

Court of Appeals to visit USM Oct. 3

October 1, 2013

The Mississippi Court of Appeals will hear oral arguments on the campus of the University of Southern Mississippi at 10 a.m. and 2 p.m. Oct. 3. A three-member panel of the court will convene at the Thad Cochran Center at 118 College Drive in Hattiesburg.

The Court of Appeals hears oral arguments each October on the USM campus as part of its Court on the Road program. The court periodically schedules oral arguments on college campuses and occasionally at other locations as a teaching tool for students.

Court of Appeals Judge David M. Ishee of Gulfport said the Court on the Road program helps educate students and the public about appeals court proceedings which they otherwise would have little opportunity to see. The program gives appellate judges an opportunity to talk about how the court operates. Judges take questions from the students after the oral arguments, although they don't talk about the pending cases.

Judge Ishee said, "It is a great learning experience."

Judges will hear oral arguments in two criminal appeals. Oral arguments will be heard at 10 a.m. in the case of Sally Beebe Smith v. State of Mississippi, case number 2012-KA-01744-COA. Oral arguments are scheduled at 2 p.m. in the case of Frank D. Hall v. State of Mississippi, case number 2013-CA-00307-COA.

Each oral argument is expected to last approximately an hour. The appellant and appellee are each allowed 30 minutes.

People wishing to watch the oral arguments are asked to be in their seats 15 minutes before the oral arguments are scheduled to begin.

Sally Beebe Smith was arrested on a charge of driving under the influence, third offense, on Dec. 13, 2011, after a two-car accident at an intersection on U.S. Highway 98 in McComb. Smith had two previous DUI convictions from offenses in January and September 2011. A third offense is a felony. Smith was convicted of third offense DUI at a July 23, 2012, jury trial in Pike County Circuit Court. Circuit Judge David Strong sentenced Smith to five years in prison with two and one-half years to serve and two and one-half years suspended. Judge Strong imposed a \$2,000 fine and ordered Smith to pay restitution for medical bills and property damage. Smith asks the Court of Appeals to throw out the order for restitution.

Attorney Mollie M. McMillin of the Indigent Appeals Division of the Office of State Public Defender represents Smith. Special Assistant Attorney General Stephanie B. Wood represents the Attorney General's office.

Frank Dwayne Hall pleaded guilty in Lamar County Circuit Court on Sept. 15, 2006, to a charge of fondling a female child. Circuit Judge Prentiss G. Harrell sentenced Hall to 15 years in prison, but ordered him to serve a year and four months – the time he had already spent in jail – and suspended the remainder of the sentence. The Mississippi Department of Corrections sought to revoke Hall's suspended sentence after the Lamar County Sheriff's Department arrested Hall on May 9, 2009, on a charge of domestic violence against a young child. Hall also was accused of attempting to molest a 3-year-old in Forrest County in

October 2008. The revocation petition further complained that Hall continued to visit a home located next door to a daycare.

Judge Harrell on May 14, 2009, revoked the suspended sentence and sent Hall back to prison for 13 years and eight months. Judge Harrell later rejected Hall's petition for post-conviction relief. Hall appealed the trial judge's rulings.

Attorney William L. Ducker of Purvis represents Hall. Special Assistant Attorney General Billy Gore represents the Attorney General's office.

The oral arguments will not be broadcast via the court's Internet web site, since the Court of Appeals is convening a special session away from its camera-equipped courtroom.

Any media organization which may wish to photograph or videotape the arguments must file a Camera Coverage Notice. Camera Coverage Notices should be directed to Clerk of the Court Kathy Gillis, fax 601-359-2407, and to Assistant Court Administrator Katie Cassady, fax 601-576-4708. The Camera Coverage Notice form is at <http://www.mssc.state.ms.us/forms/camnotice.pdf> <http://courts.ms.gov/forms/camnotice.pdf>.

Photographers and videographers should be familiar with and follow the Rules for Electronic and Photographic Coverage of Judicial Proceedings. The camera coverage rules are available on the Mississippi Judiciary web site at http://courts.ms.gov/rules/msrulesofcourt/rules_electronicphotographic_coverage.pdf.

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