

Volume

35

MARICOPA COUNTY

Office of the Public Defender



Annual Report

2000-2001

JAMES J. HAAS, MARICOPA COUNTY PUBLIC DEFENDER

Annual Report 2000-2001

OFFICE LOCATIONS

Administration	Appeals Division	Juvenile Division - Durango	Juvenile Division - Southeast
11 West Jefferson, 10 th Floor Phoenix Arizona 85003 (602) 506-8200	411 North Central, Suite 670 Phoenix, Arizona 85004 (602) 506-8220	3335 West Durango Phoenix, Arizona 85009 (602) 506-4230	777 West Southern, Suite 101 Mesa, Arizona 85210 (602) 506-2033
Mental Health Division	Trial Groups A, B, D, and E		Trial Groups C and F
Desert Vista Behavioral Health Center 570 West Brown Mesa, Arizona 85201 (480) 344-2013	11 West Jefferson, 2 nd – 9 th Floors Phoenix, Arizona 85003 Group A (602) 506-8282 Group B (602) 506-8275 Group D (602) 506-3029 Group E (602) 506-3218		Southeast Public Service Facility 1750 S. Mesa Drive, Suite 150 Mesa, Arizona 85210 (602) 506-2200

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Introduction

VISION

Delivering America's Promise of Justice for All

MISSION

The mission of the Office of the Public Defender is to provide quality legal representation to indigent individuals assigned to us by the court, thus safeguarding the fundamental legal rights of each member of the community.

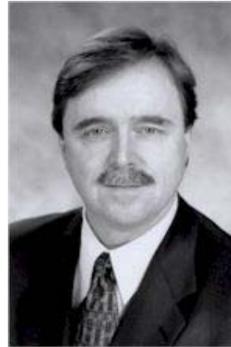
GOALS

- To protect the rights of our clients, guarantee that they receive equal protection under the law, regardless of race, creed, national origin or socio-economic status, and ensure that all ethical and constitutional responsibilities and mandates are fulfilled.
- To obtain and promote dispositions that are effective in reducing recidivism, improving clients' well-being and enhancing quality of life for all including resolving to disposition 90% of all felony cases, except first degree murder cases, within 180 days of arraignment or case assignment with no reduction in the quality of legal representation.
- To enhance the professionalism and productivity of all staff, including producing the most respected and well-trained attorneys in the indigent defense community, and achieving recognition as an effective and dynamic leader among organizations responsible for legal representation of indigent people.
- To work in partnership with other agencies to improve access to justice and develop rational justice system policies including establishing a case weighting system and developing mechanisms that will enable agencies to set and maintain appropriate caseload and performance standards.
- To perform our obligations in a fiscally responsible manner including maintaining cost effectiveness by limiting the percentage of increase in the annual cost per case to no more than the percentage of increase in the overall annual funding of the County's criminal justice group.

Office Structure, Organization and Staffing - Significant Events

New Public Defender Appointed

In April 2001, Maricopa County Administrative Officer David Smith, with the approval of the Board of Supervisors, appointed James J. Haas as Public Defender. Mr. Haas received his law degree from Creighton University School of Law in 1980. He was a sole practitioner in Omaha, Nebraska, focusing on civil and criminal defense litigation, he and his family moved to Phoenix. Mr. Haas joined the Public Defender's Office as a trial attorney in 1990. He developed a reputation as a diligent and skilled trial attorney. In 1993, Public Defender Dean Trebesch appointed Jim as supervisor of a trial group consisting of approximately thirty trial attorneys and twenty support staff. Jim did this until 1995, when he was named Special Assistant, the "second-in-command," to the Public Defender. Following Mr. Trebesch's appointment to the Maricopa County Superior Court bench in December 2000, Jim was selected to fill the role of Public Defender in an interim capacity. He was appointed on April 2, 2001.



Productivity Study

In early 2000, after a competitive bid process, Policy Studies Inc. (PSI) was selected as a management consultant to assist the Office in improving its efficiency and effectiveness. The consultant team was comprised of several nationally known and respected experts in the evaluation of criminal justice systems and public defense offices. PSI examined the structure, organization, staffing, functioning, training efforts and procedures in the Office's Trial Division. The study continued throughout 2000

and a final report was issued in October 2000. PSI assessed both the internal operations of the Trial Division and the impact of other justice system agencies on our effectiveness. They investigated the services provided and the efficiency of the internal operations of the Office, in terms of resources and work processes. The goal of the study was to develop a set of recommendations for improving our ability to provide quality legal representation in an efficient and cost-effective manner.

Project team members interviewed over 100 people locally including office staff, senior management, other agency staff and judicial officers. They also conducted on-site observations of the system in action, reviewed existing statistical data, and examined policy and practice manuals. The study produced a final report, which discusses the consultant's operational review of the Office and includes commentary on the Office's performance in the context of the Maricopa County criminal justice system, and the relationships of the Office with the judiciary and the County Attorney's Office.

In FY01, the Office began work on instituting many of the suggestions and recommendations offered by PSI.

Trial Division Reorganization and Creation of Early Representation Unit

PSI recommended that management review and consider modifications of the existing organizational structure. The Office responded by evaluating the components of the organizational structure and determining that several changes were appropriate. It was decided that the Trial Division has become so large that it could no longer effectively be managed by one person. The Trial Division was divided into three separate units, the Downtown, East Valley, and Early Representation Units. A division chief was selected for each. Beginning in February 2000, the Chief Trial Deputy – Downtown became responsible for the operation of downtown trial groups, the DUI and Complex Crimes Units, and investigations. The East Valley Division Chief became responsible for all Trial Division operations in the Mesa facility, allowing more autonomy as recommended by PSI. The Chief Trial Deputy for Early Representation became responsible for all justice court and early disposition court activity, arraignments, and the law student intern program. Creation of the Chief Trial Deputy for Early Representation allowed the Office to focus on front-end case processing, provide coverage for early court hearings, enhance attorney training and increase accountability for early case resolution. Creation of the Early Representation Unit was a dramatic departure from the Office's previous organizational structure and has enhanced accountability and improved the distribution of authority.

The creation of the Early Representation Unit enabled the Office to expand the "horizontal representation" pilot project begun in Trial Group E in FY00. After more than a year of study, the Office determined that dedicating a group of attorneys to justice court practice in the new Regional Court Centers, and thereby freeing other attorneys to concentrate on Superior Court practice, enabled our attorneys to better meet the speedy trial demands of Rule 8 without compromising our obligation to

provide quality representation. As expected, the Superior Court attorneys had a heavier caseload at first, but also had additional time to work on their cases because they were no longer required to travel to the outlying justice courts for preliminary hearings. This increase in caseloads was temporary, and caseloads returned to normal levels or better fairly quickly. One consequence of this change was the shift of less complex cases to the Early Representation Unit. This left the general trial attorneys with caseloads consisting primarily of more serious cases. The resulting workload will need to be monitored to determine the full impact of this project.

Case Weighting and Counting Study Initiated

Tracking and assessing workload for management and budgetary purposes is a monumental challenge in criminal justice systems across the country. It is not enough to track the mere number of cases coming in, as different kinds of cases involve vastly different amounts of work depending on their severity, complexity and many other variables. It has long been a goal of the Office to conduct a case weighting study so that the actual workload involved in various different kinds of cases can be empirically determined. As early as 1991, consultants have recommended that the Office obtain such a study, and PSI recommended it again this year.

The Office and other Maricopa County justice system agencies have struggled for years with non-uniform definitions of a “case.” PSI recommended that the Office and the entire criminal justice system develop an approach to case counting and weighting that accounts for the amount of time required to represent clients, reflects the complexity of the cases that comprise its workload, and provides context for interpreting its data.

The Office obtained support from the County Administrative Officer for funding to conduct a case weighting and counting study. We initiated a competitive bid process for an expert to conduct the study. A Request for Proposals was prepared at the close of FY01, and was issued on July 5, 2001.

Community and Government Relations Program Formed

The Public Defender’s Office provides tremendous value to the community. First and foremost, the Office meets the community’s constitutional mandate to provide effective assistance of counsel for indigent individuals. By protecting the rights of the indigent, the Office provides an oversight function and protects the rights of all individuals. The vigilant defense provided by attorneys in the Office also provides balance and integrity to the criminal justice system, both vital public values.

Beyond protecting the community’s interests in justice and liberty, the Office serves a number of other public purposes. The Office protects the community’s interest in securing justice in the most cost-effective manner by continually striving to operate in

the most efficient manner consistent with our obligations. The Office thereby plays a pivotal role in controlling the costs of the criminal justice system.

The Office also serves an important public safety function, by seeking dispositions for clients that are effective in addressing the underlying problems that contribute to their criminal behavior, thereby giving them their best chance to become productive and law-abiding individuals.

Because of the nature of our work and the clients we represent, much of the value we provide is largely unrecognized. To improve public perception and community awareness, the Office consolidated its government/legislative and community relations efforts this year. For several years, the Office has assigned an attorney to serve as a Legislative Liaison. This attorney assists members of the legislature in assessing pending legislation by advising them of unintended consequences and hidden costs associated with pending bills. The Legislative Liaison also serves to advise members of constitutional problems presented by bills, and to provide legislators with a more comprehensive perspective of the impact of their decisions. We have found that these functions are very much appreciated by the legislators and their staff.

Last year, a Community Relations Coordinator was selected from existing staff to serve as a liaison between the Office and the community to enhance relations, and to better demonstrate our public value. The Community Relations Coordinator acts as a community affairs liaison, heads up our Speaker's Bureau, which provides speakers for schools and other non-political forums, and initiates and assists with other community affairs-related projects.

This year, the Office consolidated the legislative and community relations functions into the Community and Government Relations Program to leverage the talents and efforts of the Legislative Liaison and Community Relations Coordinator, to enhance community outreach, improve the community's perception of the Office, pursue effective sentencing and treatment options, and develop plans for building community partnerships.

One of the Program's first efforts was to create the Initial Treatment Action Group ("ITAG"). ITAG consists of local governmental agencies that provide substance abuse or mental health treatment to our clients. The goal of creating ITAG was to get all of the various treatment providers together to discuss their efforts, to determine where efforts overlap or conflict, and to assess resource-related deficiencies. Another major goal of ITAG is to locate and fill gaps in the treatment continuum to ensure that clients receive necessary treatment. The ultimate goal of ITAG is to improve the availability and accountability of treatment, thereby improving clients' chances of success and reducing recidivism rates.

Special Action Project

A special action is an interlocutory appeal of an issue that arises before a criminal case is finalized in the trial court. In contrast, regular appeals occur after a case is finalized. In our Office, special actions have traditionally been handled by the Trial Division attorney who is handling the case in the trial court. PSI recommended that we consider modifying our practice to allow our more experienced Appellate attorneys to handle special actions. It was felt that this would increase efficiency and quality, by taking advantage of the experience and expertise of lawyers who routinely practice in the appellate courts.

Consistent with this recommendation, the Office created the Special Action Project. We established a procedure whereby a Trial Division attorney, who feels that a court ruling should be challenged, submits a request to the Appeals Division describing the situation. The Appeals Division assigns the request to an attorney, who examines the issue and renders an opinion on the viability of the special action. If the appellate attorney agrees with the trial attorney that the issues should be the subject of a special action, the two attorneys work together to prepare and argue the special action. This procedure is expected to increase efficiency and improve representation by screening issues that may be premature or not viable, and by having very experienced attorneys work with less experienced attorneys if they are viable.

Technology and Automation

Information Technology staff achieved several notable accomplishments during the fiscal year. IT staff replaced approximately 150 outdated personal computers with new Dell equipment. These new multimedia PCs enable staff to work with newer versions of existing software and to utilize the multimedia capabilities of the new "Electronic Courtrooms" in the Maricopa County Superior Court.

IT staff also provided PCs, printers, and technical services to the two new Regional Court Centers (RCC) established in downtown Phoenix and the West Valley. These services allow staff in the RCC to maintain access to the County's electronic mail and data network sharing services.

Finally, IT staff began development of web-based "multi-tier" applications. These applications are developed to run through the user's web browser, and provide maximum compatibility and portability. One such application is an expert witness database used by Administration to track the use of experts and associated costs. Another application started, which is still under development, is web-based reporting. This will allow users to generate many customized reports, on demand, from their own desktop PCs and makes information in the client records database more accessible to the user. This also will eliminate the need for IT staff to be involved in report development and generation, resulting in a savings in labor. The captured efficiencies will be redirected to other projects resulting in greater productivity for both end users and the IT staff.

Training

Training in General

The Office continues to operate one of the best public defender training programs in the country. Operating funds for the program are generated entirely from monies collected through a time-payment assessment imposed on people who pay court-ordered fees and, therefore, the program creates no tax burden on the Maricopa County taxpayers. Training funds are used to develop and offer quality, job-specific educational opportunities to all staff. Training provides the tools necessary to develop and enhance employees' abilities to perform their roles and responsibilities as employees of the Office.

New Employee Training

This fiscal year, the Office conducted five new attorney training sessions. Thirty-nine attorneys went through our three-week new attorney training program. Taking into account that each session requires approximately one and a half weeks of preparation, approximately five months of the year were devoted to getting new attorneys off to a good start. We continue to be pleased with the results of the three-week intensive session and the recognition our program has received statewide. Because of that recognition, we continue to provide training to new attorneys from several other county public defense offices.

The Office also conducted five new support staff training sessions. Sixty new non-attorney staff went through the four-day training program. New support staff are welcomed by the Public Defender at the start of training. Snapshots of the various areas and divisions of the office are presented by the Public Defender Administrator, administration personnel, various supervisors and other key staff. New support staff training includes a first-hand look at the Maricopa County Superior Court processes and a tour of the Madison Street Jail.

Continuing Education

The Office sponsored (or co-sponsored) twelve training seminars this year. We recorded 731 attendees to our seminars.

Seminar Conducted	Date	Topic	Number Attended
Arizona Notary Law Review	7/27/00	An overview of recent changes in Arizona notary laws	14
Grammar & Punctuation	8/1/00 & 8/2/00	A review of legal grammar and punctuation styles	60
Courtroom Drama	9/22/00	Effective communication skills for use in the courtroom	11
Building Blocks for Life: Pretrial to Habeas	10/27/00 – 10/28/00	Annual death penalty seminar offering an overview of Arizona capital case law, including aggressive defense of capital cases	171
Accident Reconstruction	11/17/00	Overview of the role of accident reconstruction in case preparation and trial presentation	10
Defender's Guide to Strategic Management	11/18/00 – 11/19/00	National Defender Leadership Project strategic management and leadership techniques	43
Impeachment	12/8/00	Strategies and process for impeachment of witnesses	18
Professionalism 2000	12/15/00	Review of professionalism standards, ethical issues, and how to handle and/or avoid them	65
JTOPS	2/9/01	Review of the Juvenile Transfer Offender Program	8
DUI 2001	2/23/01	Overview of DUI issues including ADAMS, legislation, record-keeping, juveniles and blood testing	185
DUI Update	6/6/01 – 6/7/01	Update on current DUI policies	15
Ethics 2001	6/15/01	Overview of ethical issues surrounding the use of electronic presentation aides such as PowerPoint in the courtroom	191

In addition to the above, fifty-six employees attended training classes offered by Maricopa County Organizational Planning & Training; two employees attended Maricopa County Management Institute's Supervisor School; and eleven employees took advantage of the County-sponsored tuition reimbursement program in pursuit of an undergraduate or graduate degree. The Public Defender Training Fund also provided fifty-nine opportunities for staff to receive training outside the county. Of those opportunities, twenty-one required out-of-state travel and three required in-state travel.

Training Newsletter

The circulation of our monthly training newsletter *for The Defense* continues to expand. The number of subscribers increased to well over 700 this year. Monthly issues are distributed to all Public Defender staff and over 300 external subscribers including superior court judges, appellate judges, state-wide public defender and private criminal defense attorneys. We continue to receive favorable feedback from judges and attorneys throughout the state. An example of this feedback, received in February 2001 from Peter S. Balkan, Coconino County Legal Defender, is set forth below.



Coconino County Legal Defender's Office

Peter S. Balkan

Attorney at Law
222 East Birch Street

Mailing: 110 E. Cherry Street
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(520) 779-6816
pbalkan@co.coconino.az.us

February 13, 2001

Mr Jim Haas
Interim Maricopa County Public Defender
11 West Jefferson, Suite 5
Phoenix, AZ 85003

RE: Dean Trebesch –Article

Dear Jim:

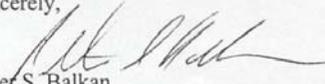
I enjoyed reading your article about Dean Trebesch in the latest issue of the "For the Defense." I'd like to add my comments.

Quite aside from your comments about Dean's critical role in Maricopa County, it should be observed that your office is the leader of the defense bar, statewide. Here in Coconino County, our numbers are relatively small and our budgets are accordingly low. We simply do not have the resources to accomplish the types of projects that your office and Dean did so well. Fortunately, we are able to look to your office and to share in your successes.

For instance, the Public Defender Training Fund has had a huge impact upon the defense bar in Northern Arizona and has provided us with a rare source of alternate funding. Not only has attorney training vastly improved but the availability of this funding has taken some of the pressure off the County General Fund and improved our relationship with our own Board of Supervisors. Likewise, "For the Defense," is a terrific resource and it is read and studied each time by our practitioners.

I want to formally and informally extend my congratulations and thanks to Dean and to the entire Maricopa County Public Defender's Office for your contributions to indigent defense and for being such conscientious and dynamic leaders.

Sincerely,


Peter S. Balkan
Coconino County Legal Defender

cc. Hon. Dean Trebesch

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Trial College

This year marked the third anniversary of our Trial Skills College. Held at Arizona State University School of Law on March 13, 14 & 15, the event provided advanced



training in trial skills including cross-examination, opening statements, jury communication, and evidentiary objections. The College is a cost-effective way to train and improve less experienced attorneys. Because the cost of the college facility is minimal, we were able to bring in instructors with national reputations to work with our own experienced trial attorneys as lecturers and hands-on instructors. This year marked the first use of professional actors during small breakout sessions. All of the participants were videotaped during breakout sessions as they practiced their newly acquired skills on professional actors who played witnesses. Forty-seven attorneys attended the three-day endeavor; ten percent of the participants were from other defender offices.

Notable News

Public Defender Selected as Superior Court Judge

Dean Trebesch, director of the Public Defender's Office for thirteen years, received a well-deserved appointment as a superior court judge. On December 6, 2000, Governor Jane Hull selected Mr. Trebesch for a position on the Maricopa County Superior Court bench. Dean was sworn in on January 29, 2001. Dean had been the director of the Public Defender's Office since August 1987, and had directed the Office through a period of tremendous growth in size and professionalism. Those who have been around long enough to remember the Office before Dean universally recognize the many accomplishments that he achieved for the Office and indigent representation in Maricopa County and Arizona.



As a direct result of Dean's leadership, the Office experienced a dramatic increase in the professionalism of the staff, resulting in the excellent group that serves the Office today. His many successful efforts throughout his tenure as Public Defender tremendously improved not only our Office, but also all of the public defense offices and the practice of many private criminal defense attorneys in Arizona. During Dean's tenure, at least three productivity studies of the Public Defender's Office were performed. In each, consultants made recommendations for change, of course - that is what consultants are paid to do. Nevertheless, all of the consultants were impressed by

the quality of the Office, and praised Dean for his commitment to quality representation and a professional operation.

Dean would insist that others deserve much of the credit, but those of us who worked closest to him know better. He set the tone, gave the direction, took the risk and the heat, and "carried the water" on these efforts. He has left an indelible mark on the Office, and on indigent defense throughout Arizona. Because of Dean, the Office is now in a position to take even greater strides and to continue toward our goal of becoming the best indigent defense office in the country.

Client Services Program Recognized

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Tribune

Mitigation specialists work to 'educate court'

Workers probe cases, seek information to justify lower sentences

BY GARY GRADO
TRIBUNE

Patrick Linderman walked out of Maricopa County Superior Court last week with a win and a loss.

He failed to persuade a judge to give his client only probation, but his work paid off in getting the lowest possible prison term available by law for the offense.

"You've got to educate the court," Linderman said, otherwise the judges will maximize the sentences they hand out.

Linderman isn't a lawyer, but his work — a hybrid of private investigator and social worker — could be just as important as any legal argument a lawyer might give a judge for lessening or specially fashioning the sentence of a criminal defendant.

Linderman is a mitigation specialist, or as the profession is titled in the Maricopa County Public Defender's Office where he works, a client services coordinator.

And while the Public Defender's Office represents anyone who can't afford legal counsel, not just any defendant gets the services of a mitigation specialist, said Pam Davis, Linderman's boss.

Their aim is more toward treatment, and only defendants

Please see **COURT**, Page **A1**

MONDAY, NOVEMBER 27, 2000

FROM THE FRONT PAGE

EV TRIBUNE

COURT: Detective skills can come in handy

From Page A1

who are motivated to change, who accept responsibility for their crimes, who are considered salvageable or who might have special needs are accepted.

"We never would write a sentencing proposal that would put our community at risk for any reason," Davis said. "What you don't see are the cases that maybe we start working on and then there is something about the case or the defendant that we wouldn't touch with a 10-foot pole."

Davis works only on death penalty cases, one of the most recently acquired being Jose Rodriguez Jr., 32, who plunged a flathead screwdriver with a 7-inch shank into the lung of Sandra Wilson, a Mesa woman whom he killed for her car in July. A jury convicted him Oct. 31 of first-degree murder.

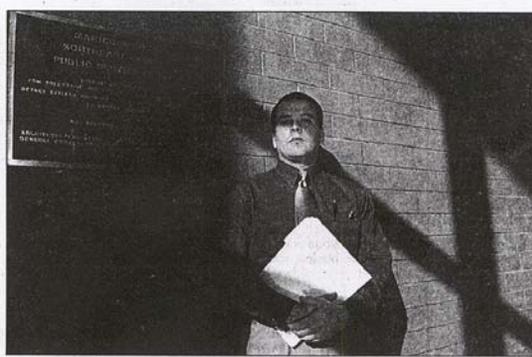
Davis also is working on mitigation for Shawn Grell, who was convicted of first-degree murder for setting his 2½-year-old daughter on fire and leaving her to die on a dusty roadside east of Mesa.

Davis has no problem trying to save the lives of brutal killers.

"I would never want to give the state license to kill someone, although I recognize that what our client did is wrong," Davis said. "I think everyone has some value to their life, even if it is to spend the rest of their life in prison."

There are eight mitigation specialists in the public defender's office, each with different backgrounds and each with different strengths.

Before joining the office seven years ago, Linderman — who works in the county's southeast



MARTHA STRACIAN/FOR THE TRIBUNE

Looking ahead: Patrick Linderman, a client services coordinator in the Maricopa County Public Defender's Office, said of his clients, "We want to find out how this person got to this point in their life to commit these offenses and what we can do from here on out."

facility in Mesa — was a licensed social worker who counseled children and families.

Now he, like other mitigation specialists, works as a sleuth of sorts, delving into the pasts of his clients by interviewing their families, former teachers and friends, pulling school and medical records, and then using the information to come up with an alternative sentence.

"We want to find out how this person got to this point in their life to commit these offenses and what we can do from here on out," Linderman, 36, said.

Wednesday, his efforts showed their worth when two defendants with identical offenses — possessing chemicals to manufacture methamphetamine — went before Judge David Cole.

Each had two prior felony convictions and each failed at

probation, but Linderman's client suffered a brain injury a decade earlier and it was only after the injury that he started getting in trouble.

A sickle-shaped scar that ran from the ear to nearly the crown of the head was visible on Linderman's 34-year-old client.

Linderman wrote a single-spaced, seven-page report for the judge on how the injury affected the defendant's life.

The first man, who didn't have a mitigation specialist, got sentenced to six years in prison. Linderman's client got three, the shortest prison term Cole could legally give. To get his client better treatment than he would receive in prison, Linderman sought probation, but the judge noted the defendant failed at probation in the past.

Cole said the information Linderman provided made a

difference in the sentencing.

Almost 60 percent of the time, judges go along with their recommendations, Davis said.

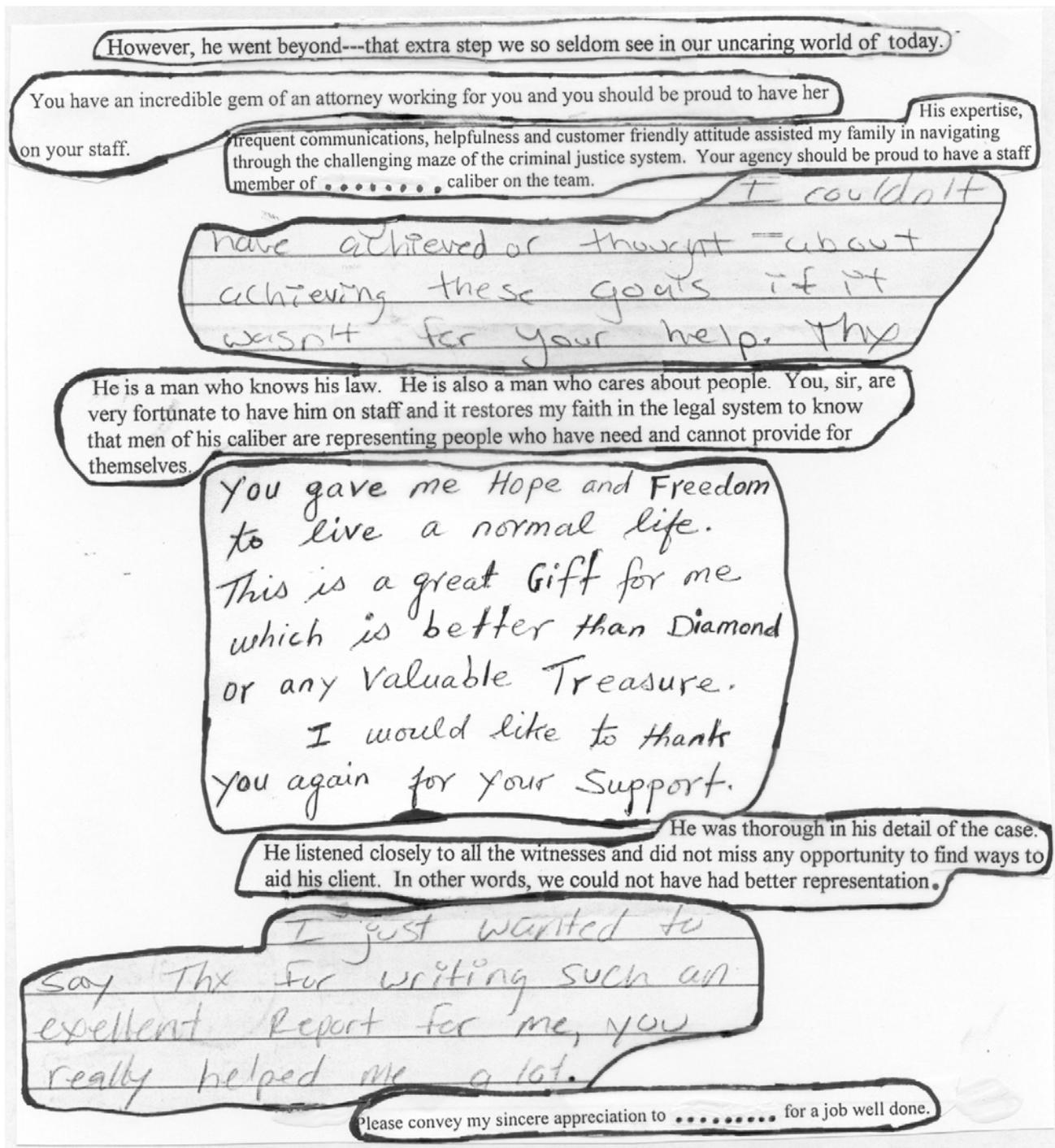
Judge Sherry Hutt, who just finished a two-year stint presiding over criminal cases, said mitigation specialists are a benefit to the system because they provide crucial information that judges can use in gaining a full understanding of the case and have more to consider, especially in the most serious cases where the stakes are the highest.

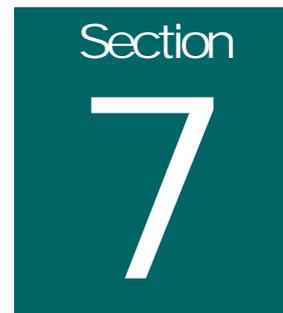
"To do that, it takes more than the kind of inquiry that a lawyer would provide in the normal course of legal representation," Hutt said.

Tribune writer Gary Grado can be reached by e-mail at ggrado@aztrib.com or by calling (602) 258-1746.

Thank You Notes and Letter of Recognition

The following are excerpts from letters and notes received by the Office, expressing appreciation for the efforts of attorneys and staff.





Budget at a Glance

MARICOPA COUNTY PUBLIC DEFENDER'S OFFICE BUDGET

7/1/00 THROUGH 6/30/01

ACCOUNT	EXPENDITURES
SALARIES & BENEFITS	\$ 21,416,548
GENERAL SUPPLIES	224,761
CONTRACTUAL SERVICES	83,812
LEGAL	416,919
NOTARY BONDS	1,066
BUILDING & COPIER RENT	1,668,904
BUILDING & EQUIPMENT REPAIR	24,236
INTERNAL SRVC. CHARGES (TELECOM-WHSE-MATERIALS MGMT-EQPMNT SRVCS)	146,274
INVESTIGATIVE, WITNESS, & EDUCATION TRAVEL & MILEAGE REIMBURSE	194,046
UTILITIES	0
BOOKS/PAMPHLETS/SUBSCRIPTIONS/BAR DUES/MISC LEGAL EXPENSES	166,350
COMPUTER EQUIPMENT, FURNITURE	77,288
VEHICLES	37,833
TOTAL EXPENDITURES	\$ 24,458,037
APPROPRIATIONS	AMOUNT
GENERAL FUNDS	23,665,555
TRAINING FUNDS	433,074
GRANTS	1,162,750
TOTAL APPROPRIATIONS	\$ 25,261,379

Statistical Abstracts

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▪ FELONY CASE ACTIVITY BY JUSTICE COURT	<i>Table 27, Page 28</i>
▪ MISDEMEANOR CASE ACTIVITY BY JUSTICE COURT	<i>Table 28, Page 29</i>

Important - Please Note: Cost per case calculations are based on “case credits.” A “case credit” is defined as: gross assignments to the office less: 1) all assignments resulting in no complaint being filed, 2) all cases resulting in withdrawal or retainment of private counsel (if the action occurred prior to arraignment in superior court), 3) two-thirds of gross probation revocation assignments, and 4) one-half of gross misdemeanor assignments.

ALL
DIVISIONS

Division	Type of Case	Cases Assigned
Trial¹	Misdemeanors	3,951
	Felonies	22,197
	Probation Revocations	12,637
Juvenile²	Delinquency	9,509
	Report and Review	644
	Other	66
Appeals³	Appeals	487
	Post Conviction Relief	1,036
	Juvenile Appeals	127
Mental Health	All	1,690
Total Cases Assigned		52,344

¹ Assignments resulting in no complaint being filed are not counted. No credit is taken for early stage case transfers to LD, LA or OCC. Cases with dispositions of withdrawal due to conflict or retention of private counsel are counted as full cases unless withdrawal or retention occurred in Justice Court. In instances of withdrawal due to workload, no credit is taken for the case. If withdrawal is due to the loss of an attorney, full credit is taken for the case.

² Private counsel and withdrawals receive full credit.

³ PCR and Appeal cases are counted by CR# rather than by number of petitions.

Table 1 FY01 Adjusted Case Assignments – All Divisions

Division	"Case Credits"	Cost Per Case
Trial	30,292.5	\$ 649.90
Juvenile	9,850.5	\$ 378.33
Appeals	1,592.0	\$ 1771.81
Mental Health	1,682.0	\$ 283.83
Total	43,417	\$ 615.24

Table 2 FY01 Case Credits and Cost Per Case by Division

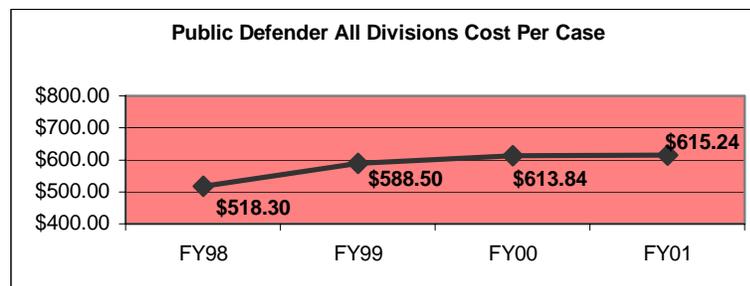


Figure 1 FY01 Total Public Defender Cost Per Case

APPEALS
DIVISION

NUMBER OPENED	
Jury Trial	376
Court Trial	25

Change of Plea	3
Probation Revocation	45
State's Appeal	20
Resentencing	3
Other	12
Total Opened	484

Table 3 Appellate Cases Opened in FY01

Type of Case	Number
Non-capital Cases	486
Death Penalty Cases	3

Table 4 FY01 Death Penalty v. Non-capital Appellate Cases

APPELLATE CASE ACTIVITY	NUMBER CLOSED
Withdrew – Conflict	16
Substitution of Counsel	21
Appeal Dismissed	35
Dismissed – Rule Change	10
Order and Mandate	374
Total Closed	456

Table 5 Appellate Cases Closed in FY01

Final Dispositions	Number
Affirmed	309
Affirmed as Modified	30
Affirmed as Modified; Vacated in Part; Remand for Resentencing	13
Affirmed in Part; Remanded	1
Affirmed in Part; Remanded for Resentencing	6
Affirmed in Part; Reversed in Part	2
Affirmed in Part; Vacated in Part	8
Decision Approved; Affirmed	2
Dismissed	1
Reversed	3
Reversed and Remanded	12
State's Affirmed	3
State's Affirmed as Modified	2
State's Reversed and Remanded	9
State's Vacated and Remanded	1
Vacated and Remanded for Resentencing	1

Table 6 FY01 Appellate Cases Final Dispositions

Type of Brief	Number Filed
Anders Briefs filed in: Changes of Plea	0
Probation Revocations	19
Resentencing	1

	Trials	164
Issue Briefs filed in:	Changes of Plea	1
	Probation Revocations	11
	Resentencing	2
	Trials	212
	- supplemental brief	1
Answering Briefs		11
Reply Briefs		107
Total Briefs Filed		529

Table 7 FY01 Appellate Briefs Filed

Other Types of Appellate Filings	Number Filed
Oral Arguments	4
Motions Filed	1051
Petitions for Review, Responses to Petition for Review, Motions for Reconsideration	58
Writs of Certiorari – U.S. Supreme Court	1
Respondents Brief – U.S. Supreme Court	1
Total Other Filings	1115

Table 8 Other Appellate Filings in FY01

Petition for Post Conviction Relief Cases	Cases Opened	Cases Closed
Plea PCRs	770	628
Trial PCRs	266	219
Total	1036	847

Table 9 FY01 Petitions for Post Conviction Relief Cases Opened and Closed

JUVENILE APPEAL CASES	NUMBER OPENED
Total Opened	127

Table 10 Juvenile Appellate Cases Opened in FY01

JUVENILE APPELLATE CASE ACTIVITY	NUMBER CLOSED
Withdrew – Conflict	2
Substitution of Counsel	0
Appeal Dismissed	11
Order and Mandate	123
Other	2
Total Closed	138

Table 11 Juvenile Appellate Cases Closed in FY01

Juvenile Appeals Briefs and Motions	Number Filed
Anders Briefs	42
Issue Briefs	60
Answering Briefs	3
Reply Briefs	44
Total Briefs and Motions	104

Table 12 Juvenile Appellate Briefs and Motions Filed in FY01

JUVENILE
DIVISION

Type of Case	Durango	Southeast	Total
Delinquency Petitions	4,751	4,758	9,509
Disposition Only	3	5	8
Notice of Appeal Filed by Defense	0	57	57
Mental Health Hearing Only	1	0	1
Report and Review	401	243	644
Total Cases Assigned	5,156	5,063	10,219

Table 13 Juvenile Cases Assigned in FY01

Type of Case	Durango	Southeast	Total
Delinquency Petitions	4,742	4,628	9,370
Disposition Only	3	6	9
Notice of Appeal Filed by Defense	0	67	67
Mental Health Hearing Only	1	0	1
Report and Review	352	219	571
Total Cases Closed	5,098	4,920	10,018

Table 14 Juvenile Cases Closed in FY01

Type of Sentencing Disposition	Durango	Southeast	Total
Terminated and Closed	45	58	103
Transferred to Other County	13	16	29
Withdrew – Conflict	0	1	1
Retained Private Counsel	0	0	0
Time Served Only	11	14	25
Fine Only	63	43	106
Detention Only	34	13	47
Work Hours Only	26	35	61
Restitution Only	2	3	5
Other Penalty Only	18	36	54
Probation Home	2,272	2,150	4,422
Probation/Intensive	554	474	1,028
Probation/Placement	135	125	260
Committed to DYTR	222	143	365

Table 15 FY01 Juvenile Cases Final Dispositions

Juvenile Transfer Activity	Number
Transfers Denied	10
Transferred – Lesser/Fewer	3
Transferred – All Counts	13
Transfer Withdrawn	5
Total Transfers	31

Table 16 Juvenile Transfer Cases in FY01

Type of Result	Durango	Southeast	Total
Cases Closed Without Admission or Adjudication	130	211	341
Conflict of Interest Retained Private Counsel	26	33	59

	Dismissed Prior to Adjudication	742	767	1,509
	Dismissed – Plea to Other	280	413	693
	Transferred to Adult	10	6	16
	Transferred to Other County	6	0	6
	Withdrew – Caseload	1	2	3
	Total Cases Closed Without Admission or Adjudication	1,195	1,432	2,627
Admissions	Pled – Lesser/Fewer	1,885	1,809	3,694
	Pled – As Charged/Others Dismissed Not Filed	538	463	1,011
	Pled – As Charged	660	602	1,262
	Total Cases Closed With Admissions	3,083	2,874	5,957
Adjudication Hearings	Guilty – Lesser/Fewer	77	85	162
	As Charged	228	152	380
	Not Guilty	90	65	155
	NGRI/Guilty But Sane	1	0	1
	Total Cases Closed By Adjudication	396	302	698

Table 17 FY01 Sentencing Dispositions on Juvenile Petitions

M E N T A L
H E A L T H
D I V I S I O N

Type of Case	Total Assigned
Mental Health RX/Evaluation	1,602
Annual Review	55
Judicial Review	33
Other	0
Total Cases Assigned	1,690

Table 18 Mental Health Cases Assigned in FY01

Type of Case	Number Closed
Mental Health RX/Evaluation	1,579
Annual Review	52
Judicial Review	32
Other	0
Total Cases Closed	1,663

Table 19 Mental Health Cases Closed in FY01

Type of Case	Number Ordered to Treatment
Gravely Disabled	22
Gravely Disabled – Persistently Gravely Disabled	24
Gravely Disabled – Persistently Acutely Disabled/Danger to Others	3
Gravely Disabled – Persistently Acutely Disabled/Danger to Self or to Others	3
Gravely Disabled – Danger to Self	1
Gravely Disabled – Danger to Self or to Others	1
Gravely Disabled – Danger to Others	7
Persistently Acutely Disabled	655
Persistently Acutely Disabled – Danger to Self	125
Persistently Acutely Disabled – Danger to Self or to Others	25
Persistently Acutely Disabled – Danger to Others	88
Danger to Self	90
Danger to Self or to Others	37
Danger to Others	45
Total Number Ordered to Treatment	1,126

Table 20 Mental Health Cases Ordered to Treatment in FY01

TRIAL
DIVISION

Type of Case	Number Opened
Felony Assignments	34,226
Witness Only	2
Drug Only	593
Mental Health Reviews	4
Felony Revocation Assignments	13,558
Homicide	164
Sex Crimes Against Children	350
Juveniles Transferred to Adult	22
Misdemeanor Assignments	4,179
Misdemeanor Revocation Assignments	70
Lower Court Appeals	5

Table 21 Trial Division Type of Case Assignments in FY01

Felony Case Activity	Number Opened
Cases Assigned for Preliminary Hearing	28,178
Direct Complaints	4,037
Trial Only	143
Juvenile Transfers	22
Other Superior Court Felony Assignments	2,829
Resentencing	15
Sentencing Only	16
Total Cases Opened	35,240

Table 22 Trial Division Felony Case Activity in FY01

Type of Case	Number Closed
Felony Cases	33,247
Felony Probation Revocations	13,593
Misdemeanor Cases	4,016
Misdemeanor Probation Revocations	26
Total Cases Closed	50,882

Table 23 Trial Division Cases Closed in FY01

Felony Case Dispositions Resulting in Sentencing	Number
Pled Guilty as Charged	1,923
Pled Guilty to Lesser/Fewer	13,829
Pled Guilty to Charge – Others Not Filed	374
Guilty as Charged (Jury Trial)	153
Guilty as Charged (Non-Jury Trial)	26
Guilty Lesser/Fewer (Jury Trial)	94
Guilty Lesser/Fewer (Non-Jury Trial)	33
Total Dispositions Resulting in Sentencing	16,432

Table 24 FY01 Trial Division Final Dispositions Resulting in Sentencing

Type of Felony Case Disposition	Number Closed in Justice Court	Number Closed in Superior Court
Trials*	0	688
Guilty Pleas	1,038	15,088
Dismissed	852	1,633
Guilty But Insane	0	14
Withdrew – Workload	0	7
Withdrew – Conflict of Interest	705	715
Administrative Transfer to LD, OLA or OCC	6	686
Retained Private Counsel	759	1,074
No Complaint Filed	9,866	0
Other	228	874
Total Cases Closed	13,454	20,779

Table 25 FY01 Felony Closed Case Dispositions (*Data Source: Public Defender Newsletter, for *The Defense*.)

Waivers & Preliminary Hearing Activity		Number
Preliminary Hearings Waived	Straight Waived	3,559
	Waived with Plea	5,606
Preliminary Hearings Held	Dismissed After Hearing	124
	Held to Answer on All Counts	1,005
	Held to Answer on Fewer Counts	86

Table 26 FY01 Waivers and Preliminary Hearing Activity

Justice Court	Total Felony Assignments	Closed/Furthered	Closed at Justice Court	Referred to Superior Court
Buckeye	313	326	169	148
Central Phoenix	1,166	1,180	580	588
Chandler	1,144	1,129	620	502
East Mesa	1,354	1,269	585	665
East Phoenix I	3,180	3,153	1,502	1,616
East Phoenix II	1,257	1,247	587	645
East Tempe	854	867	411	447
Gila Bend	82	78	45	32
Glendale	2,020	1,984	1,152	815
Maryvale	1,155	1,158	570	574
North Mesa	888	847	334	499
North Valley	1,011	976	584	385
Northeast Phoenix	1,399	1,349	704	633
Northwest Phoenix	1,084	1,077	560	507
Peoria	949	917	533	374
Scottsdale	1,084	1,060	392	649
South Mesa	1,075	1,002	478	519
South Phoenix	1,347	1,311	682	610
Tolleson	1,296	1,344	710	609
West Mesa	1,627	1,515	672	822
West Phoenix	1,748	1,788	798	964
West Tempe	1,037	947	467	467
Wickenburg	156	158	87	68
Other	1	20	0	20
TOTALS	27,227	26,702	13,222	13,158

Table 27 FY01 Felony Case Activity by Justice Court

Justice Court	Misdemeanor Assignments	Number Closed
Buckeye	137	139
Central Phoenix	130	124
Chandler	103	88
East Mesa	318	283
East Phoenix I	312	296
East Phoenix II	154	167
East Tempe	251	226
Gila Bend	44	47
Glendale	152	153
Maryvale	167	164
North Mesa	95	92
North Valley	128	139
Northeast Phoenix	242	238
Northwest Phoenix	168	153
Peoria	199	203
Scottsdale	91	72
South Mesa	206	154
South Phoenix	179	186
Tolleson	215	227
West Mesa	271	257
West Phoenix	292	317
West Tempe	246	201
Wickenburg	79	88
Other	0	0
TOTAL	4179	4014

Table 28 FY01 Misdemeanor Case Activity by Justice Court



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