State of Missouri

Public Defender Commission

Fiscal Year 2004 Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director
Kathleen L. Lear, Comptroller/Legislative Liaison

Http://www.publicdefender.mo.gov

October 1, 2004

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J. Marty Robinson
Director

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Comptroller

M E M O R A N D U M

TO: Governor Holden
Chief Justice White
Members of the General Assembly
Presiding Judges

FROM: J. Marty Robinson, Director and
Members of the State Public Defender Commission

DATE: October 1, 2004

RE: Fiscal Year 2004 Annual Report

As we fulfill our duty, presenting this Annual Report for the Missouri State Public Defender System, we regret we cannot report better news.

The alarming caseload trend of the past several years continues to be a great concern for our Department and Missouri's criminal justice system. Case assignments hit another record in FY04. Even more alarming is our inability to dispose of cases assigned. Missouri's criminal justice system is reaching a crisis as the backlog of public defender cases increases.

Total assigned cases in FY04 were 88,916, up from 85,908 in FY03. However, during this same time Missouri's public defenders were only able to dispose of 86,356 cases. For the fifth consecutive year, case assignments exceeded case dispositions. Between FY00 and FY04, Missouri's public defenders were assigned 409,554 cases. Dispositions, however, were just 387,611.

Missouri's public defenders, as well as Missouri's criminal justice system, continue to fall further and further behind because there are simply not enough public defenders. The last year Missouri's public defenders were able to dispose of at least the number of cases assigned was FY99. Not coincidentally, this was the last year more attorneys were authorized to address the increasing caseload.

Recruiting and retaining public defenders is paramount to the efficient and effective administration of Missouri's criminal justice system. Successful recruiting and retention is hampered by low salaries and crushing caseload demands.

Our Department continues to concentrate recruitment efforts at all Missouri law schools, as well as other law schools in the region. Still, the Missouri State Public Defender System is often unable to hire attorneys for many public defender positions, particularly in rural areas of the state. Heavy workloads, low salaries and crushing student loan debt have greatly hampered our Department's ability to recruit and retain attorneys.

For Fiscal Year 2006 the State Public Defender Commission is requesting additional funds to address the crisis in our criminal justice system. More and better compensated public defenders are absolutely necessary to address this disturbing trend.

The State Public Defender Commission is requesting funds to improve attorney salaries for entry level and junior attorneys, (APD I, II, and III), senior attorneys (APD IV), and District Defenders. The attorney turnover rate for FY2004 was an alarming 21.23%. Many of these attorneys left the Department after two years or less when they quickly learned they could simply not afford to live on the salaries offered. The turnover of senior attorneys (APD IV) was slightly better, but still an unacceptable 15%. Finally, District Defenders, the effective counterpart of full-time prosecutors, are paid just 64% of their full-time prosecutor equivalents.

Many new assistant public defenders are recent law school graduates. Student loan debt of $50,000 to $100,000 is not uncommon. The State Public Defender Commission is also requesting funds to begin a student loan reimbursement program. This program would be limited to new attorneys in their first 36 months of service to the State Public Defender. The State Public Defender Commission believes improved public defender recruitment and retention is absolutely necessary to avoid a crisis in Missouri's criminal justice system. The proposed salary increases and student loan forgiveness will improve attorney recruitment and retention.

Even with better salaries, there must be more public defenders to handle the ever-increasing caseload. In short, Missouri's public defenders are not only underpaid, they are grossly overworked and unable to handle the cases expected of them. As such, the State Public Defender Commission has also requested funding for more public defenders in the Trial and Appellate Divisions. This request is based upon the staffing and caseload standards established under then Governor Ashcroft in 1989, the year Missouri's Public Defender System became a total, state-wide system.

The Missouri State Public Defender Commission and the Office of State Public Defender continue our efforts at securing adequate, efficient facilities for all public defender offices. As caseloads continue to decrease in metropolitan areas and increase in rural areas, we need to be flexible with statewide staffing, and efficiently use our statewide resources. The current statutory scheme for providing public defender office space (RSMo. 600.040.1) does not allow flexibility where needed. We once again propose and recommend a change to Chapter 600, allowing the Office of State Public Defender control of and budget for its own office space, rather than having office space a county obligation.

These are challenging times for Missouri's Public Defenders. We play an integral role in our system of justice. Without us, it could not go on.

Our dedicated lawyers and support staff continue their heroic efforts as the demands upon them increase. However, heroic efforts alone will not secure Missouri's criminal justice system. The trends in public defender caseloads and public defender retention are alarming to all Missourians desirous of a fair system of justice.

Thank you for your continuing interest in and support of our Department. We appreciate it, and desperately need it.

Public Defender Commission

Annual Report – Fiscal Year 2004

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This is accomplished through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services to the indigent accused. In fiscal years 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by State Public Defender District Offices.

Today, the Missouri State Public Defender is organized into three legal service divisions, which include the Trial, Appellate, and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found at the end of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Every attorney in the Public Defender System handles cases representing Missouri's indigent accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not compromised.

To provide this uncompromised advocacy, the Missouri State Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

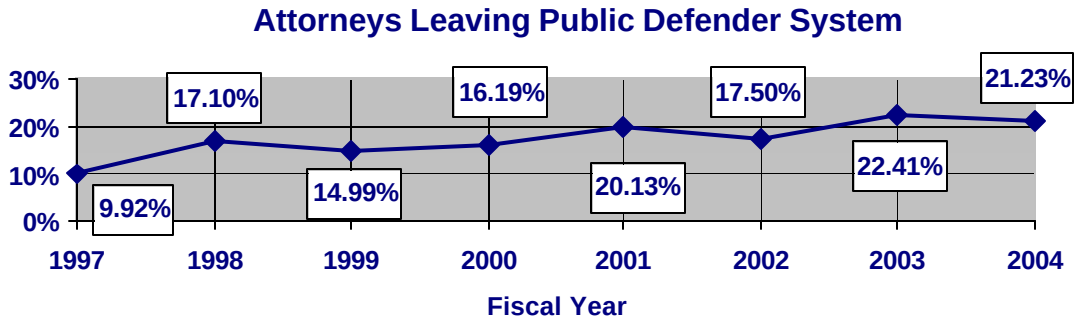
In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty.

Using data from fiscal year 2004, a composite example of a "typical trial division public defender" can be developed. In Fiscal Year 2004, the Trial Division of the Public Defender System opened 86,695 new cases. The Trial Division is allocated 287 attorney positions. Therefore, the "typical trial division public defender" opened 302 cases during Fiscal Year 2004. This means the defender must open one case and dispose of another case each and every workday to insure successful caseload management. Approximately 119 of the cases assigned to the "typical trial division defender" in fiscal year 2004 were felonies. The breakdown by category of cases handled by the "typical trial division defender" is presented on the following page.

FY2004 State Public Defender—Trial Division Typical Caseload	
Description	# of Cases
Homicide	1
A-B Felony	26
C-D Felony	92
Misdemeanor	97
Juvenile	15
Probation Violations	71
Total Average Caseload Per Trial Division Attorney	302

Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff.

Historically, recruitment and retention of attorneys have been a tremendous problem for the State Public Defender System. Increased funding for attorney salaries in Fiscal Years 1995 and 1996, temporarily improved retention, reducing attorney turnover from 20% per year to 7% per year. Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover is again increasing.



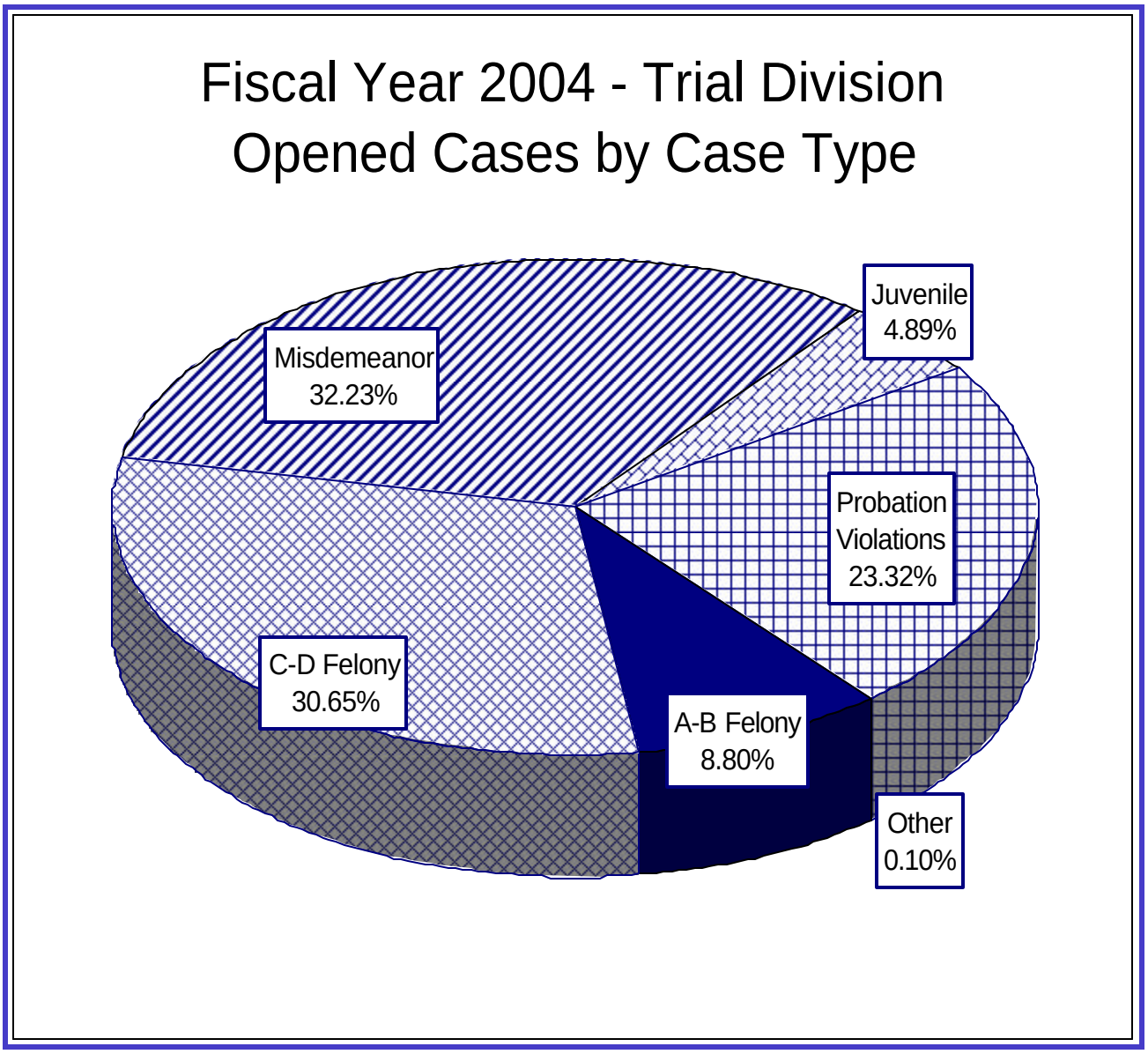
Caseload and Cost Highlights

A. Caseload

1. New Cases

The State Public Defender System's Trial Division opened 86,695 new cases in Fiscal Year 2004, an increase of 3,004 from Fiscal Year 2003 or 3.59%. By far, the greatest number of cases are reflected in the felony and misdemeanor caseloads. Since Fiscal Year 1999, the trial division's caseload has increased by 14,995 cases or 17.30%.

FY2004 Trial Division Opened Cases by Case Type		
	Description	# of Cases Represented
10	Murder – Death Penalty	6
15	Murder – 1st Degree	122
20	Other Homicide	131
30	A-B Felony	7,370
35	C-D Felony	26,573
40	Misdemeanor	22,038
45	Misdemeanor – Traffic	5,908
50	Juvenile – Status	796
52	Juvenile – Criminal	3,442
54	Post Conviction Relief/Rule 24 & Rule 29	1
60	Chapter 552	49
60 & 61	Sexual Predator Hearing & Trials	3
65	Probation Violation	20,221
75	Writ	24
80	Appeal	8
82	Direct Appeal	3
	Total Trial Division Cases Opened	86,695

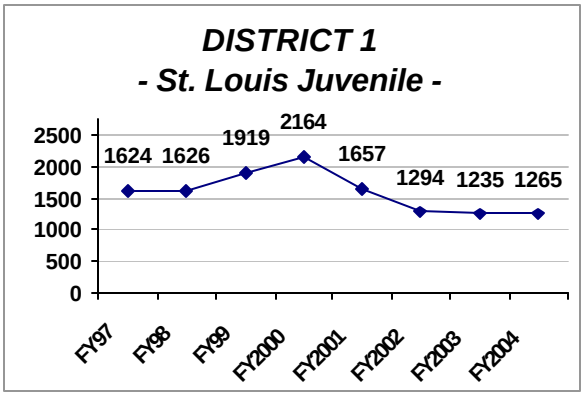


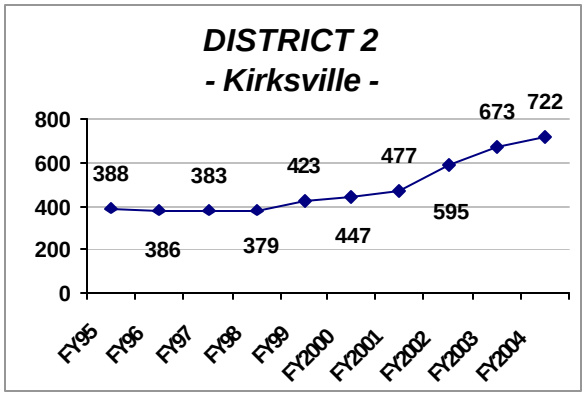
Felony Cases Opened	34,202 or 39.45% of the total caseload
Misdemeanor Cases Opened	27,946 or 32.23% of the total caseload
Probation Violation Cases Opened	20,221 or 23.32% of the total caseload
Juvenile Cases Opened	4,238 or 4.89% of the total caseload

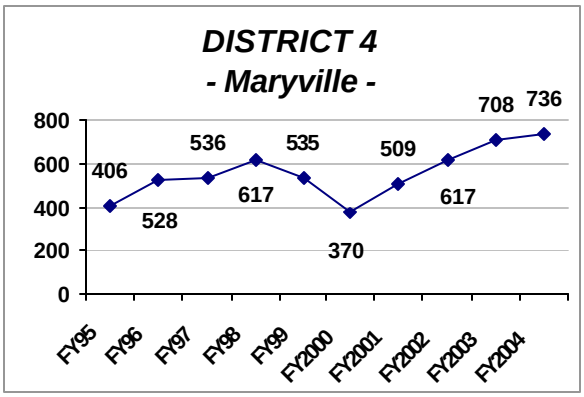
TRIAL DIVISION NEW CASES OPENED
FIVE FISCAL YEAR COMPARISONS - FY00 to FY2004
BY DISTRICT

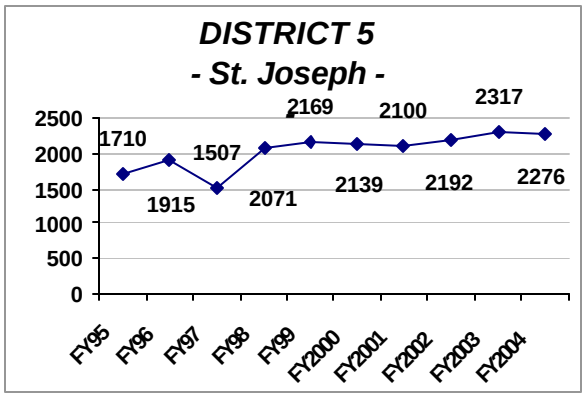
District #	District Name	FY00 Cases Opened	FY01 Cases Opened	FY02 Cases Opened	FY03 Cases Opened	FY04 Cases Opened	# Change 2000 to 2004	% Change 2000 to 2004
1	St. Louis Juvenile	2,164	1,657	1,294	1,235	1,265	-899	-41.54%
2	Kirksville	447	477	595	673	722	275	61.52%
4	Maryville	370	509	617	708	736	366	98.92%
5	St. Joseph	2,139	2,100	2,192	2,317	2,276	137	6.40%
6	Kansas City Juvenile		406	996	1,306	1,322	1,322	
7	Liberty	3,098	3,119	3,358	3,593	3,582	484	15.62%
10	Hannibal	1,064	1,318	1,302	1,483	1,588	524	49.25%
11	St. Charles	1,640	1,769	1,943	1,824	1,680	40	2.44%
12	Fulton	1,652	1,492	1,536	1,645	1,778	126	7.63%
13	Columbia	3,673	3,753	3,933	4,044	4,348	675	18.38%
14	Moberly	1,182	1,112	1,268	1,378	1,536	354	29.95%
15	Sedalia	1,540	1,275	1,558	1,780	2,018	478	31.04%
16	Kansas City	9,223	8,574	8,115	9,210	9,577	354	3.84%
17	Harrisonville	2,632	2,526	2,281	2,554	2,627	-5	-0.19%
19	Jefferson City	1,244	1,300	1,135	1,318	1,264	20	1.61%
20	Union	1,462	1,366	1,615	1,946	1,615	153	10.47%
21	St. Louis County	3,805	3,606	4,121	3,553	3,204	-601	-15.80%
22	St. Louis City	8,241	6,954	7,543	5,928	7,848	-393	-4.77%
23	Hillsboro	1,234	1,523	1,584	1,852	1,897	663	53.73%
24	Farmington	1,734	1,808	1,987	2,213	2,312	578	33.33%
25	Rolla	2,358	2,679	3,001	3,274	3,489	1,131	47.96%
26	Lebanon	1,901	2,340	2,429	2,727	2,501	600	31.56%
28	Nevada	1,003	1,131	1,288	1,268	1,338	335	33.40%
29	Carthage	3,791	3,882	4,444	4,225	4,306	515	13.58%
30	Buffalo	941	1,083	1,189	1,622	1,900	959	101.91%
31	Springfield	2,739	3,094	3,787	4,165	4,562	1,823	66.56%
32	Cape Girardeau	2,409	2,703	2,522	2,890	2,837	428	17.77%
34	Caruthersville	985	1,035	1,167	1,123	1,049	64	6.50%
35	Kennett	1,552	1,699	1,737	1,838	1,951	399	25.71%
36	Poplar Bluff	1,232	1,527	1,573	1,708	1,712	480	38.96%
37	West Plains	761	768	999	1,025	1,170	409	53.75%
39	Monett	1,916	2,151	2,437	2,438	2,074	158	8.25%
43	Chillicothe	1,707	2,090	2,356	2,444	2,685	978	57.29%
44	Ava	437	568	611	740	686	249	56.98%
45	Troy	849	881	932	999	1,240	391	46.05%
49	St. Louis Conflicts	656	638	718	645		-656	-100.00%
Total Trial Division New Cases		***73,781***	***74,913***	***80,163***	***83,691***	***86,695***	***12,914***	***17.50%***
		FY2000	***FY2001***	***FY2002***	***FY2003***	***FY2004***	***FY00 to FY04***	

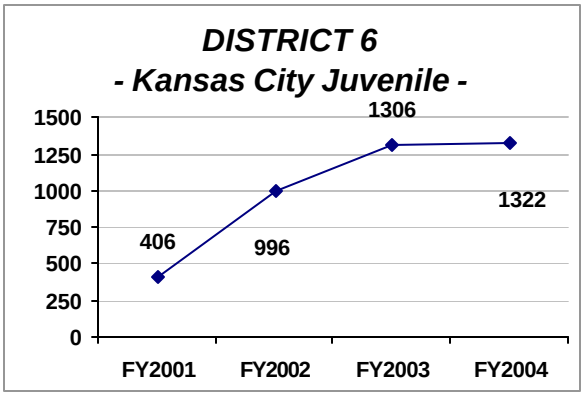
New Cases Opened – By District
FY1995 to FY2004

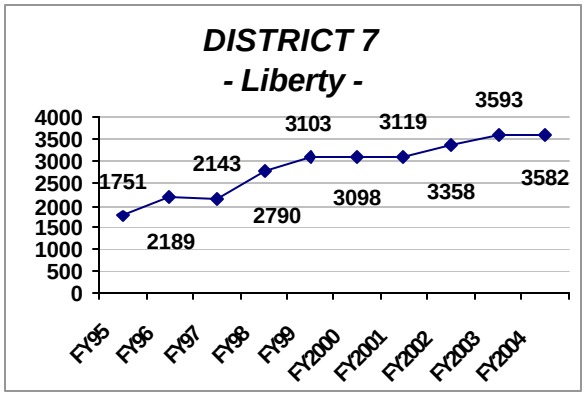


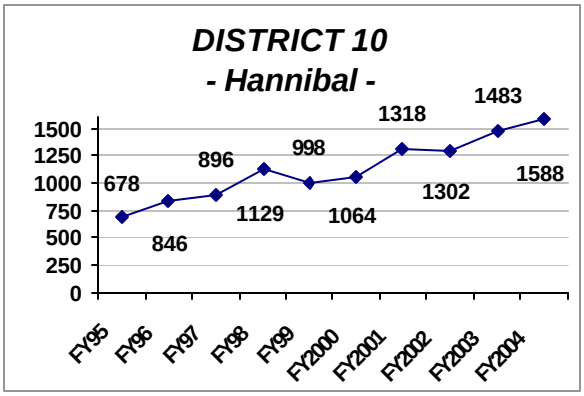


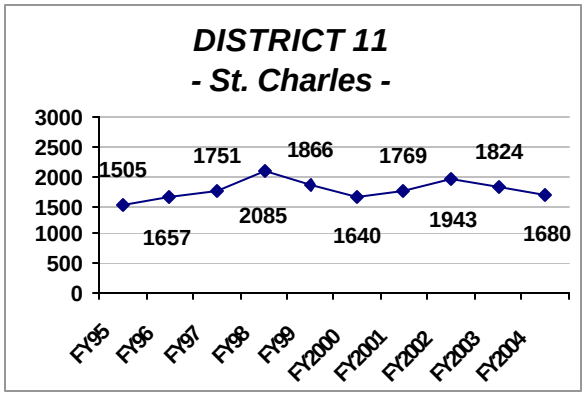




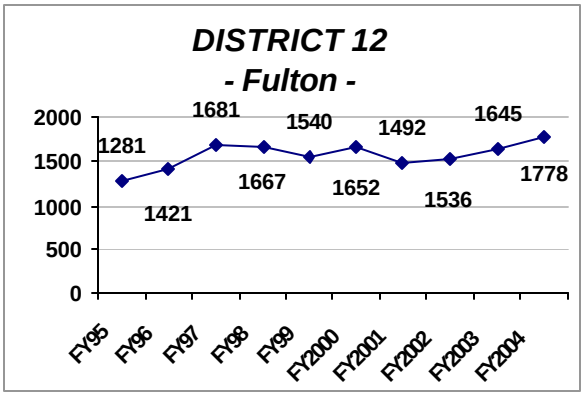


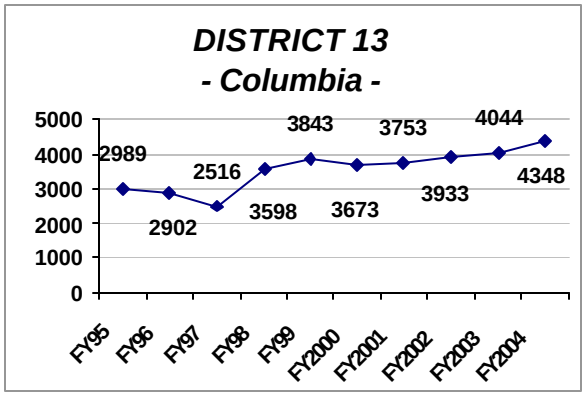


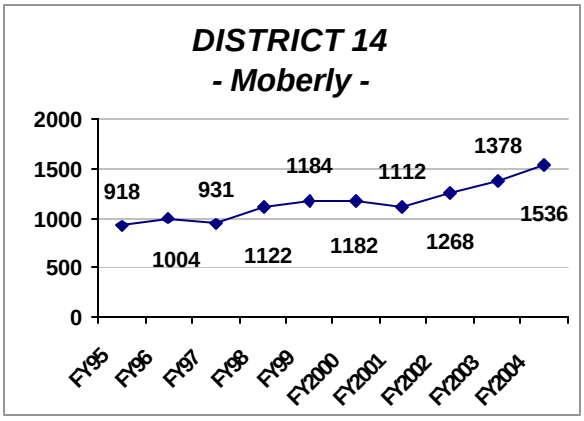


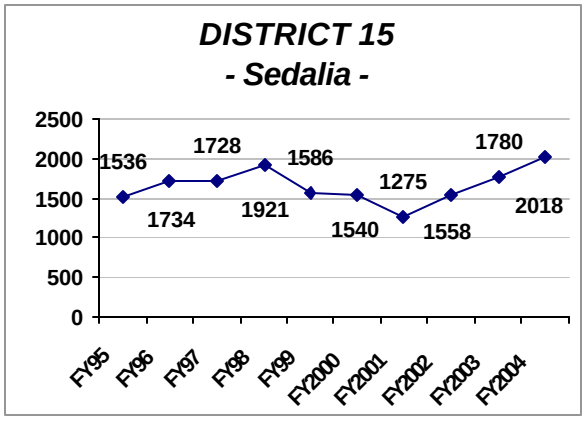


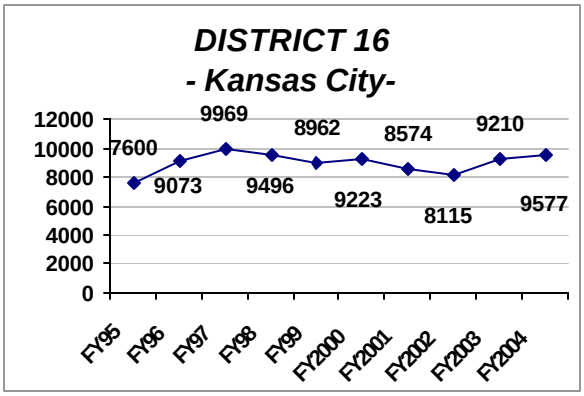
New Cases Opened – By District
FY1995 to FY2004

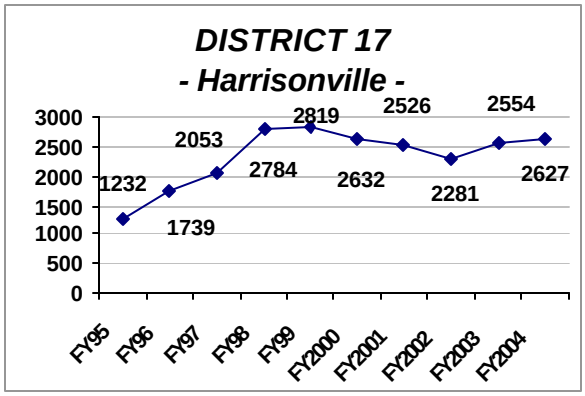


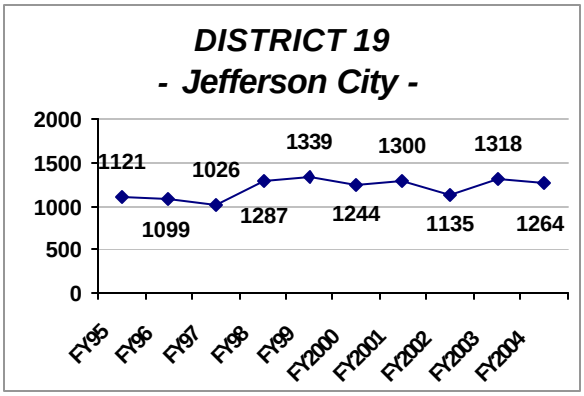


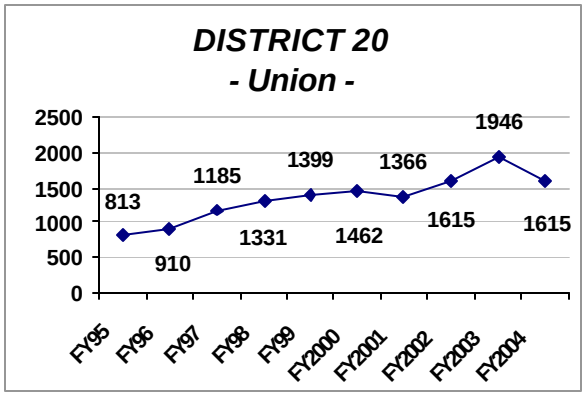




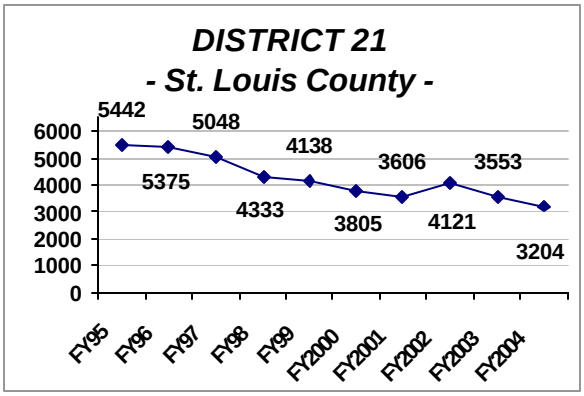


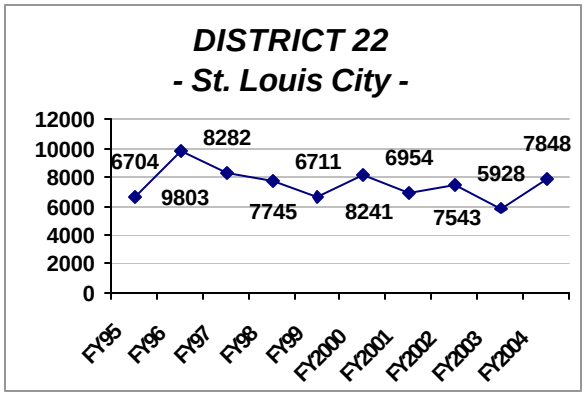


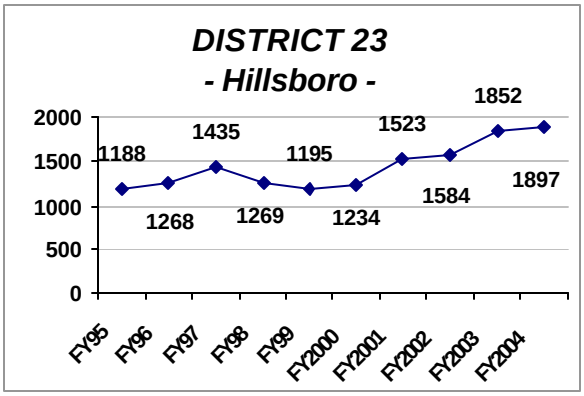


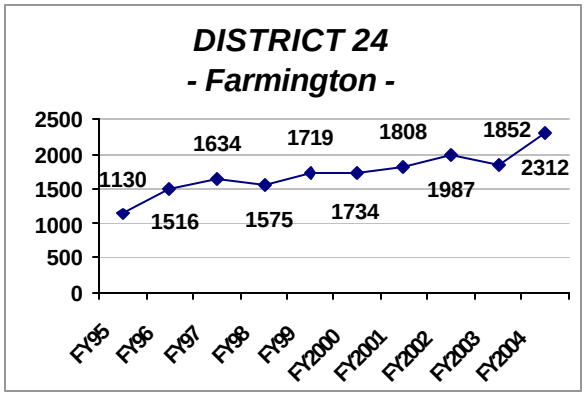


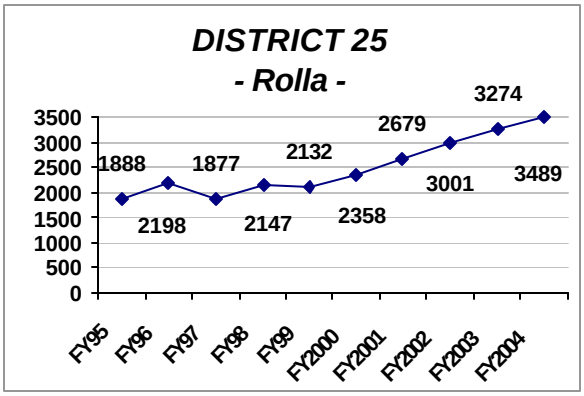
New Cases Opened – By District
FY1995 to FY2004

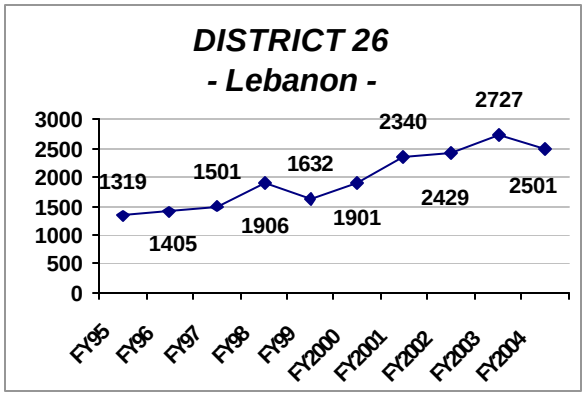


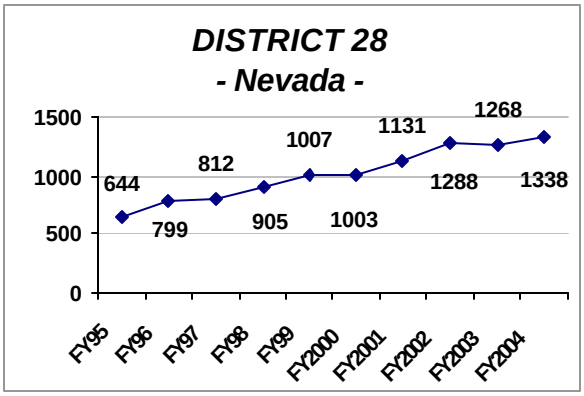


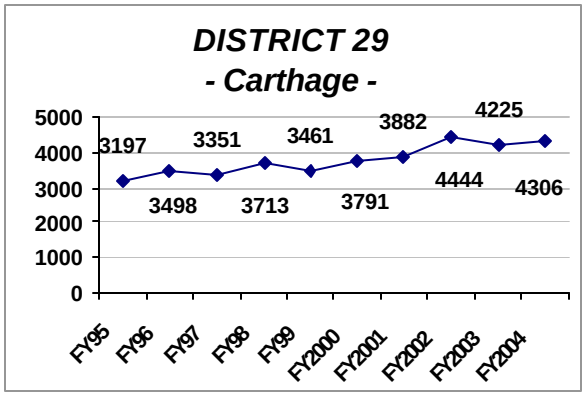




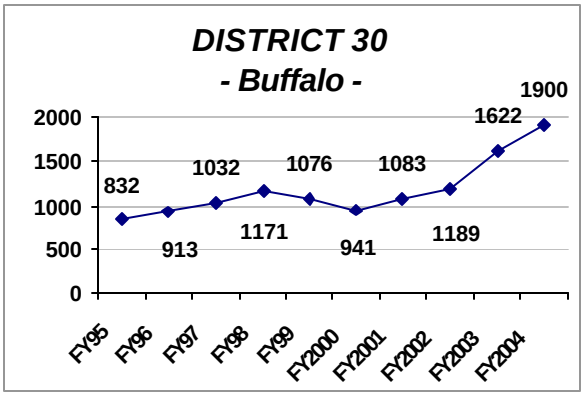


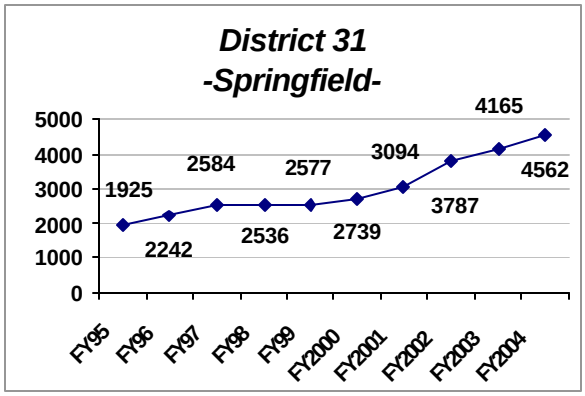


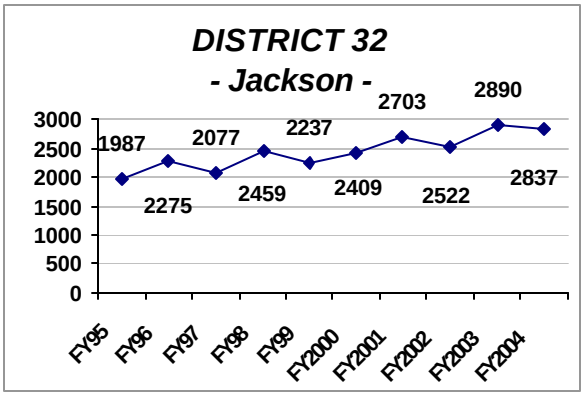


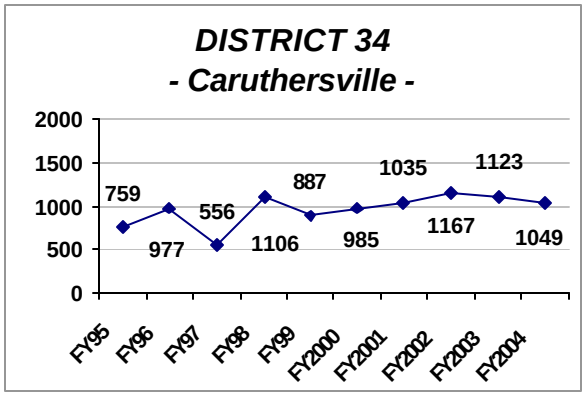


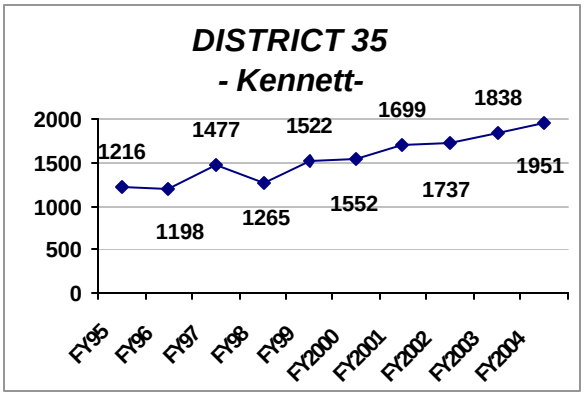
New Cases Opened – By District
FY1995 to FY2004

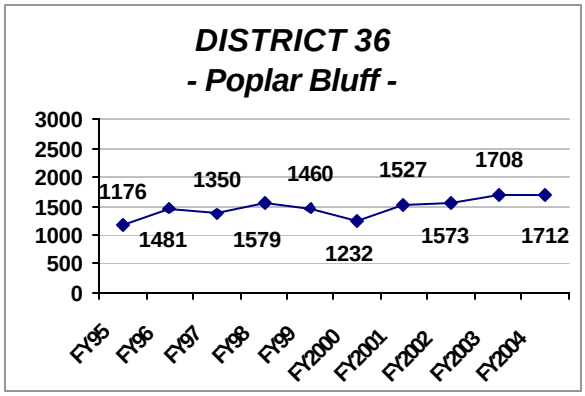


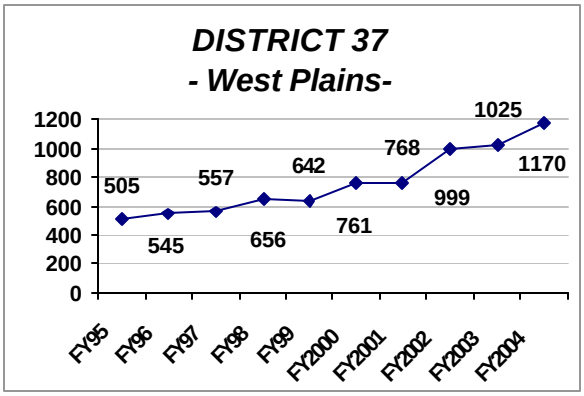


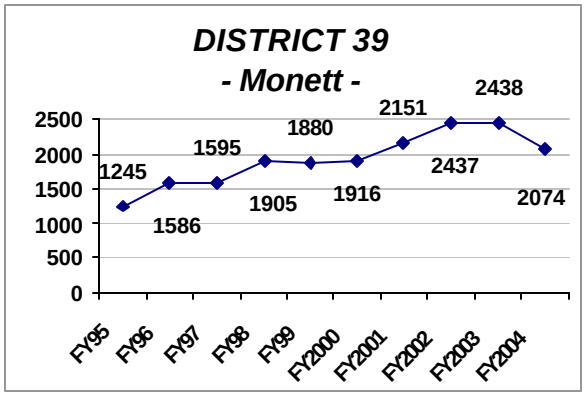




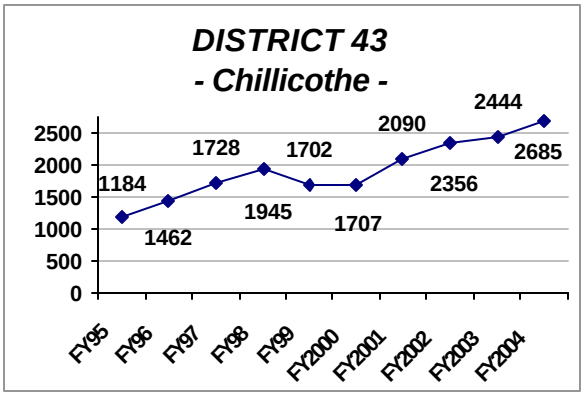


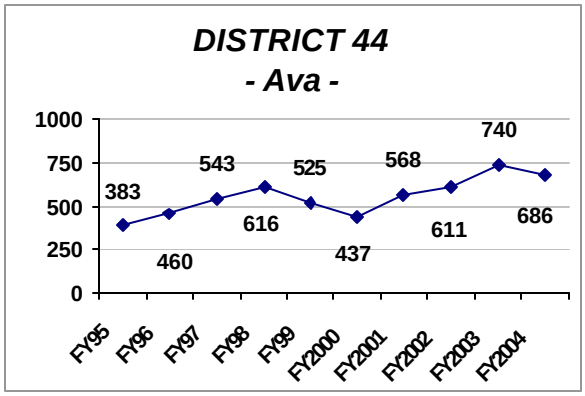


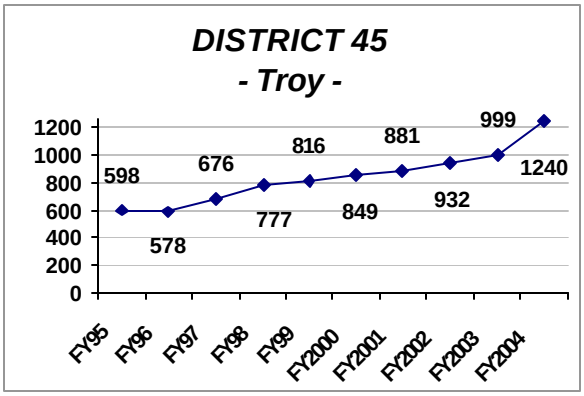


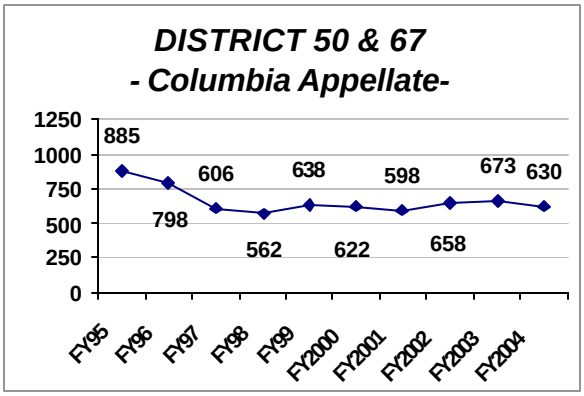


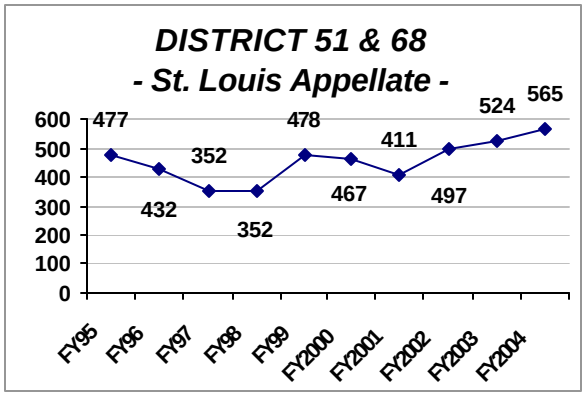
New Cases Opened – By District
FY1995 to FY2004

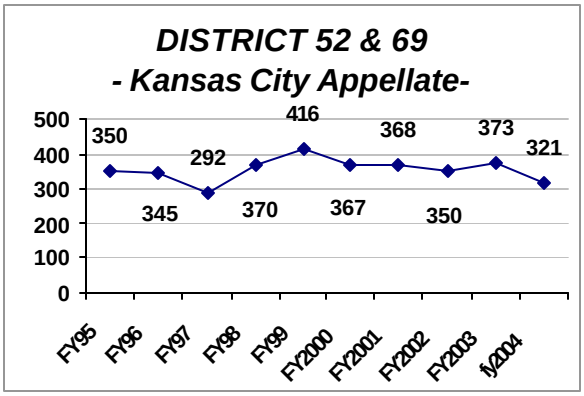




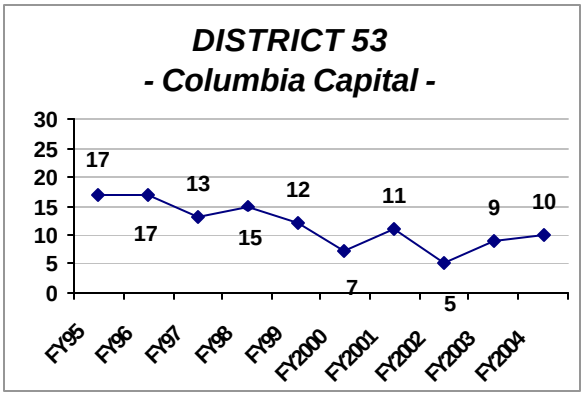


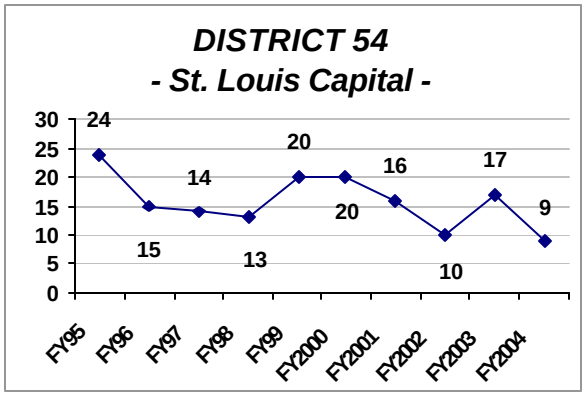


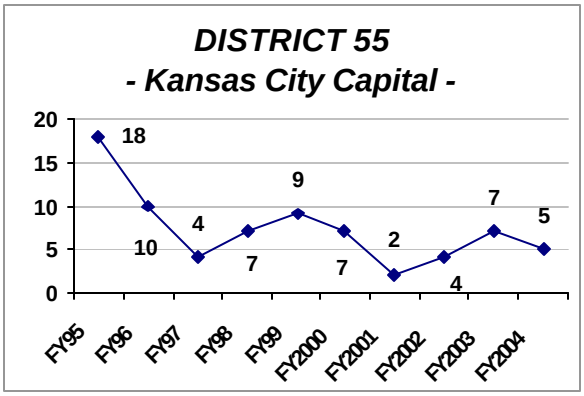




New Cases Opened – By District
FY1995 to FY2004







MA, MB = Misdemeanor A or B
FC, FD = Felony C or D

FY2004 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY04 Cases	Charge Code	Description	FY04 Cases
001.000	Probation Violation	13,507	221.111	Delivering/possessing prohibited articles in jail	118
001.100	Juvenile	550	221.353	Damage to jail property FD	70
001.110	Juvenile Injurious Behavior	241	252.040	Pursuing/taking wildlife	35
001.115	Juvenile Review Hearing	107	252.045	Operation of MV on conservation property	5
001.120	Juvenile PV Only	93	252.060	Failure to Display a Fishing License	2
001.125	Juvenile Status	33	260.212	Criminal disposition of solid waste	0
001.130	Juvenile Misdemeanor	47	287.128	Workers compensation fraud/MA	4
001.135	Juvenile Felony C-D (Cert.)	1	288.380	Illegal unemployment compensation	0
001.140	Juvenile Felony A-B (Cert.)	4	301.020	Failure to register	217
001.145	Juvenile Felony C-D	88	301.120	Failure to return plates	8
001.150	Juvenile Felony A-B	8	301.130	Failure to display valid plates	170
001.155	Juvenile Murder 1st/2nd (Cert.)	0	301.140	Displaying plates of another	90
001.160	Juvenile Homicide (Cert)	0	301.190	Certificate of ownership	4
001.165	Juvenile Homicide	0	301.277	Failure to register non-resident vehicle	13
043.170	Failure to stop for Hwy Patrol	6	301.320	Displaying another states plates	7
115.631	Election Offense Class I	5	301.390	Sale of vehicle with altered VIN	3
142.830	Operating as Interstate Motor Fuel user	1	301.400	Removing/defacing manufacturer numbers FC	0
143.931	Failure to file MO tax return	9	301.420	False Statement on Registration Application	1
144.480	Failure to pay state sales tax	6	301.707	Failure to register an all-terrain vehicle	0
167.031	Compulsory school attendance MC	51	302.020	Operating MV without a valid license	483
167.061	Educational neglect	4	302.025	Financial responsibility while operating vehicle	0
190.308	Misuse of 911 phone service	15	302.178	Failure to comply with immediate license	8
191.490	Violation of a law or regulation	0	302.200	Operating MV w/out new license after revoked	11
191.677	Risk of infecting another w/HIV FD	6	302.210	Purchase of vehicle without receiving full title	0
191.905	Abuse of a Person Receiving Health Care	7	302.220	Possession of altered driver's license	2
194.410	Disturbing human burial site	0	302.230	Making false stmt to obtain driver's license M	1
194.425	Abandonment of a corpse	4	302.260	Unlicensed person operating motor vehicle	6
195.130	Maintaining a public nuisance	19	302.321	Driving while suspended or revoked	6,485
195.202	Drug Possession	7,467	302.340	Prohibited Use of a License	1
195.203	Possession Under 35 Grams	522	302.780	Driving commercial vehicle under influence	1
195.204	Fraudulent attempt to obtain cont. sub.	142	303.024	Failure to provide evidence of insurance	110
195.211	Distribution/delivery/manufacture FA/B/C	3,120	303.025	Operating MV w/out financial responsibility	331
195.212	Unlawful distribution to minor	21	303.041	Failure to maintain financial responsibility	130
195.213	Unlawful purchase or transport with a minor	0	303.370	Driving while revoked/suspended for 303.025	244
195.214	Dist. drugs within 1000 ft of a school FA	114	304.000	Traffic	105
195.218	Dist. drugs within 1000 ft of public housing	95	304.010	Speeding	378
195.222	Drug trafficking FD	102	304.012	Careless and imprudent driving	336
195.223	Drug trafficking SD	575	304.013	Operating ATV's illegally	10
195.226	Furnishing materials for producing cont. sub.	3	304.015	Failure to drive on right side of the road	261
195.233	Use of drug paraphernalia MA	996	304.016	Violation of passing regulation	17
195.235	Delivery or manufacture of drug paraphernalia	52	304.017	Following too closely	18
195.241	Possession of an imitation drug	9	304.019	Failure to signal	53
195.242	Delivery or manufacture of an imitation drug	71	304.022	Failure to yield to emergency vehicle	78
195.246	Possession of ephedrine	162	304.220	Weight Limit Violatoin	2
195.254	Delivery by manufacturer or distributor	6	304.271	Failure to stop at stop sign	42
195.291	Persistent drug offender	0	304.281	Failure to stop at signal or crosswalk	19
195.410	Possession of chemicals for meth.	52	304.341	Turns at intersection violation penalty	2
195.420	Creation of a controlled substance	224	304.351	Failure to yield right-of-way	42
195.425	Abandonment of a corpse	3	304.665	Juvenile in bed of truck	0
210.104	Failure to provide child safety restraint	21	306.111	Neg. operation vessel/intoxicated/manslaughter	3
211.031	Exclusive jurisdiction of juvenile court	34	306.124	Fastening or damaging navigation aid w/vessel	0
217.360	Possession of cont. substance-corr. facility	114	307.040	Failure to display stop & turn signals on trailer	8
217.365	Possession of contraband in penal Institution	5	307.045	Faulty headlights	11
217.385	Committing violence	60	307.070	Failure dim lights w/in 500 ft oncoming vehicle	2
217.490	Multi-State Agreement on Detainers	1	307.075	Failure to equip trailer with tail lights	14

MA, MB = Misdemeanor A or B
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FY2004 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY04 Cases	Charge Code	Description	FY04 Cases
307.105	Limitation of total lamps lighted at one time	4	565.092	Aggravated harassment	0
307.170	Operating vehicle with excessive noise	1	565.100	Tampering with evidence	0
307.173	Vision reducing material applied to windows	6	565.110	Kidnapping FA/B	57
307.178	Seat belt violation	59	565.120	Felonious restraint FC	64
307.350	Motor vehicles, biennial inspection required	7	565.130	False imprisonment MA/FD	14
307.400	Operating commercial vehicle without service	13	565.150	Interfering with Custody	19
311.050	Sale of Intoxicating Liquor w/o a License	3	565.153	Parental Kidnapping	11
311.310	Supplying liquor to a minor	73	565.156	Child abduction	13
311.325	Possession of liquor by a minor	182	565.165	Assisting in child abduction or kidnapping	0
311.328	Altering operator's license or ID card	3	565.180	Elder abuse FD	6
311.329	Possessing altered operator's license/ID card	3	565.182	Elder abuse SD	5
311.550	Sale of liquor without a license	0	565.184	Elder abuse TD	13
311.880	Sale of alcohol to minor	3	565.188	False report of elder abuse	1
312.407	Possess of non-intoxicating liquor by minor	6	565.225	Aggravated stalking	64
313.380	Possession of Device Violate 313.800-313.850	1	565.252	Invasion of Privacy - 1st FC	2
313.817	Presenting false ID to enter gaming est.	7	565.253	Invasion of privacy	7
313.830	Cheating a gambling game	8	566.030	Rape FA/B	146
324.520	Performing body peircing on a minor	2	566.032	Statutory rape FD	192
367.045	Failure to repay pawnbroker MB	2	566.034	Statutory rape SD	133
378.385	Commit perjury while receiving public assistance		566.040	Sexual assault 1st FA/B	37
407.020	Unlawful merchandising practices	2	566.050	Sexual assault 2nd FC/D	0
407.536	Odometer fraud FD	0	566.060	Sodomy FA/B	94
407.933	Possession of cigarettes by a minor	0	566.062	Statutory sodomy 1st Dgr	340
409.410	Sale - unregistered securities	0	566.064	Statutory sodomy 2nd Dgr	61
454.440	Failing to complete an information statement	6	566.067	Child molestation 1st Dgr	183
455.085	Violation of a protective order	706	566.068	Child molestation 2nd Dgr	52
455.538	Violation of an order of child protection	13	566.070	Deviate sexual assault 1st FB/C	30
468.350	As owner operator/auth another to op	0	566.080	Deviate sexual assault 2nd FC/D	0
476.110	Criminal contempt of court	11	566.083	Sexual misconduct involving a child	29
542.400	Illegal wire tapping	0	566.090	Sexual misconduct MA	65
544.665	Failure to appear	136	566.093	Sexual misconduct 2nd Dgr	56
548.131	Fugitive from justice	370	566.095	Sexual misconduct 3rd Dgr	15
557.035	Hate crime C/D Fel	6	566.100	Sexual abuse 1st FC/D	20
557.036	Persistent offender	82	566.110	Sexual abuse 2nd MA/FD	3
558.016	Persistent misdemeanor offender	0	566.120	Sexual abuse 3rd MA	0
562.036	Possess. controlled substance w/intent to dist.	0	566.130	Indecent exposure MA	0
564.011	Attempt to commit an offense	291	566.151	Attempted Enticement of a Child	3
564.016	Conspiracy FB	67	566.625	Failure to register as a sex offender	9
565.020	Murder 1st FA	154	567.020	Prostitution MB	52
565.021	Murder 2nd FA	138	567.030	Patronizing prostitution MB	8
565.023	Voluntary manslaughter FB	1	567.050	Promoting prostitution 1st FB	3
565.024	Involuntary manslaughter FC	32	567.060	Promoting prostitution 2nd FC	7
565.050	Assault 1st FA/B	587	567.070	Promoting prostitution 3rd FD	0
565.060	Assault 2nd FC	903	568.010	Bigamy MA	1
565.065	Unlawful endangerment of another FC	0	568.020	Incest FD	4
565.070	Assault 3rd MA/C	2,051	568.030	Abandonment of a child 1st FB	0
565.072	Domestic Assault 1st FC	157	568.032	Abandonment of a child 2nd FD	0
565.073	Domestic Assault 2nd FC	983	568.040	Criminal nonsupport MA/FD	3,578
565.074	Domestic Assault 3rd FC	1,712	568.045	Endangering welfare of a child 1st Dgr	351
565.075	Assault on school property - FD	35	568.050	Endangering welfare of a child MA	274
565.081	Assault law enforcement officer FA	63	568.060	Abuse of a child FB/C	153
565.082	Assault law enforcement officer	120	568.070	Unlawful transactions with a child MB	1
565.083	Assault law enforcement officer 3rd MA	275	568.080	Using a child in a sexual performance FB/C	3
565.084	Tampering with a judicial officer	10	568.090	Promoting sexual performance by a child FC	0
565.090	Harassment MA	172	568.110	Processor failure to report MB	0

MA, MB = Misdemeanor A or B
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FY2004 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY04 Cases	Charge Code	Description	FY04 Cases
568.175	Trafficking in children FC	0	571.030	Unlawful use of weapons FD/MB	1,145
569.020	Robbery 1st FA	705	571.045	Defacing firearm MA	1
569.025	Pharmacy robbery 1st FA	5	571.050	Possession of a defaced firearm MB	3
569.030	Robbery 2nd FB	384	571.060	Unlawful transfer of weapons FD/MA	1
569.035	Pharmacy robbery 2nd FB	0	571.070	Possession of a concealable firearm FC	14
569.040	Arson 1st FB	53	571.080	Transfer concealable firearms w/out permit MA	2
569.050	Arson 2nd FC	77	571.090	Permit to acquire concealable weapons MA	0
569.055	Knowingly burning or exploding FD	50	571.150	Use/possession of metal-penetrating bullet FB	1
569.060	Reckless burning or exploding MA	4	572.020	Gambling MB	8
569.065	Negligent burning or exploding MB	9	572.035	Promoting Child Pornography 2nd FD	0
569.070	Catastrophe FA	0	572.050	Possession of gambling records 1st FD	0
569.080	Tampering 1st FC	2,462	572.060	Possession of gambling records 2nd MA	0
569.085	Unlawful endangerment of property FC	0	572.070	Possession of a gambling device MA	0
569.090	Tampering 2nd MA/FD	508	572.080	Lottery offenses	0
569.095	Tampering with intellectual property MA/FD	2	573.020	Promoting obscenity 1st FD	0
569.097	Tampering with computer equipment FC/D	0	573.023	Sexual Exploitation of a Minor	2
569.099	Tampering with computer users MA/FD	0	573.025	Promoting Child Pornography 1st FB	1
569.100	Property damage 1st FD	391	573.030	Promoting Pornograhpy 2nd MA	1
569.120	Property damage 2nd MB	504	573.035	Promoting child pornography 2nd FD	1
569.140	Trespass 1st MB	743	573.037	Promoting gambling 2nd MA	6
569.150	Trespass SD	55	573.040	Furnish pornographic material to a minor MA	2
569.155	Trespass of a school bus	1	573.060	Public display of explicit sexual material MA	0
569.160	Burglary 1st FB	790	573.065	Coercing acceptance of obscene materials	0
569.170	Burglary 2nd FC	2,863	574.010	Peace disturbance	124
569.180	Possession of burglar's tools FD	14	574.020	Private peace disturbance MC	4
570.030	Stealing FC/MA	4,921	574.040	Unlawful assembly MB	4
570.033	Stealing animals	12	574.050	Rioting MA	0
570.040	Stealing 3rd Offense FC	103	574.060	Refusal to disperse MC	2
570.080	Receiving stolen property MA/FC	942	574.070	Promoting civil disorder 1st FC	0
570.085	Alteration or removal of item numbers FD/MB	4	574.075	Drunkenness/Drinking in prohibited places M	3
570.090	Forgery FC	2,621	574.085	Burial discretion - Institutional Vandalism	4
570.100	Possession of a forgery instrumentality FC	4	574.090	Ethnic intimidation FD	0
570.103	Counterfeiting 1000 or more	3	574.093	Ethnic intimidation SD	1
570.110	Issuing a false instrument or certificate MA	0	574.105	Money Laundering	1
570.120	Passing bad check MA/FD	5,679	574.115	Making a terrorist threat	9
570.125	Fraudulent stop payment on instrument MA/FD	28	575.020	Concealing an offense MA	0
570.130	Fraudulent use of a credit device MA/FD	285	575.030	Hindering prosecution	70
570.135	Fraudulent procurement of a credit/debit device	3	575.040	Perjury FA/B/C/D	8
570.140	Deceptive business practices	1	575.050	False affidavit MA/C	3
570.145	Financial exploitation of elderly or disabled	6	575.060	False declarations MB	14
570.150	Commercial bribery MA	0	575.080	False reports MB	85
570.155	Sports bribery FEL/MIS	0	575.090	False bomb report D-fel	11
570.160	False advertising MA	0	575.100	Tampering with physical evidence	16
570.170	Bait advertising MA	0	575.110	Tampering with public records	0
570.180	Defrauding secured creditors MA/FD	16	575.120	False impersonation	6
570.190	Telephone service fraud MA	1	575.130	Simulating legal process	0
570.210	Library theft FC/MC	6	575.150	Resisting. Interference. w/Arrest. FD/MA	872
570.217	Misapplication of funds financial institution FC/D	0	575.160	Interference. w/Legal Process MB	3
570.219	False entries-records of financial institution FC	2	575.195	Escape from commitment FD	10
570.220	Check kiting FC	0	575.200	Escape/attempt escape custody MA FA/D	48
570.223	Identity Theft	13	575.210	Escape/attempt escape confinement FA/C/D	38
570.230	Selling unauthorized recordings	1	575.220	Failure to return to confinement MA/FC	33
570.300	Theft of cable television service FA/MC	5	575.230	Aiding escape of a prisoner FB/D MA	4
571.015	Armed criminal action	43	575.240	Permitting escape	0
571.020	Possess/transport/sale-certain weapons FC/MA	47	575.250	Disturbing judicial proceeding	0

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FY2004 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY04 Cases	Charge Code	Description	FY04 Cases
575.260	Tampering with judicial process	1	577.161	Can't prohibit disabled life jackets in pool	0
575.270	Tampering with a witness FC/MA	57	577.600	Failure to use ordered ignition interlock device	6
575.280	Official acceding to corruption	0	578.009	Animal neglect MA	21
575.290	Improper communication	0	578.012	Animal abuse	79
575.300	Juror misconduct	0	578.025	Dog fighting MA/FD	0
575.310	Misconduct in selecting or summoning juror	0	578.027	Dog baiting MA	0
575.320	Misconduct in administration of justice	0	578.050	Bull baiting and cockfighting MA	0
575.350	Killing or Disabling a Police Animal	0	578.150	Failure return rented personal property MA/FD	249
576.010	Bribery of a public servant FD	3	578.154	Possession of Anhydrous Ammonia	38
576.020	Public servant acceding to corruption FD	2	578.250	Inhaling/ inducing others to inhale fumes MB	21
576.030	Obstructing government operations MB	5	578.255	Induce or possess w/intent to induce intoxicatio	7
576.040	Official misconduct MA	0	578.260	Possess/purchase solvents to aid others MB	3
576.050	Misuse of official information MA	0	578.265	Sell or Transfer Solvents FC	1
576.060	Failure to give a tax list	0	578.305	Assault w/ intent to hijack bus	0
576.070	Treason FA	0	578.365	Hazing	0
577.005	Vehicular manslaughter	0	578.377	Unlawful receipt of food stamps MA/FD	3
577.010	Driving while intoxicated MA/B FD	4,126	578.379	Unlawful conversion of food stamps MA/FD	0
577.012	Drive w/excessive blood alcohol content MA/C	42	578.381	Unlawful transfer of food stamps MA/FD	0
577.017	Consuming alcoholic beverages in moving MV	16	578.395	Ticket scalping	0
577.023	Driving while intoxicated Second MA, Third FD	49	578.423	Knowingly participate in street gang activity MA	0
577.051	Failure to furnish M.U.L.E. records MC	0	578.425	Promoting or assisting gang conduct MA	0
577.060	Leaving scene-motor vehicle accident MA/FD	496	578.433	Maintaining public nuisance	0
577.070	Littering MA	37	578.445	Possession tools to break into vending mach	0
577.073	Littering in state parks	0	589.400	Registration of certain offenders with chief law	6
577.075	Release of Anhydrous Ammonia	6	589.414	Failure to register as a sex offender	15
577.076	Littering with carcasses	0	589.425	Failure to register penalty, subsequent	76
577.080	Abandoning motor vehicle MA	3	602.300	Unlawfully possessing a tobacco product	0
577.100	Abandonment of airtight containers	2	632.480	Sexually violent predator	1
577.110	Operating MV while under 16 years of age	0	701.057	Construction of on-site sewage disposal system	0
577.150	Corrupting or diverting water supply	0	701.046	Sewage Disposal construction or modification	2
577.155	Prohibition of waste disposal wells	0	999.999	Witness Only	6

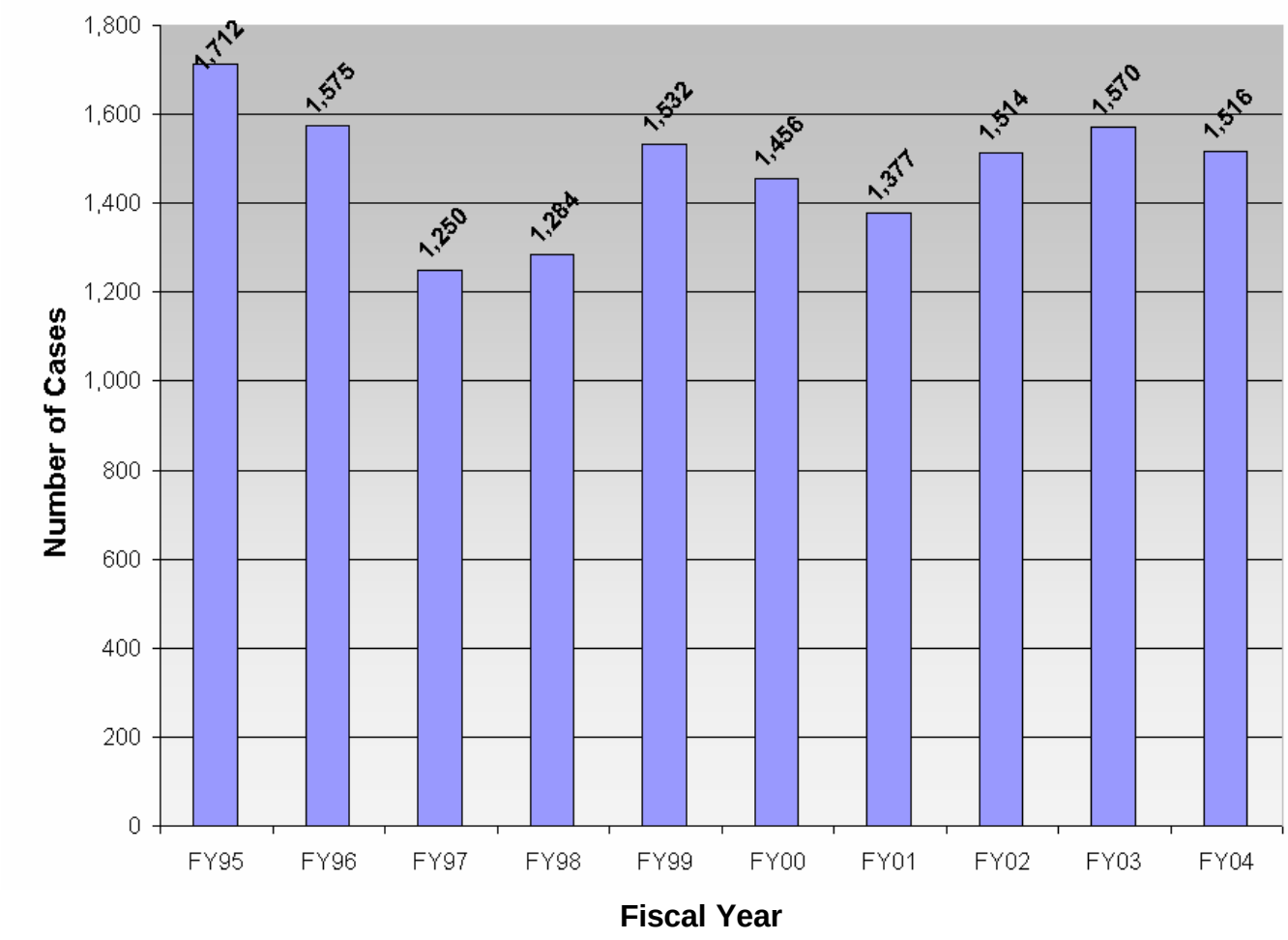
FY2004
CONFLICT ASSIGNMENTS
by Case Type

Code	Description	# of Cases Assigned
10	Murder – Death Penalty	4
15	Murder – 1st Degree	11
20	Other Homicide	9
30	A-B Felony	220
35	C-D Felony	259
40	Misdemeanor	72
52	Juvenile	20
54	Post Conviction Relief – Rule 24	1
59	Post Conviction Relief – Rule 29	11
60	Chapter 552	0
65	Probation Violation	42
80	Appeal	3
82	Direct Appeal	7
	Total Conflict Assignments	659

FY2004
APPELLATE DIVISION CASELOAD
Cases Opened and Closed

	Central Columbia		Eastern St. Louis		Western Kansas City		Totals
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	
Death PCR							
Opened	5	1	1	0	2	0	9
Closed	4	2	7	0	4	0	17
Felony Appeals							
Opened	189	0	57	57	29	29	361
Closed	207	0	58	57	36	41	399
PCR Appeals							
Opened	69	43	61	62	37	45	317
Closed	68	51	61	58	41	59	338
PCR Trials							
Opened	0	288	179	143	89	86	785
Closed	0	305	138	120	88	88	739
Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, SVP, etc.							
Opened	25	10	4	1	2	2	44
Closed	23	13	1	0	0	1	38
Appellate Division Totals							
Opened	288	342	302	263	159	162	1,516
Closed	302	371	265	235	169	189	1,531
Totals							
Opened	630		565		321		1,516
Closed	673		500		358		1,531
	Central Columbia		Eastern St. Louis		Western Kansas City		

Number of New Appellate Cases



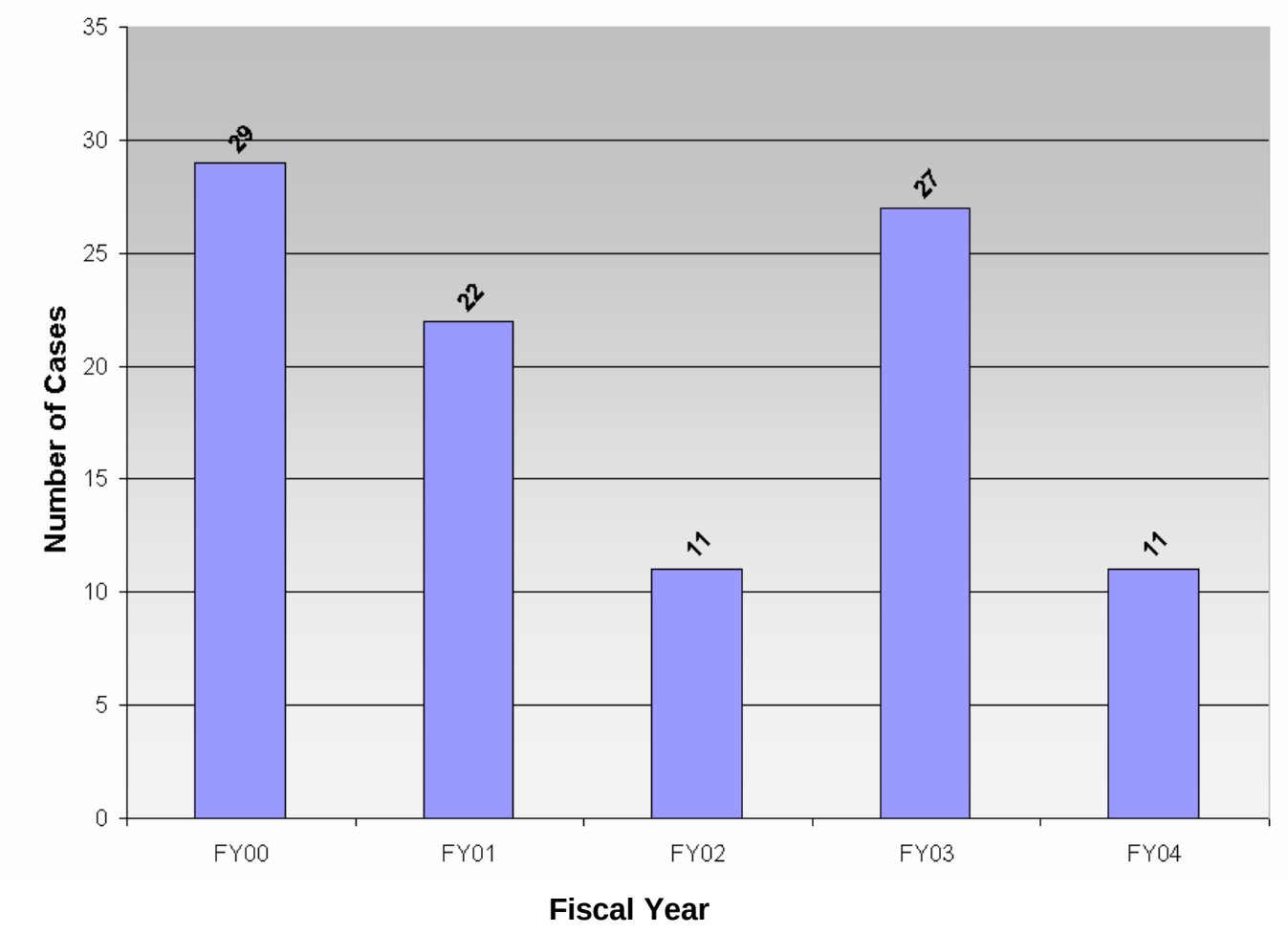
Appellate Cases Disposed
By Disposition Code

	District 50	District 51	District 52	District 67	District 68	District 69
42 Conflict (transferred for assignment)		7	1		10	1
41 Conflict (transfer to PD Office)	4	13	2	8	11	8
37 Guilty Plea Vacated		2	1	11		1
36 Reversed for sufficiency/client discharged	3			1		
35 Reversed for findings of fact/conclusions of law			3	1	1	2
34 Reversed for new trial				1		
33 Reversed & Remanded for sentencing relief			4	1	1	2
32 Reversed & Remanded for Resentencing	1			12	1	
31 Reversed & Remanded for PCR Hearing	2	2	5	1	2	2
30 Reversed & Remanded for New Trial	17		5			3
21 Denied without hearing		46	19	43	40	18
20 Denied after hearing		18	20	80	16	25
12 Summary Affirmance	151	67	4	11	66	1
11 Affirmed in part/Rev & Remand in part	8	1	1	1	2	1
10 Affirmed after opinion	74	25	50	39	9	71
03 Dismissed by Court	4	19	11	57	24	8
02 Voluntary Dismissal	24	46	36	81	35	35
01 Withdraw	14	13	5	16	11	1
00 Unknown		7	2	6	5	10
	302	266	169	370	234	189

FY2004 CAPITAL DIVISION Death Penalty Caseload			
	Opened	**Closed**	**Current**
Central Office—Columbia			
Trials	4	5	9
Appeals	6	8	1
Totals	10	13	10
Eastern Office—St. Louis City			
Trials	6	7	17
Appeals	3	4	3
Totals	9	11	20
Western Office—Kansas City			
Trials	1	2	4
Appeals	4	1	7
Totals	5	3	11
Total Death Penalty Cases			
Trials	11	14	30
Appeals	13	13	11
Totals	24	27	41

The Direct Appeals of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeals of death penalty cases assist the Capital Division Trial staff in trail preparation.

Number of New Capital Cases



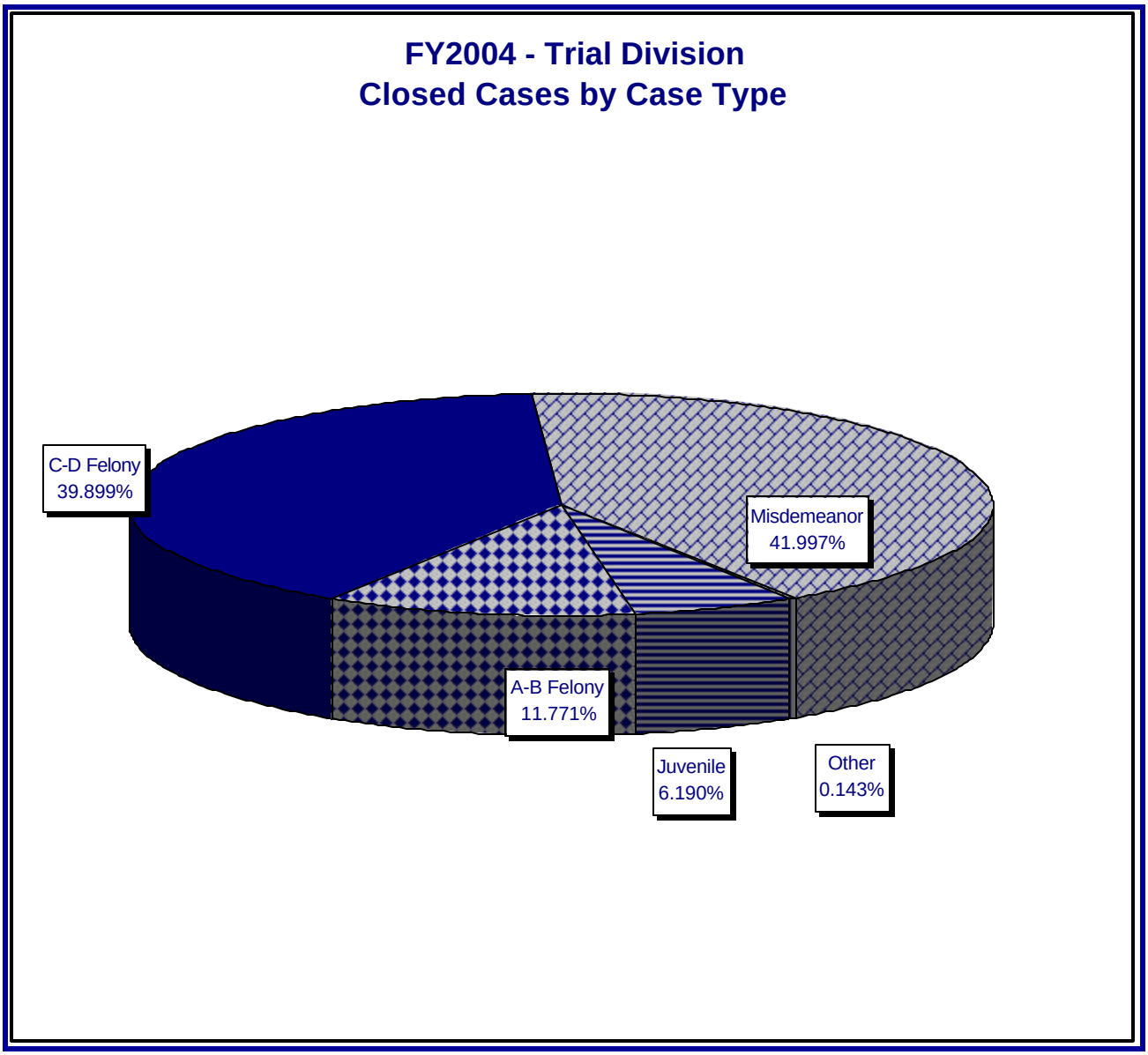
Cases Closed

The State Public Defender System's Trial Division closed 84,119 cases in Fiscal Year 2004.

FY 2004 Trial Division Closed Cases by Case Type		
	Description	# of Cases Represented
10	Murder – Death Penalty	4
15	Murder – 1st Degree	130
20	Other Homicide	103
30	A-B Felony	7413
35	C-D Felony	25,931
40	Misdemeanor	21,795
45	Misdemeanor – Traffic	5,500
50	Juvenile – Status	743
52	Juvenile – Criminal	3,280
54	Post Conviction Relief/Rule 24 & Rule 29	2
60	Chapter 552	48
61	Sexual Predator Hearings & Trials	3
65	Probation Violation	19,127
75	Writ	31
80	Appeal	6
82	Direct Appeal	3
	Total Trial Division Closed Cases	84,119

TRIAL DIVISION NEW CASES OPENED
FIVE FISCAL YEAR COMPARISONS - FY00 to FY2004
BY DISTRICT

District #	District Name	FY00 Cases Opened	FY01 Cases Opened	FY02 Cases Opened	FY03 Cases Opened	FY04 Cases Opened	# Change 2000 to 2004	% Change 2000 to 2004
1	St. Louis Juvenile	2,164	1,657	1,294	1,235	1,265	-899	-41.54%
2	Kirksville	447	477	595	673	722	275	61.52%
4	Maryville	370	509	617	708	736	366	98.92%
5	St. Joseph	2,139	2,100	2,192	2,317	2,276	137	6.40%
6	Kansas City Juvenile		406	996	1,306	1,322	1,322	
7	Liberty	3,098	3,119	3,358	3,593	3,582	484	15.62%
10	Hannibal	1,064	1,318	1,302	1,483	1,588	524	49.25%
11	St. Charles	1,640	1,769	1,943	1,824	1,680	40	2.44%
12	Fulton	1,652	1,492	1,536	1,645	1,778	126	7.63%
13	Columbia	3,673	3,753	3,933	4,044	4,348	675	18.38%
14	Moberly	1,182	1,112	1,268	1,378	1,536	354	29.95%
15	Sedalia	1,540	1,275	1,558	1,780	2,018	478	31.04%
16	Kansas City	9,223	8,574	8,115	9,210	9,577	354	3.84%
17	Harrisonville	2,632	2,526	2,281	2,554	2,627	-5	-0.19%
19	Jefferson City	1,244	1,300	1,135	1,318	1,264	20	1.61%
20	Union	1,462	1,366	1,615	1,946	1,615	153	10.47%
21	St. Louis County	3,805	3,606	4,121	3,553	3,204	-601	-15.80%
22	St. Louis City	8,241	6,954	7,543	5,928	7,848	-393	-4.77%
23	Hillsboro	1,234	1,523	1,584	1,852	1,897	663	53.73%
24	Farmington	1,734	1,808	1,987	2,213	2,312	578	33.33%
25	Rolla	2,358	2,679	3,001	3,274	3,489	1,131	47.96%
26	Lebanon	1,901	2,340	2,429	2,727	2,501	600	31.56%
28	Nevada	1,003	1,131	1,288	1,268	1,338	335	33.40%
29	Carthage	3,791	3,882	4,444	4,225	4,306	515	13.58%
30	Buffalo	941	1,083	1,189	1,622	1,900	959	101.91%
31	Springfield	2,739	3,094	3,787	4,165	4,562	1,823	66.56%
32	Cape Girardeau	2,409	2,703	2,522	2,890	2,837	428	17.77%
34	Caruthersville	985	1,035	1,167	1,123	1,049	64	6.50%
35	Kennett	1,552	1,699	1,737	1,838	1,951	399	25.71%
36	Poplar Bluff	1,232	1,527	1,573	1,708	1,712	480	38.96%
37	West Plains	761	768	999	1,025	1,170	409	53.75%
39	Monett	1,916	2,151	2,437	2,438	2,074	158	8.25%
43	Chillicothe	1,707	2,090	2,356	2,444	2,685	978	57.29%
44	Ava	437	568	611	740	686	249	56.98%
45	Troy	849	881	932	999	1,240	391	46.05%
49	St. Louis Conflicts	656	638	718	645		-656	-100.00%
Total Trial Division New Cases		***73,781***	***74,913***	***80,163***	***83,691***	***86,695***	***12,914***	***17.50%***
		FY2000	***FY2001***	***FY2002***	***FY2003***	***FY2004***	***FY00 to FY04***	

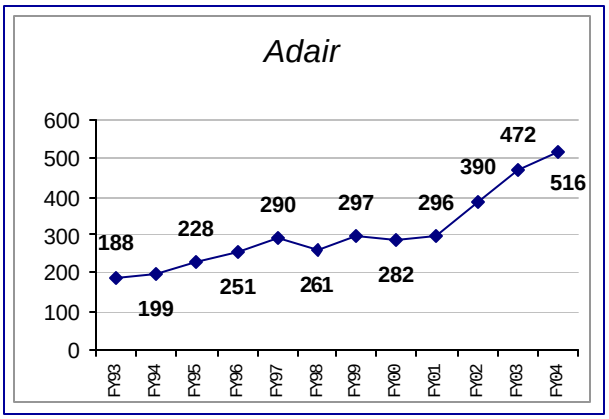


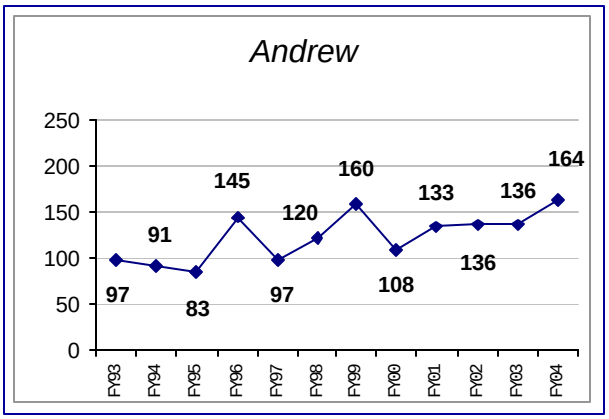
Felony Cases Opened	33,581 or 39.92% of the total caseload
Misdemeanor Cases Opened	27,295 or 32.45% of the total caseload
Probation Violation Cases Opened	19,127 or 22.74% of the total caseload
Juvenile Cases Opened	4,023 or 4.78% of the total caseload

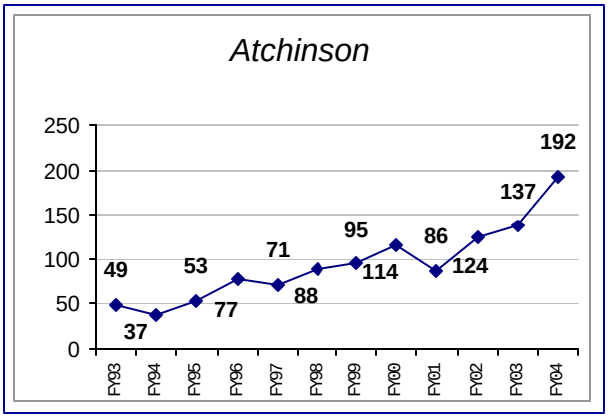
Fiscal Year 2004 - Trial Division Caseload
Opened and Disposed by County

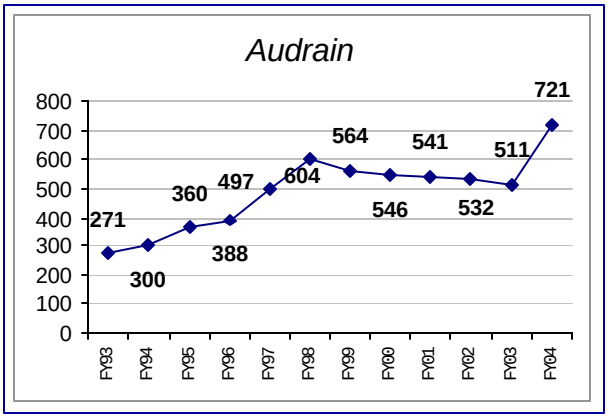
County	FY2004 Opened	FY2004 Disposed	County	FY2004 Opened	FY2004 Disposed	County	FY2004 Opened	FY2004 Disposed	County	FY2004 Opened	FY2004 Disposed
Adair	533	516	Dallas	351	337	Livingston	309	312	Randolph	540	476
Andrew	157	164	Daviess	344	303	Macon	427	424	Ray	552	554
Atchinson	183	192	DeKalb	205	202	Madison	138	123	Reynolds	71	67
Audrain	634	721	Dent	341	332	Maries	126	140	Ripley	287	265
Barry	655	664	Douglas	134	147	Marion	663	645	Saline	427	451
Barton	306	289	Dunklin	1,115	1,106	McDonald	354	383	Schuyler	26	22
Bates	347	329	Franklin	1,432	1,508	Mercer	135	147	Scotland	63	54
Benton	327	344	Gasconade	237	239	Miller	483	454	Scott	601	644
Bollinger	114	99	Gentry	82	79	Mississippi	445	463	Shannon	131	106
Boone	4,298	4,079	Greene	3,176	3,090	Moniteau	174	173	Shelby	214	245
Buchanan	2,288	2,297	Grundy	223	226	Monroe	129	128	Ste. Genevieve	1,394	1,413
Butler	1,018	1,002	Harrison	311	304	Montgomery	207	230	Stoddard	228	246
Caldwell	276	225	Henry	523	566	Morgan	351	326	Stone	1,230	1,191
Callaway	985	1,004	Hickory	138	124	New Madrid	482	500	St. Charles	8,908	8,929
Camden	861	848	Holt	94	96	Newton	1,303	1,200	St. Clair	3,245	2,534
Cape Girardeau	1,447	1,418	Howard	137	122	Nodaway	171	165	St. Francois	201	200
Carroll	196	171	Howell	817	803	Oregon	240	230	St. Louis City	846	813
Carter	143	138	Iron	244	205	Osage	92	88	St. Louis Co.	528	443
Cass	967	954	Jackson	11,023	10,202	Ozark	175	216	Sullivan	117	117
Cedar	324	326	Jasper	2,694	2,576	Pemiscot	554	592	Taney	778	730
Chariton	98	88	Jefferson	1,917	1,903	Perry	287	222	Texas	649	715
Christian	732	642	Johnson	547	567	Pettis	737	707	Vernon	640	631
Clark	315	306	Knox	80	74	Phelps	1,113	1,090	Warren	320	287
Clay	2,044	2,017	Laclede	624	641	Pike	390	333	Washington	429	500
Clinton	269	257	Lafayette	546	550	Platte	1,083	1,024	Wayne	231	178
Cole	1,092	1,090	Lawrence	621	658	Polk	688	591	Webster	459	502
Cooper	289	268	Lewis	131	145	Pulaski	640	614	Worth	28	23
Crawford	702	768	Lincoln	847	813	Putnam	118	117	Wright	364	372
Dade	151	163	Linn	323	333	Ralls	166	144			
										86,695	84,119

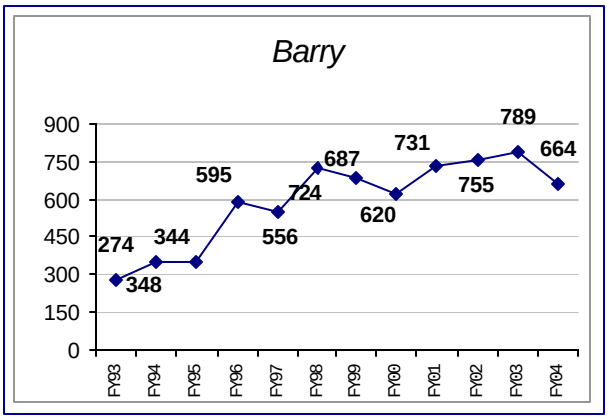
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

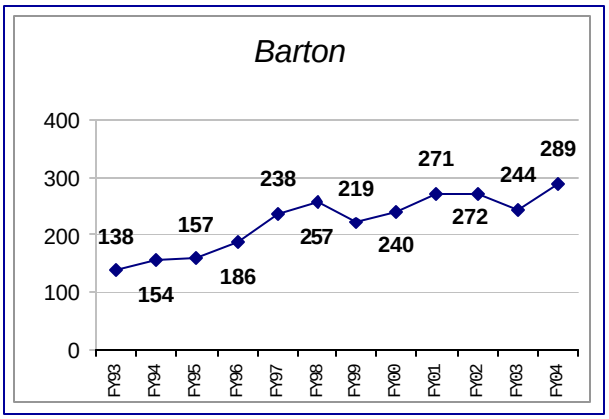


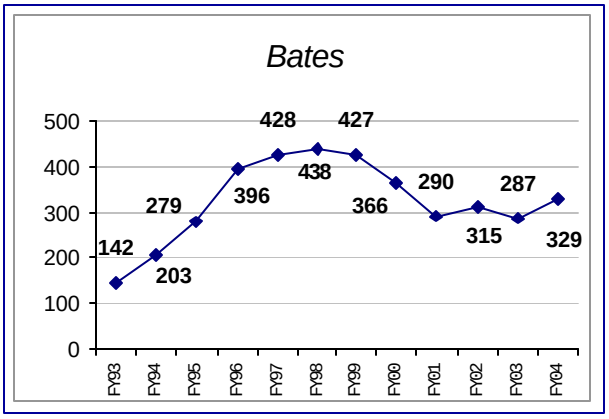


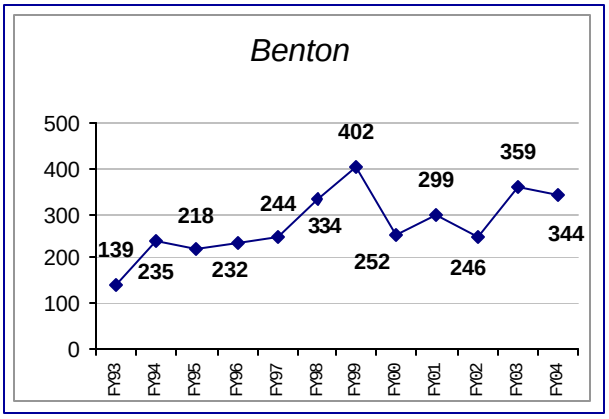




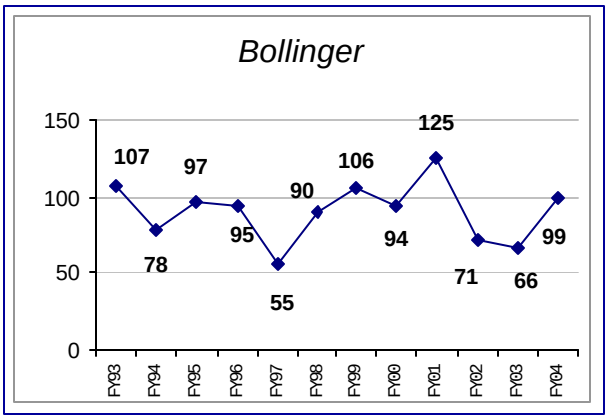


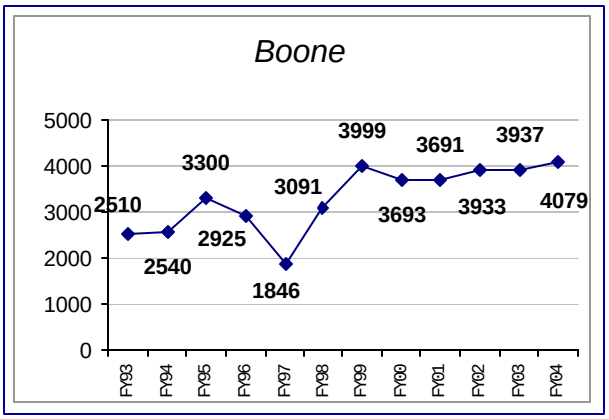


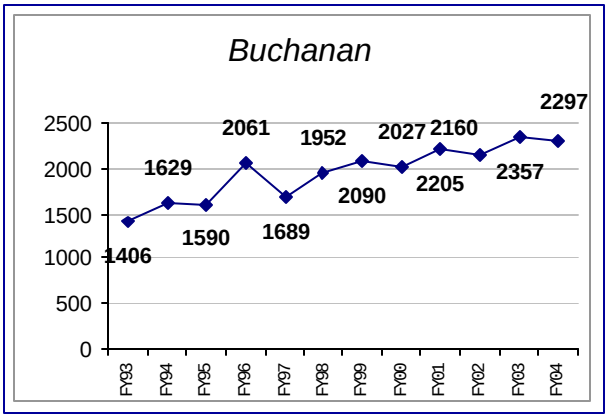


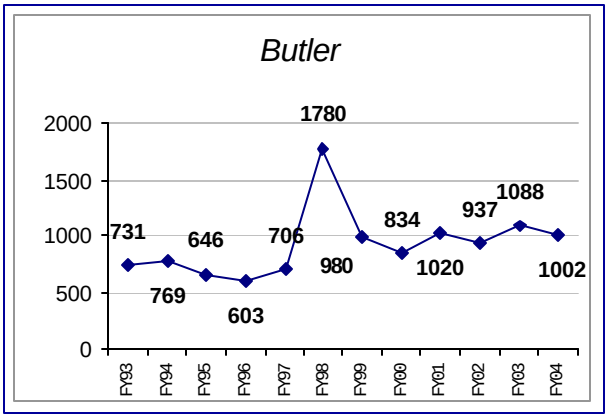


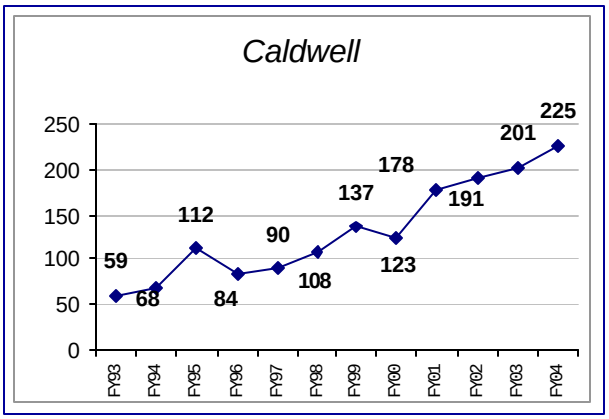
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

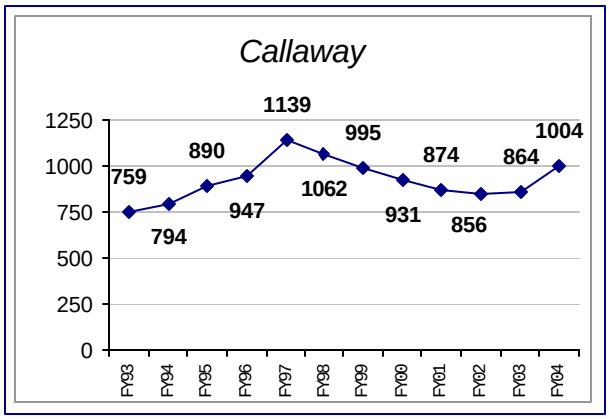


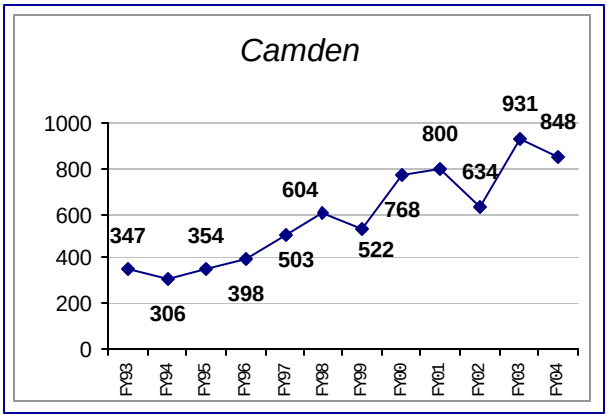


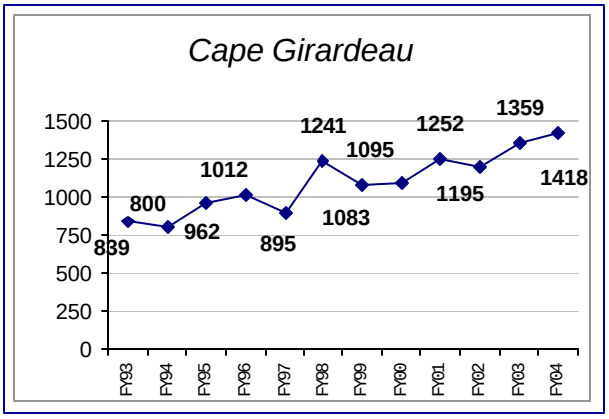




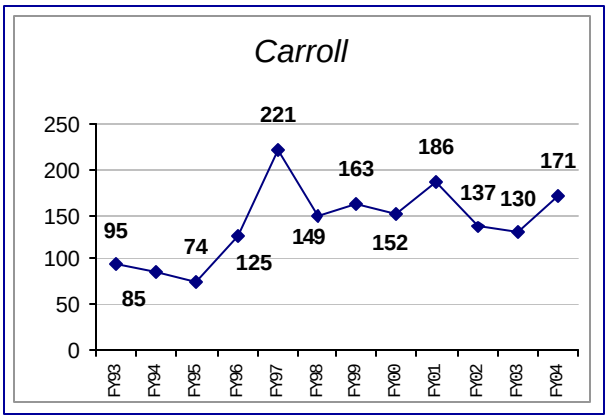


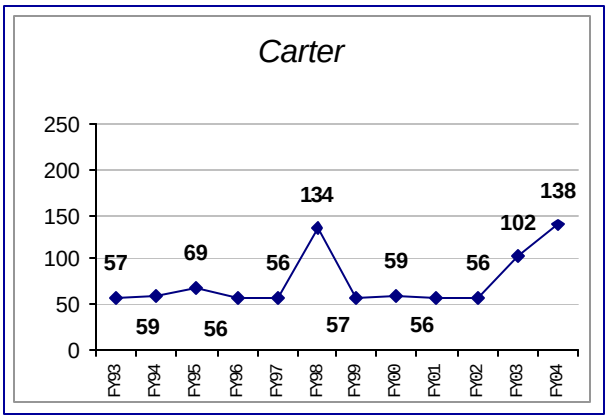


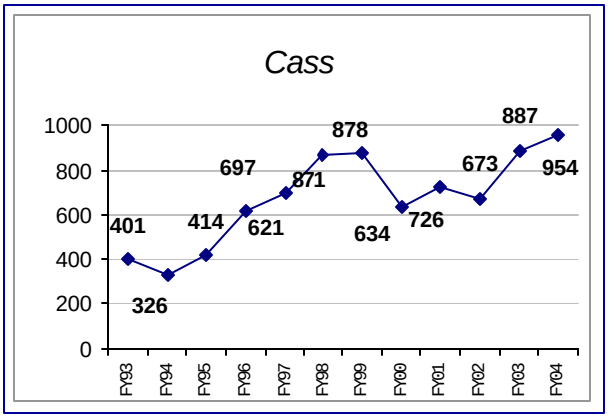


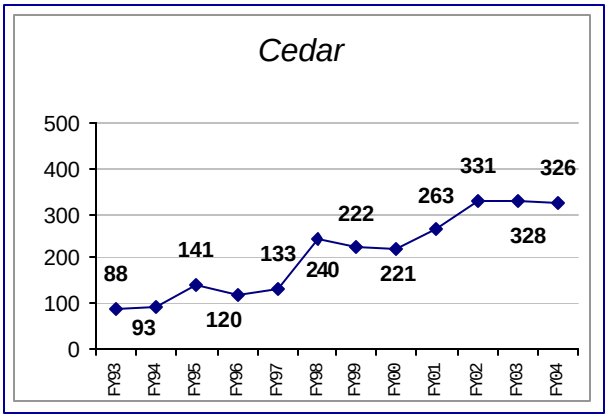


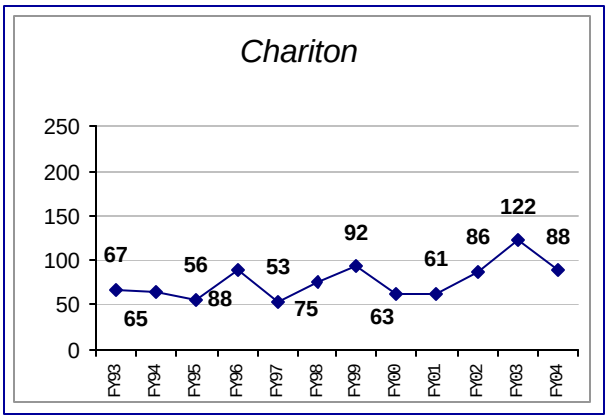
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

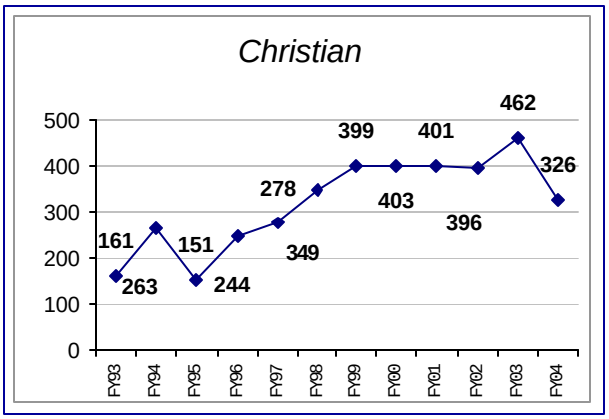


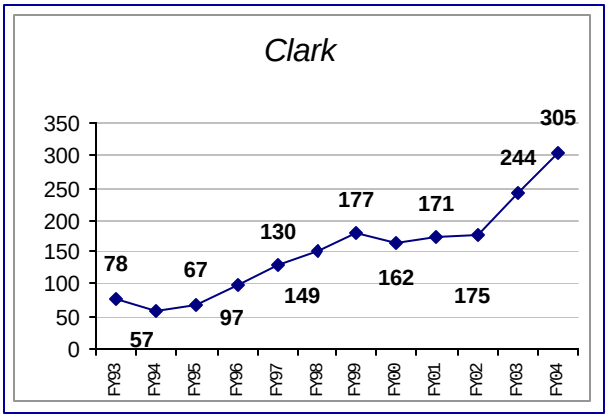


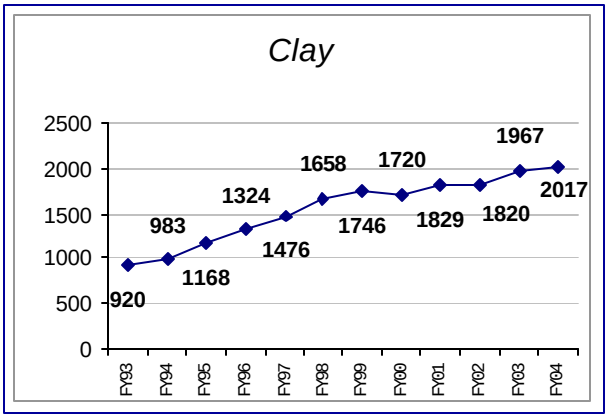




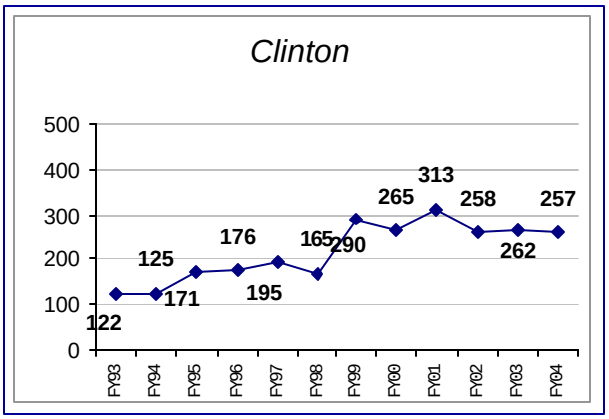


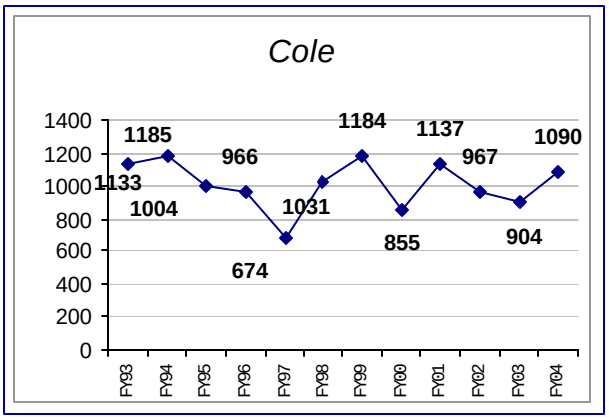


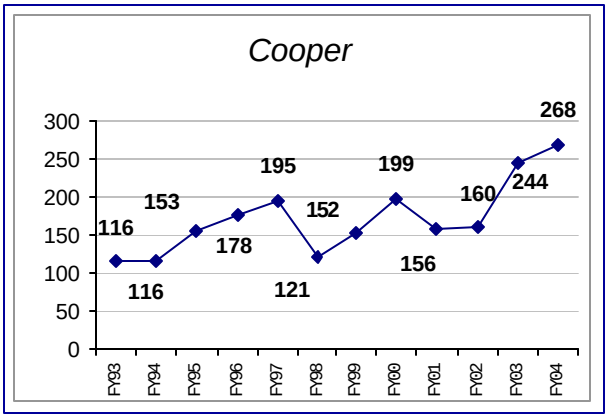


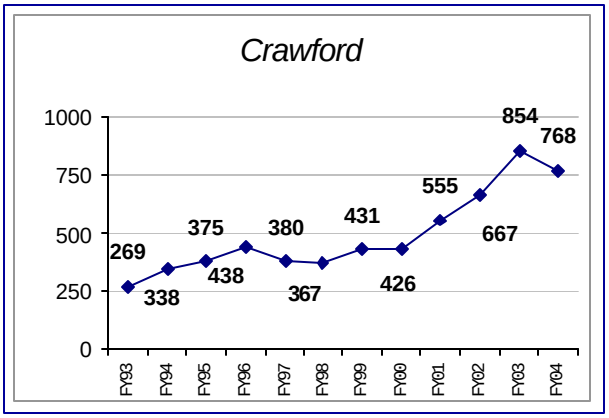


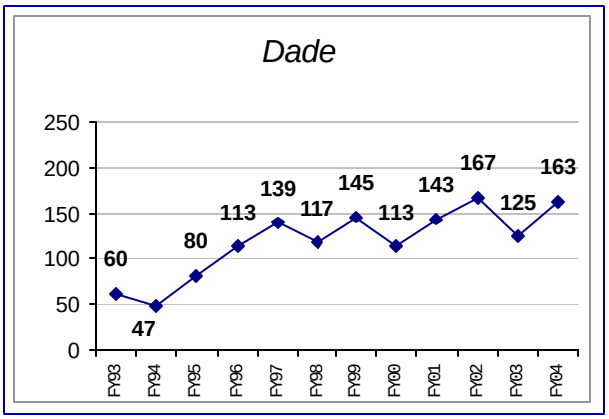
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

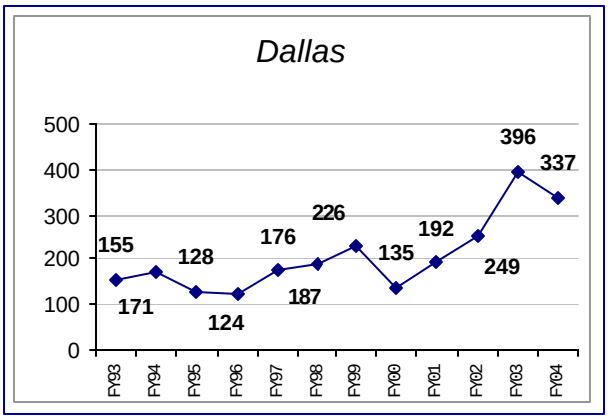


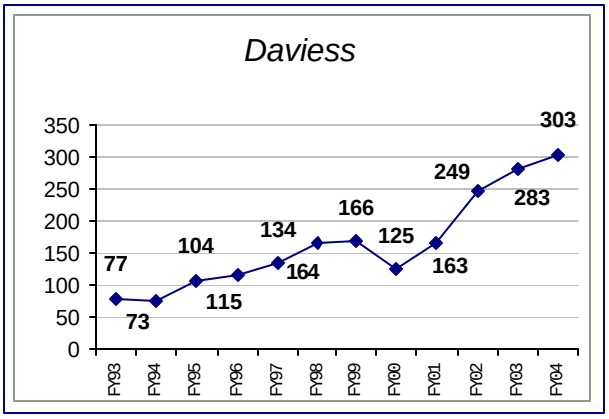


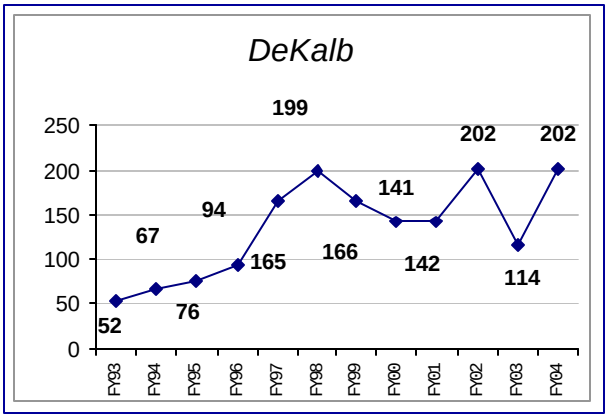




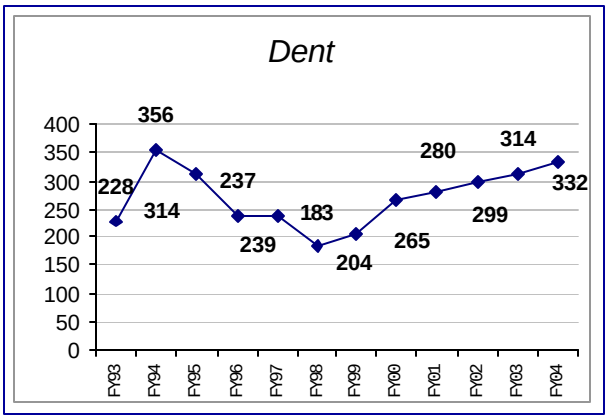


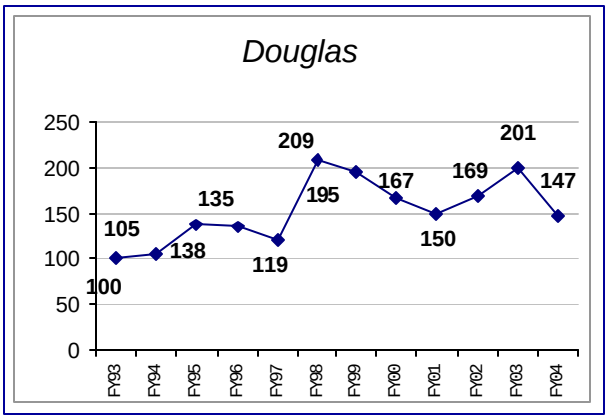


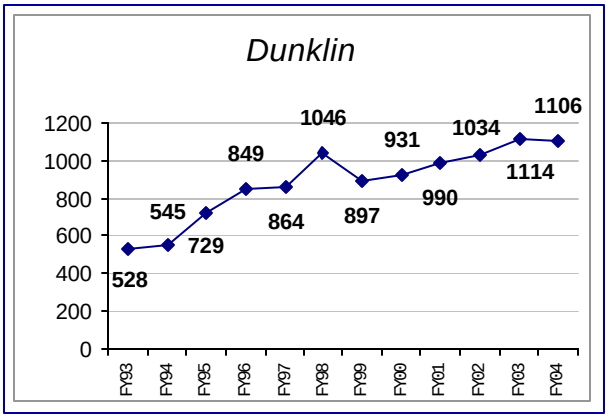


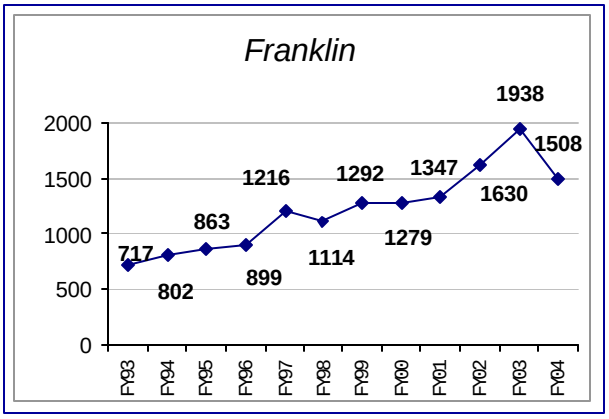


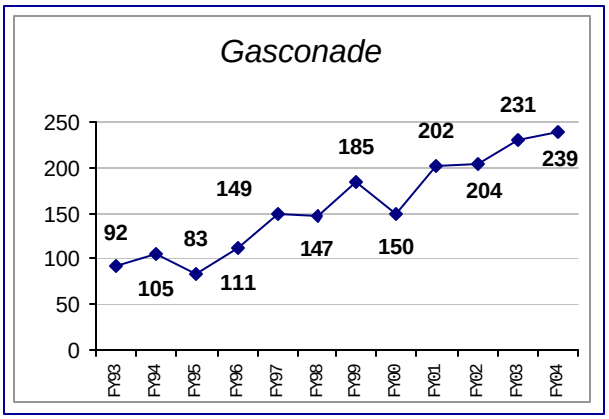
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

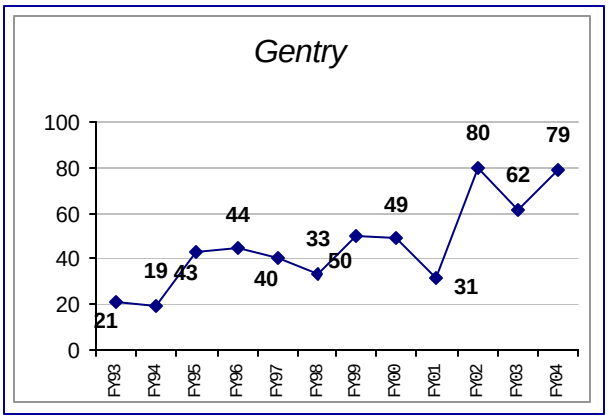


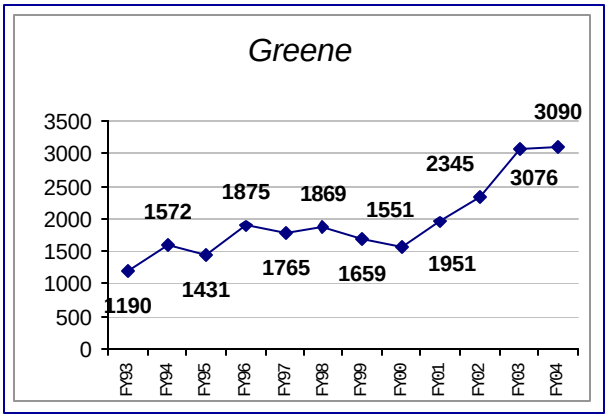


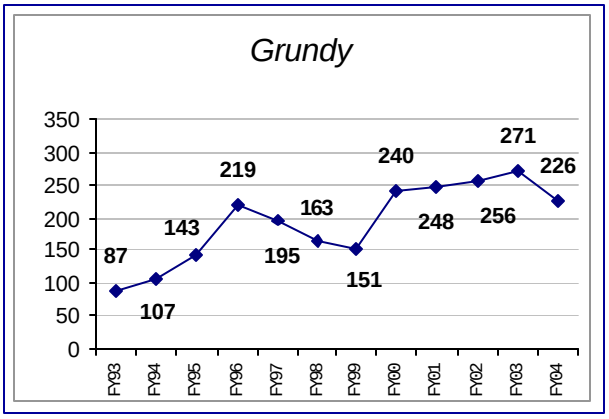




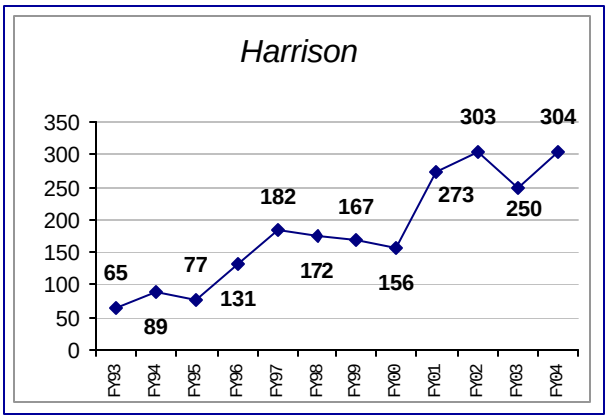


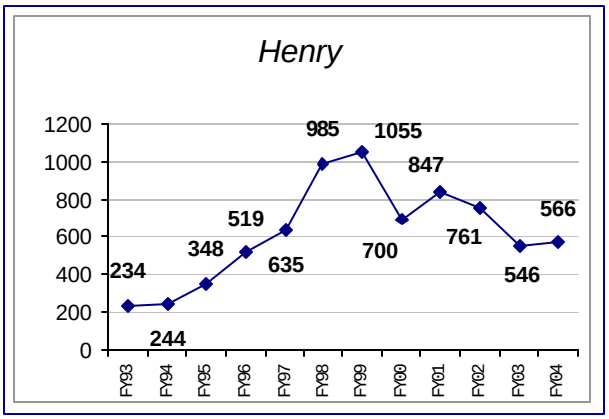


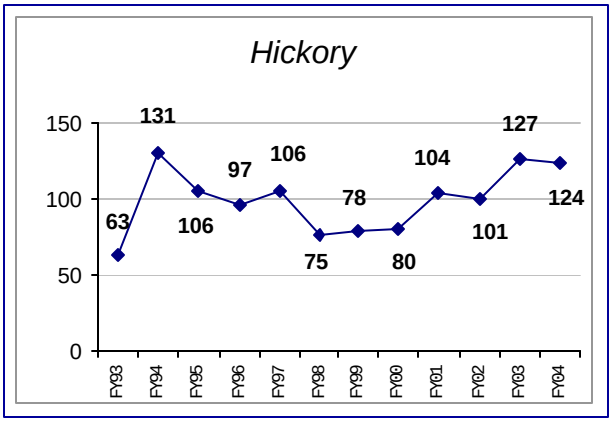


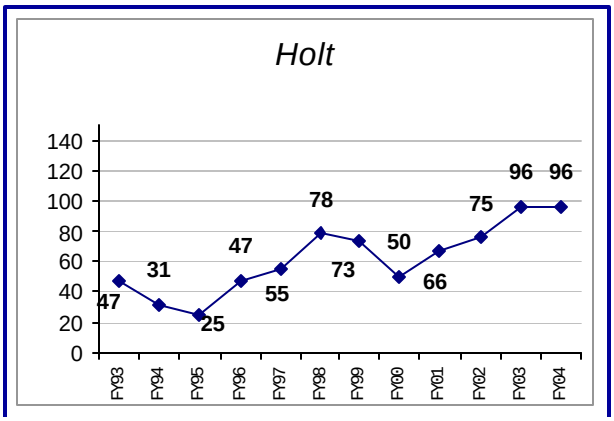


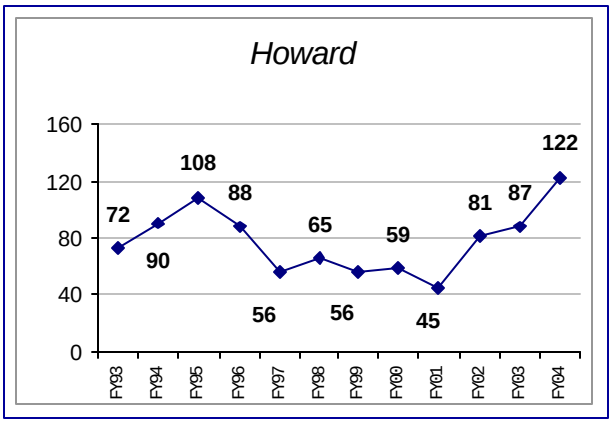
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

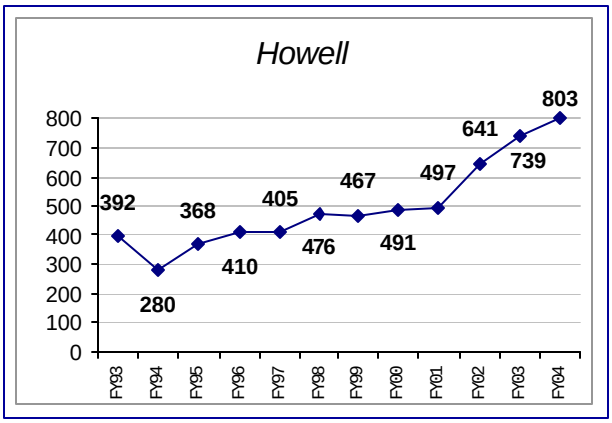


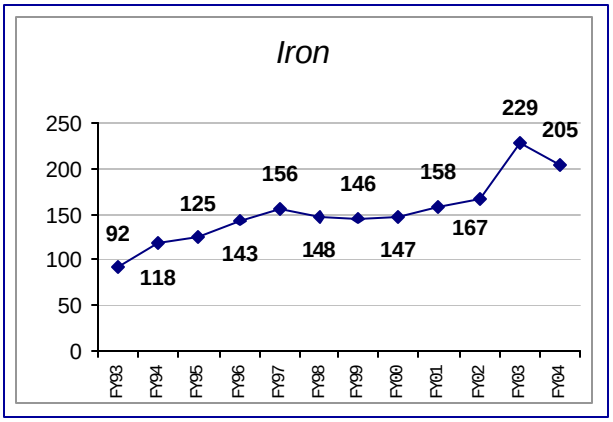


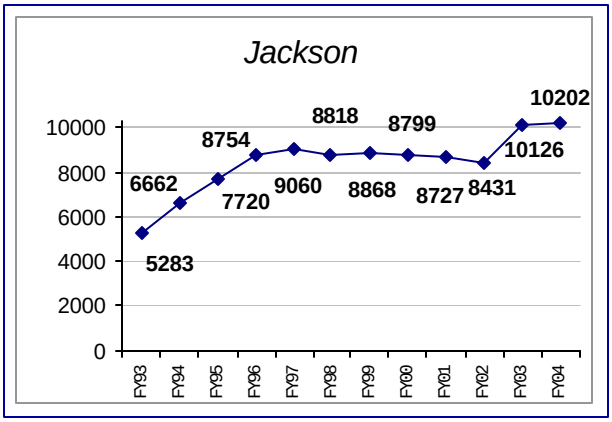




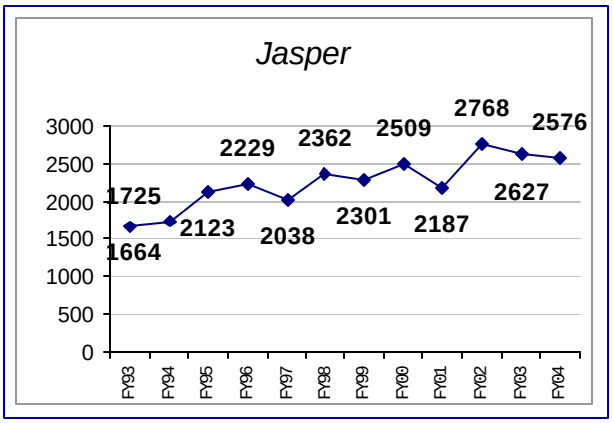


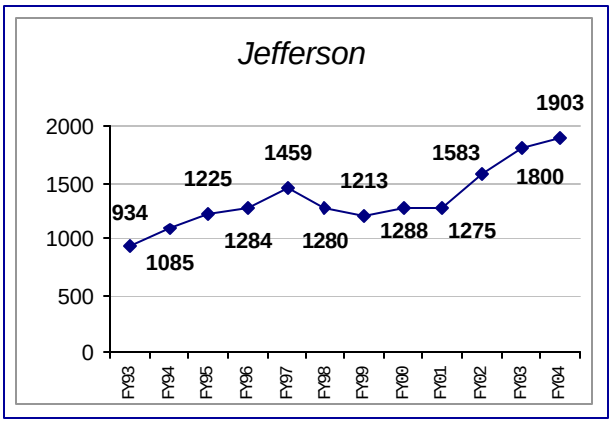


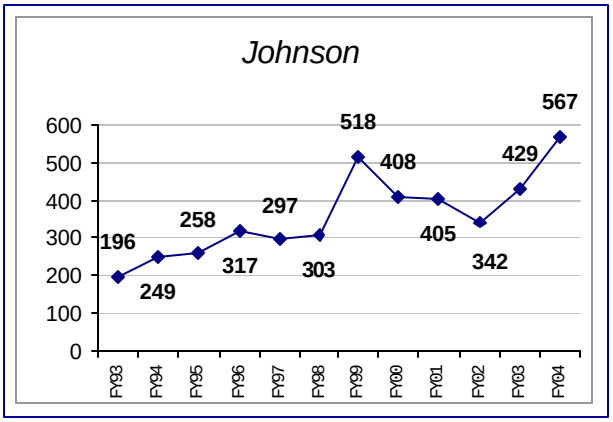


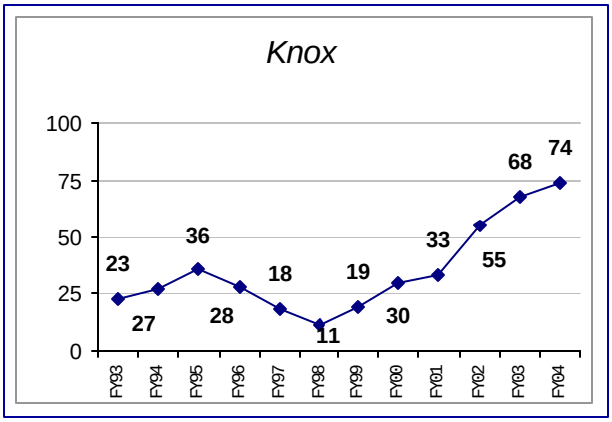


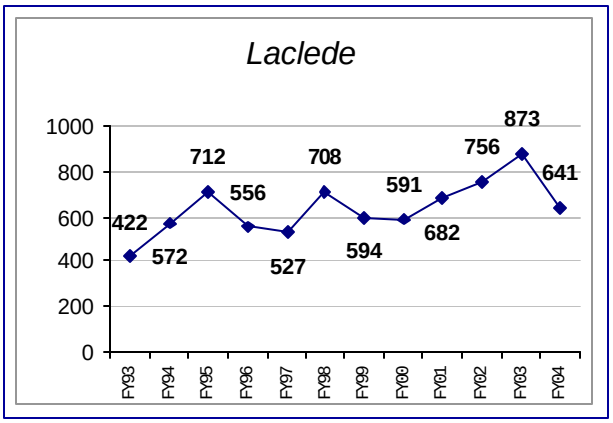
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

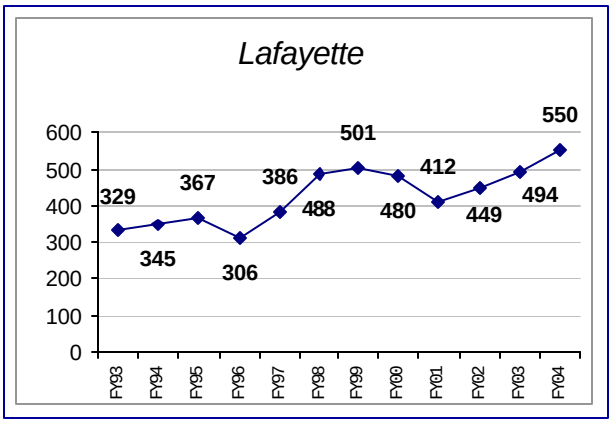


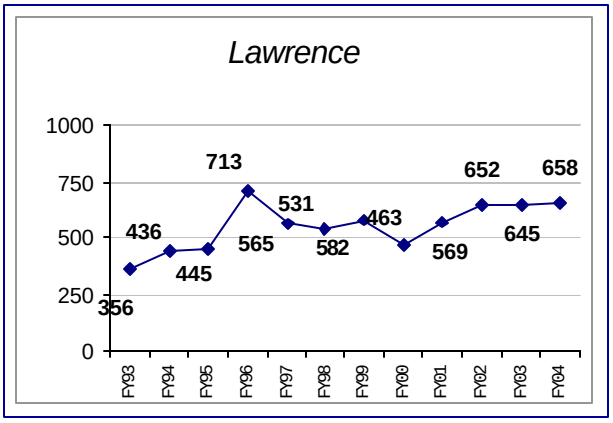


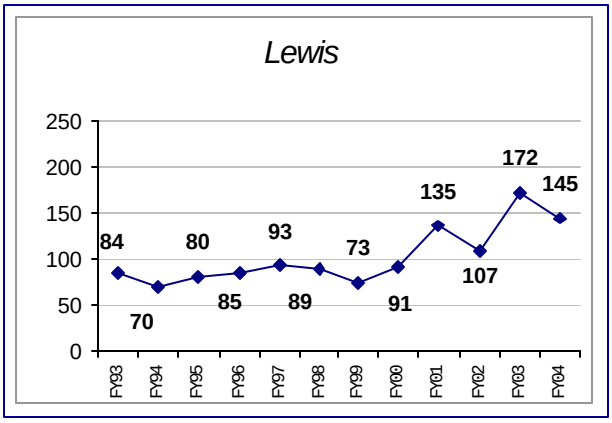




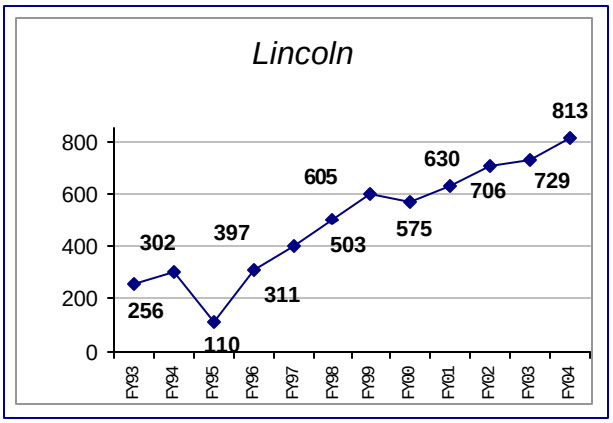


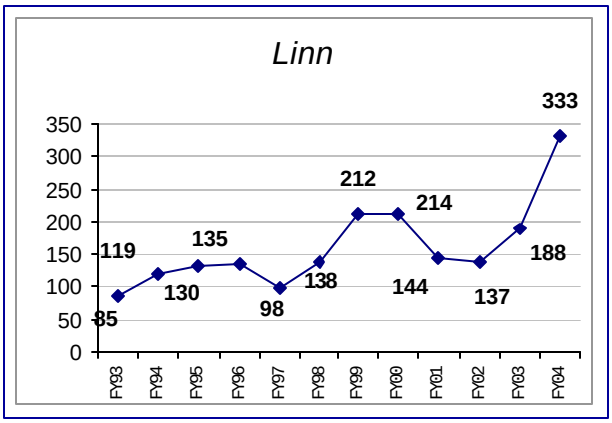


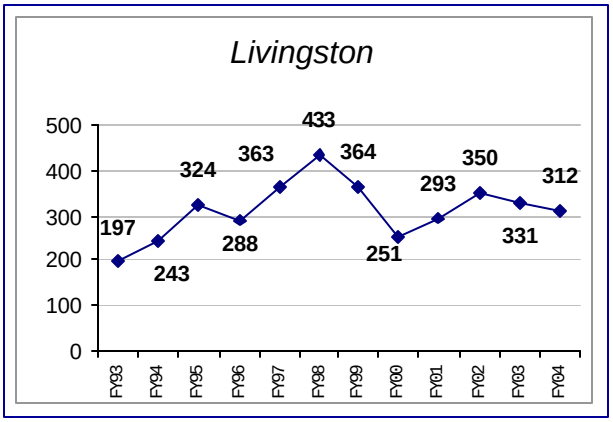


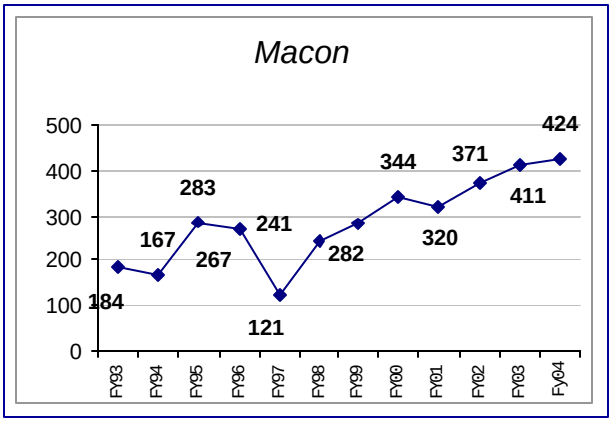


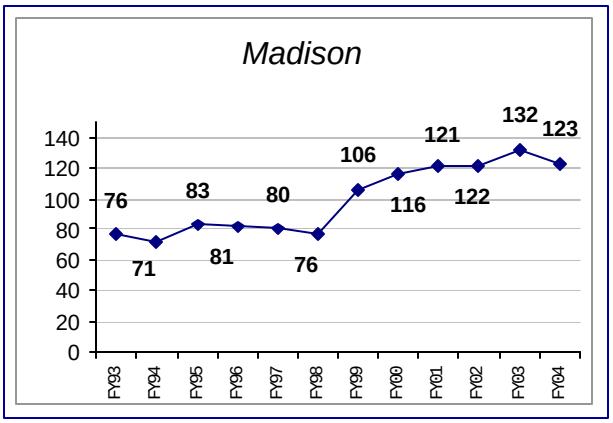
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

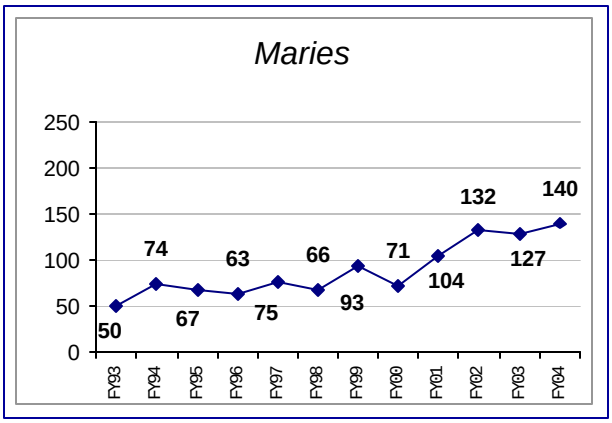


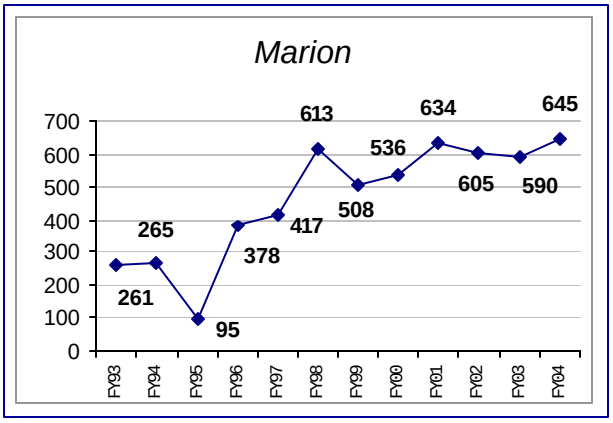


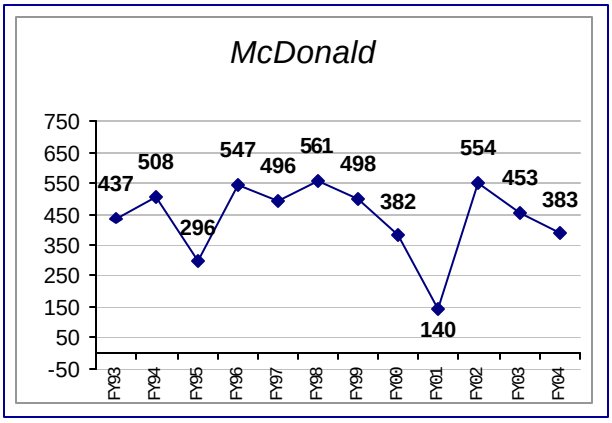




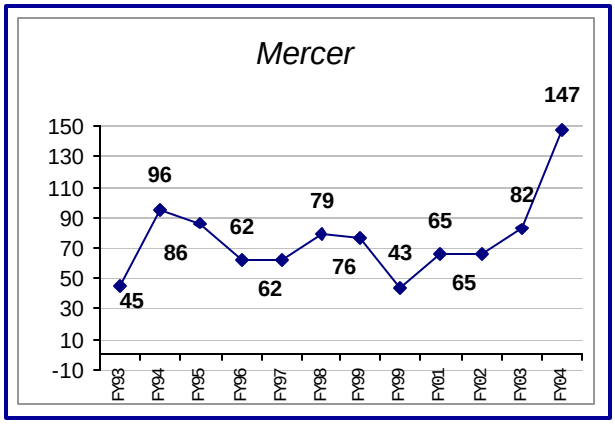


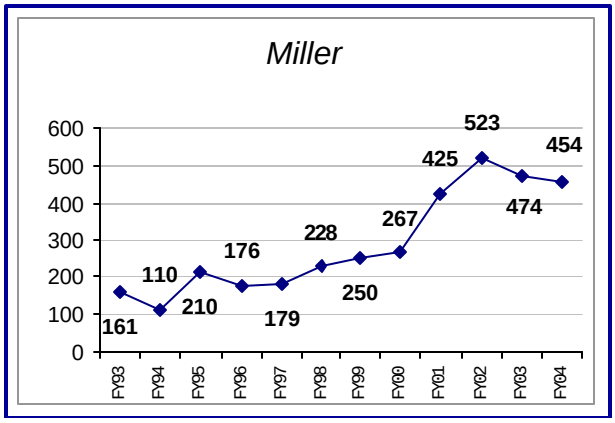


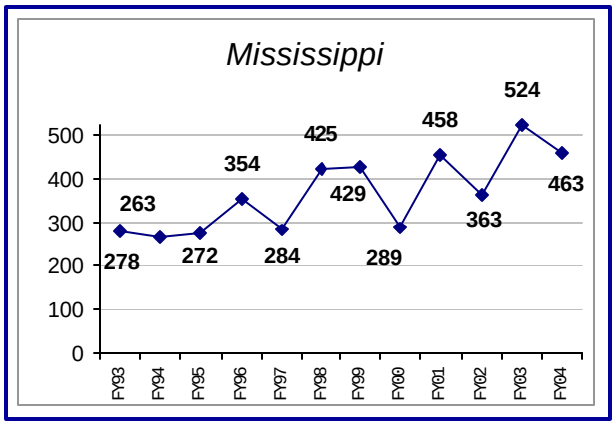


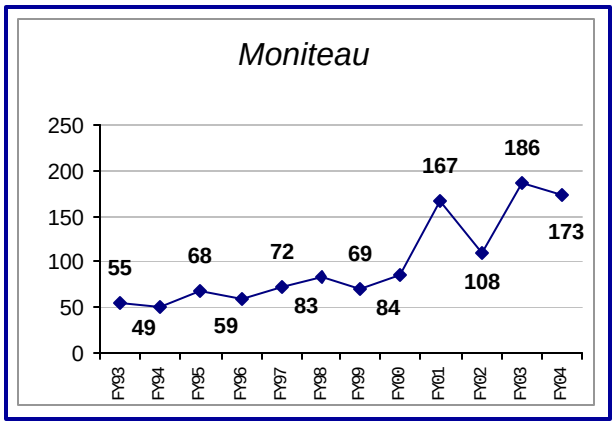


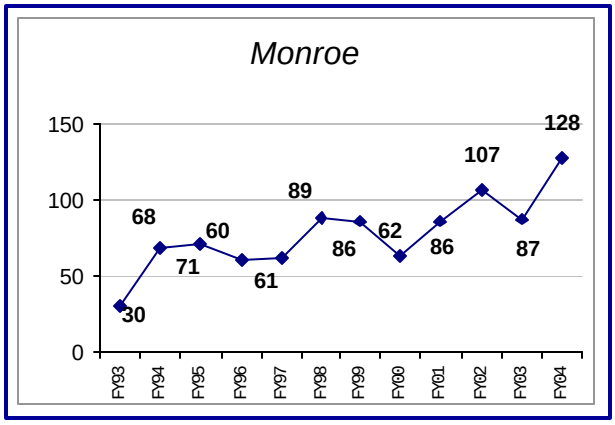
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

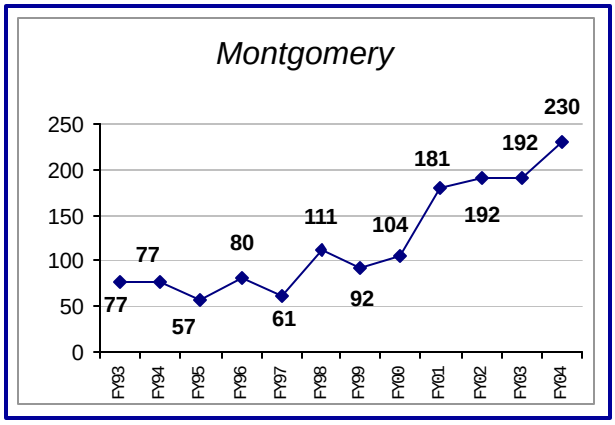


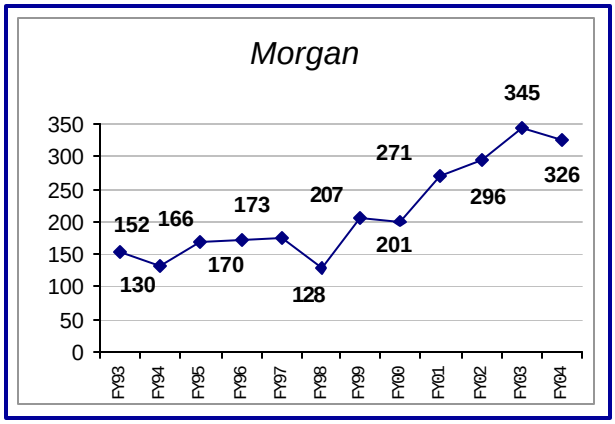


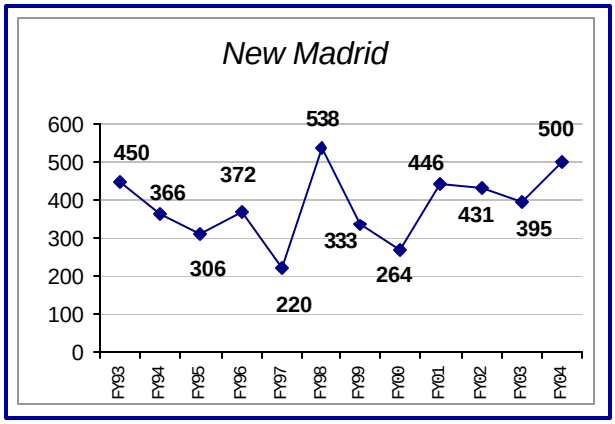




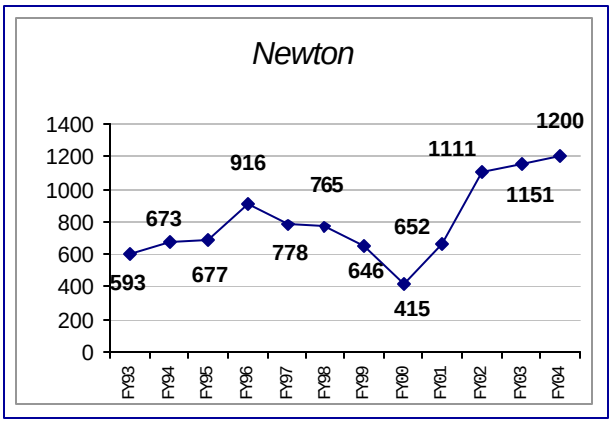


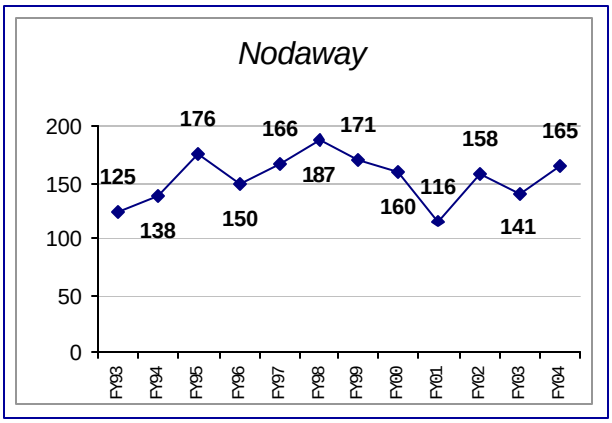


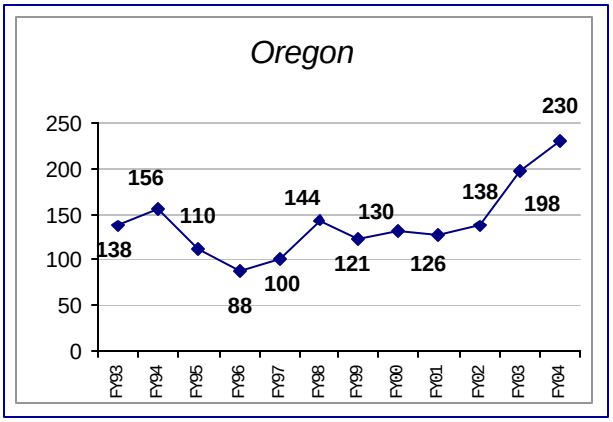


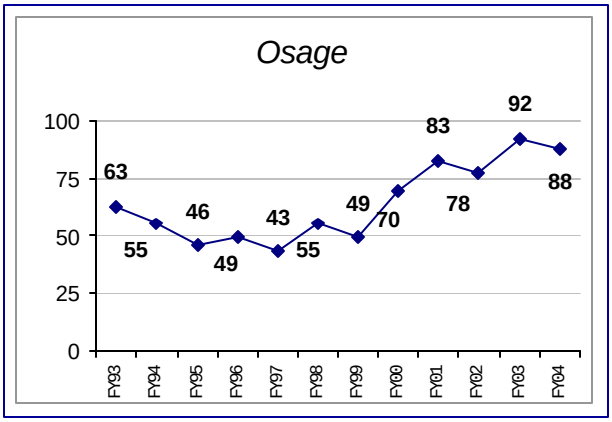


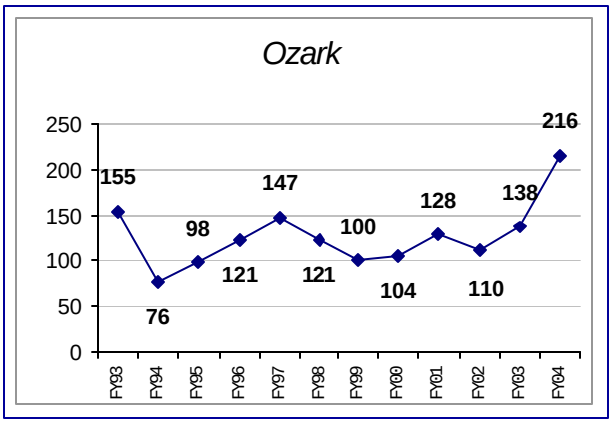
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

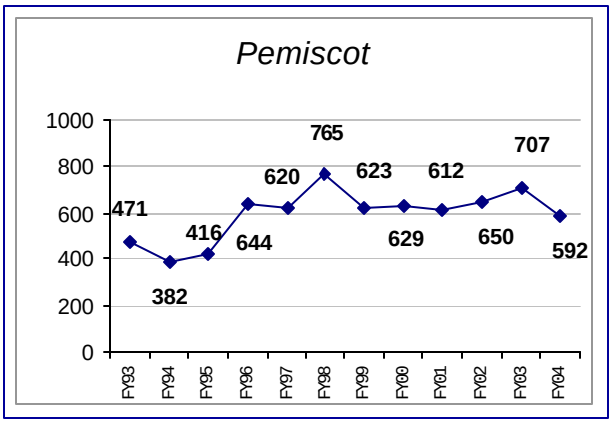


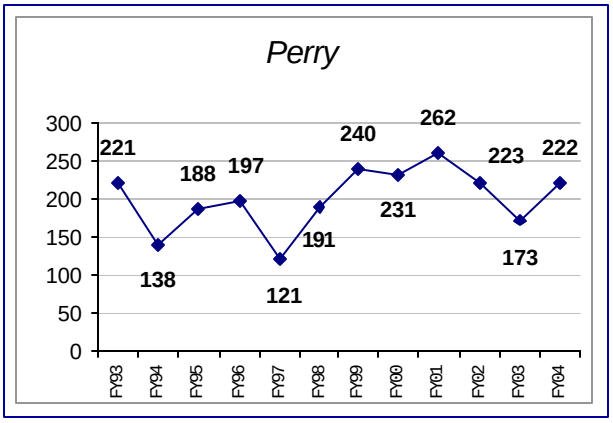


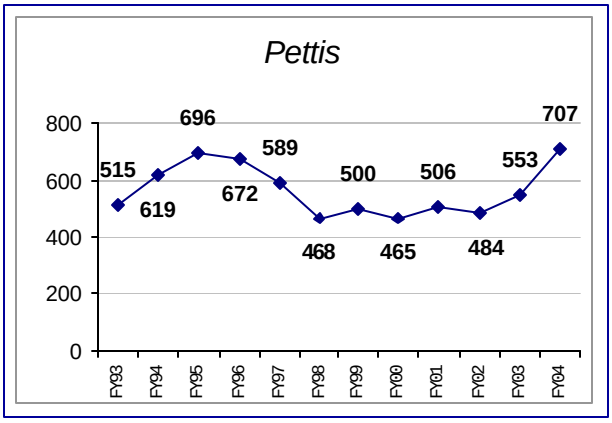




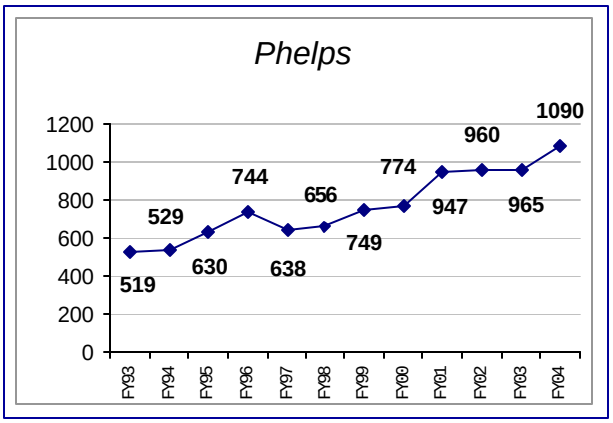


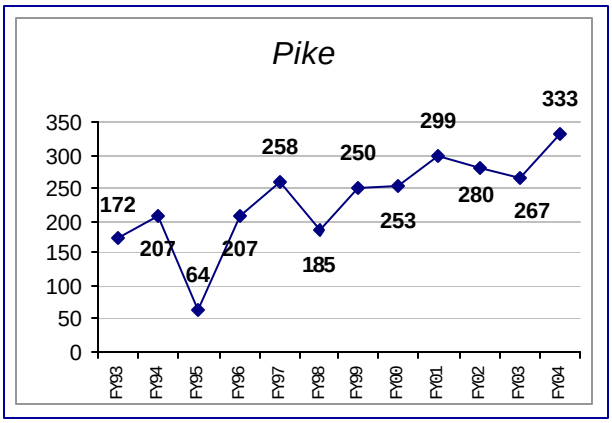


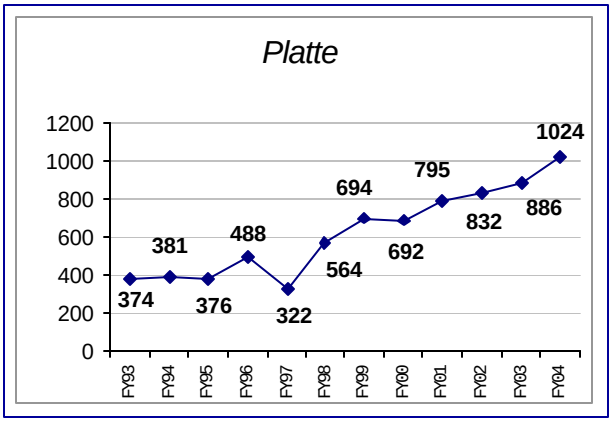


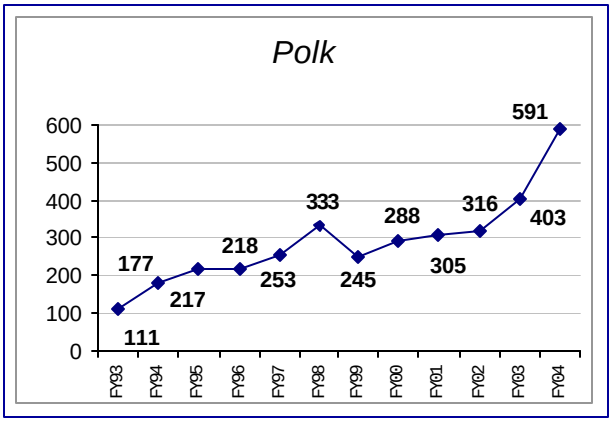


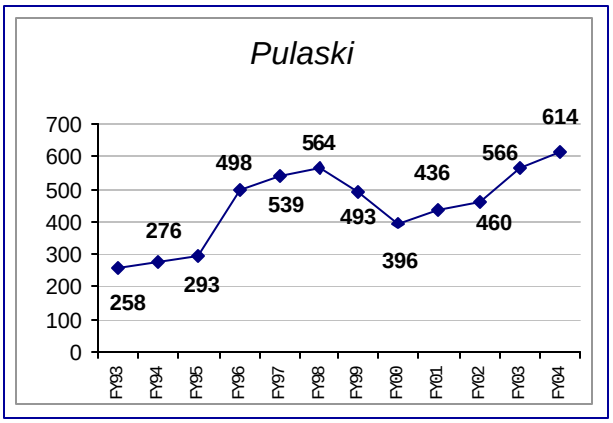
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

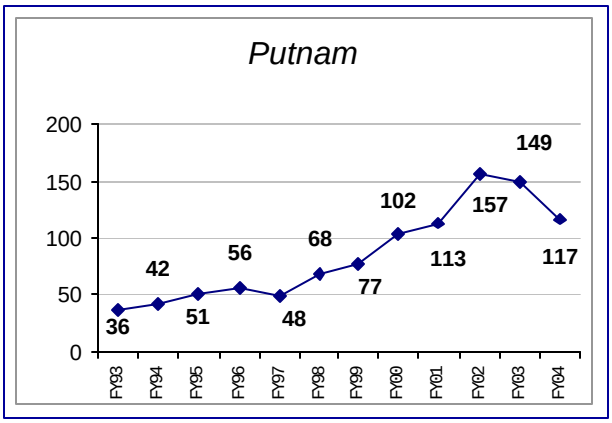


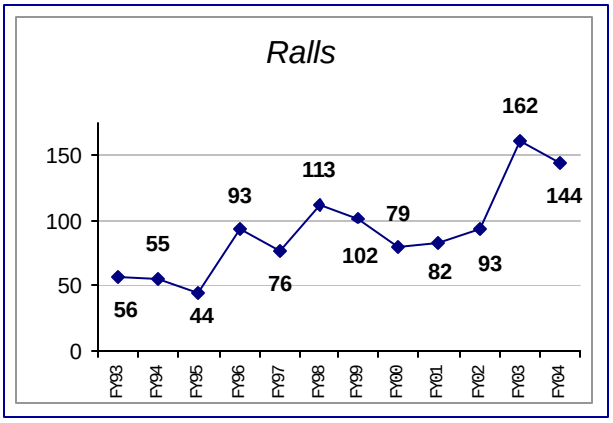


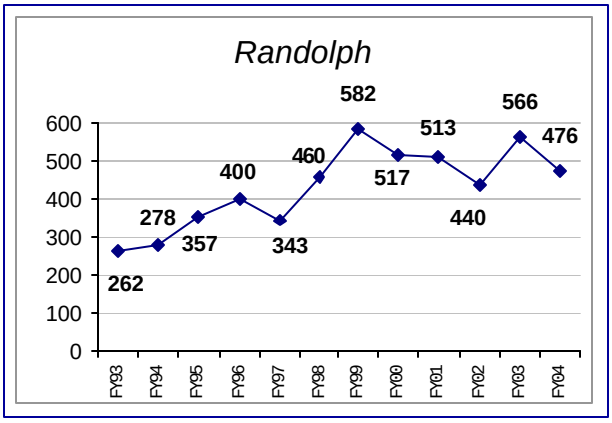




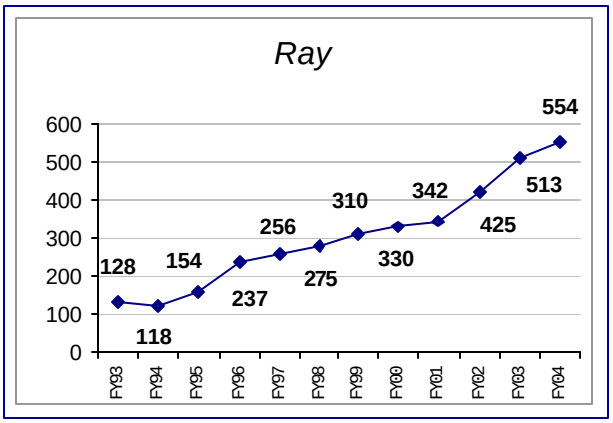


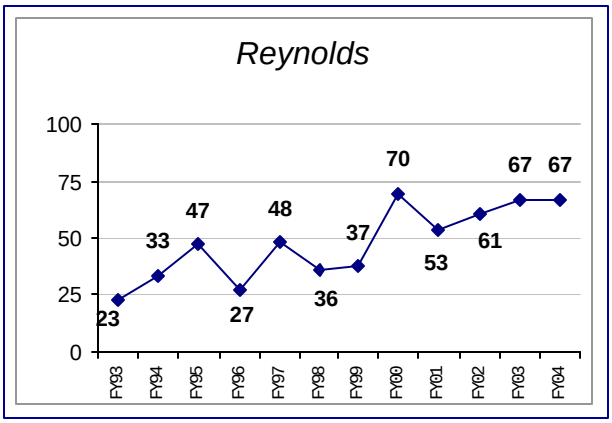


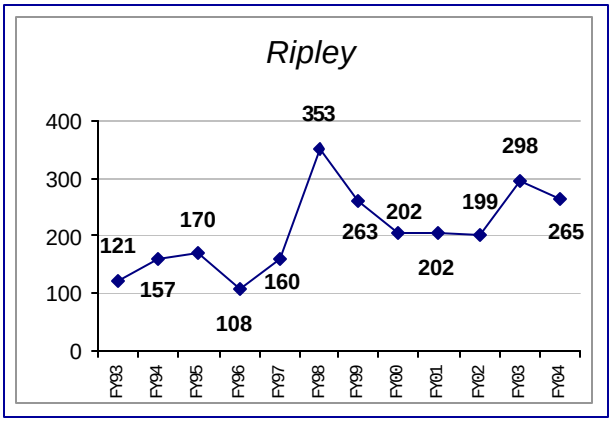


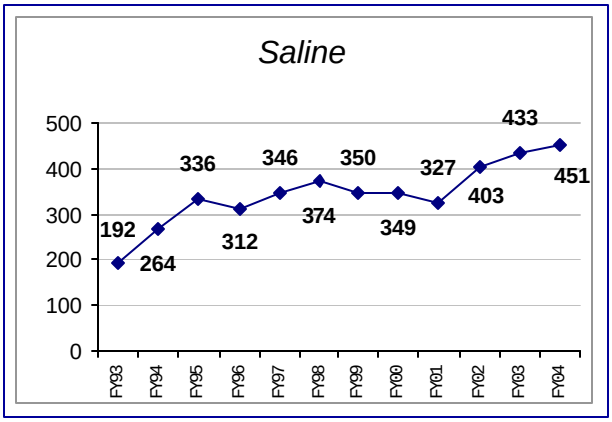


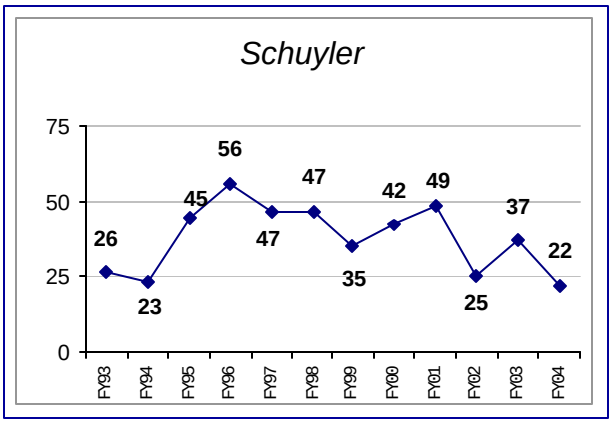
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

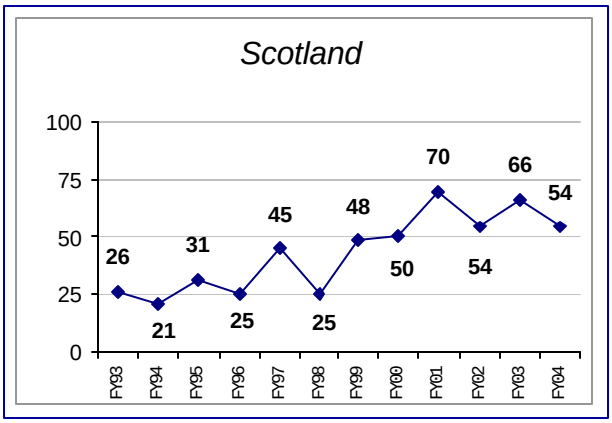


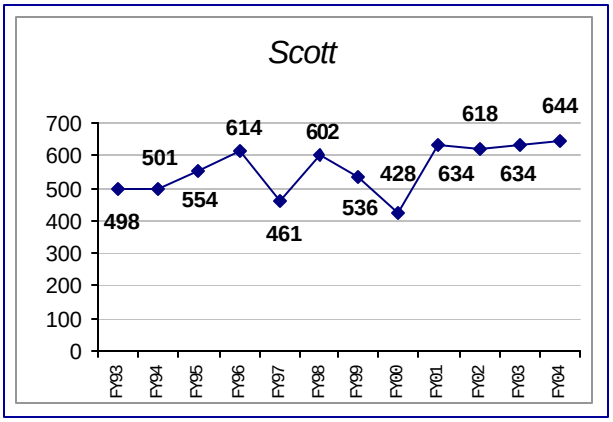


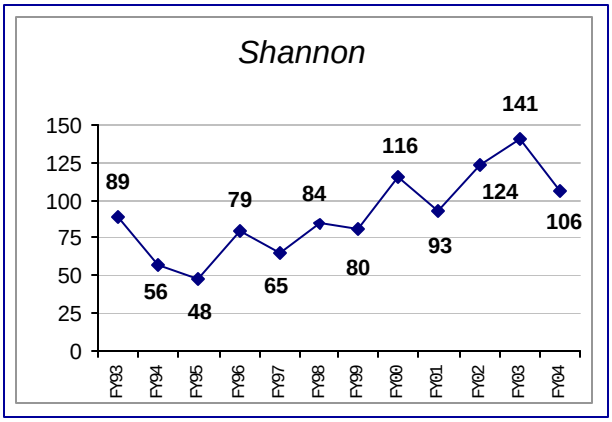




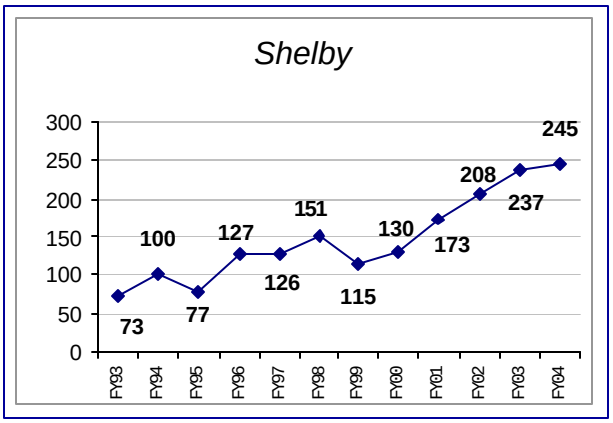


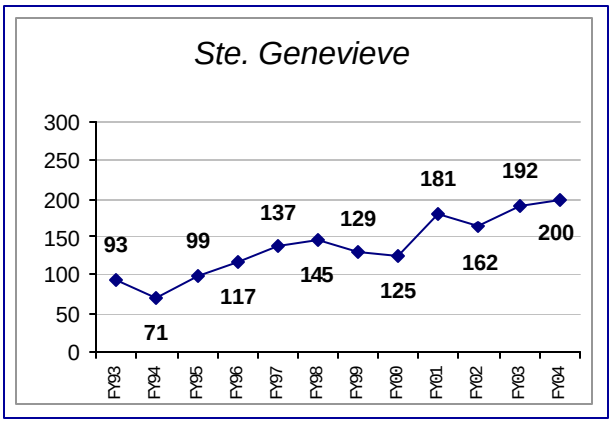


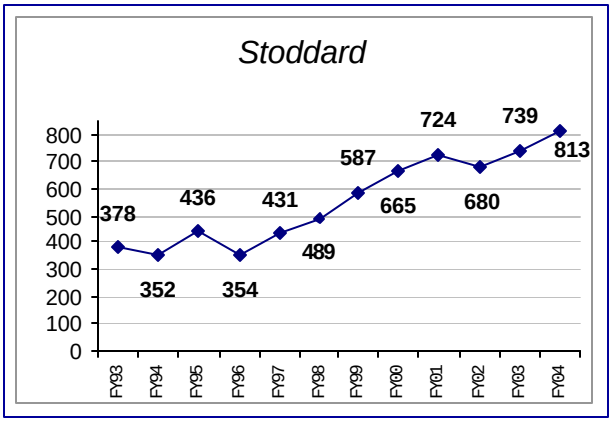


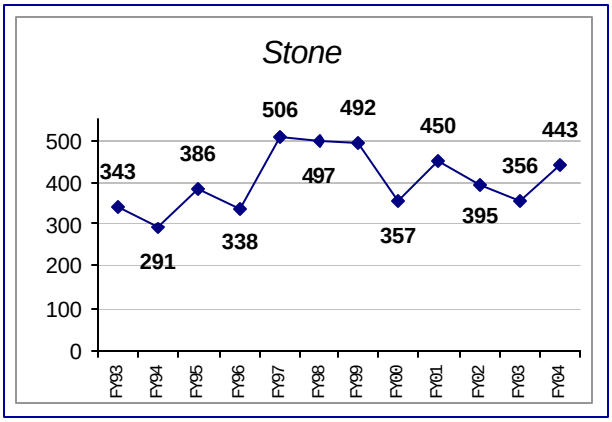


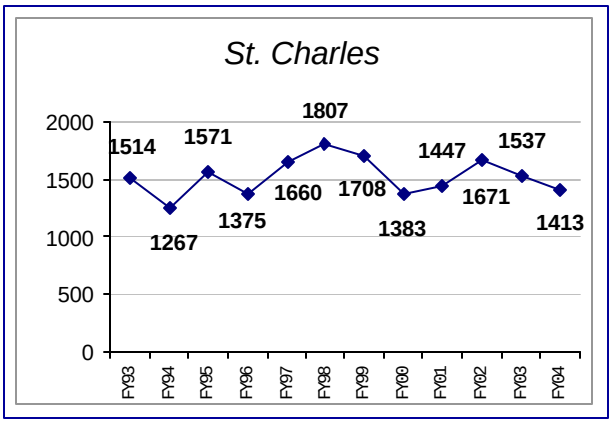
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

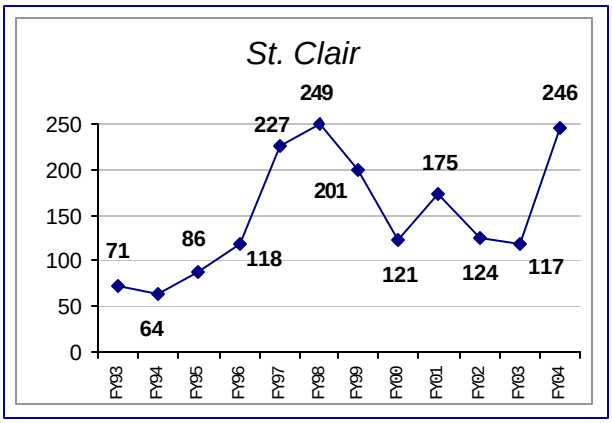


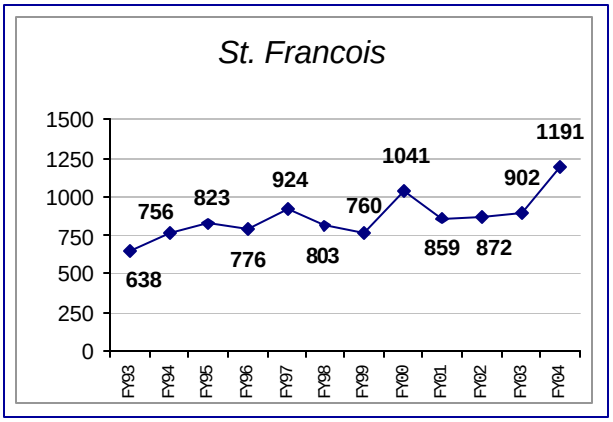


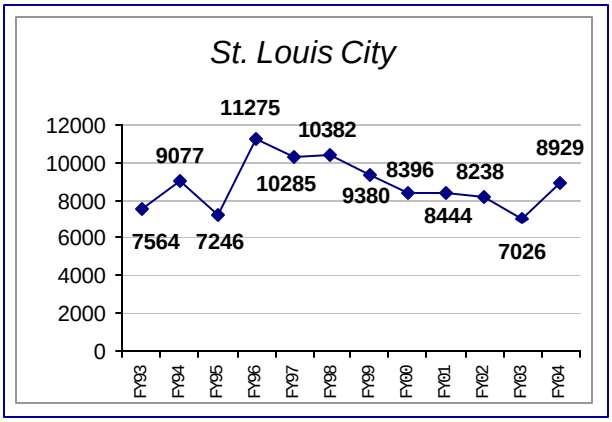




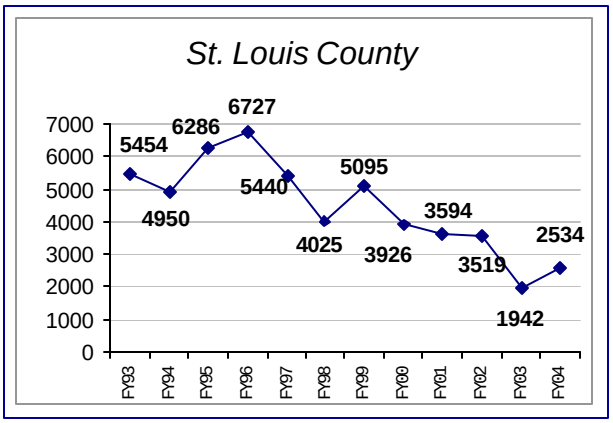


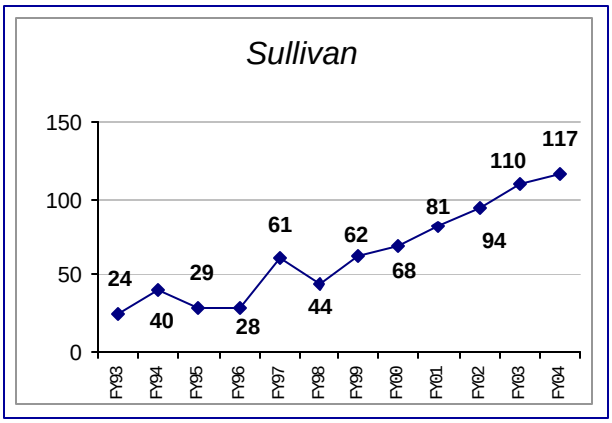


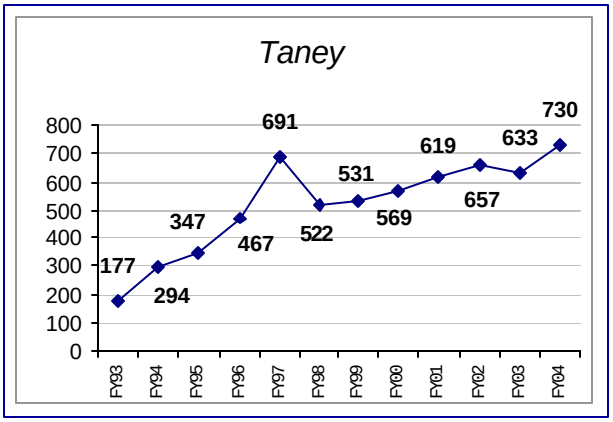


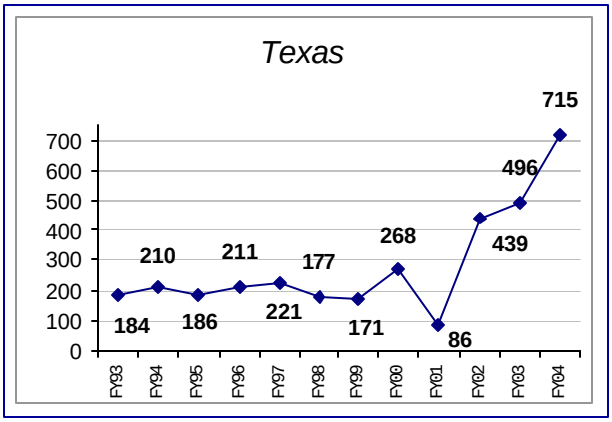


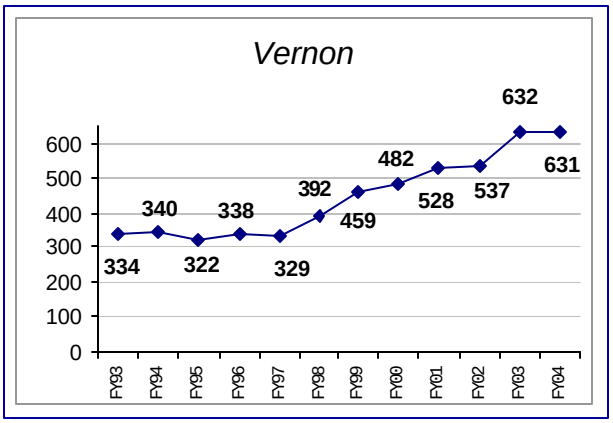
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

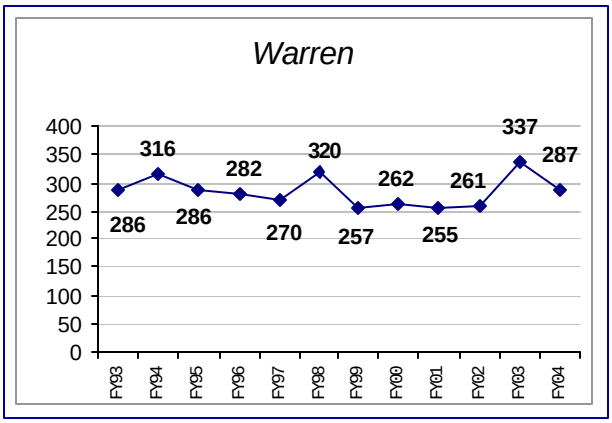


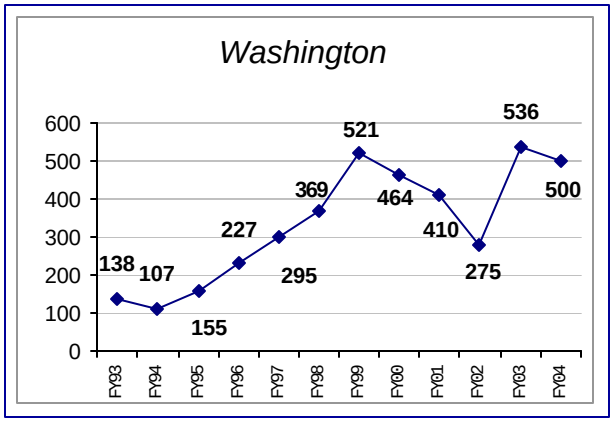


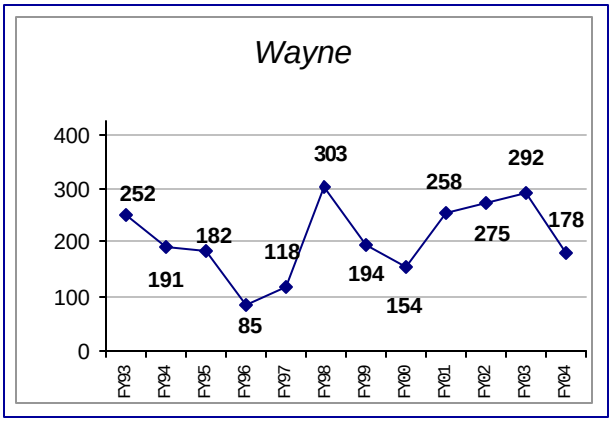




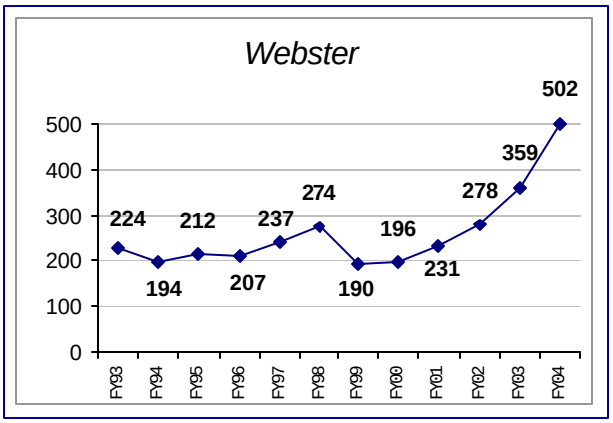


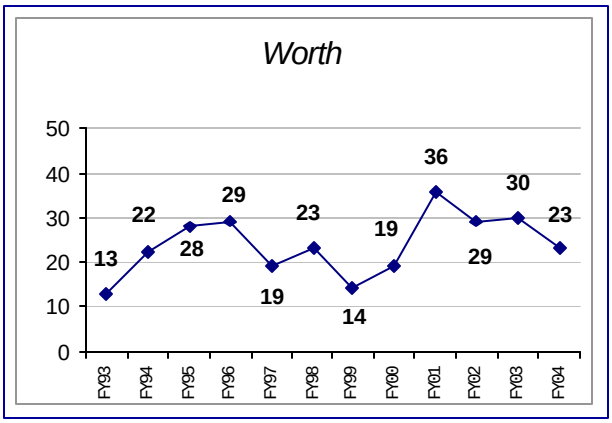


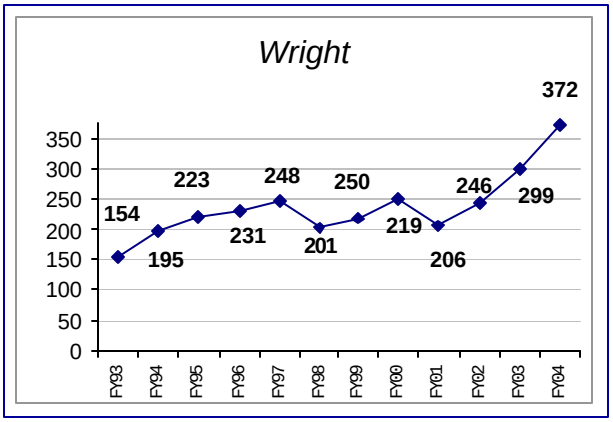




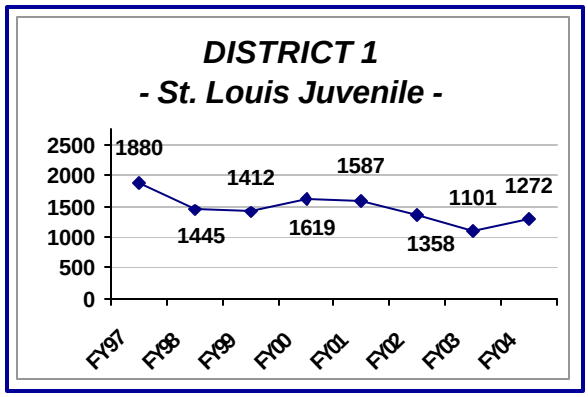
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY

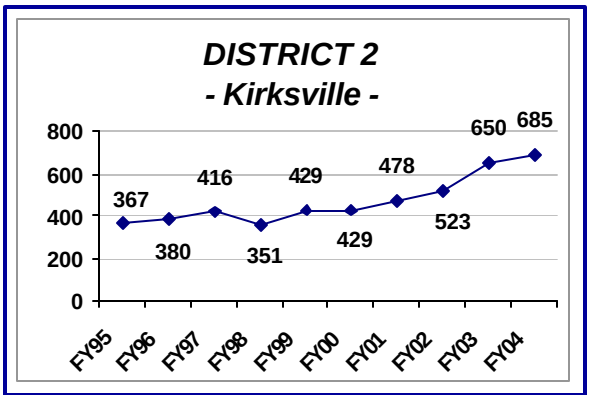


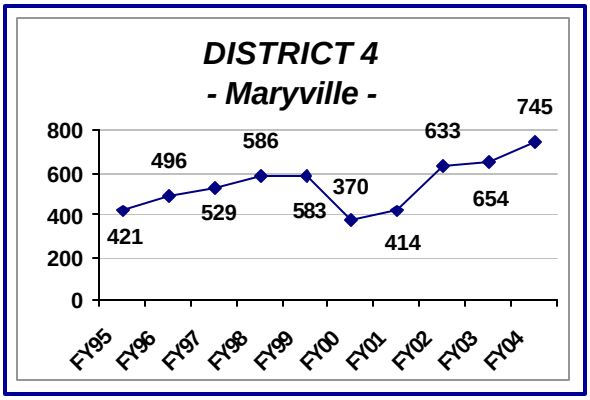


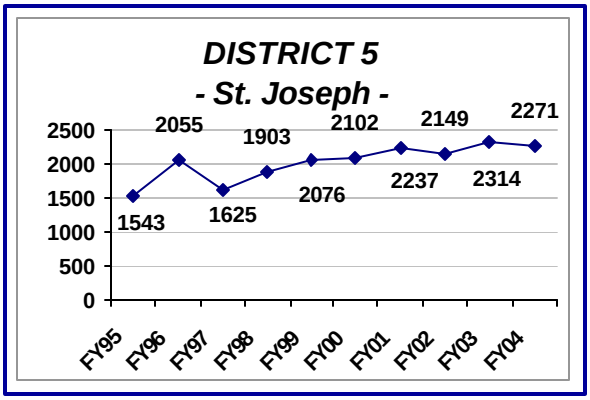


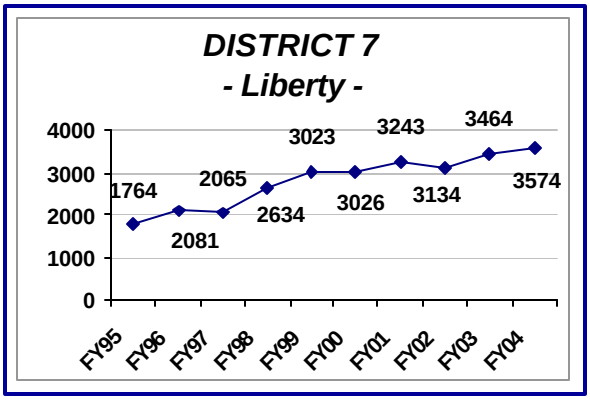
Disposed Caseload –By District
FY1995 to FY2004

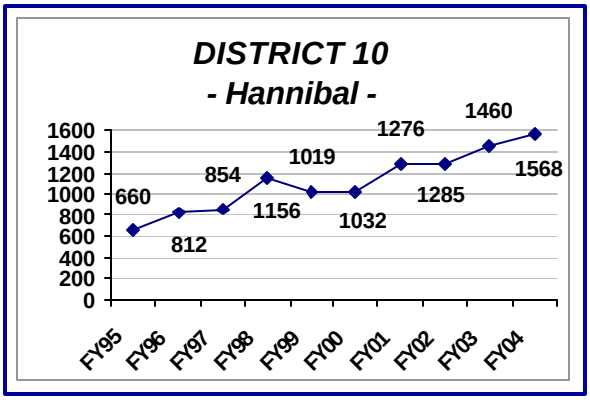


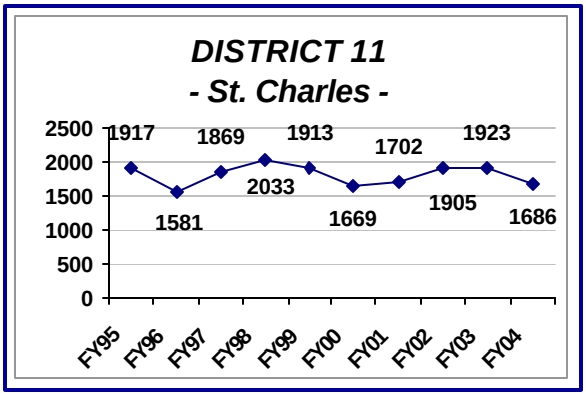


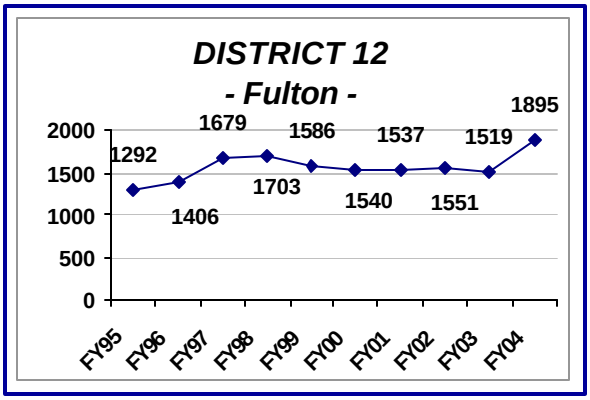




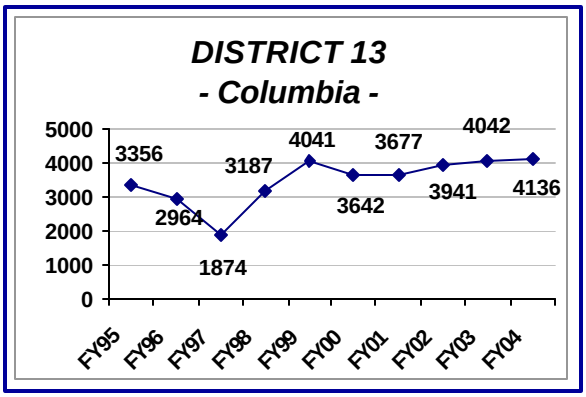


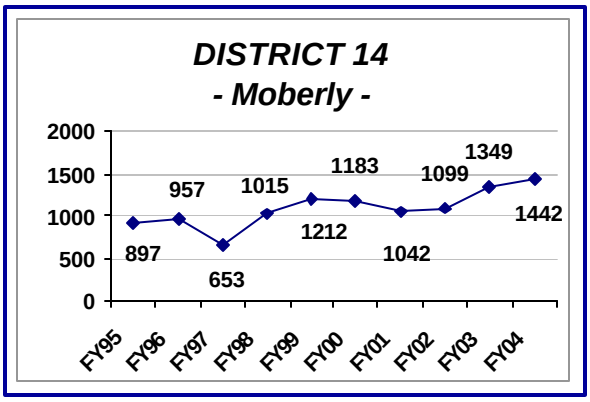


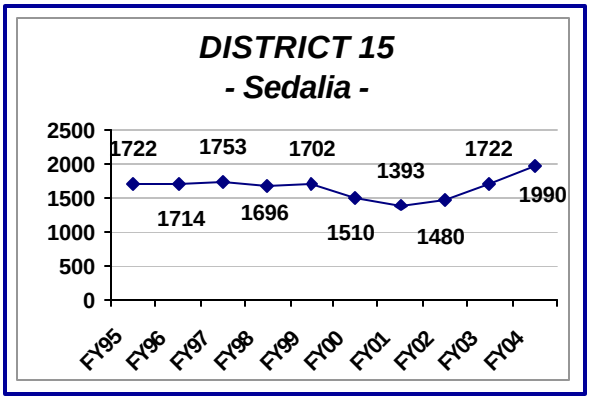


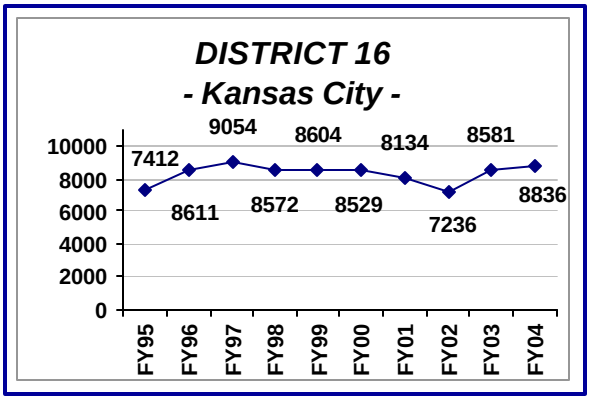


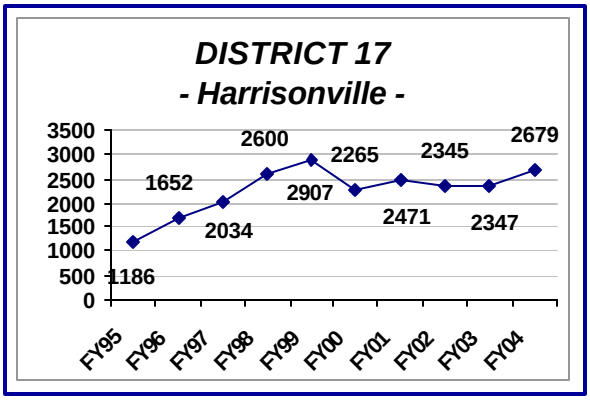
Disposed Caseload –By District
FY1995 to FY2004

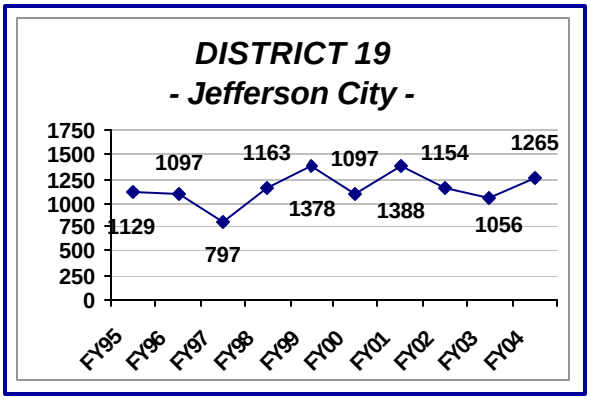


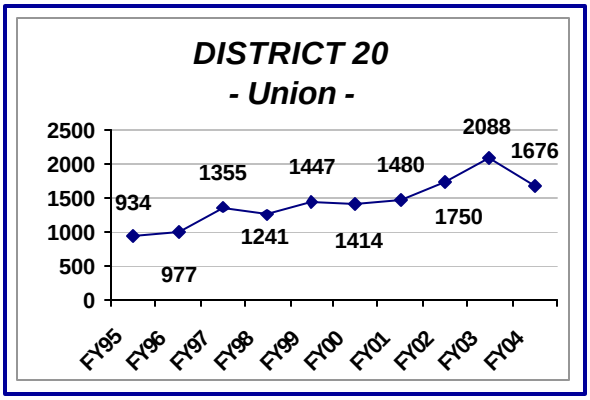


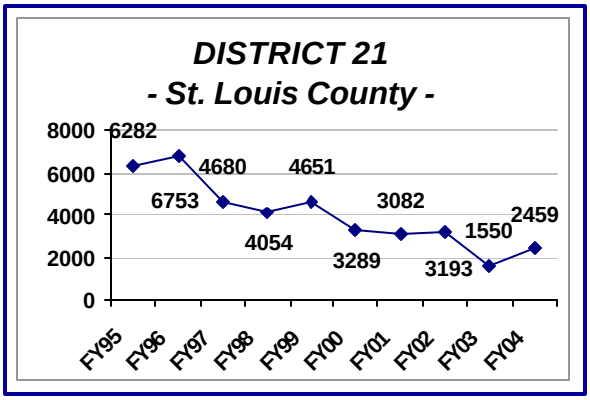




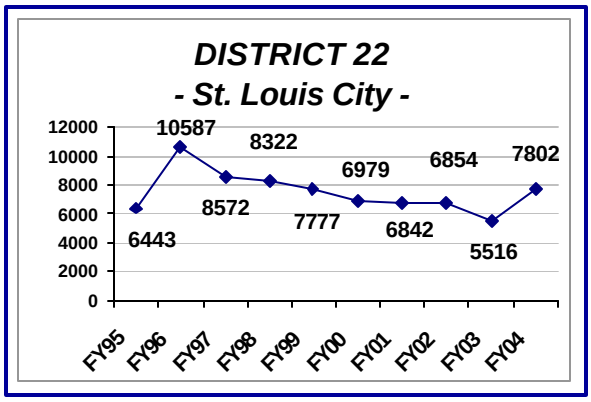


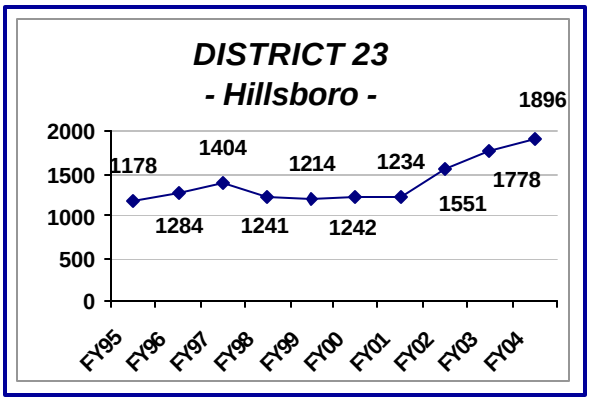


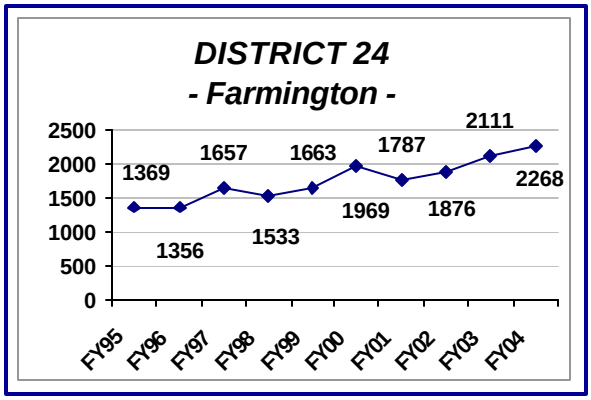


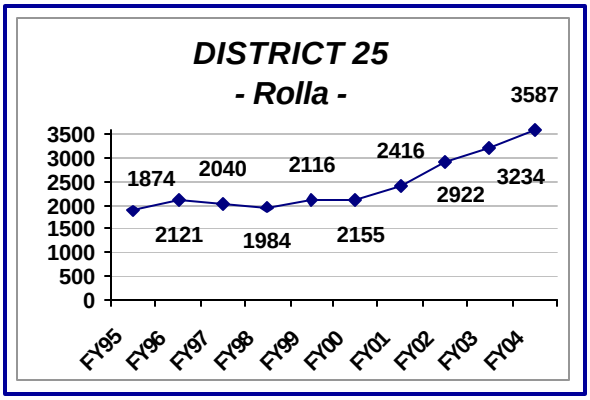


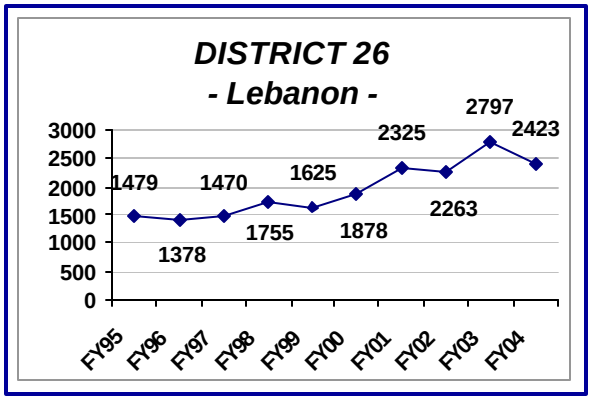
Disposed Caseload –By District
FY1995 to FY2004

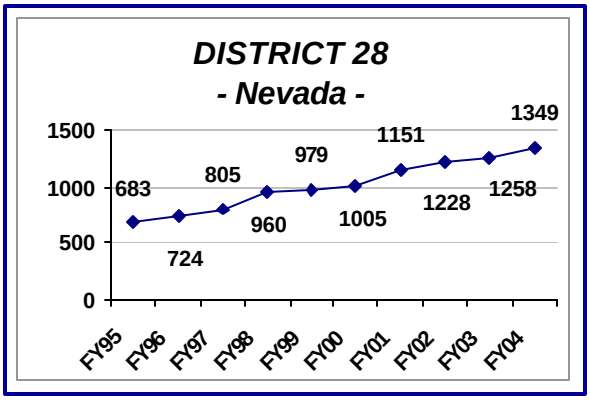


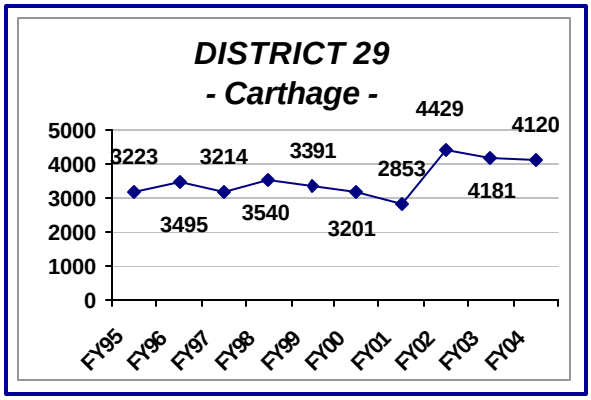


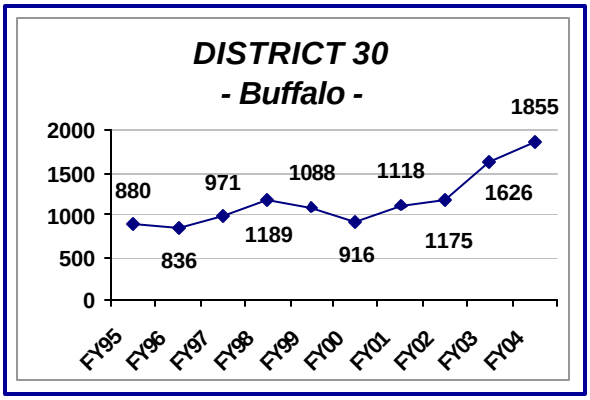




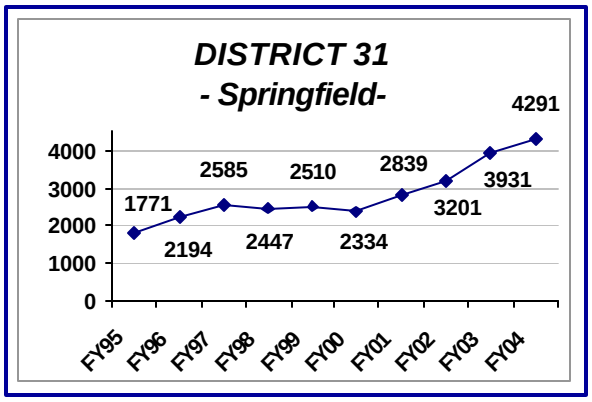


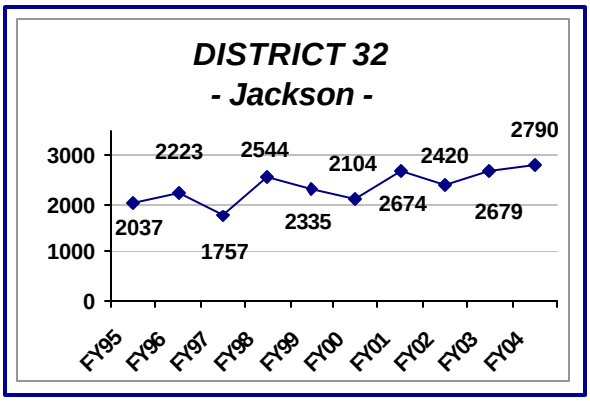


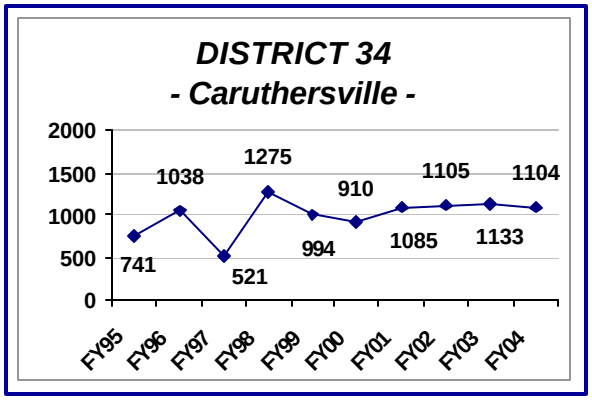


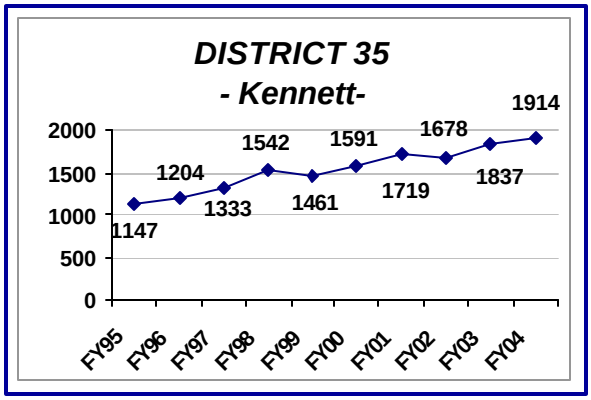


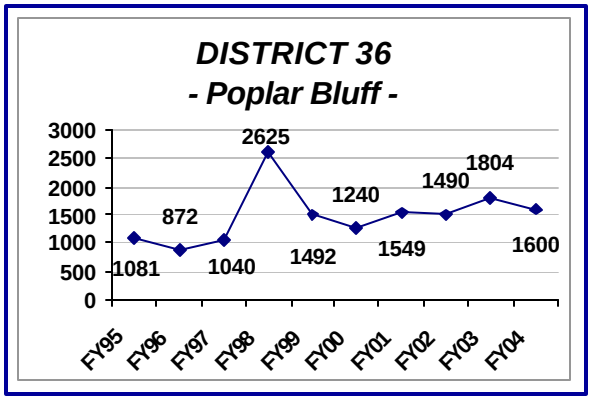
Disposed Caseload –By District
FY1995 to FY2004

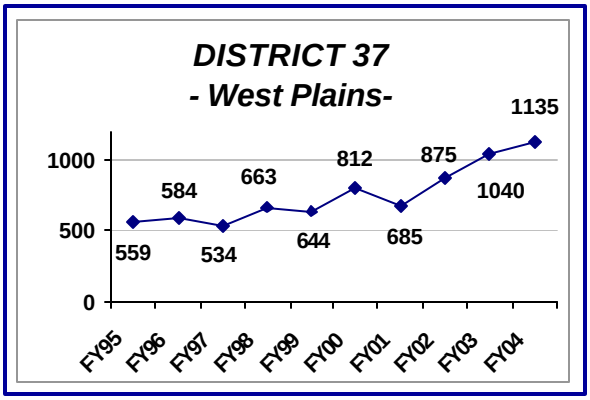


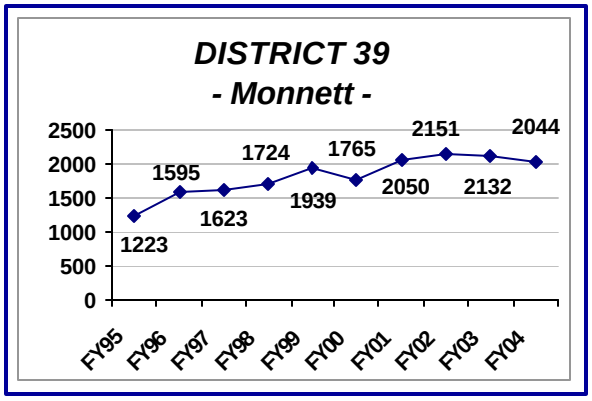


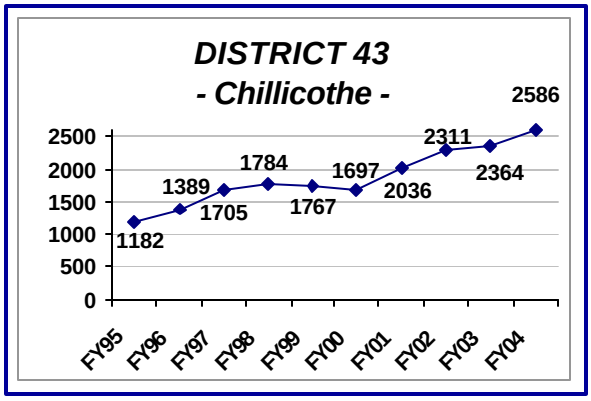




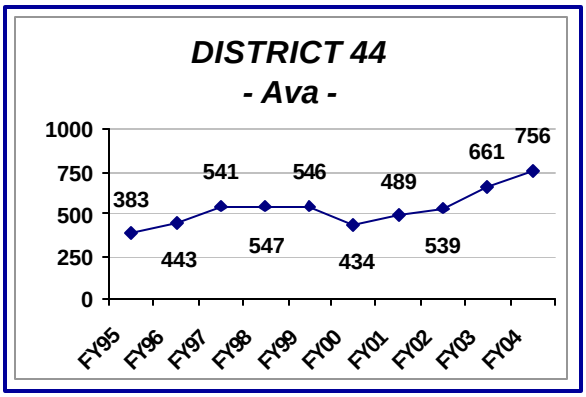


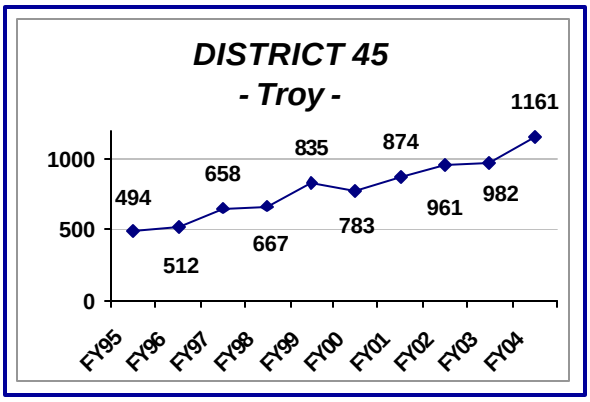


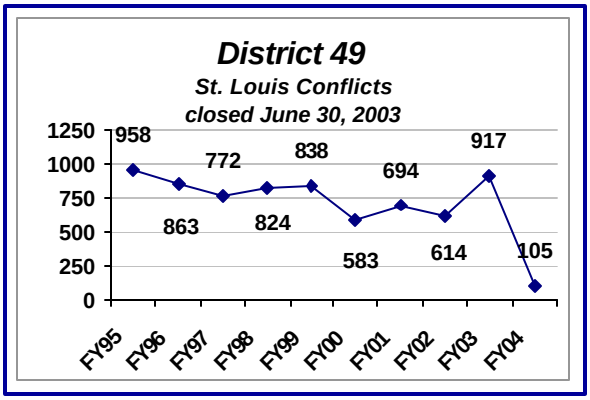


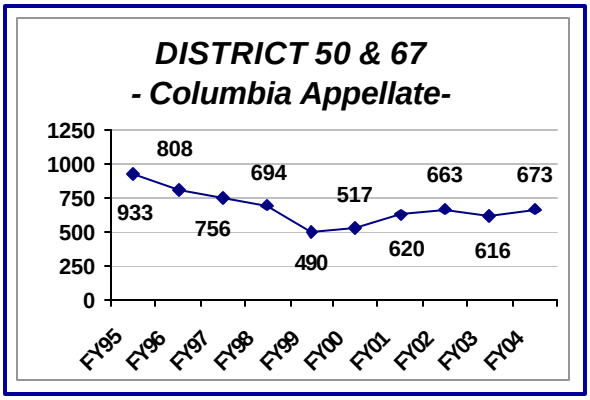


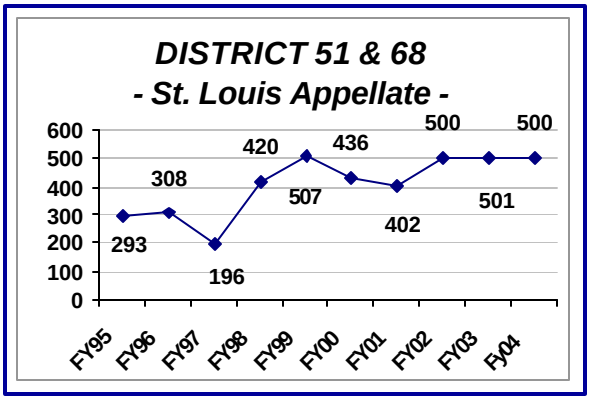
Disposed Caseload –By District
FY1995 to FY2004

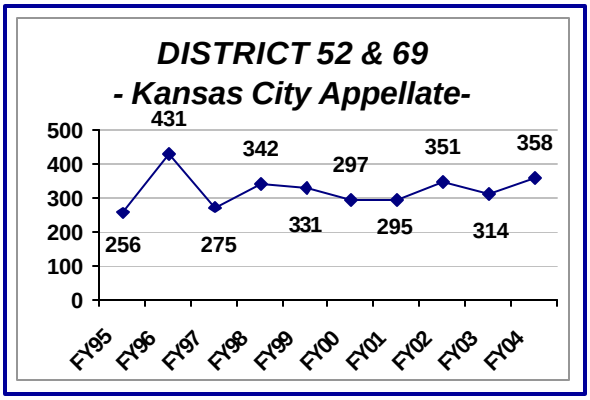




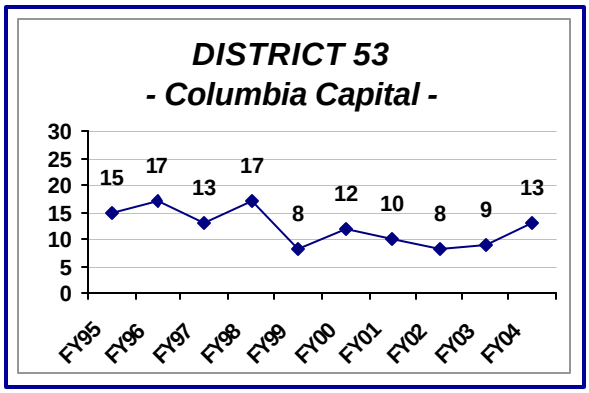


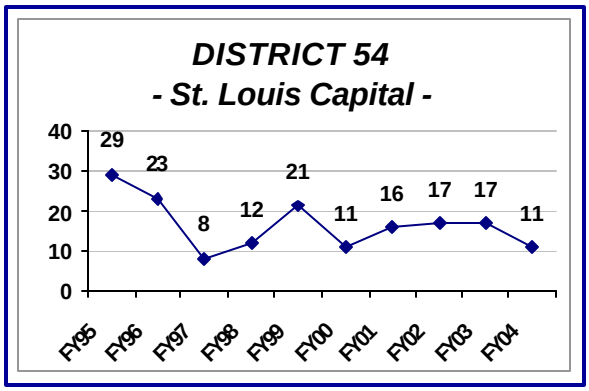


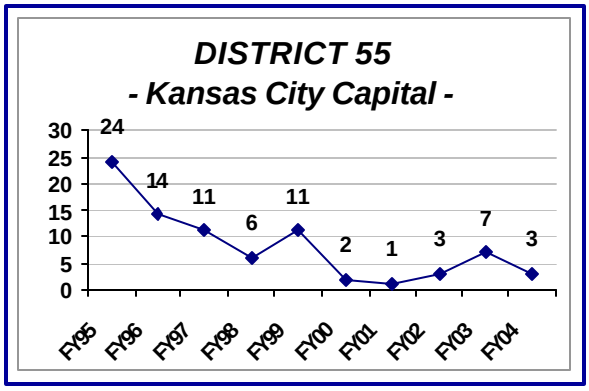




Disposed Caseload –By District
FY1995 to FY2004







Cases Closed

Cost of Cases Closed

The direct cost, on average, of all cases disposed by to the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2004 was $261. The Trial Division average was $204. These both compare very favorably to the last computed average under the old appointed counsel system of $390 per case in 1981.

Fiscal Year 2004 - Trial Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY04 Cases Assigned	Cost Per Assignment	FY04 Cases Disposed	Cost Per Disposition
1	Juvenile	Daniel Underwood	$301,033.01	1,265	$237.97	1,272	$236.66
2	Kirskville	Richard Scheibe	$176,046.12	722	$243.83	685	$257.00
4	Maryville	Jeff Stephens	$187,739.53	736	$255.08	745	$252.00
5	St. Joseph	Bert Godding	$407,260.77	2,276	$178.94	2,271	$179.33
6	Kansas City Juvenile	Mary Bellm	$286,792.51	1,322	$216.94	1,154	$248.52
7	Liberty	Anthony Cardarella	$656,171.71	3,582	$183.19	3,574	$183.60
10	Hannibal	Raymond Legg	$248,344.97	1,588	$156.39	1,568	$158.38
11	St. Charles	Christine Sullivan	$394,568.71	1,680	$234.86	1,686	$234.03
12	Fulton	Michael Hamilton	$276,579.64	1,778	$155.56	1,895	$145.95
13	Columbia	Kevin O'Brien	$711,912.96	4,348	$163.73	4,136	$172.13
14	Moberly	Kirk Zwink	$299,275.26	1,536	$194.84	1,442	$207.54
15	Sedalia	Kathleen Brown	$362,556.50	2,018	$179.66	1,990	$182.19
16	Kansas City	Joel Elmer	$1,928,528.46	9,577	$201.37	8,836	$218.26
17	Harrisonville	Jeffery Martin	$478,926.28	2,627	$182.31	2,679	$178.77
19	Jefferson City	Jan King	$235,848.12	1,264	$186.59	1,265	$186.44
20	Union	Lisa Preddy	$313,988.01	1,615	$194.42	1,676	$187.34
21	St. Louis County	Shawn Goulet	$1,251,666.96	3,204	$390.66	2,459	$509.01
22	St. Louis City	Eric Affolter	$1,670,630.62	7,848	$212.87	7,802	$214.13
23	Hillsboro	Tony Manansala	$344,334.15	1,897	$181.52	1,896	$181.61
24	Farmington	Wayne Williams	$517,674.79	2,312	$223.91	2,268	$228.25
25	Rolla	Jahnel Lewis	$489,456.46	3,489	$140.29	3,587	$136.45
26	Lebanon	James Wilson	$480,645.48	2,501	$192.18	2,423	$198.37
28	Nevada	Joe Zuzal	$243,064.99	1,338	$181.66	1,349	$180.18
29	Joplin	Darren Wallace	$869,029.76	4,306	$201.82	4,120	$210.93
30	Buffalo	Dewayne Perry	$314,910.45	1,900	$165.74	1,855	$169.76
31	Springfield	Rodney Hackathorn	$815,509.74	4,562	$178.76	4,291	$190.05
32	Jackson	Christopher Davis	$562,314.20	2,837	$198.21	2,790	$201.55
34	Caruthersville	Amy Skrien	$271,370.79	1,049	$258.69	1,104	$245.81
35	Kennett	Catherine Rice	$304,070.27	1,951	$155.85	1,914	$158.87
36	Poplar Bluff	Lashon Rhodes	$273,121.45	1,712	$159.53	1,600	$170.70
37	West Plains	Danna Anthony	$198,784.14	1,170	$169.90	1,135	$175.14
39	Monett	Victor Head	$584,813.41	2,074	$281.97	2,044	$286.11
43	Chillicothe	David Miller	$506,228.90	2,685	$188.54	2,586	$195.76
44	Ava	Linda McKinney	$180,617.33	686	$263.29	756	$238.91
45	Troy	Thomas Gabel	$227,393.05	1,240	$183.38	1,161	$195.86
49	St. Louis Conflicts	Closed	$1,299.21			104	$12.49

Fiscal Year 2004 - Commitment Defense Unit Costs Per Case

	Location	Current District Defender	Total Costs For District	FY04 Cases Assigned	Cost Per Assignment	FY04 Cases Disposed	Cost Per Disposition
71	Commitment Defense Unit	Ellen Blau	$381,565.47	22	$17,343.89	23	$16,589.80

Fiscal Year 2004 - Appellate Division Costs Per Case

	Location	Current District Defender	Total Costs For District	Y04 Cases Assigned	Cost Per Assignment	Y04 Cases Disposed	Cost Per Disposition
50	Columbia Appellate	Ellen Flottman	$732,432.67	288	$2,543.17	302	$2,425.27
51	St. Louis Appellate	Scott Thompson	$557,430.11	302	$1,845.80	265	$2,103.51
52	Kansas City Appellate	Susan Hogan	$385,848.10	159	$2,426.72	169	$2,283.12
67	Appellate/PCR Central A	Steve Harris	$659,841.89	342	$1,929.36	371	$1,778.55
68	Appellate/PCR Eastern B	Renee Robinson	$296,917.95	263	$1,128.97	235	$1,263.48
69	Appellate/PCR Western B	Andrew Schroeder	$201,048.93	162	$1,241.04	189	$1,063.75

Fiscal Year 2004 - Capital Division Costs Per Case

	Location	Current District Defender	Total Costs For District	FY04 Cases Assigned	Cost Per Assignment	FY04 Cases Disposed	Cost Per Disposition
53	Columbia Capital	Jan Zembles	$753,848.19	10	$75,384.82	13	$57,988.32
54	St. Louis Capital	Robert Wolfrum	$1,100,528.21	9	$122,280.91	11	$100,048.02
55	Kansas City Capital	Thomas Jacquinot	$497,661.28	5	$99,532.26	3	$165,887.09

FIRST REGULAR SESSION
TRULY AGREED TO AND FINALLY PASSED

HOUSE BILL NO. 12
92nd GENERAL ASSEMBLY
FY2004

Section 12.400. To the Office of State Public Defender
For the purpose of funding the State Public Defender System

Personal Service ***0911***	$22,314,833
Expense and Equipment ***0912***	$3,237,191
Subtotal	$25,552,024

For payment of expenses as provided by Chapter 600, RSMo. associated with the defense of violent crimes and/or the defense of cases where a conflict of interest exists

Expense and Equipment ***8727***	$2,559,850
From General Revenue Fund	$28,111,874

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo.

Personal Service ***0951***	$58,378
Expense and Equipment ***7673/63783***	$1,157,356
From Legal Defense and Defender Fund	$1,215,734

For refunds set-off against debts as required by Section 143.786, RSMo.

From Debt Offset Escrow Fund ***0753/3023***	$350,000E

For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender

From Federal Funds ***4006/90254***	$125,000
Total (Not to exceed 560.13 F.T.E.)	$29,802,608

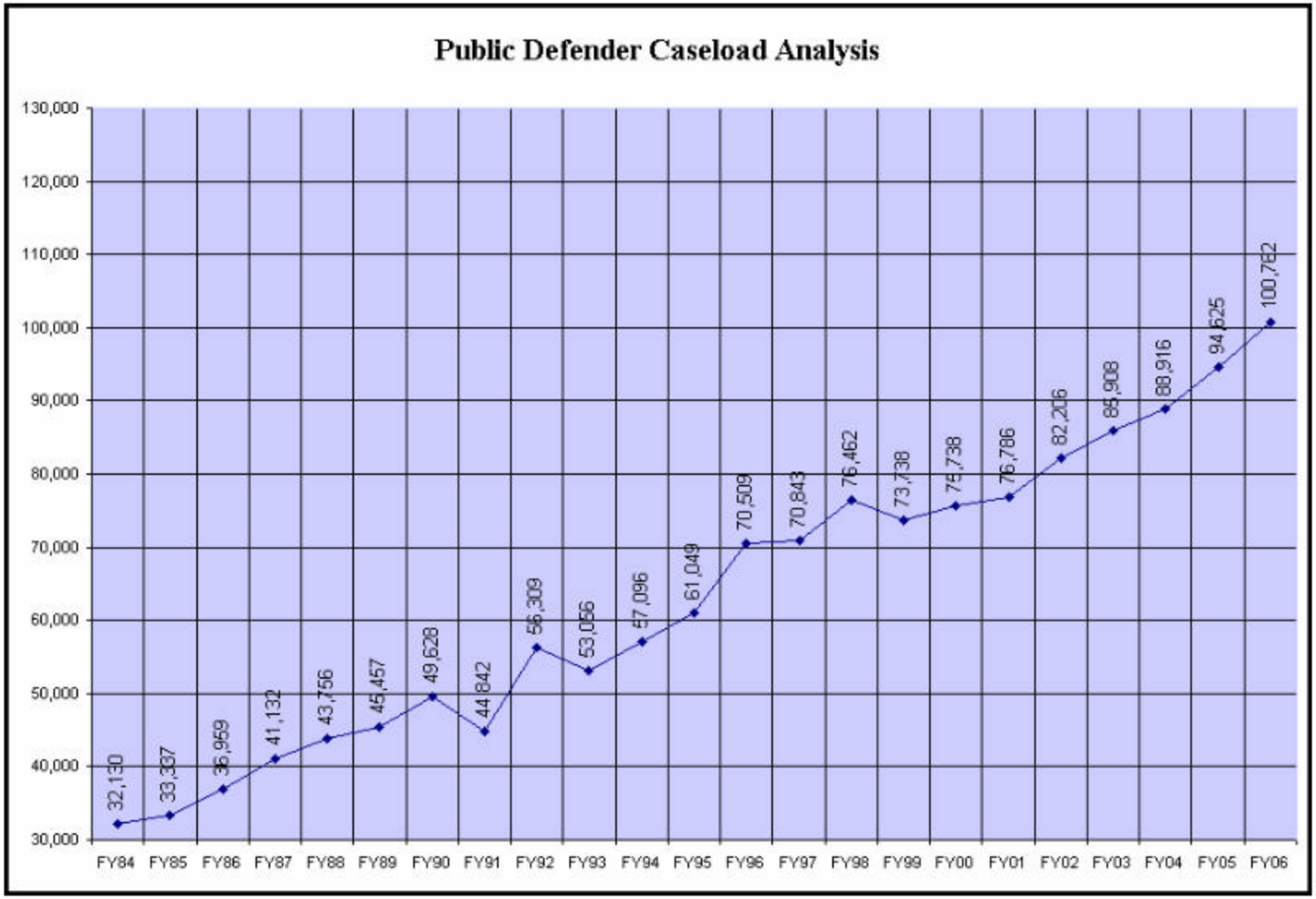
Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocations hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's Public Defenders and support staff.

FY2004
Trial Division
Closed Cases by Disposition Type

	Description	# of Cases
01	Withdrawn	6,513
02	Dismissed/Withdrawn	12,270
03	NGRI	17
04	Guilty Plea	40,056
05	Court Trial	488
06	Jury Trial	392
10	Juvenile Hearing	1,726
11	Certification Hearing	50
12	Juvenile Informal Hearing	186
15	PCR No Hearing & PCR Hearings	
20	Chapter 552	58
25	Probation Violation Hearing	16,407
30	Granted and Denied Writs	9
35	Appeal Decision	10
41	Conflict Transfer	2,878
42	Conflict Assignment	625
50	Capias Warrant > than 1 year	1,389
00	Unknown	1,045
	Total Trial Division Closed Cases	84,119



Caseload Increase

An analysis of the caseload of the State Public Defender System shows a continued increase. In FY2004, the State Public Defender System provided representation in 88,916 newly assigned cases. The projection for FY2005 is 94,625 and for FY2006 is 100,762. .

August-04

Missouri State Public Defender System

	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violations	Appeals	Total Opened	Total Closed	Closed to Opened Ratio
FY06 PROJECTION	157	164	37,580	37,901	31,775	4,448	904	89	24,824	820	100,762	89,803	0.8912
FY05 PROJECTION	156	151	35,966	36,273	29,838	4,352	854	94	22,428	787	94,625	85,319	0.9017
FY04 ACTUAL	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356	0.9712
FY03 ACTUAL	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

Commitment Defense Representation

The Missouri State Public Defender Commitment Defense Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's Sexually Violent Predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The Commitment Defense cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceeding to be civil rather than criminal.

FY 2004 Commitment Defense Unit Caseload Statistics	
	# of Cases
Opened in FY 2004	22
Closed in FY 2004	23
Jury Trials	11
Release Petition Hearing	1
Bench Trials	5
*Closed Cases are only temporary since any one committed has hearing and possibly trial right again in a year	

Alternative Sentencing Program

The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. The Alternative Sentencing assisted in 351 cases where probations was granted.

FY2004 ALTERNATIVE SENTENCING Caseload Statistics	
Case Type	# of Cases
A– Felony	124
B—Felony	167
C—Felony	299
D—Felony	145
Misdemeanor	56
Juvenile	6
Total FY2004 Alternative Sentencing	797

FY2004 ALTERNATIVE SENTENCING Plans and Referrals	
Description	# of Cases
Sentencing with Full Alternative Sentencing Plan	456
Referrals – Treatment Placements	341
Total FY2004 Alternative Sentencing Caseload	797

Fiscal Year 2006

Legislative Budget Request

Caseload Increase—Trial Division

An analysis of the projected FY2006 caseload for the State Public Defender System shows an increase to a total of 100,762 total cases to be assigned. Of the 100,762 it is estimated that 98,336 will be trial division cases.

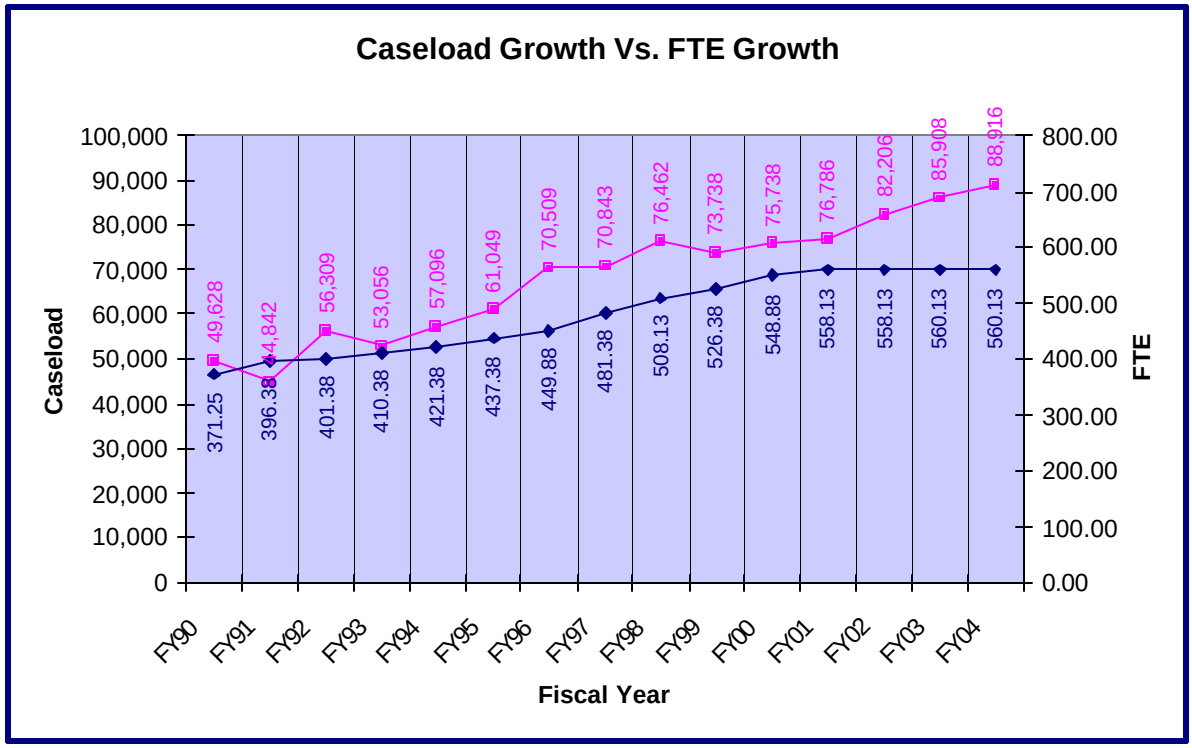
In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

In the 1990 State of Missouri Executive Budget, the Ashcroft Standard was settled upon as the appropriate caseload for assistant public defenders in the trial division. Assistant public defenders in the trial division can provide effective representation in 235 cases each fiscal year. Governor Ashcroft and the Legislature provided a total of 211.50 public defenders to handle the 49,697 trial division cases projected for fiscal year 1990.

Since 1990, the caseload of the trial division of the public defender system has grown rapidly due to a number of reasons: legislation enacting new crimes and increased penalties on existing crimes, aggressive prosecution, drug cases, etc.

The projected caseload for the trial division for Fiscal Year 2006 is 98,336 new cases being assigned. Using the Ashcroft Standard in 1990, the required number of attorneys to effectively provide representation is 418.50. The trial division currently has 287 attorney FTE allocated to it.

This decision item requests the 131.50 additional attorneys to fully staff the trial division to the Ashcroft Standard.



FY2006 Increased Caseload		
Trial Division - Decision Item		
Type of Case	**Projected FY06 Cases**	
Murder/Death	0	
Murder1/LWOP	285	
A/B Felonies	8,045	
C/D Felonies	29,103	
Misdemeanor	31,692	
Juvenile	4,427	
Probation Violations	24,784	
Total FY2006 Caseload	98,336	
One Attorney for Every 235 Trial DivisionCases		
Attorneys Required		418.45
Current Trial Division Attorneys		287.00
New Attorneys		131.45

The projected Trial Division Caseload for Fiscal Year 2006 is 98,336 cases. Using the Ashcroft Standard of 235 cases per attorney per year, the Trial Division needs 418 attorneys to meet caseload demands.

As of August 20, 2004, 287 attorney FTE have been assigned to the Trial Division. This decision item requests the 131.50 attorneys and the necessary support staff to bring the Trial Division into compliance with the Ashcroft Standard. The total cost of this decision item is $10,081,086.

Caseload Increase—Appellate Division

An analysis of the projected FY2006 caseload for the State Public Defender System shows an increase to a total of 100,762 total cases to be assigned. Of the 100,762 it is estimated that 1,636 will be appellate division cases.

In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

The Ashcroft Plan also provided that an assistant public defender in the appellate division could provide representation in 40 appellate cases each fiscal year.

Since 1990, the caseload of the appellate division of the public defender system has grown rapidly, faster than new FTE have been appropriated.

The projected caseload for the appellate trial division for Fiscal Year 2006 is 1,636 new cases. Using the Ashcroft Standard developed in 1990, the required number of attorneys to effectively provide representation is 41. The appellate division currently has 29.50 attorney FTE allocated to it.

This decision item requests 11.50 additional attorneys to fully staff the appellate division to the Ashcroft Standard.

FY2006 Increased Caseload		
Appellate - Decision Item		
Type of Case	**FY06 Projection**	
Death Penalty PCR	10	
Direct Appeals	409	
24.035 Trials	624	
29.15 Trials	244	
PCR Appeals	349	
Total FY2006 Caseload	1,636	
One Attorney for Every 40 Appellate Cases		
Attorneys Required		40.90
Current Appellate Division Attorneys		29.50
New Attorneys		11.40

The projected Appellate Division Caseload for Fiscal Year 2006 is 1,636 cases. Under the Ashcroft Standard of 40 cases per attorney per year, the Appellate Division needs 41 attorneys to meet caseload demands.

As of August 20, 2004, 29.5 attorney FTE are assigned to the Appellate Division. This decision item requests 11.50 attorneys and the necessary support staff to bring the Appellate Division in compliance with the Ashcroft Standard. The total cost of this decision item is $891,623.

Recruitment and Retention—Assistant Public Defenders I, II and III

The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system. It is a problem of crisis proportion.

Historically, high attorney turnover has plagued the State Public Defender System. In 1994, 60% of attorneys employed left the System within three years. In response to this problem, the legislature appropriated additional funding of $1.2 million in Fiscal Years 1994 and 1995, specifically to improve attorney salaries and tenure.

The increased funding of the mid-90s temporarily improved attorney retention. However, today's attorney turnover rate is terrible. The current attorney turnover rate is 21.231%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector.

Exit and employment interviews repeatedly reveal low pay as the reason candidates do not choose to be employed, or remain employed, by the State Public Defender. The last targeted increase in attorney salaries was ten years ago. The General pay plan increases since FY96 have simply not kept pace with reasonably expected salaries for law school graduates and lawyers with 1-5 years experience.

The inability to recruit and retain attorneys is causing a crisis in the administration of Missouri's criminal justice system. This has been particularly evident the past three years.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY04 cumulative backlog of more 21,945 cases is directly attributed to a shortage of experienced attorneys to handle them

This trend is continuing. This decision item will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

Public Defender Caseload Backlog			
Fiscal Year	Opened	Disposed	Net Difference
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
	409,554	387,609	21,945

Our FY06 decision item of $1,186,428 will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

To Market	Job Title	# of FTE	FY05 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
24 Q	Assistant Public Defender I	56.00	$33,792	$40,848	$7,056	$395,136
25 Q	Assistant Public Defender II	101.00	$37,128	$41,916	$4,788	$483,588
28 R	Assistant Public Defender III	46.00	$41,676	$48,300	$6,624	$304,704
		203.00				$1,183,428

Retention—Assistant Public Defenders IV Salary Increase

The most experienced assistant public defenders, APD IVs, handle more and the most serious and complex cases. While not as great as the turnover in the middle and entry level assistant public defenders, the turnover rate is still unacceptable.

In FY04, 14.63 of all assistant public defender IVs left the Department. Just as these lawyers attain the experience and training the State Public Defender has to offer, they move on to private practice. Because these experienced, well-trained attorneys handle more and more serious cases, it is more efficient and cost effective to retain them.

While 100 percent retention is unlikely, moving these attorneys closer to "market" on Range 35 of the State's UCP pay chart will reduce the unacceptable 15% loss rate.

This adjustment will also recognize the vital role Missouri's APD IVs play in Missouri's criminal justice system. Although they average over seven years of criminal law experience and handle nearly all Missouri's most difficult and complex cases, current APD IV salaries do not even match the average entry level salary of new Missouri lawyers in the private sector.

Assistant Public Defender IV Recruitment and Retention

To Market	Job Title	# of FTE	FY05 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
35 R	Assistant Public Defender IV	97.50	$57,064	$64,836	$7,772	$757,770

District Defender's Salaries Comparable to Full-time Prosecuting Attorneys

Pursuant to RSMo. 600.021.2, Public Defenders "*shall not otherwise engage in the practice of law*". Neither Chapter 600 nor Public Defender Commission rule allows public defenders to maintain a private law practice.

In contrast, prosecuting attorneys are allowed a private, civil practice, pursuant to RSMo. 56.360. A private law practice is not allowed for full-time prosecutors, such as when the position is made full-time pursuant to RSMo. 56.363.

A full-time prosecutor is responsible for the prosecution and overall supervision of the prosecutor's office staff in their respective county. The full-time prosecutor's equivalent, the District Defender, is responsible for indigent defense services, and overall supervision of the office staff for the district; usually a multi-county jurisdiction.

Prosecuting attorneys are compensated in accordance with RSMo. 56.265. Pursuant to RSMo. 56.265.1(1), a full-time prosecutor "*shall receive compensation equal to the compensation of an associate circuit judge*". Each 1st class county has a full-time prosecutor. More and more third and fourth class counties are electing to have full-time prosecutors.

The compensation of persons appointed District Defenders is fixed by the State Public Defender Commission, in accordance with RSMo. 600.021.3. However, the Commission has not been funded to bring District Defender salaries in line with their full-time prosecution counterparts.

This decision item will fund District Defender salaries, making them equal to that of a full-time prosecutor.

District Defender
Recruitment and Retention

Job Title	# of FTE	FY05 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
District Defender	44.00	$62,909	$96,000	$33,091	$1,456,004

Student Loan Relief

There is a recruitment crisis as to assistant public defenders in the State of Missouri. Because of the inability to recruit new assistant public defenders, new positions created because of expanding caseloads, as well as vacant positions created by turnover, remain unfilled for extended periods of time. Open, vacant positions, particularly, in rural public defender offices, for periods of six months and more are not uncommon.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose just 94% of the cases assigned. The FY03 backlog of nearly 5,000 is directly attributed to a shortage of experienced attorneys to handle them.

This trend is continuing. The four year backlog was nearly 20,000 at the end of FY03 and expected to grow. The backlog of cases is directly attributed to a shortage of experienced attorneys to handle them.

Through new positions and turnover, the Office of the State Public Defender has openings for approximately 60 attorneys per year. However, these openings remain unfilled because of the inability to recruit.

Most new attorneys hired by the Office of State Public Defender are recent law school graduates. Nearly all those graduates have considerable student loan debt upon graduation. A recent survey indicates most law school graduates hired by the State Public Defender have law school debt of $50,000 - $100,000. Approximately five percent had debt in excess of $100,000. Interviews with prospective candidates indicate that, although some students would prefer public service as public defenders, they simply cannot afford to with the entry level salary and the heavy student loan debt.

This decision item will provide student loan relief for assistant public defenders in their first 36 months of public defender service. Assistant public defenders with at least $150.00 per month in student loan debt would receive up to $150.00 per month during their first 36 months of service as assistant public defenders, so long as they perform satisfactorily as public defenders and are not in default on any student loan debt.

Increased recruitment and reduced vacancies will speed the disposition of criminal cases and increase the public defender caseload disposition rate.

The total decision item is $324,000.

Drug Court Staffing

Missouri is currently undergoing many changes regarding substance abuse and how to react to increasing statewide problems of drug use. The development of drug courts is one response.

Drug Courts were established as treatment-based alternatives to prison, youth services facilities and detention centers, jails, and standard probation models. The first drug courts were aimed at the adult population in a response to increasing crime rates and prison overcrowding. Juvenile drug courts and family drug courts have followed.

Drug court policies are developed by each jurisdiction. Most drug courts are pre-plea courts, but some are post-plea and others are used as a method of alternative sentencing. The pre-plea diversion program means charges are deferred while the person is actively participating in the drug court program, and that at this point, the participant has not pled guilty to any charges. This program is usually reserved for non-violent, first time, low risk offenders.

Drug Courts place an additional demand on an already overburdened Public Defender System. Currently, public defender participation in drug courts is limited to when there is a significant adversarial hearing involving a client. This limited involvement is in direct opposition to what the courts are expecting and often demanding.

In general, the courts are looking for intensive participation from the public defender system. As of September 10, 2004, the following drug courts were established:

Adult Drug Court	44
Juvenile Drug Court	17
Family Drug Court	8
	69

There are an additional 54 drug courts in various stages of planning. This represents a total of 123 potential drug courts by July 1, 2005

A “typical” public defender case is resolved in 3-6 months with 2 or 3 court appearances. A drug court cases extends representation to at least one year with at first weekly, then monthly court appearances. Many clients will be terminated from the treatment court after significant time and then require more public defender time to resolve and dispose.

Each of the potential drug courts would require at least 1 day per week of public defender attendance and at least 2 additional hours of preparation time.

123 drug courts * 10 hours per week for each of them * 52 weeks per year = 63,960 hours of attorney time / 2080 results in a need for an additional 30.75 attorneys to marginally staff the

Legislative Recommendations

Office Space Requirements

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

> **The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.**

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manor of funding office rent and utilities for these offices was not changed.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county offi-

cials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes between counties and the Department of State Public Defender have expanded beyond the statutory obligation. Disputes have not only concerned whether or not office space will be provided at all, they have included *where* and *what* space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. The State Public Defender is not interested in securing fancy, luxurious offices. It's interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

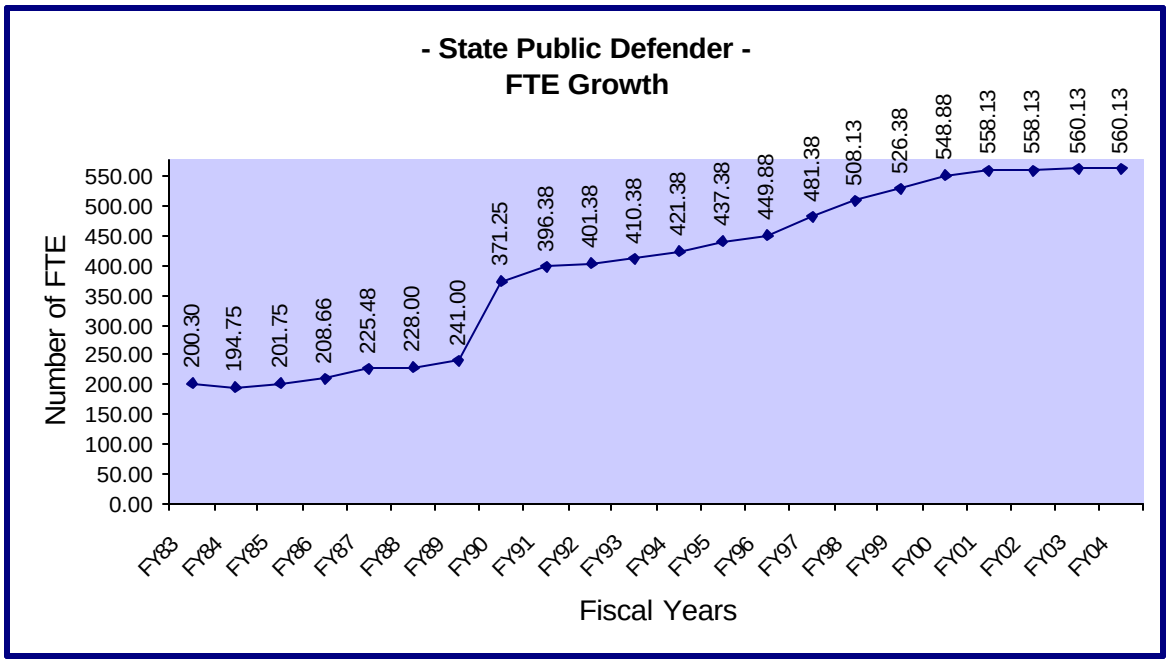
The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Projecting a conservative 8% increase in caseload, Missouri's Public Defender System will handle over 99,798 cases by 2005. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

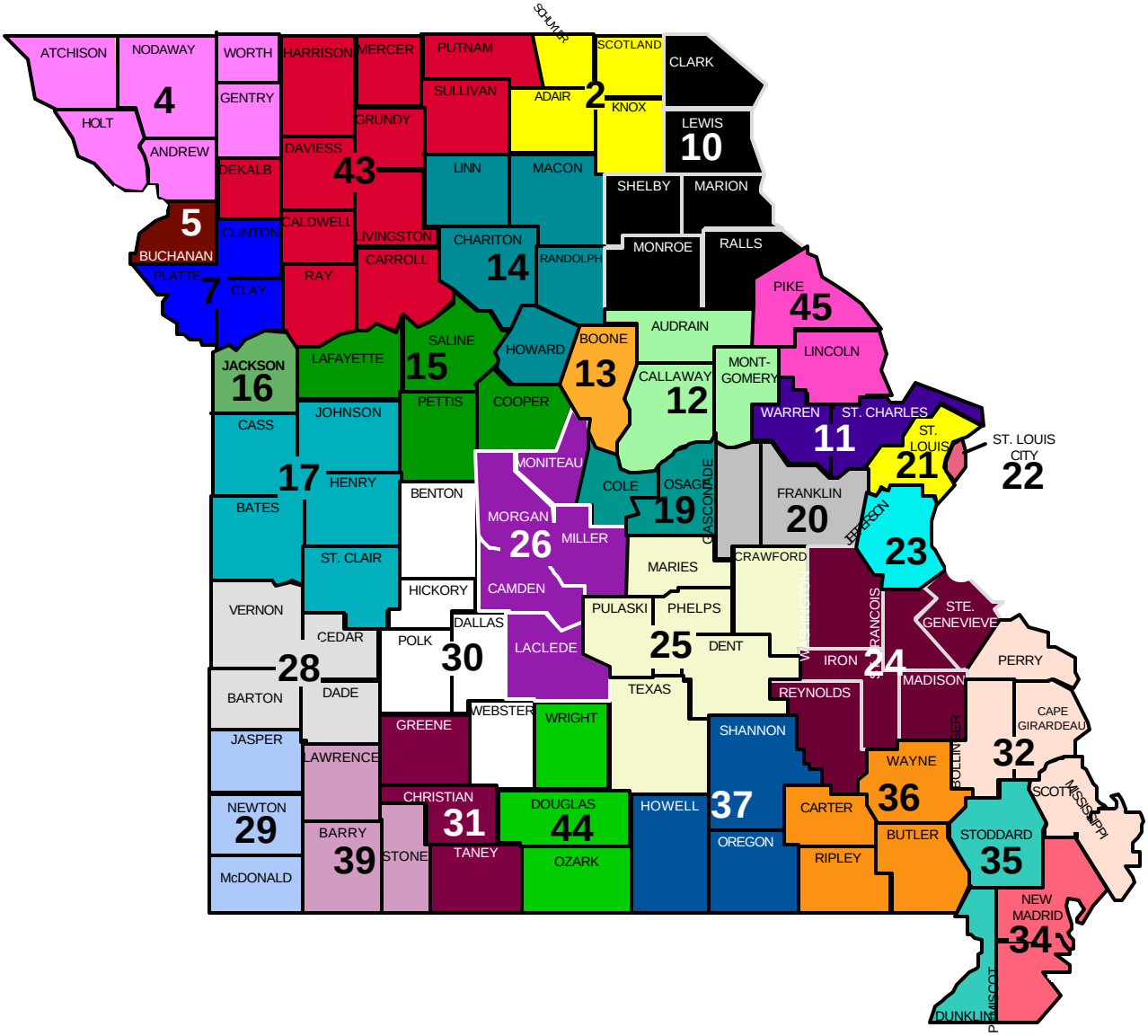
The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.



Missouri State Public Defender
Trial Division District Map



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