

Nick Calico's continued role at sheriff's department poses concerns about the administration of justice in Forrest County Circuit Court.

Last October this outlet reported on a state Ethics Commission ruling, Advisory Opinion 17-035-E, which was issued in June 2017 in response to a question about a sheriff elsewhere in Mississippi employing a son-in-law. The ruling did not mention Investigator Nick Calico, who became Sheriff Billy McGee's son-in-law after he married the Sheriff's daughter in November 2016, but made it clear that Mississippi ethics laws deemed it a conflict of interest for Calico to continue to work in the Sheriff's Department for his father-in-law, Billy McGee. Having done so, and continuing to do so, would constitute a past and continued, willful violations of state ethics laws.

Chicanery :

Merriam Webster

1: deception by artful |

subterfuge or sophistry :

trickery He wasn't above

using chicanery to win votes.

2: a piece of sharp practice

(as at law): trick resorted

to political chicaneries

The matter was made known to the public when Hattiesburg Patriot News Media [published an article in September, 2017](#) covering the matter.

The solution to ethical conflict seemed to be solved on October 5th, 2017, when Circuit Court Bob Helfrich, created by order a "Court Liaison Officer" position for Calico. Nine days later, on October 16th, 2017, the Forrest County Board of Supervisors unanimously approved Calico's transfer and the migration of his salary from the Sheriff's Department budget, through the general fund, and to the Circuit Court's budget.

Calico had now transferred from the Executive Branch of government, where criminals are investigated and prosecuted, to the Judicial Branch of government, where evidence is weighed and defendants are entitled to due process and rights to fair trials.

The new Court Liaison Officer position was presented as a win for taxpayers to help Forrest County and Hattiesburg courts comply with new [Mississippi Rules of Criminal Procedure](#) that went into effect July 1, 2017. On October 5th, 2017, when Judge Helfrich created the position by order, Forrest County Supervisor Board President David Hogan told the Hattiesburg American

"Per conversations I've had, I've been under the impression it would be Calico, but that is really up to the senior judge and the sheriff to say who gets named to that position. It would be (the supervisors') job to acknowledge it."

The position was indeed filled with Calico, as Hogan had said. If Sheriff Billy McGee played any role, the Sheriff would be in violation under Mississippi Code section 25-4-105. MS Code 24-4-105 part 1 and 2 read:

No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated. (Section 25-4-105 (1) Miss. Code of 1972)

No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member. (Section 25-4-105 (2) Miss. Code of 1972)

Circuit Court Judge Bob Helfrich told the Hattiesburg American,

“The new rules make it incumbent on the senior circuit judge to review bonds for individuals that have been in jail for 90 days,” Helfrich said. “As we operate now, indigent defendants are punished more severely because they sit in jail waiting trial or disposition of their case.”

“(Calico’s) got all the contacts he’s gonna need to get information on these individuals to see if we can release them, pending disposition of the case,” he said.

“We need somebody that can look at these individuals’ criminal histories and look at their background and see if they are a danger to the community and this sort of thing. If they are not, they should be out on their own recognizance.”

When the Forrest County Board of Supervisors approved the immediate change in Calico’s position on October 16th, 2017 the Board also unanimously approved a request from Sheriff Billy McGee, for “Investigator Nick Calico” to attend the 2017 Investigative Solutions Boot Camp Training Course. It seemed

the only thing that had changed was Calico's title and that he purported to not be working for the sheriff's department.



Forrest County Circuit Court Liaison Officer Nick Calico can be seen parading around in a Forrest County Deputy's uniform During Hattiesburg's November 30th, 2017 Christmas parade.

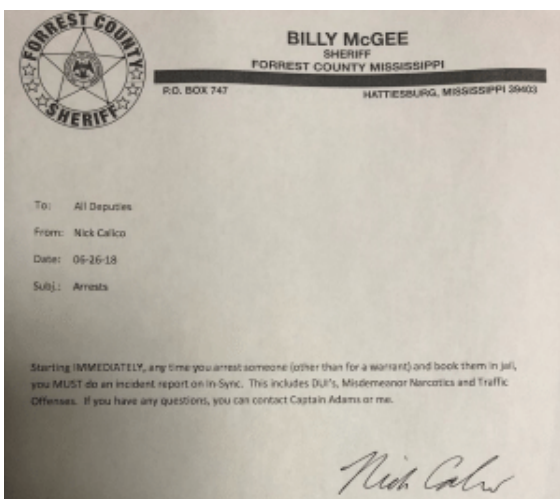
Just a month and a half later, on November 30th, 2017, pictures surfaced of Calico in his Forrest County deputy's uniform and riding a Forrest County Sheriff's Department motorcycle in Hattiesburg's Christmas Parade. At that point questions arose as to whether Calico's job change was chicanery? Was he still acting investigator as a court officer? Calico's actions in the parade would constitute yet another violation of the state Ethics Law (25-4-105(e) by Calico and the Sheriff, under Mississippi State Code of 1972), which states unambiguously

that no public servant shall,

“(p)erform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.”

The next item HPNM discovered was a May 10th, 2018 request for “Investigator Calico” by Sheriff Billy McGee that Calico attend a law enforcement conference. Almost seven months after Calico purported to be an officer of the court, and no longer a member of the Sheriff’s department, Sheriff McGee requested,

“Please have placed on the next Board Meeting Minutes the consideration and approval for Chief Investigator Nick Calico, Deputy Nathan Robertson and Reserve Deputy Nate Mosely to attend the [Mississippi Law Enforcement Officers’ Association (MLEOA) Annual Conference]. The training session will give officers an opportunity to hone basic skills, learn new ones, trade information and observe application of the different motors and equipment being used across the state training areas....”



CLICK TO ENLARGE –
Judiciary Officer Nick

Calico took on an Executive branch role as when he continued to work for the Forrest County Sheriff's Department. Calico even issued a June 26th memo dictating policy and procedure on Billy McGee's official letterhead. The separation of powers between Forrest County's Judicial Branch and the Executive Branch are blurry.

Four Forrest County Supervisors, David Hogan, Burkett Ross, Roderick Woullard, and Chris Bowan, approved the travel requested by the Sheriff for Mr. Calico. Supervisor Charles Marshall was absent and did not vote on the matter.

While these ethics issues involving a member of the court and sheriff are troubling, even more troubling is a June 26th, 2018, memo obtained exclusively by HPNM in which Calico issued policy directives to officers on Sheriff's department letterhead. Investigator/Court Liaison Officer Nick Calico directed Sheriff's deputies in the memo,

"Starting IMMEDIATELY, anytime you arrest someone (other than for a warrant) and book them in jail, you MUST do an incident report on In-Sync. This includes DUI's Misdemeanor Narcotics and Traffic Offenses. If you have any questions, you can contact Captain Adams or me."

This memo not only clearly demonstrates a violation of 25-4-105(e) and 25-4-105, as Billy McGee is still Nick Calico's father-in-law and a conflict of interest still exists, but also raises some very serious issues dealing with

the administration of justice in the Forrest County Circuit Court and the Sheriff's department. Since October 16th, 2016 Calico is an officer of the court, paid by the court. He cannot work in any capacity with the sheriff's department, let alone dictate policy and procedures to law enforcement officer. These actions on the part of some and inaction on the part of others is a thrust at the very heart of the separation of powers doctrine found in both the Mississippi and United States Constitutions.

Given the documents obtained by HPNM, entire Court liaison Officer arrangement would appear to be directly contrary to the intent of the state legislature in enacting the Ethics Law. Mississippi Code section 25-4-101 spells it out as a declaration of public policy.

"The Legislature declares that elective and public office and employment is a public trust and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of this trust and which will not reflect unfavorably upon the state and local governments."

HPNM sent pictures of Calico's sheriff's department memo to Board President David Hogan, who immediately contacted Forrest County Board Attorney, David Miller. Mr. Miller told HPNM he contacted both Judge Helfrich and Sheriff Billy McGee and that corrective action had now been taken. Wasn't that corrective action supposed to be taken October 16th, 2017?

Judge Helfrich and Court Liaison Officer Nick Calico did not respond to HPNM's request for comment. Calico has announced that he will be a candidate for Sheriff in the upcoming

election. Under MS CODE 25-4-111, the authority to take action for these violations lies with a competent Circuit Court.

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