

89-R-99033



**FILED**

**OCT 23 2023**

**OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS**

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Clerk of the Appellate Courts  
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To the Mississippi Supreme Court:

I am writing to request that language be added to the Petition to Amend the Mississippi Uniform Rules of Youth Court Practice. Subsection (d) on page 13 reads as follows:

*Except as otherwise authorized under the Mississippi Youth Court Law or these rules, forensic interviewer or other person may not be compelled to testify in court proceedings other than youth court proceedings on the confidential records in the possession or control of the youth court unless there has been compliance with the procedures under this rule for their disclosure.*

The proposed addition, without modification, would be in direct conflict with Miss. Code Ann. § 43-21-261(23), which was passed this year to clear up problems with discovery and testimony in circuit court regarding disclosure of records involving children. That statute provides:

*Nothing in this section or chapter shall require youth court approval for disclosure of records involving children as defined in Section 43-21-105(u), if the disclosure is made in a criminal matter by a municipal or county prosecutors, a district attorney or statewide prosecutor, pursuant to the Mississippi Rules of Criminal Procedure and the records are disclosed under a protective order issued by the Circuit Court presiding over the criminal matter which incorporates the penalties stated in Section 43-21-267.*

*Response to:*

**MOTION# 2021-1461**

I would request that the following language be added, to read:

. . . to testify in court proceedings other than youth court proceedings, or in a circuit court criminal matter, subject to a protective order of the circuit court pursuant to Miss. Code Ann. § 43-21-261(23) . . .

Prosecutors often subpoena forensic interviewers to testify in circuit court criminal matters when children are physically or sexually abused. This testimony is required to authenticate the video interview, as well as a crucial part of telling the entire story to a jury.

I helped get this law passed so that prosecutors could efficiently and effectively prosecute these types of cases in circuit court, without unnecessary impediment or delay. All records, including forensic interviews, would be protected pursuant to the protective order signed by the circuit court judge. Allowing prosecutors to obtain records and utilize those records requires accompanying testimony of forensic interviewers.

As prosecutors are entitled to these records, and are empowered to utilize these records, the requested language to the proposed amendment to the Youth Court Rules is necessary to comport with Miss. Code Ann § 43-21-261(23), and allow for prosecution of these types of cases.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Lin Carter', followed by a long, horizontal, wavy line that extends across the page.

Lin Carter

District Attorney



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