

**\*Mississippi teen**

(Continued from page 1.)  
 public defender never visited his client at the jail, Blackmon said. Since taking over the case, Blackmon has filed a petition for habeas corpus alleging that Haymon is being unlawfully detained and another motion arguing that he should be released since his Sixth Amendment rights to a speedy trial have been violated.

At a May hearing, a prosecutor asserted that Haymon has been incarcerated for so long because of "turnover" of police chiefs and investigators with the Durant Police Department. An investigator who took over the role last summer and would be responsible for Haymon's case testified that she had not looked into the charges at all. She has presented to the grand jury only once since becoming an investigator, though several grand juries have convened since Haymon's first arrest.

Despite evidence that Haymon had been held for months without movement on his case, Circuit Court Judge Jannie Lewis-Blackmon—no relation to Haymon's attorney—ruled at the end of the hearing that his right to a speedy trial had not been violated because "the reason for the delay outweighs the length of the delay," according to a transcript of the proceeding. She has also denied that Haymon is being held unlawfully under habeas corpus.

Lawrence Blackmon has argued that the accuser in the

armed robbery case has died, making it difficult to win an indictment. Even if the DA did, it would be hard to secure a conviction without the witness, he said. He told The Appeal that the accuser in the aggravated assault has not been interviewed since the day of the alleged crime and does not want to pursue charges against Haymon.

In a telephone interview with The Appeal, Malone-Oliver, defended her decision to oppose releasing Haymon. She called him a "menace" and said that he had a long history in the state's legal system for children (information on those cases is sealed). Though she could use her discretion to push for Haymon's release, she blamed his extended incarceration on the judge who has so far ruled against him and community members who she says have called her urging her not to release him.

"If that person gets out and offends somebody else, the first thing the community is going to say is he has already been deemed a threat," she said of her fears that he would commit a crime upon release.

Asked if she had considered the effects of incarceration on a child, she said, "I hope that he will be a better person. I hope that for all defendants. I hope that they will do better and I worry about the effects this has on the people that were affected."

In Malone-Oliver's district, the grand jury meets twice a year, she said. She

was planning to present Haymon's case to a grand jury that was convened in June, but that was canceled due to the COVID-19 pandemic. She is planning to present the case to the next grand jury which should meet "soon," though she acknowledged that was dependent on the coronavirus.

"The district attorney is the top law enforcement officer of the district," said Blackmon of Malone-Oliver. "So over the course of this battle for this kid's freedom, they've made every excuse in the book."

"He has received no education, he's locked up with adults, fighting adults," he added. "At this point, this is a case of child abuse as far as I'm concerned."

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Haymon's stagnant case is the result of several issues within the state's criminal legal system. In Mississippi, there is a deadline between indictment and trial, but prosecutors have an unlimited amount of time after someone is arrested to seek an indictment, sometimes leaving people in jail for years.

Conversely, neighboring Louisiana has a 60-day deadline for prosecutors to win an indictment after a person is jailed on a felony charge. If that deadline passes, the person may be entitled to release. In the federal system, that deadline is 30 days.

To remedy the problem, advocates from the MacArthur Justice Center suggested to Mississippi lawmakers in 2016, when the Supreme

Court was revising its Rules of Criminal Procedure, that the state implement a rule that charges must be dismissed if a grand jury doesn't return an indictment in 90 days. It was not adopted.

The issue was also at the center of a 2014 federal civil rights lawsuit filed by the MacArthur Justice Center and American Civil Liberties Union against Scott County, Mississippi. According to the complaint, one man had been held for 16 months before he was indicted, then never went to trial. He was arrested again and held for nearly a year waiting for his case to be presented to a grand jury. It never was, and the sheriff released him without a hearing. Another man was held in the jail for eight months without indictment, according to the lawsuit. It was settled in 2017, with the county agreeing to implement changes to bail and its public defense system, but no new rules were introduced regarding holding people for extended periods without a grand jury hearing.

Holmes County, where Haymon is incarcerated, is among the state's jails where people are held the longest. A database tracking lengths of stays in Mississippi jails shows that people in Holmes were incarcerated for an average of 417 days, according to data compiled in December 2019.

State Public Defender Andre De Gruy told The Appeal that solving the issue will take more than introducing

deadlines. He said that the state needs to improve its defense system for poor people who cannot afford attorneys. There are virtually no statewide standards for public defense systems so poor, rural counties often rely on private contract attorneys who are selected by a judge and are often overburdened.

"The biggest problem is that you don't have qualified lawyers with reasonable caseloads and resources to represent their clients," De Gruy said.

Additionally, children who could go through the state's juvenile system are often stuck in the adult system. Crucially, defense attorneys do not receive evidence against their client, such as police reports and interviews—information they could use to show he or she should be tried as a child, until after their client is indicted. But once a child is indicted as an adult, they are bound to stay in the adult system. In Haymon's case, his alleged crimes are what qualified him to be charged as an adult.

Paloma Wu, deputy director of Impact Litigation at the Mississippi Center for Justice, told The Appeal that Haymon is "one of thousands" in the same situation. "It's not falling through the cracks, that's an inaccurate way to talk about this case," she said. "This is not the exception to the rule, this is the rule. These are the rules in the Mississippi criminal system working as they're supposed to."

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Blackmon is planning to file an appeal of the habeas decision to the Mississippi Supreme Court on the basis that Haymon is being unlawfully detained. He could also file to transfer Haymon to the youth court system because of his age when he was arrested. If Malone-Oliver does win an indictment on the armed robbery charge, Haymon could face up to life in prison.

Tillman, his mother, said her son has described conditions at the jail as "rough." Early in Haymon's incarceration, he got into an altercation with an older prisoner and has since been moved to another part of the jail with people closer to his age who agreed to protect him.

"He's trying to hold up," she said.

Tillman has been unable to visit Haymon since March because of the COVID-19 pandemic but talks to him on the telephone regularly. Usually, she said she would take Haymon out to dinner for his birthday. Instead, she celebrated the last two years by putting money on his books so he could buy something from the canteen.

"I worry about him, some nights I can't sleep because he's my baby," she said.

Read the story on The Appeal's site <https://theappeal.org>. The Appeal is a non-profit media organization that produces original journalism about criminal justice that is focused on the most significant drivers of mass incarceration, which occur at the state and local level.

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