

**COUNTY OF MADERA  
BUDGET UNIT EXPENDITURE DETAIL  
BUDGET FOR THE FISCAL YEAR 2012-13**

Department: **PUBLIC DEFENDER  
(03600)**  
Function: **Public Protection**  
Activity: **Judicial**  
Fund: **General**

<u>ACCOUNT CLASSIFICATION</u>	<u>ACTUAL EXPENDITURES 2010-11</u>	<u>BOARD APPROVED EXPENDITURES 2011-12</u>	<u>DEPARTMENT REQUEST 2012-13</u>	<u>CAO RECOMMENDED 2012-13</u>
SERVICES & SUPPLIES				
721400 Prof. & Specialized Services-Contracts	2,033,464	2,033,464	2,093,568	2,093,568
721433 Prof. & Specialized Services-Outside Attorneys	130,181	110,000	150,000	150,000
721434 Prof. & Specialized Services-Capital Cases	26,250	90,000	50,000	50,000
<b>TOTAL SERVICES &amp; SUPPLIES</b>	<b>2,189,895</b>	<b>2,233,464</b>	<b>2,293,568</b>	<b>2,293,568</b>
<b>TOTAL - PUBLIC DEFENDER</b>	<b>2,189,895</b>	<b>2,233,464</b>	<b>2,293,568</b>	<b>2,293,568</b>

**PUBLIC DEFENDER**

**COMMENTS**

This Office provides legal defense to indigent defendants in criminal cases. Until 1971, this service was provided solely by private attorneys appointed by the Courts. In 1972, the County established a Public Defender’s Office that was operated and staffed by County employees. On September 1, 1977, the Board of Supervisors entered into a contract with a local attorney to perform all the services of this office, which eventually resulted in contracting for three levels of Public Defender services to provide for “Conflict of Interest” cases and circumstances where there are multiple defendants. On May 10, 1994, the County approved a proposal for Public Defender services by a local law firm, which provided and coordinated, through sub-contracts, all levels of indigent defense in criminal cases. In May 2002, the Board of Supervisors extended the contract for these services for a four-year period ending June 30, 2006. In May 2006, The Board of Supervisors approved contracting for an additional four-year period ending June 30, 2010. In January 2008, the Board of Supervisors approved a contract adjustment to allow additional attorneys for the additional judges added to the court system. In June 2010, the Board of Supervisors approved an extension of the existing contract for a three-year period ending June 30, 2013.

**REVENUES**

	<b><u>Actual</u></b> <b><u>2010-11</u></b>	<b><u>Estimated</u></b> <b><u>2011-12</u></b>	<b><u>Projected</u></b> <b><u>2012-13</u></b>
Dependency Case Reimbursements	\$48,106	\$36,000	\$36,000
AB 109 – Public Defender	<u>0</u>	<u>0</u>	<u>\$40,000</u>
Total	\$48,106	\$36,000	\$76,000

**SERVICES & SUPPLIES**

**721400**      **Professional & Specialized Services - Contracts** (\$2,093,568) is recommended increased \$60,104 based on an increase in caseload over the previous year and in accordance with existing contract. This amount represents the following expenditures:

- Contract for all Public Defender Services - \$2,063,568
- Expert Witness Fees and Ancillary Costs - \$ 30,000

**721433**      **Professional & Specialized Services - Outside Attorneys** (\$150,000) is recommended increased \$40,000 based on prior year actual expenditures. This amount represents the cost to retain attorneys for Public Defender cases when conflict of interest or multiple defendant cases occur with the contract attorneys.

**SERVICES & SUPPLIES (continued)**

**721433      Professional & Specialized Services - Outside Attorneys (continued)**

Note: During the 2012-13 Fiscal Year, it is anticipated that two homicide cases requiring a change of venue will create additional expenses for outside attorneys, which is not included in this recommended budget. If the actual expenses for outside attorneys exceed appropriations, County Administration will request a transfer from contingencies.

**721434      Professional & Specialized Services - Capital Cases** (\$50,000) is recommended reduced \$40,000 based on prior year actual expenditures. This amount represents the estimated cost to provide legal defense for "Capital Cases," which may go to trial during the 2012-13 fiscal year. Since Fiscal Year 2000-01, the contracted Public Defender has been providing Capital Case defense through a flat-fee, per case basis with three classifications varying in degree and complexity. These fees are as follows:

**Category 1** - \$35,000 for a relatively non-complex case with one defendant and one victim.

**Category 2** - \$55,000 for a more difficult case with multiple victims or defendants, special circumstances, or complex factual or legal issues.

**Category 3** - \$70,000 for the most complex case with multiple victims/defendants, high publicity/notoriety, or very complex factual or legal issues.