ICAC investigators and prosecutors attended the National Association of Attorneys General training in Oxford, Mississippi on Operation Fairplay taught by Flint Waters and TLO, and the software is now being used to apprehend criminals in the state who not only share and collect images of known child pornography but those perpetrators whose files indicate that a child may be in danger of grooming and/or meeting in real life with the perpetrator. The initial searches using the new software found a group of 2,000 offenders, and the unit is now actively pursuing the cases, particularly the ones who are the most egregious in having series of images and grooming images that are being shared.

The number of ICAC cases has increased, and they are given priority since there may be a child involved. In Fiscal Year 2009 the unit made 51 ICAC cases and 88 ICAC related cases in 2010. With the addition of Operation Fairplay software and proactive investigations, the number of investigations promises to increase leading to increased forensic exams and prosecutions. In July 2009, the unit was included in the state funding received from fines, and the unit will receive a dollar from each traffic ticket issued.

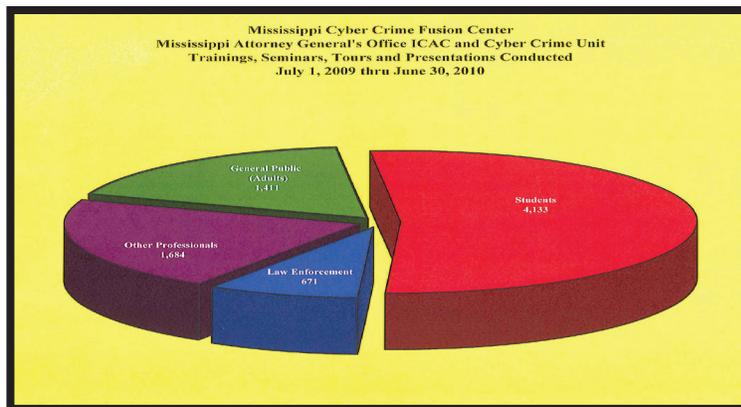
The work of the unit has continued to grow. Not only has the number of cases to be forensically analyzed increased, but the amount of data to be analyzed has also increased from an exam of a single hard drive to an examination of multiple hard drives, multiple thumb drives, and cellular phones in a single case. For example, in 2010, the unit processed 52 cases on 130 pieces of electronic media. Cases in which a live child is at the home or there is evidence of physical abuse of a child, take priority in the forensics lab. Unfortunately, analysts are finding that offenders who share files in open networks are more sophisticated than offenders who only chatted and sent webcam pictures; file sharing offenders store their collections of child pornography on thumb drives, in hard drives with terabyte storage capacity, or wipe their drives. Obviously, the amount of media to be examined on a case, increases the amount of time needed to analyze the data for prosecution.

PUBLIC INTEGRITY DIVISION

With the rise in criminal activity on the internet, the Office of the Attorney General has made it a priority to educate Mississippians about the dangers of cybercrime. The safety of children on the internet is seen as a matter of critical importance, and Attorney General Jim Hood has devoted the resources of his office to insure that Mississippi's children will be safe from internet predators. Educational seminars, speeches, and professional trainings are offered across the state by professionals in the Cyber Crime Unit of the office. In addition, the Cyber Crime Unit ICAC's mission is to investigate and prosecute those who prey upon Mississippi's children using computer and internet technology. In an effort to reach adults and children with critical messages about internet safety, members of the ICAC unit have traveled across the state making presentations to civic, school and church groups, as well as training professionals on the dangers inherent in technology.

In the fiscal year July 2009 through June 2010 members of the ICAC Unit made presentations to over 68 groups in 28 different communities across the state. Internet safety presentations were given to 4,133 students, 1,411 adults, 671 members of law enforcement and 1,684 other professionals, for a total of 7,899 persons across Mississippi who were educated on the critical issue of online child exploitation.

Topics covered in the various trainings included Internet Safety (for children, tweens, teens and adults), Cybercrime, Cyberbullying, Sexting, Computer Forensics, Online Grooming, Child and Adolescent Vulnerabilities to Online Crime, Illegal Downloads, and Human Trafficking. With the passage of the new bullying law, the cyber unit will train teachers and students on alternative ways of combating bullying and cyber bullying.



In addition to the trainings listed above, the ICAC Unit has initiated a project to identify Mississippi children who have been victimized by child pornography and whose images have been shared on the internet. Partnering with the State Department of Children and Family Services, the ICAC Unit is asking all child protection workers to review their case loads for any potential victims. In addition, the ICAC unit is enlisting the help of federal, state, and local prosecutors to identify victims. The ultimate goal of the project is to attempt, with the use of investigative techniques, to identify the images as they are traded.

Once identified, requests will be made of ISPs to remove the images from their computers.

The Attorney General is also working other Attorneys General and with Internet Service Providers to stop the transmission of child pornography on the Internet and actively participates in national initiatives on illegal downloading of music and the National Association of Attorneys General's social network executive committee on MySpace and Facebook.

PUBLIC INTEGRITY DIVISION

ALCOHOL & TOBACCO ENFORCEMENT DIVISION

- **Tobacco and Beer Enforcement Checks.** During the last fiscal year, the Division conducted 7,418 tobacco enforcement checks and 7,121 beer enforcement checks.
- **Retailer Training** Recognizing that proper training of clerks is an important component in reducing the availability of age restricted products to minors, the Division has continued to conduct retailer training sessions. The Division conducted 55 retailer training sessions in which approximately 628 Managers and Clerks were trained.
- **Beer Permit Suspensions** 63 cases were referred 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 fine of \$1,000.00.

OVERALL STATISTICS FOR ALCOHOL AND TOBACCO UNIT:

Tobacco Compliance Checks

Year	Number of Checks	Buy Rate
2001	7,343	9%
2002	8,682	7%
2003	7,130	7%
2004	7,889	6%
2005	7,742	4%
2006	5,665	5%
2007	5,172	5%
2008	8,222	4%
2009	7,418	4%

The first month that the division conducted tobacco compliance checks, the buy rate was 38%.

Beer Compliance Checks

Year	Number of Checks	Buy Rate
2001	6,773	14%
2002	7,502	10%
2003	6,814	10%
2004	7,068	8%
2005	6,578	5%
2006	5,604	7%
2007	4,627	8%
2008	6,913	5%
2009	7,121	3%

The first month that this Division conducted beer compliance checks, the buy rate was 26%. Over the past nine years, a total of 289 cases have been turned over to the Tax Commission for beer permit suspension and 400 retailer training sessions have been conducted with 6,515 clerks trained.

PUBLIC INTEGRITY DIVISION

DUI UNIT

The DUI Unit is part of the Public Integrity Division of the Office of the Attorney General. The unit is staffed by one attorney, a part-time office assistant, and a part-time legal intern. The Traffic Safety Resource Prosecutor (TSRP) operates under a grant from the Office of Highway Safety/Department of Public Safety Division of Public Safety Planning. The purpose of the TSRP is to serve as both a resource and as a liaison, while providing technical legal assistance and training to all the State's prosecutors, law enforcement officers, and judges.

The TSRP coordinates the training of all state prosecutors on traffic safety issues, primarily DUI prosecutions, and provides legal assistance on matters related to such cases. Such assistance includes, but is not limited to: assisting with pre-trial investigations; upon request, serving as lead or second chair or assisting in the prosecution of DUI, vehicular homicide, or DUI maiming cases; researching motions; writing briefs; drafting DUI legislation; writing and updating the DUI Manual; and preparing a biannual newsletter regarding "hot topic" issues of highway safety. The TSRP also coordinates joint training of prosecutors with their local law enforcement officers by corroborating with the Mississippi Law Enforcement Liaison's Office. The TSRP is available daily to prosecutors, law enforcement, and judges should the need for assistance in traffic related cases arrive. On average, the Unit handles approximately six (6) technical/legal calls daily regarding DUI cases or DUI related issues across the state.

The TSRP works with the Mississippi Highway Patrol to provide in-service training for Mississippi's State Troopers regarding report writing and testimony training. In the past year, approximately 400 MS Highway Patrolmen went through Standardized Field Sobriety Testing training, and the TSRP handled the legal section of the 14 training classes.

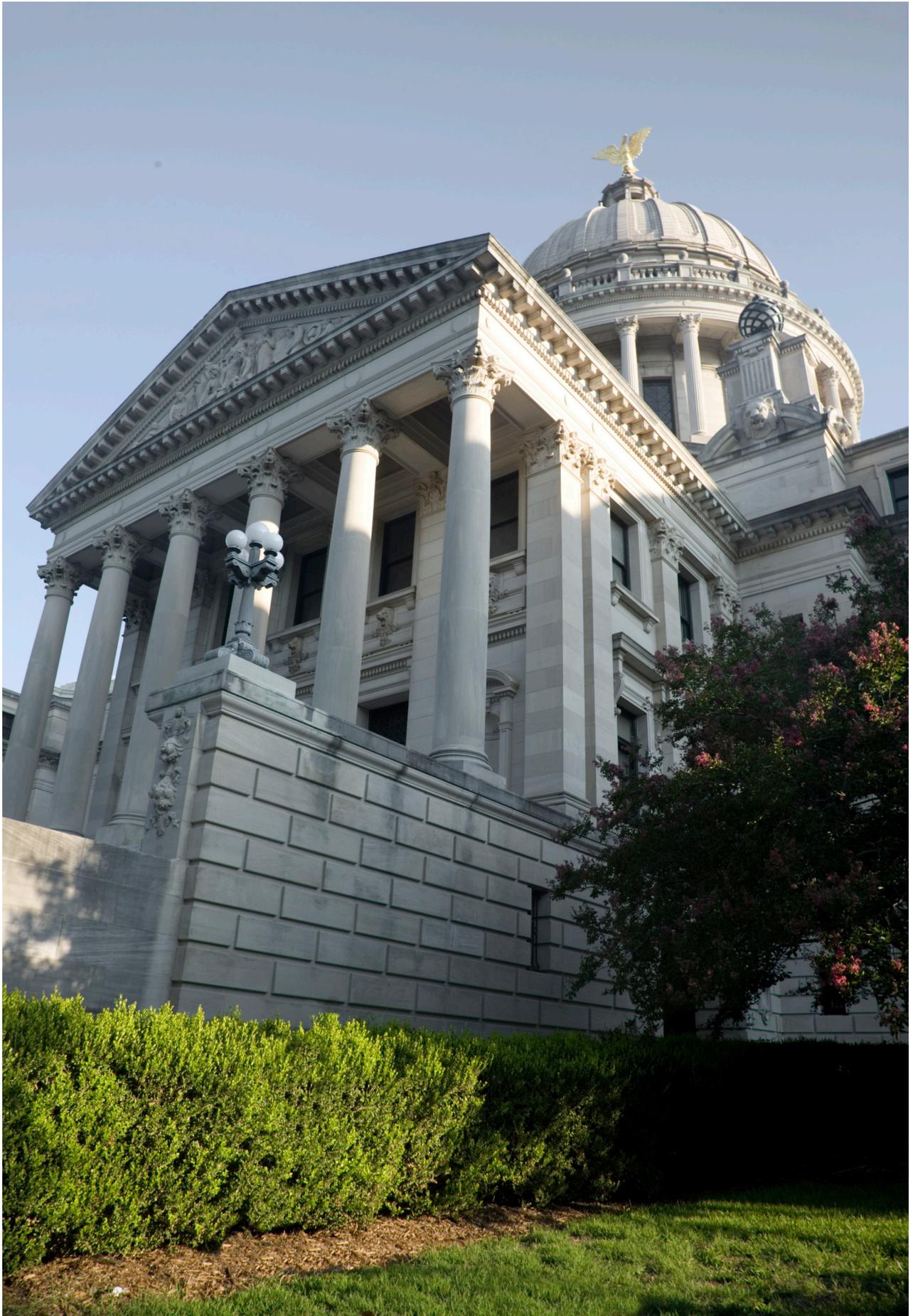
The TSRP also teaches on a regular basis at the Mississippi Law Enforcement Training Academy to the Basic Recruit Class. Upon request, the TSRP also provides DUI In-Service training to law enforcement agencies. Additionally, the TSRP provides testimony training to law enforcement officers in conjunction with every Standardized Field Sobriety Training class provided and taught by the Mississippi Law Enforcement Liaison's Office. The TSRP also works in conjunction with the Mississippi Judicial College to provide legal training and case law updates on DUI & traffic related issues to the municipal and justice court judges statewide.

The TSRP participates in numerous traffic safety organizations and trainings both statewide and nationally including the MS Association of Highway Safety Leaders, STORM (Sobriety Trained Officers Representing Mississippi), National Conference on Highway Safety Priorities (Lifesavers), and the International Assoc. of Chiefs of Police Training Conference on Drugs, Alcohol, and Impaired Driving.

PUBLIC INTEGRITY DIVISION

In the past fiscal year, the TSRP provided DUI training to approximately 2,000 judges, prosecutors, and law enforcement officers, including:

- Nineteen Cops in Court Trainings statewide at the Law Enforcement Liaison Office's Standardized Field Sobriety Training classes. These trainings involved basic DUI law, as well as, mock trial simulations;
- Four Basic DUI classes and Rules of the Road to Basic Recruit Classes at the MS Law Enforcement Officer's Training Academy in Rankin County, MS;
- Mississippi Highway Patrol SFST training – this eight month project involved training approximately 400 MS Highway Patrolmen in basic DUI law, as well as, mock trials in preparation for courtroom testimony;
- Provided Legal Updates on recent DUI and traffic-related case law at the Fall and Spring Prosecutors Conferences;
- Introduction to ARIDE (Advanced Roadside Impairment Driving Enforcement), the DRE (Drug Recognition Expert), and the 12-Step Evaluation Process for the Drugged Driver at Fall Prosecutors', Sheriff's, and Trial & Appellate Judges' Conferences;
- Protecting Lives Saving Futures DUI (three-day) Training at the Spring Prosecutors' Conference;
- Provided Legal Updates on recent DUI and traffic-related case law at the Fall and Spring MS Judicial College's Justice Court Judges Conferences;
- Provided a Legal Update on recent DUI and traffic-related case law at MS Judicial College's Summer Municipal Judges Seminar;
- Wrote and distributed the DUI newsletter, DRIVEN;
- Underage Drinking presentations to schools and churches;
- Attended National Highway Traffic Safety Administration's (NHTSA) National SFST Assessment Facilitator Training;
- Updated the DUI Manual for judges, prosecutors, and law enforcement officers.



AGRICULTURE DIVISION

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, Fair Commission and the Mississippi Livestock Show.

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.

The Consumer Protection Division of the Department of Agriculture works to ensure that the consumer receives a quality product that bears accurate identity, quantity and cost information. This division inspects 2,300 food establishments each year to check for compliance with labeling and sanitation regulations. This office drafted the Country of Origin Labeling regulations that will apply to labeling of food in grocery stores. The legal staff issued a cease and desist order to one retail food establishment for sanitation violations.

The Petroleum Products Division of the Department of Agriculture works to ensure 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 Petroleum Division calibrates all gasoline pumps, pulls samples of gasoline for octane analysis and requires registration of all petroleum products. The Division monitors and regulates 3,366 retail outlets that sell gasoline and other petroleum products. This year our attorneys prosecuted several administrative complaints against retail dealers or distributors, resulting in the assessment of \$41,700 in civil penalties.

The Department of Agriculture has the responsibility to regulate the pesticide industry. This office prosecuted three pesticide cases administratively this year resulting in the collection of \$19,000 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 \$34,000,000 in loans and grants for 50 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, resulting in loans in the amount of \$1,575,000. The office also handled the foreclosure of a block of manufacturing equipment and the subsequent deficiency suit.

The board conducted an administrative proceeding to adjudicate the distribution of the assets of an insolvent grain warehouse in which the claims of the farmers exceeded the amount of the warehouseman's bond; the case went through two courts along the way to final adjudication.

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 nearly 4,000 employees who have the responsibility of overseeing over 40,000 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 Title VII discrimination cases filed by employees to conditions of confinement cases filed by inmates. Mr. Scott represents the department in all personnel matters filed with the Employee Appeals Board, Equal Employment Opportunity Commission, Employment Security Commission, and U.S. District Courts. Ms. Mapp is involved in the representation of the Department in both employee and inmate litigation, assisting in trial preparation, attending hearings, and preparing motions and briefs.

MISSISSIPPI DEVELOPMENT AUTHORITY

Waverly A. Harkins 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

For the Fiscal Year 2010, Kathy Boteler, Leigh Patterson and Raina Lee served as legal counsel to the State Department of Education and the State Board of Education, which includes 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. 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 Department provided counsel as financial, educational and safety concerns were addressed in the Okolona Municipal Separate School District and Sunflower County School District which led to a declaration of a state of emergency by the Governor and the take-over of those school districts by the Board and Department. And, attorneys for the Department continue to counsel the Board and the Department in their efforts after the declaration of a state of emergency and the take-over of the North Panola School District, Hazlehurst City School District, Indianola School District and the Tate County School District.

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. By the December 1, 2010 Child Count, local school districts and the Department are responsible for obtaining substantial compliance with the provisions in the Consent Decree related to (1) Child Find for Other Health Impaired and Emotionally Disturbed students and (2) African-American students being disproportionately identified as Educable Mentally Retarded and Specific Learning Disabled. The Department of Education attorneys have worked with the Office of Special Education to obtain substantial compliance with the provisions of the Consent Decree. Attorneys continue to advise the Office of Special Education with regard to the State Performance Plan and Annual Performance Reports filed with the United States Department of Education pursuant to the Individuals with Disabilities Education Improvement Act of 2004.

DEPARTMENT OF FINANCE AND ADMINISTRATION

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

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, 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 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.

Goodwin 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. Goodwin 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. Goodwin 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, and Fleet Management, 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

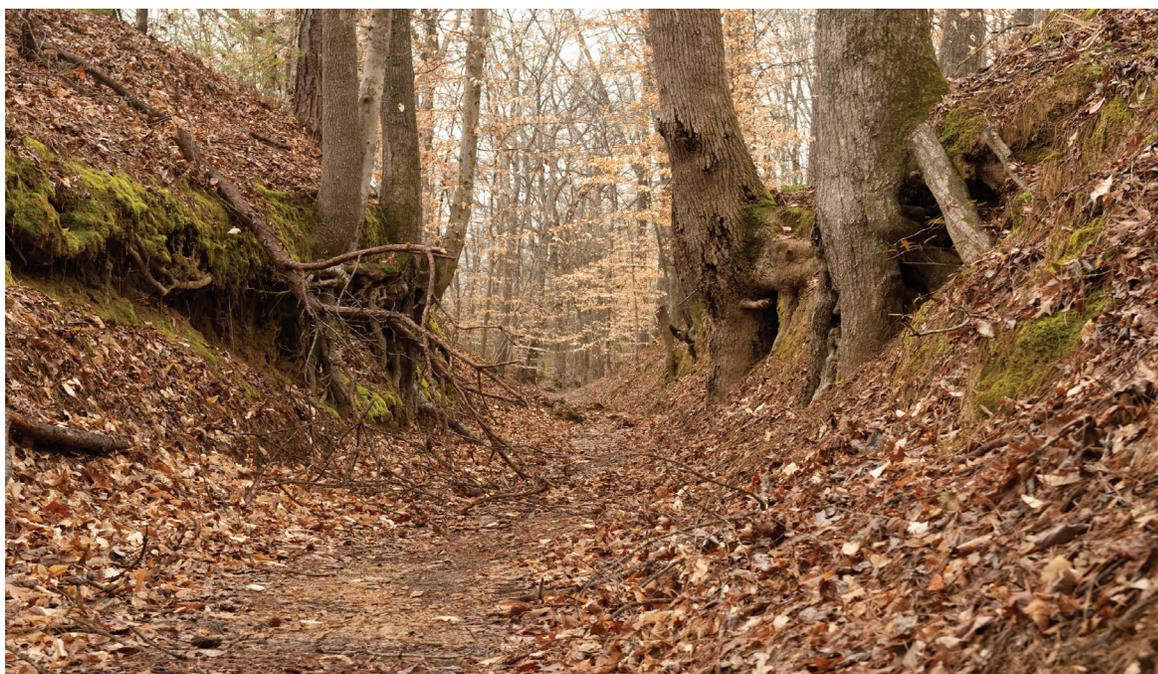
The Forestry Commission offers a variety of forest management services to private and non industrial land owners. The Commission also actively manages much of Mississippi's public timberland, including 16th Section school lands and State Parks. The Forestry Commission by statute has the primary duty 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

Special Assistant Attorney General Richard Compere provides 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. Compere assists with all aspects of personnel actions and discipline and with questions regarding the purchasing laws and procedures. He is involved as needed with questions regarding the interpretation of the regulations dealing with payroll, bid laws, ethics laws and contract disputes and reviews 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 16th 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



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 2010 fiscal year was as active for the division as any previous year with staff and office changes, rebuilding efforts on the Coast continuing, other gaming venues continuing to grow, and the State adapting to both new gaming laws and technologies.

During 2010, Gaming Control attorneys represented the Commission in the revocation of gaming work permits and in the appeal of denials of applications for gaming work permits. In addition, the division advised the Commission on numerous requests for unanimous approval of work permit applications. During this period, an increased number of disputes between patrons and casinos were handled by the division. Of these disputes, close to a dozen 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 division also assisted as the Mississippi Gaming Commission issued 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 division attorneys advised the Commission in conducting its hearings and in imposing this disciplinary action when appropriate. 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"). Several of these cases were reported in the media.

Gaming Control is actively participating in a number of litigation matters arising from Commission decisions as well as involving state gambling laws. Several decisions to deny an applicant a work permit have been appealed and are 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. 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.

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 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 intervention and 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 bioterrorism 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 2010, the Human Services Division:

- Reviewed, revised, drafted, and/or negotiated more than 1,074 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 \$291,569,900.45 for 2010 for the children and families of Mississippi. This is an increase of \$5 million over FY 2009.

Federal stimulus funds were used to contract Young-Williams law firm to collect child support for MDHS in several counties throughout the state. Because of this contract additional children are receiving support from previously non supporting parents.

OFFICE OF CHILDREN AND YOUTH

The Office for Children and Youth (OCY) provided services to 46,254 children through the 77 subgrants administered during the 2010 FY.

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 1,998 clients. Thus far there are 36 programs covering 48 counties.

Attorneys administered legal reviews for 25 requests for proposals as well as provided monitoring and technical assistance relating to the Agreement between the United States Department of Justice and the State of Mississippi

HUMAN SERVICES DIVISION

DIVISION OF COMMUNITY SERVICES

Subgrants between the Division of Community Services and community action agencies/human resource agencies, allowed MDHS-DCS to provide assistance to the elderly, disabled, and children through Weatherization, CSBG, and LIHEAP programs.

- For state fiscal year 2010, the Weatherization Program provided assistance to a total of 3,934 homes. This amount includes regular weatherization and ARR weatherization.
- In addition, The Division of Community Services also assisted over 184,987 people through its LIHEAP and CSBG programs.

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 2010, 367 new TPR cases were referred to this Division. Human Services attorneys obtained court orders terminating parental rights for 376 children.

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

- Six vulnerable adults cases
- Seventy-one administrative fair hearings. These hearings involved persons whose names appeared on MDHS' Child Abuse/Neglect Central Registry
- Two hundred twelve 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 33 personnel cases for MDHS
- Responded to more than 161 subpoenas and summons
Responded to 137 open public records request
- Processed over 286 writs of garnishments and other wage withholding matters
- Represented the Department in response to eight cases filed in the U. S. Bankruptcy Court

OAKLEY TRAINING SCHOOL AND COLOMBIA TRAINING SCHOOL

During the last 12 months, Oakley Training School has maintained compliance in the areas of Medical and Dental Services and Special Education Services while continuing to work on improving services in the areas of Protection from Harm, Suicide Prevention and Mental Health. In May 2010, the Department of Justice and the State of Mississippi renegotiated the Consent Decree and the Memorandum of Agreement and reduced the number of provisions from 73 to 23. In addition, the areas of Medical and Dental Services and Special Education Services were closed due to the State's compliance with those provisions for over one year.

INFORMATION TECHNOLOGY SERVICES

During the past fiscal year, Mrs. Rogers, drafted and/or negotiated 263 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 benefit transfer system for the Mississippi Department of Human Services; a decision support system for the Mississippi Office of Insurance, and a petroleum tax filing and auditing system 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

The Attorney General's Insurance Division represents the Mississippi Insurance Department. The Department primarily regulates the business of insurance in the state, and is responsible for administering Title 83 of the Mississippi Code. There are currently some 1700 insurance companies and 90,000 insurance producers (agents or agencies) licensed to do business in the state. The Department also regulates bail bondsmen, with over 1700 licensed professional bail agents, bail soliciting agents and bail enforcement agents licensed in the state.

The chief officer of the Department is the Commissioner of Insurance, who also serves as the State Fire Marshal. The State Fire Marshal's Office, a law enforcement entity and a division of the Department, is directed by the State Chief Deputy Fire Marshal. This Office conducts arson investigations and fire code inspections throughout the state. Its administrative authority extends to factory-built homes, residential electronic protection systems, and liquefied compressed gas systems. Further, the Office oversees Fire Services Development, Fire Safety Education and pyrotechnics permits. The State Fire Academy is also a division of the Department. The Academy, which is located on an eighty-five acre complex in Rankin County, trained over 16,000 students last year.

The Insurance Division at the Department is made up of Special Assistant Attorneys General Joel R. Jones, Kim Causey, Stephanie Ganucheau, Linda Boozer, Michelle Partridge, and three Department staff attorneys. The Insurance Division advises and represents the Department on all matters within its purview, particularly financial and market conduct examinations, producer and insurer disciplinary actions, administrative hearings, drafting of regulations and bulletins, insolvency proceedings (rehabilitations and liquidations), fraud investigations; consumer complaint resolution, and mergers, acquisitions and redemptions of insurers.

The Insurance Division is also involved in ongoing matters related to Hurricane Katrina, such as development of the Wind Mitigation Program for the Gulf Coast and insurance waiver certifications for FEMA public assistance applicants.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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

Legal Counsel for the MDMR/MCMR continues to deal with the aftermath of Hurricane Katrina, addressing many issues in conjunction with various disaster relief projects. Legal Counsel has reviewed the program requirements, project bids and contracts for several upcoming rebuilding projects also in conjunction with hurricane recovery.

During the end of this time period, legal counsel began dealing with the Deepwater Horizon Oil Spill by reviewing contracts, making daily updates and attending coordination meetings between various state and federal agencies and officials.



DIVISION OF MEDICAID

Six Special Assistant Attorneys General, Jeremy Litton, Bill Mounger, Chuck Quarterman, Reed Toms, Elizabeth Carr, Nicole Litton and two administrative assistants, Pam Thomas and Saranne Smith, provided legal services to the Division of Medicaid during FY10. The Division of Medicaid, with over 900 employees, has a total budget of over \$4,000,000,000 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 300 active files and have successfully recovered over \$1,308,000 for the agency during FY 2010. The attorneys working in the estate recovery area have approximately 1,000 active files and have successfully recovered over \$1,425,000 for the agency during FY 2010.

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, the agency and the attorneys continue to assist special counsel retained by the Office of the Attorney General to pursue State claims against pharmaceutical manufacturers concerning prescription drugs, including AWP and Vioxx. During the fiscal year, the lawsuit involving Zyprexa, in which the Division actively participated, was settled.

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 Gretchen Kimble serves as General Counsel to the Mississippi State Personnel Board (MSPB). As general counsel, Ms. Kimble provides legal advice to the MSPB, the Personal Service Contract Review Board (PSCRB) and the Employee Appeals Board (EAB). Ms. Kimble assists the MSPB and its Executive Director in performing their statutory responsibilities and developing regulations and procedures for personnel policy. Ms. Kimble provides legal advice regarding the application of state and federal law to MSPB policy and assists state agencies and employees with specific employment and human resource issues, including personal and medical leave issues, wage and hour practices, accommodation of disabilities and employee discipline, evaluation and separation. Ms. Kimble analyzes all legal services contracts submitted to the MSPB for approval, and represents the MSPB in any litigation matters in all courts. Ms. Kimble also assists the MSPB in developing and drafting proposed rules and regulations of the MSPB and serves as a liaison between the MSPB and the Office of the Attorney General.

As counsel to the Personal Service Contract Review Board, Ms. Kimble reviews all personal and professional service contracts with state agencies in excess of \$100,000.00 to ensure compliance with state law and PSCRB procurement regulations. Ms. Kimble provides legal advice to the PSCRB and assists the PSCRB in the development and implementation of policies and procedures regulated state agency procurement of personal and professional services.

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 \$12,018,572 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 Attorneys General Jane Mapp and Katie Trundt serve 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. Mapp and Ms. Trundt's responsibilities include: ensuring the governmental status of entities for requesting membership in the System; drafting of contracts; assisting outside counsel on securities cases; assisting the third party administrator for the Deferred Compensation Program address legal questions relative to the Plan as well as ensuring that federal guidelines are satisfied; assisting in personnel matters; providing necessary assistance to the Civil Litigation Division on cases involving the Retirement System, and representation of PERS at administrative hearings and in Circuit Court and Supreme Court appeals relative to disability claims and membership service claims. Presently there are 32 appeals before the Circuit and/or Supreme Court.

Ms. Mapp and Ms. Trundt also assist the Personnel Director with issues relative to employee relations; respond to opinion requests relative to the Retirement System and the programs it administers; offer advice and assistance in drafting legislation and agency regulations; and assist the staff within the Retirement System, as well as staff from other agencies, respond to questions regarding the application of the statutes which govern the administration of PERS and the separate plans it administers. Issues 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 369 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 unmaturing 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. She has also provided legal assistance to the Business Regulation and Enforcement Division in regard to a cemetery receivership. Ms. Parkes handles employee appeals board hearings for the Secretary of State. 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 seven Special Assistant Attorneys General full time and two others on a part-time basis under its contract with the Commission. They assist the agency in implementing its 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 citizens of the State.

The Department of Transportation also employs one staff attorney who is housed in the Transportation Division, as well as four attorneys who act in an administrative capacity around the state: 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 two paralegals, one legal secretary, two part-time receptionists, and a law clerk working on direct contract with MDOT.

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 \$1,086,183.08 under its contract with the Attorney General. It also paid \$1,111,304.12 to eleven different firms for eminent domain work; \$408,141.84 to six firms for title and closing work related to property acquisition; and \$260,260.64 to some eight different law firms, expert witnesses, forensic accountants, and related litigation support firms in bond issues, admiralty, workers' compensation, and various other types of lawsuits.

The division has continued to take on increasingly complex litigation in house, including multimillion dollar construction claims and a twenty million dollar suit filed against the Commission by Madison County. With the assistance of an outside Admiralty attorney the division recovered \$1,602,593.99 from Signal International for damages to the Interstate 10 Bridge during Hurricane Katrina, and is pursuing a claim in the U.S. District Court for the Eastern District of Louisiana against Southern Towing, Inc. for damages to the Popps Ferry Bridge in Biloxi. Special Assistant Attorney General Margaret Ellis is involved in the ongoing tobacco litigation.

During the year, former law clerk Rodney Love passed the Mississippi Bar, and was immediately employed by the Department of Transportation as a staff attorney. He is also preparing to take the Alabama Bar. Upon the resignation of a state service secretary, Julie Langham was employed as a legal secretary on contract with MDOT.



MISSISSIPPI DEPARTMENT OF TRANSPORTATION

The Division continued to support the Department of Transportation's efforts to find creative methods of funding, planning, and building public transportation facilities. MDOT received a substantial amount of funding for shovel-ready projects through the American Recovery and Reinvestment Act of 2009 (ARRA) which required expedited and innovative agreements and oversight among MDOT, the Federal Highway Administration, and various local entities. As a part of this effort, Special Assistant Attorney General Judy T. Martin worked with the MDOT team to maximize federal funding by developing an innovative design/build contract which allowed contractors to propose on bridge widening projects for 21 interstate bridges.

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.

With assistance from Law Clerk Ben Jones a reporting system was instituted to keep up with expenditures for outside counsel and related costs, and a case management system was instituted to better manage ongoing litigation.

Jimmy Isonhood continued his work on the often controversial task of controlling encroachments on the public right-of-way and controlling billboards adjacent to the right-of-way. In furthering the advancement of law in these areas, Mr. Isonhood chairs the Committee on Eminent Domain and Land Use for the National Transportation Research Board (NTRB) and continues to be active in both the American Association of State Highway and Transportation Officials (AASHTO) Outdoor Advertising Technical Subcommittee, the NTRB Digital Billboard Committee, and multiple committees for the National Alliance of Highway Beautification Agencies (NAHBA). In addition to his work in these organizations, Mr. Isonhood has participated in a Federal Highway Administration study under the Osprey Group that has developed Federal Guidance Memoranda on pressing outdoor advertising law.

Margaret Ellis was appointed to the Tort Liability and Risk Management Committee of the National Transportation Research Board.

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, offices in all 82 counties, and expenditures for Fiscal Year 2010 of \$1,152,733,769.00.

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 Special Assistant Attorney General 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 126 new cases were filed during the year, while 124 suits were either tried or settled. Some 189 cases were active at the end of the fiscal year. For a variety of reasons, notably that local attorneys are more effective in selecting juries when engaged in the emotionally charged issue of taking property away from its owners, most eminent domain cases were pursued by outside counsel.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

Asserting claims against those responsible for damage to MDOT facilities and equipment continues to generate a significant work load for the Division. The process implemented and maintained by Jimmy Isonhood has passed to Margaret Ellis who, with assistance from paralegal Shannon Cleveland, has aggressively continued to represent the public's interests. Through their efforts they collected and returned to the citizens of Mississippi a total of \$463,152.34.

The Division continued to represent the Commission's self-insured, self-administered Workers' Compensation program. This program paid \$1,592,972.30 in disability benefits and \$671,221.30 in eleven compromise settlements to current and former employees of the agency, as well as \$2,372,145.73 to medical providers. There were over forty controverted cases active at some point during the year, with J.D. "Woody" Woodcock as lead counsel in a number of them, with the rest being assigned to three private firms. The sum of \$214,323.57 was recovered for the agency through subrogation claims asserted against third parties responsible for accidents which resulted in claims.

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

UNIVERSITIES DIVISION

Van Gillespie, Keyla McCullum, Mary Elizabeth Jackson and Deanne Saltzman serve as legal counsel to the Board of Trustees of State Institutions of Higher Learning (IHL), the Commissioner of Higher Education, the eight state 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, Jackson and Saltzman 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, Jackson and Saltzman 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 four attorneys in this Division are the actual campus counsel for Alcorn State University, Mississippi Valley State University and Delta State University.

UNIVERSITIES DIVISION

The Institutions of Higher Learning and the IHL Board Offices, 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:

- 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;
- 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, as well as with the Real Estate and Facilities Department, in addressing various legal issues affecting same; 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, and with the establishment and operation of a State Veterans Memorial Cemetery and the Persian Gulf War Memorial.

Special Assistant Attorney General Avery Mounger 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

The legal staff devotes most 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. Special Assistant Attorney General Doug Mann also assists 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. He also takes 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, 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 served as a panel member at the 2006 SEAFWA Annual Conference, for the Legal Committee's panel discussion on Right-to-Hunt legislation and constitutional amendments. Mann currently serves as Co-Chair of the SEAFWA Legal Committee and will chair the committee in 2010 when Mississippi again hosts the annual SEAFWA Conference. He frequently communicates with his counterparts across the country for input on how the various states address common problems facing state natural resource agencies. Mann has also made training presentations to County Attorneys and others attending Prosecutor Training sessions sponsored by the Attorney General's Office.

As required by statute, the attorney also serves as general counsel to the Mississippi Commission on Wildlife, Fisheries and Parks. The attorney attends all Commission meetings and renders advice and counsel on matters of procedure and the scope of the Commission's authority over any given subject. Along these lines, the attorney has requested and received official Ethics opinions that have enabled the Commissioners to avoid potential conflicts of interest.



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.

MANAGEMENT OF INTERAGENCY CONTRACTS AND OUTSIDE LEGAL COUNSEL

During FY 2010, 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

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.

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 2010, the Office entered into over \$3,477,055 in grants/contracts with DHHS-Medicaid Fraud, Public Safety, Department of Justice, and National Science Foundation through Mississippi State University.

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.

PAYROLL

Support Services is responsible for processing a monthly payroll for 260+ 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.

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. The Office has recently completed a Pilot Project to place Gulfport and Pascagoula District Attorneys' Offices on a shared database located at the Attorney General's Office in Jackson. The shared database will interface with NCIC and provide case disposition data. Future plans include adding other District Attorneys' Offices 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 NCIC. The Office is in the process of implementing a web portal for rural law enforcement. This web portal will provide access to training materials that may be accessed via the internet.

FUNDS RECOVERED DURING FISCAL YEAR 2010

SOURCE OF FUNDS	AMOUNT	DISPOSITION
Medicaid Fraud Control Unit - Restitution & Penalties	\$2,084,036	State of MS, Division of Medicaid
Consumer Protection Division - Restitution Cost & Fees	\$2,428,141	State of MS, Attorney General; Restitution to Consumers
Public Integrity Division - Fines & Costs	\$7,998	State of MS, Attorney General
Insurance Integrity Enforcement - Penalties	\$34,388	State of MS
Civil Litigation Division - Audit Recoveries	\$1,216,890	State of MS
Pursue Energy Corp. - Severance Tax Recovery	\$8,263,514	State of MS, Tax Commission
Microsoft Corporation Settlement*	\$40,000,000	State of MS
WorldCom, Inc./MCI Securities - Settlement	\$501	Public Employees' Retirement System; Health Care Trust Fund
Pfizer/Bextra Settlement	\$3,558,701	State of MS, Division of Medicaid, Attorney General
DISH Network LLC Settlement	\$125,000	State of MS, Attorney General
Merck Pharmaceuticals, Inc. - Settlement	\$100,000	State of MS, Division of Medicaid
State Farm Insurance Company. - Settlement	\$74,000,000	Mississippi Policyholders
Average Wholesale Price Litigation	\$11,236,850	State of MS, Division of Medicaid, Attorney General
Nationwide Insurance Co. - Settlement	\$40,000,000	Mississippi Policyholders
MDOT - Damage Claims; Workman Compensation & Subrogated Claims	\$5,313,815	State of MS, MDOT
Total Funds Recovered - FY 2010	\$67,531,320	

*Made an additional \$60,000,000 available to consumers in Microsoft hardware vouchers

EXPENSES DURING FISCAL YEAR 2010

ACTUAL EXPENDITURES

FISCAL YEAR ENDING JUNE 30, 2010

PERSONAL SERVICES

Salaries, Wages & Fringe Benefits	\$20,258,438
Travel & Subsistence (In-State)	\$676,616
Travel & Subsistence (Out-of-State)	\$170,776

TOTAL PERSONAL SERVICES **\$21,105,830**

CONTRACTUAL SERVICES

Tuition	\$64,391
Communications & Utilities	\$145,472
Public Information	\$1,070
Rents	\$1,211,472
Repairs & Services	\$55,788
Fees, Professional & Other Services	\$1,396,635
Other Contractual Services	\$139,224
Data Processing	\$544,328
Other	\$73,732

TOTAL CONTRACTUAL SERVICES **\$3,632,112**

COMMODITIES

Printing & Office Supplies & Materials	\$222,814
Equipment, Repair Parts, Supplies & Accessories	\$119,076
Professional & Scientific Supplies & Materials	\$1,693
Other Supplies & Materials	\$248,531

TOTAL COMMODITIES **592,114**

CAPITAL OUTLAY

Automobiles, SUV, Van's, Trucks & Other Vehicles	\$88,266
Office Machines, Furniture, Fixtures & Equipment	\$20,647
IS Equipment (Data Processing & Telecommunications)	\$132,910
Other Equipment	\$20,814
Wireless Communication Devices	\$0

TOTAL CAPITAL OUTLAY **\$262,007**

SUBSIDIES, LOANS & GRANTS

TOTAL SUBSIDIES, LOANS & GRANTS **\$114,420**

TOTAL EXPENDITURES **\$25,706,483**

REPORT OF STATE OWNED AUTOMOBILES

DESCRIPTION	MILES TRAVELED IN FY 2010	DEPRECIATION EXPENSE FY 2010
2004 FORD TAURUS	2,893	FULLY DEPRECIATED
2004 FORD TAURUS	26,240	FULLY DEPRECIATED
2004 FORD TAURUS	10,168	FULLY DEPRECIATED
2004 FORD TAURUS	11,443	FULLY DEPRECIATED
2004 FORD F0150 TRUCK	14,365	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	15,261	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	20,289	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	19,833	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	24,417	FULLY DEPRECIATED
2006 PONTIAC GRAND PRIX	15,235	FULLY DEPRECIATED
2007 FORD CROWN VICTORIA	24,266	\$924
2007 FORD CROWN VICTORIA	23,995	\$924
2008 CHEVROLET IMPALA	24,119	\$4,138
2008 CHEVROLET IMPALA	33,500	\$4,192
2008 CHEVROLET IMPALA	15,581	\$4,192
2008 CHEVROLET IMPALA	25,676	\$4,138
2008 CHEVROLET IMPALA	27,219	\$4,138
2008 CHEVROLET IMPALA	23,063	\$4,138
2009 CHEVROLET IMPALA	21,552	\$4,193
2009 CHEVROLET IMPALA	27,116	\$4,193
2009 CHEVROLET IMPALA	30,276	\$4,193
2009 CHEVROLET IMPALA	12,226	\$4,193
2009 CHEVROLET IMPALA	29,245	\$4,193
2009 CHEVROLET IMPALA	27,931	\$4,193
2009 CHEVROLET IMPALA	47,200	\$4,193
2009 CHEVROLET IMPALA	25,887	\$4,193
2009 CHEVROLET IMPALA	23,527	\$4,193
2009 CHEVROLET IMPALA	27,628	\$4,560
2009 CHEVROLET IMPALA	15,708	\$4,560
2009 CHEVROLET IMPALA	29,760	\$4,560
2009 FORD F-150	19,011	\$4,093
2009 FORD F-150	41,840	\$4,093
2009 JEEP CHEROKEE	22,051	\$4,380
2009 JEEP CHEROKEE	10,059	\$4,380
2009 JEEP CHEROKEE	22,365	\$4,380
2009 JEEP CHEROKEE	22,962	\$4,380
2010 FORD FUSION	10,962	\$4,115
2010 FORD FUSION	14,662	\$4,115

REPORT OF MILEAGE IN PRIVATELY OWNED AUTOMOBILES

DESCRIPTION	MILES TRAVELED IN FY 2010	DEPRECIATION EXPENSE FY 2010
2010 FORD FUSION	19,052	\$4, 115
2010 FORD FUSION	15, 974	\$4, 115
2010 DODGE CHARGER	122	\$374
2010 DODGE CHARGER	1,071	\$374
2010 DODGE CHARGER	1,055	\$374
2010 FORD F-150	769	\$400
2010 FORD F-150	251	\$400

NUMBER OF STATE-OWNED AUTOMOBILES:	45
FY 2010 STATE-OWNED AUTOMOBILE COSTS:	
DEPRECIATION EXPENSE	\$126, 669
REPAIRS & MAINTENANCE, FUEL, TIRES	\$133, 525
TOTAL COSTS	\$260, 194
AVERAGE COST PER MILE:	\$0.297

Total Number of Miles Traveled in Privately Owned Automobiles	FY 2010 Average Cost Per Mile	Total Costs for Mileage in Privately Owned Automobiles
628, 796	0.50	\$314, 398

CONTACT US AT:

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MAIN HELP LINE: 1-601-359-3680

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

CHILD DESERTION UNIT, 1-601-359-4250

CONSUMER PROTECTION DIVISION, 1-800-281-4418

CRIME PREVENTION AND VICTIM SERVICES, 1-800-829-6766

CYBERCRIME UNIT 1-601-576-4281

INSURANCE FRAUD DIVISION, 1-888-528-5780

MEDICAID FRAUD DIVISION, 1-800-852-8341

PROSECUTORS' TRAINING DIVISION, 1-800-852-1281

PUBLIC INTEGRITY DIVISION, 1-601-359 - 4258

PUBLIC INFORMATION OFFICE 1-601-359-2002

VULNERABLE ADULTS, 1-601-359-4420