

Tenth Circuit Court District

State of Mississippi

Robert W. Bailey, Judge
Place 1
P.O. Box 1167
Meridian, Mississippi 39302-1167
Office Phone: (601) 482-9741
Fax: (601) 486-4933

Karen Todd
Staff Attorney
P.O. Box 1262
Meridian, Mississippi 39302-1262
Office Phone: (601) 486-4922
Fax: (601) 486-4933
Email: karenmtodd@hotmail.com



Dana D. Wedgworth
Court Administrator
P.O. Box 1262
Meridian, Mississippi 39302-1262
Telephone: (601) 482-9741
Fax: (601) 486-4933
Email: dwedgworth@lauderdalecounty.org

Lester F. Williamson, Jr., Judge
Place 2
P.O. Box 86
Meridian, Mississippi 39302-0086
Office Phone: (601) 482-9742
Fax: (601) 486-4933

Katie Bradshaw
Law Clerk
P.O. Box 1262
Meridian, Mississippi 39302-1262
Office Phone: (601) 482-9761
Email: kbradshaw@lauderdalecounty.org

June 5, 2012

Viruth "Lek" Phongam, CCD, Region III
Mississippi Department of Corrections
P.O. Box 828
Columbia, MS 39429

RE: Email dated May 9, 2012 concerning Community Corrections' Mission

Dear Mr. Phongam:

We have recently become aware of the apparent change in the interpretation of the mission of the Mississippi Department of Corrections, Community Corrections' Division, that deals with probation and the recently established guidelines that the probation officers are to follow when dealing with probationers who violate their probation orders. A copy of your letter addressed to the staff is attached for your convenience.

In part, your letter states:

Effective today, immediate supervisor has to review and approve all RVR's and violation reports before they impose punishment especially for offenders that transfer to major institutions. Listed below is how to deal with technical violations:

1st technical violation; positive drug test, arrest for misdemeanor (case by case basic) and etc ...

- Probationer; issue violation report, refer to Program Coordinator and continue to supervise offender
- Inmate status (ERS and ISP); issue informal resolution and enter in CS (with or without penalty upon discretion on supervising officer) and refer to Program Coordinator and continue to supervise offender.
- Parolee; issue violation report, refer to Program Coordinator and notify Parole Board.

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2nd technical violation; handle the same way as the 1st technical violation but please make sure to mention that this is the 2nd violation.

3rd technical violation:

- Probationer; complete violation packet and refer to the court.
- Inmate status (ERS and ISP); complete RVR packet and contact institution personnel for transportation.
- Parolee; contact parole board for further action.

We have to try our best to keep offenders out of prison. We are not soft on crime but we are trying to manage offenders with the cost effective way. Our salary depends on how we do our business.

These guidelines appear to require the probation officers to submit all probation violation reports to their immediate supervisor who is then required to review and approve the probation violation reports before they can be submitted to the Circuit Judge. We have informed all probation officers in the Tenth Circuit District that this procedure will not be followed in this district. Any probationer, who, in the probation officer's opinion, violates the probation order of this Court, is to be served with an affidavit and probation revocation warrant. The Court, at the revocation hearing will determine the outcome of the probation, not the immediate supervisor. Further, the policy and procedures that the Court has followed in the past in dealing with technical violations will continue to be followed.

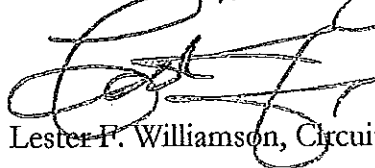
The tone and content of your letter are quite shocking to the Court. One of our primary goals in dealing with criminal defendants is to promote public safety. The primary objective of the Community Corrections Division apparently is to save money and not to protect the public. We will not compromise our duties as judges by allowing the probation officers to follow the procedures you have set out in your letter, unless ordered by the Court to do so. We expect our sentencing orders to be strictly enforced.

If you have any questions, you may contact the Court in writing at P.O. Box 1262, Meridian, MS 39302. Thank you for your attention in this matter.

Sincerely,



Robert W. Bailey, Circuit Court Judge



Lester F. Williamson, Circuit Court Judge

cc: All state Circuit Court judges
Attorney General