



**SIXTH REPORT  
OF THE OFFICE OF  
THE PUBLIC DEFENDER  
FOR THE STATE OF MARYLAND**

**FISCAL YEAR 1977  
Operational Period  
July 1, 1976-June 30, 1977**

**ALAN HAMILTON MURRELL  
PUBLIC DEFENDER**

**ALFRED J. O'FERRALL, III  
DEPUTY PUBLIC DEFENDER**

**Central Offices  
800 Equitable Building  
Baltimore, Maryland 21202**

**F TRUSTEES  
James K. Cullen, Chairman  
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44391

## OFFICE OF THE PUBLIC DEFENDER

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(301) 383-3053

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### DISTRICT PUBLIC DEFENDERS

District No. 1 ..... Norman N. Yankellow  
Baltimore City ..... 800 Equitable Building  
Baltimore, Maryland 21202  
(301) 383-3052

District No. 2 ..... Patrick L. Rogan, Jr.  
Dorchester, Wicomico, Somerset ..... Suite 416 - 1 Plaza East  
and Worcester Counties ..... P. O. Box 195  
Salisbury, Maryland 21801  
(301) 749-4430

District No. 3 ..... John W. Sause, Jr.  
Queen Anne's, Talbot, Cecil ..... 115 Lawyers Row  
Caroline and Kent Counties ..... P.O. Drawer E  
Centreville, Maryland 21617  
(301) 758-0090

District No. 4 ..... John F. Slade, III  
Charles, St. Mary's and ..... Court House - Room 237  
Calvert Counties ..... La Plata, Maryland 20646  
(301) 934-9420

District No. 5 ..... Edward P. Camus  
Prince George's County ..... 14821 Pratt Street  
Upper Marlboro, Maryland 20870  
(301) 627-1600

District No. 6 ..... J. James McKenna  
Montgomery County ..... 414 Hungerford Drive—Room 250  
Rockville, Maryland 20850  
(301) 424-4990

District No. 7 ..... T. Joseph Touhey  
Anne Arundel County ..... 60 West Street  
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(301) 267-1201

District No. 8 ..... Paul J. Feeley  
Baltimore County ..... 101 Investment Building  
Towson, Maryland 21204  
(301) 296-2340

District No. 9 ..... Henry C. Engel, Jr.  
Harford County ..... Equitable Building  
220 South Main Street  
Bel Air, Maryland 21014  
(301) 838-0895

District No. 10 ..... Bernard F. Goldberg  
Howard and Carroll Counties ..... 3691 Park Avenue—P.O. Box 69  
Ellicott City, Maryland 21043  
(301) 465-8900

District No. 11 ..... William R. Leckemby, Jr.  
Frederick and Washington Counties ..... 18 West Church Street  
Frederick, Maryland 21701  
(301) 663-8324

District No. 12 ..... Paul J. Staken  
Allegany and Garrett Counties ..... Suite 227 - Algonquin Hotel  
Cumberland, Maryland 21502  
(301) 777-2142

NCJRS

DEC 30 1977

ACQUISITIONS

Section 11, Article 27A

"On or before the 30th day of September of each year, the Public Defender shall submit a report to the BOARD OF TRUSTEES AND TO THE Governor and to the General Assembly. The report shall include pertinent data concerning the operations of the Office of the Public Defender including: projected needs; a breakdown of the number and type of classes handled and relative dispositions; recommendations for statutory changes including changes in the criminal law or court rules as may be appropriate or necessary for the improvement of the system of criminal justice and control of crime and rehabilitation of offenders."



## INTRODUCTION

In 1967 the President's Commission on Law Enforcement and Administration of Justice said in its summary report, "Many of the Criminal Justice Systems difficulties stem from its reluctance to change old ways or to put the same proposition in reverse. Its reluctance to try new ones".

The Public Defender System came into legislative existence July 1, 1971 excepting Section 3 of Article 27A providing for the Office of the Public Defender and state-wide legal and supportive personnel to take effect January 1, 1972.

By enactment of Article 27A (The Public Defender Statute), the Maryland Legislature in establishing the Office of the Public Defender in the Executive Branch of the Government of the State of Maryland, turned its back on the old ways and embarked upon a new order of things in the legal representation of the poor, for whom in the past equal justice under the law was indeed a mockery, and the adversary system of criminal justice in its traditional form either was ineffective or did not work at all.

In brief, under the Act, the Governor of Maryland is vested with the exclusive authority to appoint a Board of Trustees, consisting of three members, to oversee the operation of the Public Defender System, and who in turn appoint the Public Defender.

The Public Defender, with the approval of the Board, has the power to appoint the District Defenders, and as many Assistant Public Defenders as may be required for the proper performance of the duties of the office, and as provided in the Budget. All of the Assistant Public Defenders serve at the pleasure of the Public Defender, and he serves at the pleasure of the Board of Trustees, there being no tenure in any of the legal positions in the System. The state is divided into twelve operational Districts, conforming to the geographic boundaries of the District Court, as set forth in Article 26, Section 140 of the Annotated Code. Each District is headed by a District Defender responsible for all defense activities in his District, reporting directly to the Office of the Public Defender. See Exhibit A (Organizational Chart).

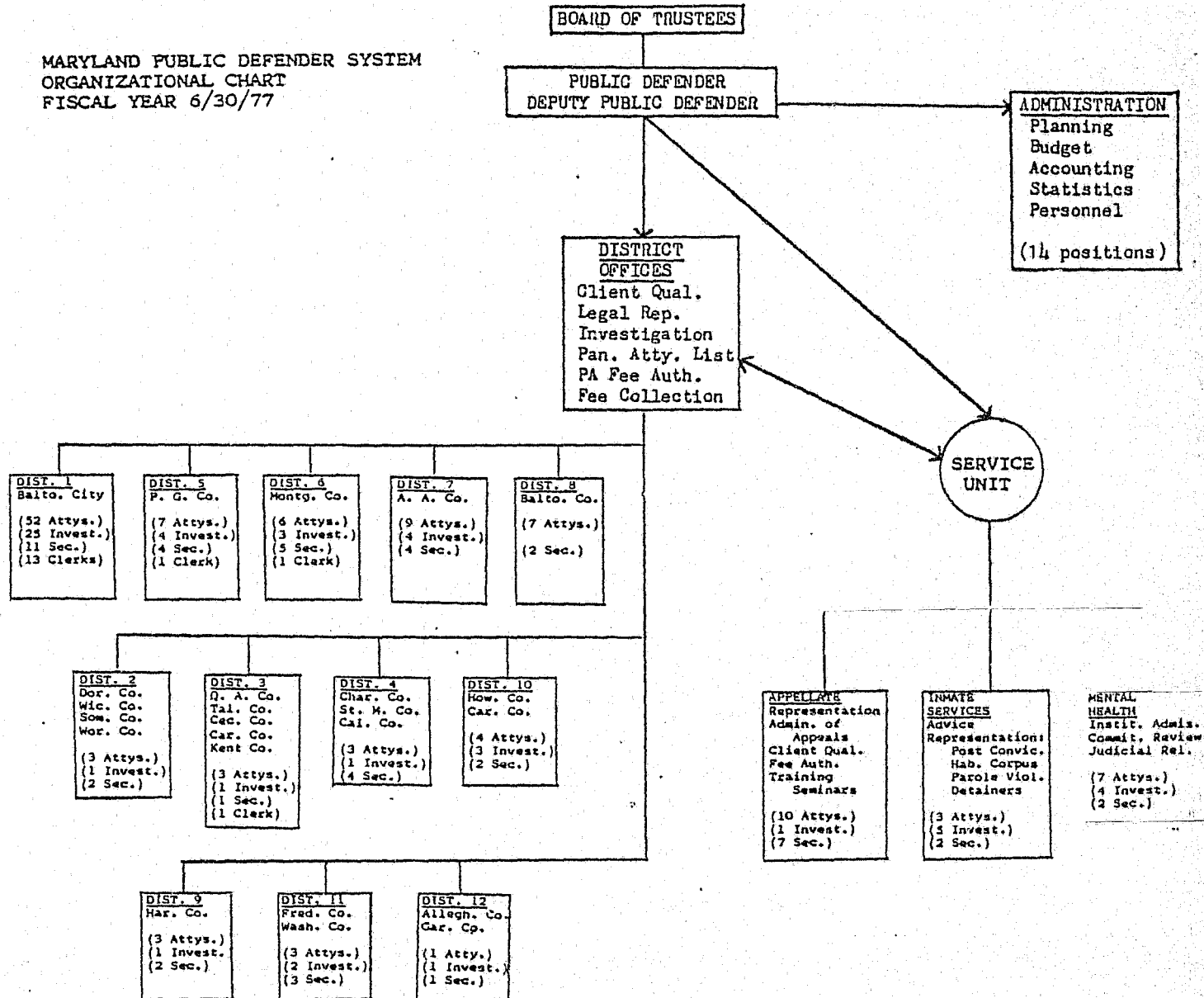
With the District Defenders given almost complete autonomy in their individual jurisdictions, problems peculiar to the locality can be more speedily and satisfactorily handled, while still adhering to the same basic standards governing the provision of effective Public Defender services, from time of arrest through to ultimate disposition of the case.

This most unusual operational chain of command permits, among other things, the employment throughout the entire system of both staff and panel trial lawyers selected for their proven\*expertise in the criminal law field, thus equalizing the professionalization of legal services for the indigent accused at a level of that afforded a defendant financially able to employ his own counsel. As viewed by this office, the role of defense counsel involved multiple obligations. Toward his client he is counselor and advocate; toward the State prosecutor he is a professional adversary; and toward the Court he is both advocate for his client and counselor to the Court; his obligation to his client in the role of advocate, whether as a member of the Public Defender staff, or a panel attorney, requires his conduct of the case not to be governed by any personal views of rights and justice, but only by the fundamental task of furthering his client's interest to the fullest extent that the law permits. Functioning within this professional code, the Maryland Public Defender System is simply a single "law firm" devoting its entire efforts exclusively to the representation of the indigent accused.

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\*Since our inception, January 1, 1972, Seven members of the Public Defender Staff have been appointed to both Circuit and District Court levels of the State Judiciary.

MARYLAND PUBLIC DEFENDER SYSTEM  
ORGANIZATIONAL CHART  
FISCAL YEAR 6/30/77



22.02.00.01 Office of the Public Defender

		1977 Actual	1978 Appropriation	1979 Request
	Number of Authorized Positions	251	258	268
01	Salaries and Wages	3,944,916	4,244,010	4,456,054
02	Technical and Special Fees	1,384,763	1,717,561	1,786,263
03	Communication	92,855	92,714	96,423
04	Travel	50,508	47,424	49,321
05	Food			
06	Fuel and Utilities			
07	Motor Vehicle Operation and Maintenance	1,766	1,462	1,520
08	Contractual Services	604,267	323,186	336,113
09	Supplies and Materials	28,434	38,316	39,849
10	Equipment-Replacement		3,650	1,000
11	Equipment-Additional	11,962	5,350	5,564
12	Grants, Subsidies and Contributions			
13	Fixed Charges	225,850	246,825	256,698
14	Land and Structures			
	Total Operating Expenses	1,015,642	758,927	786,488
	TOTAL EXPENDITURE	6,345,321	6,720,498	7,028,805
	Original General Fund Appropriation	6,182,320	6,538,112	7,028,805
	Transfer of General Fund Appropriation	163,001	182,386	
	Total General Fund Appropriation	6,345,321	6,720,498	
	Less: General Fund Reversion	0	0	
	Net General Fund Expenditure	6,345,321	6,720,498	

CLASSIFICATION OF EMPLOYMENT	1977 Gen. Fd. Pos.	1977 Grant Fd. (LEAA)	1977 Total	1978 Gen. Fd. Pos.	1978 Grant Fd. (LEAA)	1978 Total	1979 Gen. Fd. Pos.	1979 Total
Public Defender	1		1	1		1	1	1
Deputy Public Defender	1		1	1		1	1	1
District Public Defender III	5		5	5		5	5	5
District Public Defender II	4		4	4		4	4	4
District Public Defender I	3		3	3		3	3	3
Asst. Public Defender III	25	7	32	25	7	32	32	32
Asst. Public Defender II	76	1	77	76	1	77	78	78
Chief Inves. Public Defender	1		1	1		1	1	1
Public Defender Investigator I	56		56	56		56	56	56
Public Defender Aide	10		10	10		10	10	10
Law Clerk	1		1	1		1		
Law Clerk, Senior	1		1	1		1		
Administrator I	1		1	1		1	1	1
Office Supervisor II	2		2	2		2	2	2
Operations Specialist I	1		1	1		1	1	1
Office Secretary III	2		2	2		2	2	2
Office Secretary II	36	1	37	36	1	37	37	37
Office Secretary I	6		6	6		6	6	6
Administrative Aide II	1		1	1		1	1	1
Administrative Aide I	2		2	2		2	2	2
Accountant-Auditor IV	1		1	1		1	1	1
Personnel Associate II	1		1	1		1	1	1
Fiscal Clerk II	1		1	1		1	1	1
Office Assistant III	2		2	2		2	2	2
Office Assistant II	2		2	2		2	2	2
Steno.-Law & Legislature	3	3	6	3	3	6	6	6
Legal Assistant I		4	4		4	4	4	4
Fiscal Accounts Supervisor II	2		2	2		2	2	2
Stenographer-Clerk I	4		4	4		4	4	4
Total	251	16	267	251	16	267	268	268



\*REPORT OF PUBLIC DEFENDER  
FISCAL YEAR 1977

DEFENSE SERVICE PROBLEMS

The Decision of the Supreme Court in Argersinger vs Hamlin, No. 70-5015 on June 12, 1972 for all practical purposes emasculated Section 2 (2) of Article 27A of the Annotated Code of Maryland (the Public Defender Statute), which limited representation by the Office of the Public Defender to those qualified indigents accused of a crime for which the penalty involved the possibility of confinement for more than three months or a fine of more than \$500. The Decision holds that no accused person may be deprived of his liberty as a result of any criminal prosecution in which he or she is denied the assistance of counsel without regard to whether the crime is a misdemeanor or a felony, or the duration of the jail sentence.

This Agency, furnishing legal services exclusively, reacts to the number of indigent persons charged with crimes or committed to State institutions and has, therefore, little if any control over the size of caseload. Economic conditions have always been used as a rationale for many persons turning to criminal acts and the recent economic downturn undoubtedly does have a great impact on the criminal justice system, but it must be borne in mind that our average client, including the \*\*juvenile, is a recidivist and embarked upon his or her life of crime during more affluent years. The same economic conditions also force more persons into a position where they cannot secure competent legal representation with available financial resources. The result is that more persons than ever before now seek Public Defender assistance.

Reflected elsewhere in this report are statistics showing a substantial increase in overall caseload each successive year of our existence. Necessarily, we cannot control the increased activity of the various components of the units comprising the prosecution and while crime rates adjust according to population shifts, and some decreases in reported crimes appear, the actual statewide arrest rate continues to \*\*\* increase as does the demand for Agency service in collateral

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\*"The time has come the Walrus said - to talk of many things, of shoes and ships and sealing wax and Cobblers and Kings". Through the Looking Glass (Alice in Wonderland), Lewis Carroll.

\*\*The State Department of Health and Mental Hygiene Study of the Juvenile Court statistics for the period 1968-1973 (issued February 1975) shows an average recidivism rate in the Juvenile Court of Baltimore City of 57.5%. On charges of assault 54.4%, burglary 63.8%, robbery 66.5%. The State average is not much better i.e. 47.7% juvenile recidivism rate, assault 51.3%, burglary 60.3% robbery 62.3% .

\*\*\*Total arrests statewide Calendar Year 1976, 173,289, increase of 1.9% over 1975. (Criminal Justice System Statistics released August 5, 1977) .

matters such as line-ups, interrogations, preliminary hearings, bail reviews, etc. In addition, specific caseload increases have been mandated by the U.S. Supreme Court, Court of Special Appeals and Court of Appeals of Maryland; example Argersinger vs Hamlin, supra, which alone added a workload increase of 82% by tossing thousands of cases of disorderly conduct, desertion and non-support, as well as moving traffic violations under Article 66 $\frac{1}{2}$  of the Annotated Code of Maryland, into our hands. Laquay vs State, CSA of Maryland ordering representation for persons facing revocation of parole or probation status. Briggs vs Mandel, Circuit Court of Baltimore City, ordering the Public Defender to provide assistance of counsel to every indigent person involuntarily confined to a facility under the jurisdiction of the State Department of Health and Mental Hygiene. Evans vs State, Court of Appeals of Maryland, resulting in new trials for nearly 500 indigent prisoners convicted of murder, manslaughter, assault with intent to murder, etc.

The Court of Appeals of Maryland rescinded, effective July 1, 1977, all Rules in Chapter 700 (Criminal Causes) of the Maryland Rules of Practice and Procedure and the Maryland District Court Rules, and adopted in substitution thereof, new 700 Criminal Rules of Procedure applicable to all criminal cases. The implementation will have far reaching effects upon the criminal justice system from the moment of arrest and issuance of a charging document, through to trial, sentence and appeal. The fiscal impact upon future budgets must be taken into consideration because of the possible need for additional administrative personnel to effectively handle the voluminous paper shuffling which will be entailed in the preparation, among other things, of written motions, the election of court or jury trial, answer to discovery by the State upon the defendant, etc. Failure to comply with the Rules could lead to sanctions against the parties, dismissal of charges involved, claims of incompetency and/or ineffective assistance of counsel. The end result of required meticulous adherence to the Rules may be a slowdown in the progress of the individual defendant through the system until such time that all of the Agencies affected meet the contingencies of implementation.

Ironically, the adoption of the new Rules of Practice and Procedure comes at a time when the new Criminal Code, completed in 1975 after almost eight years of intensive work by the Commission on Criminal Law, seemingly has been sidetracked in the various Committees of the General Assembly.

Applying the new Rules in 1977 to the present Criminal Code, admittedly a mass of antiquated and/or crises legislation passed over a period of nearly two centuries, has been likened to putting a 4.2 liter engine in a Model T body. Necessarily, some of the provisions of the new Code are certain to stir debate, but it is hoped that disputes over portions does not cause the death of the entire Bill.

Practically all segments of the legal community agree upon the need for a new comprehensive Criminal Code for the Maryland Free State. We trust that the next meeting of the General Assembly will find the majority of the members concurring in the passage of this vital legislation.

## PUBLIC DEFENDER STAFF vs ASSIGNED COUNSEL

Section 6 of Article 27A delineates the appointment, duties, and respective responsibilities of the District Public Defender and panel attorneys of the individual District.

Section 6 (b) states that, "except in those cases where representation is provided by an attorney in the Office of the Public Defender, the District Public Defender shall appoint attorneys from the appropriate panels to represent indigents, the maximum use of panel attorneys shall be made insofar as practicable".

This Office has construed "practicable" to mean within budget limitations and availability of competent criminal trial lawyers, and as of the present date we are working daily with total statewide panels numbering approximately 1,000. Because of attempts to amend Section 6 (b) in the 1973 Legislature through H.B. 1533, later vetoed by the Governor, and due to what seems to be a misunderstanding in some legal and legislative circles of the problems that are involved in the assignment of counsel, it might be well to bear in mind the revolutionary changes since 1963 when the Supreme Court, in Gideon vs Wainwright (372 U.S. 355), exploded onto the scene requiring counsel for all indigents accused of felonies, up to Argersinger vs Hamlin (407 U.S. 25, 1972), mandating a constitutional right to anyone accused of any crime in which there is any possibility of incarceration. With Public Defender statewide indigent representation standing now at almost 100,000 items of defense services annually, it is impractical and fiscally impossible to expect private practitioners, no matter where located, to undertake the mass of representation of the indigent accused. In many localities, particularly in the rural areas, there are not sufficient attorneys available at the private bar, nor is it realistic to assume that private counsel, most of whom are non-criminal practitioners, can undertake competently the complex and constantly changing representation.

Our experience during the past five and a half years has solidified our stated position that only the combination of a professional Public Defender staff and private criminal practitioners, depending upon and working hand-in-hand with each other, can furnish the expert type of defense services to the indigent accused, as mandated by the Maryland Legislature under Article 27A, and to which he or she is constitutionally and morally entitled. Thus, the results obtained for the Maryland Public Defender client reflects the consolidated effort of professional advocates, operating in the highest traditions of the Bar.

## THE PLEA BARGAINING PROCESS AND NEW RULE 733 OF PRACTICE AND PROCEDURE

The position of this Office on the disposition of criminal cases through the plea bargaining process had been set forth in past reports of the Agency. Simply stated, we agree with the 1971 recommendation of the National Advisory Commission on Criminal Justice Standards and Goals that all plea bargaining

should be eliminated because the practice "not only serves no legitimate function in the processing of criminal defendants, but it also encourages irrationality in Court process, burdens the exercise of individual rights and endangers the absolute right of innocent defendants to be acquitted".

Outside of the degrading impact that plea bargaining per se has upon the public concept of criminal justice, our professional objection to the practice lies in the violence that is done to the \*adversary system in the eroding of a sound attorney-client relationship through the "horse trading" of plea negotiations wherein defense counsel endeavors to sell a guilty plea to his client in exchange for promises of a lesser sentence, while the prosecutor makes concessions on the basis of either getting a "rehabilitated" witness against a co-defendant, an overloaded trial docket, or crowded local jail conditions.

Notwithstanding indications in many jurisdictions that the abolition of plea negotiations, at least for certain types of offenses, has not resulted in any real breakdown of the criminal charge disposition process, new Rule 733 of the Maryland Rules of Practice and Procedure, effective July 1, 1977 attempts for the first time in Free State criminal justice history, to legitimize or at least give some degree of respectability to plea negotiations by setting up specific formal guidelines within which the State, the Judiciary, and the accused, should function.

It is interesting to note that "victim participation or approval" is not a required consideration of the Rule, and that all of the provisions of the plea agreement may, at the discretion of the Court, be sealed if the parties stipulate that disclosure of the terms would cause a substantial risk to any person or physical harm, intimidation, bribery, economic reprisal or annoyance or embarrassment.

Hopefully, future evaluation of the operational "success" of the Rule will not be based, as in the past, solely upon the volume of bodies speeded through the system, but whether or not they have been afforded due process with safeguards for all parties involved, not least of which is the public.

#### RECOMMENDED LEGISLATION

Without infringing on the priority and presentation by the Commission on Criminal Law of the proposed Criminal Code to the Legislature, we can think of nothing more urgent and vital in proposed legislation than to follow the suggestion of the Supreme Court to reclassify specific non-violent crimes

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\*"Our social experience has so far enriched us immeasurably with Defense Attorneys who accuse the Defendant". (Description of Soviet Legal System. Alexander Solzhenitsyn, 1976, "Gulag Archipelago").

wherein the accused indigent now has a constitutional right to counsel. We accordingly again suggest legislation be enacted whereby:

a) All charges of Non-Support, now criminal offenses under Section 88 of Article 27 of the Annotated Code, be treated as civil proceedings and processed in the Equity Courts of this State. Precedent for this is presented by Section 66 of Article 16 of the Annotated Code of Maryland, wherein all paternity cases formerly criminal (bastardy) are now civil proceedings.

Strangely enough, under the present Law of this State, a person failing to support his legitimate children is guilty of a misdemeanor, tried in the Criminal Court, and faces imprisonment of three years; whereas, if he fails to support his illegitimate children, proceedings against him are civil, and handled in the Equity Court.

b) That the penalty of Disorderly Conduct, under Article 27, Section 123 of the Annotated Code of Maryland, be amended to provide for a fine only.

\*c) A Legislative Act to remove majority of traffic violations under Article 66<sup>1/2</sup> from the Court System, and transferred to a specialized administrative body.

It is estimated, and our experience to date indicates, that enactment of such legislation would reduce present annual caseload in specific traffic, non-support hearings, and disorderly conduct trials, by 8-10,000 cases.

#### COLLECTION PROCEDURES AND IMPACT OF RECENT DECISIONS

Section 7 (c,d,f) of the Act requires the Public Defender in the name of the State to collect all monies due to the State by way of reimbursement from those defendants who have or reasonably expect to have means to meet some part of the expenses for services rendered to them by the Office of the Public Defender. As set forth elsewhere in this report, the individual District Offices have assessed expenses of representation, collected and deposited to the credit of the State Treasurer's Office in the Fiscal Year, a total of \$73,789.92 cash.

We have been circumspect in the administration of Section 7. One reason was the question of its constitutionality by virtue of the Supreme Court decision in Strange vs Kansas (40 U.S. Law Week 4711) of June 12, 1972, wherein it was held that the Kansas Public Defender recoupment of the Indigent Legal Expenses Act was in violation of the equal protection clause of the U.S. Constitution.

Secondly, was our inherent concern that the State after forcing counsel not of his choice upon an indigent could end up becoming the largest priority judgment lien holder against any future assets that he or she may require.

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\*However, a small percentage of traffic case representation was eliminated by S.B. 1046, effective July 1, 1973.

On August 1, 1972, the Attorney General of Maryland rendered an opinion holding Section 7 (c.d.f) of Article 27A, in light of Strange vs Kansas supra, was constitutional since among other things it does not deny any substantive exemption to other debtors, and thereby avoids the constitutional infirmities found in the Kansas Defender Statute. We have accordingly reviewed our administrative procedures for determining criteria of indigency under the Act, and entered into arrangements with the State Central Collection Unit of the Department of Budget and Fiscal Planning, Section 71 (c-1) of Article 41, created by the 1973 Legislature (H. B. 1608), to handle collections of outstanding expenses of representations. In this connection it is pertinent to point out that the California Appellate Court, in People vs Jones (Clearinghouse #9808, April 12, 1973), held that assessment of Public Defender attorneys fees to an indigent who was found not guilty must be based, "on present ability to pay". The Court did not reach the interesting constitutional issue of whether an indigent defendant found not guilty could be forced to reimburse the State for the reasonable cost of defender services, but it seems obvious the present trend of the Courts is to require representation based upon the financial status of the accused at the time of arrest and/or placing of charges irrespective of his earning capacity.

This follows to some extent Section 7 (a) of the Act that, "eligibility for the services of the Office of the Public Defender shall be determined on the basis of the need of the person", and throws open the door to Public Defender representation of countless numbers of persons without cash at the time of arrest, but with other finances and future earning capacity, and who would not be ordinarily eligible for our services. On May 20, 1974, the Supreme Court in Fuller vs Oregon (No. 73-5280) held that the Oregon Recoupment Act, requiring defendants who are indigent at the time of the criminal proceedings against them but who subsequently acquire financial means to repay costs of legal defense, does not violate the equal protection clause of the U.S. Constitution.

The 1974 General Assembly, at our request, enacted Chapter 123 making it a criminal offense to request and obtain the services of the Office of the Public Defender by means of a false statement of financial condition.

In any event, our experience during the past months indicates that despite all safeguards and legislation that might be evoked, that some percentage of our clients will attempt to defraud the State, but hopefully such incidents can be kept to the minimum.

#### APPELLATE DIVISION

The Appellate Division has state-wide responsibility for all appellate litigation involving Public Defender clients and provides educational and research services for staff and panel attorneys throughout the twelve Public Defender Districts.

With headquarters in Baltimore City and a staff of nine lawyers, six secretaries, two clerical assistants, one investigator and several student law clerks, Appellate Division activities fall into five major categories: first, to provide representation through use of staff and panel attorneys in the Court of Special Appeals; second, to identify those cases decided by the Court of Special Appeals in which petitions for Writs of Certiorari to the Court of Appeals and U.S. Supreme Court are appropriate, to prepare the necessary petitions and, when a petition is granted, to brief and argue the case; third, to provide continuing education in criminal law and procedure to Public Defender staff and panel attorneys; fourth, to provide a central source of information to keep Public Defender attorneys abreast of recent developments in criminal law and, in particular cases, to provide quick and accurate information to individual attorneys engaged in trials or hearings who may have an immediate need for research on a particular legal point; and fifth, to influence and facilitate the orderly development of criminal law in Maryland.

Fiscal 1977 was the first full twelve-month period for which the impact of an expansion in the appellate staff and its activities made possible by an LEAA grant could be measured. The grant supports six attorney and three secretarial positions on the staff.

Assessing the effectiveness of the grant upon appellate staff activities during the past fiscal year, the Governor's Commission on Law Enforcement and the Administration of Criminal Justice which administers the grant concluded:

"The Appellate Division of the Office of the Public Defender has handled a significant number of cases both at the Court of Special Appeals and through the certiorari process to the Court of Appeals. Additionally, the percentage of cases handled by staff has increased while those handled by panel attorneys have been significantly decreasing which (due to the cost of panel attorneys being higher) has resulted in cost savings. Also, the law development section has been involved in significant cases effecting change in the criminal law. The publication of the Law Letter is also a significant development. This appears to be a well-planned, thorough publication which can be of great use to both staff and panel attorneys alike throughout the Public Defender System."

The Commission recommended that the Appellate Division's continuing legal education program, which had provided numerous seminars during the year, be further expanded.

During the past year 813 cases have been concluded in the Court of Special Appeals and Court of Appeals, an increase of 18% over the previous year. In 49.5% of those cases, representation was provided by staff attorneys as compared to 24.7%



in fiscal 1976. The percentage of staff representation has resulted in substantial savings by reducing expenditure of panel fees without an increase in the number of staff positions.

Another significant reduction in the cost of appeals has been accomplished by printing all staff and panel briefs by means of photocopying by central office personnel. In past years, printing had been done in commercial shops.

In both panel and staff cases, the procedural steps necessary to insure that trial transcripts and records are properly transmitted to the appellate court are handled by the central staff.\* Through the cooperation of the Circuit Court clerks throughout the State the appellate division is immediately notified when an appeal is noted. Of the 862 cases so referred during the year representation was or is presently being provided to 668 clients in the Appellate Courts. In 142 of the cases referred the defendant was either found to be ineligible or indicated that he would retain counsel. Fifty-two additional clients elected to dismiss their appeals, usually in order to pursue alternate remedies such as petitions for post conviction relief or for reduction of sentence.

Beginning fiscal year 1976, a certiorari review procedure was initiated in accordance with the Supreme Court's decision in Ross v Moffitt, 417 U.S. 600 (1974) to determine which cases decided by the Court of Special Appeals afforded a sound legal and factual basis for a Petition for Writ of Certiorari to the Court of Appeals. At weekly staff conferences each opinion issued by the Court of Special Appeals involving a Public Defender client (approximately 95% of the cases in that Court are Public Defender cases) is reviewed to determine whether a petition for Writ of Certiorari would be appropriate. During the past year 463 opinions were analyzed and in 99 cases certiorari petitions were prepared and filed by appellate staff members. Of these, 16 petitions were granted, 67 were denied and 14 are still pending decision by the Court of Appeals. Four Petitions for Writ of Certiorari were filed in the United States Supreme Court. None of these was granted. In addition to filing certiorari petitions in appropriate cases and providing representation in the Court of Appeals when certiorari is granted, the appellate staff also provides representation when the Office of the Attorney General petitions the Court of Appeals for certiorari.

Several of the cases which appellate staff attorneys, through the certiorari review program, successfully petitioned to the Maryland Court of Appeals, have resulted in landmark decisions during the past year.

Blackwell v State, 278 Md. 466 (1975) struck down as unconstitutional Maryland's death penalty statute. A petition to the Court of Appeals for immediate review, in order to avoid a time consuming intermediate appeal to the Court of Special Appeals, brought about a rapid and final decision on the legality of Maryland's new capital punishment act in the first case in which the statute was applied.

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\*Cases originating in District 3, however, continue to be processed in the District Office. Staff representation in District 3 is provided by the District Public Defender.



The recent decision in Newton v State, \_\_\_\_\_ Md. \_\_\_\_\_, 373 A.2d 262 (1977) resulted when a trend was seen developing in a small but significant number of other State and Federal Courts and was utilized to test the legality of the sentencing procedure in Maryland felony murder cases. The case held that the prohibition against double jeopardy is violated when a defendant is given, in addition to the mandatory life sentence for felony murders, another sentence for the same felony which must be proved to justify the murder sentence.

In Downs v State, 278 Md. 610 (1977), the Court of Appeals dealt with a significant First Amendment freedom of speech question in holding that a citizen could not be punished for making remarks in a private conversation which might elicit a violent reaction from persons to whom they are not addressed but who may overhear them. The appellate staff, at the request of the Supreme Court, filed a brief in opposition to the State's Petition for Writ of Certiorari to that Court. The State's petition was denied.

State v Wilson, 279 Md. 189 (1977) held that where police officers entered a defendant's home armed with a warrant to search for narcotics and found none but noticed several items which they suspected might be stolen and copied serial numbers this amounted to an unlawful search. The Court also held that a subsequent "consent" obtained from the defendant for a search of his room and seizure of the items was obtained under coercive circumstances.

Staff attorneys successfully argued in both the Court of Appeals and the Court of Special Appeals for extension of the Supreme Court's decision in Santobello v New York, 404 U.D. 257 (1971) on the equitable enforcement of guilty plea agreements. In State v Brockman, 277 Md. 687 (1976), the Court of Appeals held, on a question of first impression, that a defendant is entitled to specific enforcement of the agreed upon bargain even though the State's breach occurred prior to the performance of the defendant's part of the bargain. In Snowden v State, 33 Md. App. 659 (1976), the Court of Special Appeals held that the Courts will not tolerate the subtle breach created by a prosecutor's equivocal sentence recommendation.

The continuing legal education program is accomplished through presentation of half-day seminars on topics of Particular complexity and, whenever necessary, mini-seminars when a Court decision or rule change brings about a significant change in the law which must be brought immediately to the attention of the Public Defender staff and panel attorneys. Use of video-tape equipment has made it possible to ensure that seminar presentations are available throughout the State, as well as use as a training guide. The constant review of Court decisions and research which results from the weekly certiorari conferences makes it possible to recognize problems, trends and changes in the law and to design seminar programs to effectively deal with those matters. During August and September of last year, training sessions were held in Baltimore City, and Baltimore, Frederick, Howard, Anne Arundel, Prince George's and Montgomery Counties on methods of effective legal research. More than 300 staff and panel attorneys attended the sessions.

A half-day seminar on warrantless search and seizure problems was held at the University of Maryland Law School on February 21, 1977, and was repeated a month later in Cumberland through use of video tape and other program materials employed at the earlier seminar. These programs provided training for approximately 285 attorneys.

In cooperation with the Maryland State Bar Association another three-hour seminar was held on June 10, 1977, during the Bar Association's convention in Ocean City. Nearly 300 attorneys attended the program which was designed to explore the impact of the new Maryland criminal rules and newly enacted criminal statutes.

On a more basic level of legal education, appellate staff attorneys have participated in seminars, moot court and class-room programs on appeal related topics at the University of Maryland and University of Baltimore Law Schools.

In order to fulfill its objective of providing a central source of quick and accurate reference for staff and panel attorneys a variety of research materials has been assembled, indexed and kept on file in the Appellate Division Office. In addition to copies of all Public Defender briefs, indexed as to the issues involved, copies of legal memoranda, law review articles and similar materials, a file of all opinions issued by the Court of Appeals and Court of Special Appeals is maintained. These opinions are obtained from the Courts the day they are issued and are, therefore, available in the Appellate Division Office one to three months before they are published in the advance sheets of the Maryland Reports, Maryland Appellate Reports and Atlantic Reporter.

By means of the Public Defender Law Letter, published quarterly, every reported opinion in a criminal case filed by Maryland's appellate courts is presented in digest form. The Law Letter also alerts Public Defender and panel attorneys to new statutes, Court rules and decisions of the Supreme Court, and includes articles which analyze the implications of these changes in the law and suggests methods of implementing them in the trial and appellate courts.

The expansion of the Appellate Division in fiscal 1976 and the advancements made during the past fiscal year were accomplished largely through the previously mentioned LEAA grant. This grant will expire at the end of the 1978 fiscal year. In order to continue the programs and services presently provided by the appellate staff, adequate budget arrangements will have to be made during the coming fiscal year to replace the present federal funding.

#### APPELLATE DIVISION STATISTICS

Cases Referred	-	862
Cases Rejected	-	142
Cases Accepted	-	701 Court of Special Appeals
		19 Court of Appeals
		<u>720 Total</u>

Cases Closed\* - 813 Court of Special Appeals  
23 Court of Appeals  
836 Total

422 - Representation by panel attorneys

414 - Representation by staff attorneys

#### CERTIORARI REVIEW

Court of Special Appeals opinion reviewed	-	463
Certiorari Petitions filed in Court of Appeals	-	99
Petitions granted		16
Petitions denied		69
Petitions pending		14
Certiorari Petitions filed in Supreme Court		4
Petitions granted		0
Petitions denied		4

#### INMATE SERVICES DIVISION

The Inmate Services Division came into existence on January 1, 1975, under a federal grant to the Office of the Public Defender through the Governor's Commission on Law Enforcement and the Administration of Justice. Under this grant, assistance is provided to indigent inmates in the following areas: post conviction, parole violation, habeas corpus, extradition, detainers, "jail time" credit and transcript requests.

This Division operates statewide and provided counsel for collateral criminal proceedings in all twenty three Maryland counties and Baltimore City during the past fiscal year.

The Inmate Services staff presently consists of three assistant public defenders, four legal assistants, two secretaries and two part time contractual employees.

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\*Because the average length of time between the date an appeal is filed to the date a case is closed is approximately 10 months a substantial number of cases closed during F.Y. 1977 had been opened during the prior fiscal year.

The United States Supreme Court in Bounds v Smith, #75-915, decided April 27, 1977, held that a constitutional right of access to the courts exists for prisoners and that assistance from persons trained in the law should be afforded inmates if the State does not provide adequate law libraries. Since the Department of Corrections does not provide satisfactory law libraries for the prisoner population of Maryland the work of the Inmate Services Division is now constitutionally mandated. Meaningful legal assistance is given all indigent inmates in collateral criminal proceedings.

The main caseload of the Division continues to be post conviction petitions. This caseload emanates through proper person petitions filed in the circuit courts or writs prepared by staff attorneys. The Division has a success rate of 25%-30% overall in these cases as well as a considerably higher success rate with petitions initially filed by the attorney.

Under the Supreme Court decision in Morrissey v Brewer, 408 U.S. 471 (1972) the Inmate Services Division provides counsel at parole revocation hearings before the Maryland Parole Commission. These hearings are held approximately six days a month at various correctional facilities around the state.

Contested extradition cases and other habeas corpus proceedings are handled by the Inmate Services Division upon referral.

The Division has been involved in some federal habeas corpus petitions and several are now pending in the U. S. District Court for Maryland, the U.S. Court of Appeals for the Fourth Circuit and the U. S. Supreme Court.

Requests for assistance with detainers lodged against inmates are processed by the Inmate Services Division. A full time paralegal assistant handles these. The resolution of these detainer problems often means a great deal to the inmate who may spend a shorter period in prison. Dispositions also relieve prison overcrowding and aid the State by assuring speedy trials and eliminates case backlogs.

Likewise, the proper grant of "jail time" credit reduces periods of incarceration. A paralegal in conjunction with a staff attorney works on these by filing motion for appropriate relief with the courts.

The Office of the Public Defender receives numerous requests for transcripts from inmates. These requests are turned over to the Inmate Services Division. It is office policy that transcripts not be released to inmates. (See: U.S. v Maccollom, #74-1487, Supreme Court, decided June 10, 1976.) However, attorneys and legal assistants will go over and discuss the transcript with the inmate. The transcripts are also routinely released to counsel if an action is pending in any court.

The Prisoner Assistance Project of the Legal Aid Bureau has been closely cooperating with the Division by referring all criminally related inmate matters directly to our program coordinator. The Division, in turn, refers all civil matters, such as inmate grievances, directly to Legal Aid.

Several educational programs have been undertaken by the Inmate Services Division within the past year.

Among other things, two attorneys from the Division were chosen to deliver a half day lecture on the topic of the Maryland Post Conviction Procedure Act to members of the University of Baltimore Law School continuing Legal Education Program.

Due to heavy caseloads and time consuming travel requirements the three attorneys of the Inmate Services Division have been hard put to keep ahead. Without the help of the able legal assistants, and the excellent secretaries the unit could not function.

The Inmate Services Division continues to provide quality legal assistance and meaningful access to the courts for all the indigent inmates of Maryland.

STATISTICS - JULY 1, 1976 TO JUNE 30, 1977

	<u>Carry Over</u>	<u>Received</u>	<u>Closed</u>	<u>Pending</u>
Post Convictions	262	509	494	277
Detainers	347	548	622	273
Habeas Corpus	5	15	15	5
Parole Revocation Hearings	4	350	347	7
Referrals to Legal Aid	0	102	102	0
Pre-Trial Status (Jail Time Credit)	282	220	247	255
Miscellaneous (Civil Grievances)	0	5	5	0
Referrals from Legal Aid	0	77	77	0
Referrals Other than District #1	<u>0</u>	<u>111</u>	<u>111</u>	<u>0</u>
	900	1,937	2,020	817
	<u>=====</u>	<u>=====</u>	<u>=====</u>	<u>=====</u>

MENTAL HEALTH DIVISION

On February 28, 1975, The Circuit Court of Baltimore City, in the case of Briggs, et al vs Mandel, Solomon and Murrell ordered the Office of the Public Defender to provide no later than July 1, 1975 the assistance of counsel to every indigent person involuntarily confined to a facility under the jurisdiction of or licensed by the State Department of Health and Mental Hygiene pursuant to Article 59 of the Maryland Annotated Code. The Order further provided that each person involuntarily confined without assistance of counsel prior to July 1, 1975 be given recertification hearing no later than September 15, 1975 retroactive to

October 1, 1973 (effective date of Regulation D issued by the State Department of Health and Mental Hygiene pursuant to holding in Anderson v Solomon supra). The Court, while setting July 1, 1975 as the target date for implementation of the assistance of counsel mandated, directed the Office of the Public Defender to report to the Court no later than March 10, 1975 with an adequate plan providing assistance of counsel and further held that after July 1, 1975, no person could be involuntarily committed under Article 59 without assistance of counsel.

It should be borne in mind that the type of representation as mandated calls for highly specialized legal and supportive services, particularly in the item of expert testimony from psychiatrists and psychologists, to say nothing of the extensive investigation that must be made into the history of each client. The preparation for the preliminary hearing which must be held or available within 5 days after commitment is only one of the steps in which this office is now required to furnish competent legal services. Sections 14 and 15 of Article 59 provide, "any person committed to any mental facility or veterans administration hospital may at any time thereafter file a petition in the Equity Court for judicial release to which he is entitled to trial by jury on the issues of whether he or she has any mental disorder and if the disorder is of such a nature that for the protection of himself or others he or she needs confinement for medical care or treatment". Appeals may be taken from all decisions or petitions by either the person or the State. Furthermore, once a person has had a determination on the merits, he has the right to file a subsequent petition for hearing within one year thereafter.

The Mental Health Division maintains headquarters in the Central Office in Baltimore City and has established branch offices in 3 of the 5 State hospital centers. Currently, staff attorneys and investigators are located at Spring Grove, Springfield and Crownsville Hospital Centers. Since Eastern Shore Hospital Center has so few involuntary commitments, it has been unnecessary to establish a branch office there and the caseload is being handled by investigators and staff attorneys in our District Office in Salisbury. Our hospital branch offices have facilitated better client contact and given rise to an improvement in our ability to conduct the extensive investigation necessary for each of the hospital client contacts. Additionally, overall Public Defender criminal sanity services have improved because our hospital staff has been able to coordinate and investigate for District Defenders whose clients end up in one of the hospital centers for evaluation.

The staff attorneys assigned to the Central Office at Baltimore City are responsible for full client representation at Clifton T. Perkins Hospital Center at Jessup. This facility is smaller than the other regional state hospitals; however, a majority of the Article 59 sanity cases outlined in our statistics arise as a result of representing patients at Perkins. These patients have generally been found not guilty by reason of insanity for rather dangerous activities. Accordingly, their cases require rather extensive preparation and a high degree of specialization. Thus, we've concentrated the trial of these difficult cases in our Central Office to insure statewide continuity.

The Central Office staff have also been responsible for Defective Delinquency trials on a statewide basis. Again, the specialized nature of Patuxent cases requires the expertise of our Central Office staff for successful results. Patuxent cases, however, will no longer be a concern of the Public Defenders Office. House Bill 907 entitled "Aggressive and Violent Offender" was signed into law and became effective July 1, 1977. This bill completely rewrote the Patuxent statute, abolished the indeterminate sentence and essentially converted Patuxent into a voluntary treatment center for persons who are expected to benefit from treatment. The Bill further provided for a transition period during which time inmates committed to Patuxent Institution would have their original sentences reimposed and backdated to be effective from the time of original imposition. At the request of the Chief Judge of the Court of Appeals, the Mental Health Division staff represented approximately 310 inmates at Patuxent Institution at hearings in which original sentences were reimposed by Judge Ralph Powers. In addition 33 inmates whose sentences had expired were seen and allowed to sign waivers so that they could be released on July 1 without the necessity of going before a court. \*Thus, the Patuxent indeterminate sentence era has come to an end.

As reported in the last two years, the estimated caseload of involuntarily committed patients suggested in the pleadings in Briggs, et al v Mandel, Solomon and Murrell was about half that we've experienced each year of operation. We have for the second year in a row had to continue our temporary augmentation of the staff described and authorized with part-time contractual help and third year law student interns. These additional personnel are closely supervised by our staff attorneys in order to accomplish our goal of providing competent legal representation to the hospital clients. The program has continued to be successful and our experience still demonstrates that mental institutions are now doing a more thorough job of screening patients before deciding on involuntary commitment.

In order to maintain the degree of specialization necessary to prepare for trials and hearings regarding the mental health patient, the Division has continued with its modification of traditional criminal law training methods. Several guest speakers have appeared at our monthly staff meetings to discuss the relevant psychiatric and psychological issues that we have to deal with in representing mentally ill clients. These training sessions have improved the ability to develop strategies to more successfully represent our clients at the Administrative Hearings as well as through the courts.

As our experience with psychiatric and psychological testimony has increased, the Division has detailed staff attorneys to work with other Assistant Public Defenders and panel attorneys who represent defendants who raise the insanity defense. This procedure has helped those attorneys, who have not had the benefit of our training programs, learn more effective ways of trying a case when the insanity defense is raised.

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\*The Indeterminate Sentence has made Patuxent the most successful penal institution in the Country, in fact, the Western World. "(Dr. Harold Boslow - Director (1965)).



As mentioned in last year's report, the ability to adequately represent our client depends in a large measure upon the psychiatrists and psychologists we can attract to do evaluations and testify. We have continued to be successful in this regard only because we were able to raise the fees paid to these experts to a level that is more competitive with the private sector. To further attract experts, we are involved in a program that is being developed by the Institute of Psychiatry & Human Behavior at the University of Maryland Medical School to train forensic psychiatrists. Starting in the Fall of 1977, forensic fellows, at the end of their psychiatric residency, will be rotated through our hospital offices to conduct supervised evaluations of our clients and help us better prepare for the Administrative Hearings. Thus, our clients will benefit immediately, and we will help educate future expert witnesses.

Mental Health law is continuing to develop. Judicial decisions and legislation enacted in other parts of the country have required counsel for mental patients to insure not only that hospital commitment is proper, but also that appropriate treatment is being received. In this connection, Division staff attorneys are gathering data from other jurisdictions in order to be able to present testimony, when required, to the General Assembly if, and when, changes in the Maryland law are presented. This data gathering suggests that future development in mental health law may require the Office of the Public Defender to take a more active role as patient advocate. While we fully realize the fiscal impact upon the State tax payers that this implies, any failure to continue with an adequate plan providing for counsel and supportive services to the thousands of indigent persons involuntarily committed each year to a mental institution can only result in their being deprived to a specific constitutional, legislative and moral right to proper mental care and treatment.

#### MENTAL HEALTH DIVISION STATISTICS

<u>Patient Contacts at Hospital</u>		
Observation Status	5256	
Six-month or Annual Status	<u>2210</u>	
Total Patient Contacts		7866
<u>Not Represented at Hearing</u>		
Not eligible for P/D Services or had Private Attorney	181	
Waived Counsel	64	
Released by Hospital Prior to Hearing	680	
Voluntary Admitted Prior to Hearing	1474	
Voluntary Admitted at Hearing	245	
Waived at Hearing	1350	
Other	94	
Prior Pending	<u>124</u>	
Total Number of Clients Contacted who were not Represented by P/D at "D" Hearings		4212



Patient Hearings

Released

1231

Retained

2023

Total Patient Hearings

3254

## Administrative Appeals

Entered

Closed

"D" -- Administrative Appeals

102

94

## Circuit Court Hearings

Received

Closed

Appeals from "D" Hearings

188

109

Article 59, Sanity Cases

114

73

Defective Delinquent Cases

195

195

Criminal

5

6

Miscellaneous

24

19

## INVESTIGATIVE SERVICES

The Investigative Division is headed by a Chief Investigator attached to the staff of the Public Defender, and reporting directly to him on the overall operation and deployment of investigation personnel throughout the twelve \*Districts of the system. Specific direction and responsibility for the workload of the investigator, both for the staff and panel attorneys in the assigned District, is left entirely up to the District Defender. All investigative personnel must meet the rigid requirements and qualifications of the Public Defender System as established by the Maryland State Department of Personnel, and are full time employees.

The National Advisory Commission Report on Criminal Justice Standards indicates that the average felony caseload per staff attorney increases 50% with competent investigative assistance.

Our experience to date with investigative personnel has established what most of the staff and panel attorneys already knew, i.e., that no more vital weapon of defense exists than the securing and correlating of the facts of the case by a professional investigator.

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\*See Organization Chart for deployment by District.

DISTRICT NO. 1  
Baltimore City

District Public Defender  
Norman N. Yankellow

800 Equitable Building  
Baltimore, Maryland 21202

Total Population:	830,500
No. of Panel Attorneys:	165
No. of District Courts:	13 (8 Criminal-5 Traffic)
No. of Juvenile Courts:	8 (7 Masters-1 Judge)
No. of Criminal Courts:	12 (Supreme Bench Level)

In fiscal year 1977, the limitations for paneling cases instituted in fiscal year 1976 were continued. Five hundred seventy-three (573) cases were completed at trial by panel attorneys and 23,781 cases were completed at trial by District 1 staff. In addition thereto, 21,926 other instances of representation were provided. These included representation at line-ups, police interrogations, bail reductions, violations of probation, revocation of parole hearings and administrative hearings at mental health institutions, etc. All inclusively, the District 1 Office provided representation by combined staff and panel attorneys in 46,280 different proceedings. The basic staff who handled the great bulk of this work load consisted of 52 Assistant Public Defenders supported by 25 investigators, 13 law clerks and 11 secretaries.

In fiscal year 1977, a concerted effort was made to reduce the jail population of prisoners awaiting trial at the Supreme Bench level. As a result of those efforts, the percentage of prisoners in jail awaiting trial in the Criminal Court was reduced. By consistent monitoring of the jail population by the State's Attorney's Office, the Criminal Assignment Office and this Office, the percentage of prisoners in Baltimore City Jail awaiting trial in the Criminal Courts has been maintained at 25% of the total jail population.

The level of cases completed in the District Courts continues to grow. In the District Court, the total actual trials completed for fiscal year 1977 was 11,062, up 26% from the previous year. As a result, the work load of the 16 attorneys assigned to the District Court has reached an average level of 690 cases disposed of per attorney in the fiscal year period.

In the Juvenile Court, the total number of cases completed for fiscal year 1977 was 7,459, indicating a decrease in the caseload of 15%. In view of the decreased caseload an Assistant Public Defender II position which had been assigned to District 1 was transferred to another area of the State where there was an immediate need for an additional staff attorney.

The Arraignment Court, Criminal Court Part III, was continued in fiscal year 1977 as a result of the success of the experiment of the prior year. Staffed by 2 attorneys and a third lawyer who is presently employed as a Public Defender Aide, the Court first arraigned only jailed defendants. However, its success as a vehicle

for predetermining future trial dockets for the balance of the Criminal Courts mandated that efforts be made to arraign all defendants - jailed and non-jailed. Procedures were implemented to effectuate such arraignments and at the end of the year, all defendants charged by indictment or criminal information were being arraigned. As a result of Arraignment Court procedures 482 cases were terminated without trial. This represents 20% of the total number of Public Defender clients charged and arraigned in the Criminal Court of Baltimore.

With the advent of the New Rules of Procedure, it is felt that the Arraignment Court will remain viable since it provides a single permanent forum for the determination of all matters pertaining to counsel, bail review and the determination of the future nature of the trial. Additionally, Public Defender clients are advised at the time of arraignment which staff attorney will be responsible for all future trial preparation and representation.

The advent of the Arraignment Court enabled District 1 to maintain the same level of staff attorneys at the Supreme Bench level during fiscal year 1977 despite a 41% increase in the trial caseload. The average caseload assigned to each Supreme Bench attorney has now reached the level of 326 defendants represented per attorney. \*This figure is far in excess of any recognized standard for representation at the felony level, and was accomplished without any deprivation of professional services to Public Defender clients. Throughout the year each lawyer on the Supreme Bench level was assigned a law clerk, who was either a Public Defender Aide or a contractual employee, and was given complete investigative support from our Investigation Division.

The secretaries, with their usual perseverance, have provided superior support for our entire staff. We believe we have arrived at a reasonable distribution of their services and may have reached a similar level with regard to all administrative assistance. This, undoubtedly, is entirely attributable to the extremely dedicated efforts of the secretaries themselves.

The Collateral Proceedings Division operating within District 1, staffed by 5 attorneys, 2 investigators, 1 secretary and several law clerks, handled during fiscal year 1977, 578 violations of probation, 404 post-conviction proceedings, 32 habeas corpus hearings and 140 bail reductions.

In order to provide for a more uniform distribution of post-conviction cases, the Supreme Bench decided that in the coming year, post-conviction cases will be distributed to all judges on a rotational basis.

To provide effective representation for our clients, this Office has been required to change its method of staff assignment. For the coming year, the Collateral Proceedings Division is to be merged with the statewide Inmate Services Division and henceforth, the attorneys assigned to that Unit will be responsible for trying all post-conviction cases statewide.

Twenty-five (25) investigators are assigned to the District 1 Office exclusively for purposes of conducting field investigations, client interviews, etc.

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\*"Caseload standards should not exceed 140 Felonies - 255 Misdemeanors (excluding traffic) per attorney per year". National Study Commission Report 1976.

As of July 1, 1977, we have been allocated a Supervisor position for this Baltimore City staff and grade increases have been authorized for our senior investigators. These actions should go a long way towards obviating our dire predictions as to morale in the District I investigative staff as mentioned in our previous reports.

The following is a recapitalization of the activities of the Investigation Division during fiscal year 1977:

Office Activities:

Accepted	6,496
Rejected	634
Advised	5,776
Total Walk-in Interviews 12,969	

The Investigation Division conducted a total of 639 on-street investigations during the fiscal year. These investigations did not include assigned interviews at correctional institutions.

Institutional Interviews 1,325

These interviews include those interviews conducted at Baltimore City Jail as well as interviews conducted at the Department of Corrections throughout the State.

These statistics do not include juvenile cases, District Court Appeals, Court of Special Appeals, Court of Appeals, Collateral Proceedings or District Court cases originated and closed the same day.

The District I Office continued its interest and involvement in many community activities. The District I Public Defender is a participating member of the Mayor's Coordinating Counsel on Criminal Justice, and many of the staff have been guest lecturers at the various local Colleges and Universities. Throughout the year, students from the University of Baltimore, University of Maryland, Johns Hopkins University, Notre Dame College, Goucher College, Loyola College, University of Maryland at Baltimore County, and Villa Julie College have served as interns in the Office of the Public Defender, rendering invaluable service and providing a work force of considerable magnitude without cost to the Maryland taxpayers. The Public Defender System is indeed grateful to those educational institutions for their interest and, hopefully, the relationship will continue. Several of the area High Schools provided us with additional secretarial help through Work Study Programs. This, too, has been an immeasurable aid to moving the enormous mass of paper work that is engendered in the Baltimore City Office. We also continue to address many community organizations, serve on civic groups upon request, and participate in several television panel programs on local stations, in an effort to make the public aware of the law and Public Defender services.

DISTRICT NO. 2  
Dorchester, Wicomico, Somerset  
& Worcester Counties

District Defender  
Patrick L. Rogan, Jr.

1 Plaza East  
Salisbury, Maryland 21801

21 S. Main Street  
Berlin, Maryland 21811

Prince William Street  
Princess Anne, Maryland 21853

Total Population: 137,400  
No. of Panel Attorneys : 46  
No. of District Courts: 5  
No. of Circuit Courts: 4 (Juvenile)

District No. 2 includes the four lower Eastern Shore counties of Maryland which contain a total area of 2050 square miles. The District Public Defender's office is located in Salisbury and is staffed by the District Public Defender, a secretary, an investigator and a part-time secretary. Assistant Public Defenders are located in Berlin and Princess Anne, who operate from their private offices receiving partial reimbursement for operational expenses.

There are 4 separate State's Attorney offices in the District staffed by a total of 12 attorneys, 9 secretaries, and 1 investigator. Additionally the various State's Attorneys receive assistance from other governmental agencies such as State and County police departments, Sheriff's Departments, Probation Departments and Juvenile Services.

The total number of cases received and accepted by the office was 1871 during the fiscal year 1977. In fiscal 1976, the office accepted 1848 cases. In fiscal 1977, staff attorneys handled 738 cases as compared with 714 cases in fiscal 1976.

The geographical size of the district makes the cooperation of the 46 panel attorneys extremely important to the operation of the office. The caseload shows an apparent stabilization, but it is felt that the addition of one more assistant public defender would be of benefit to the office and should create a net saving in dollars expended. The District has a unique problem in that during the summer months the case load rises dramatically in Worcester County because of the existence of Ocean City. The Assistant in Worcester County cannot handle a substantial number of these cases during this vacation period because of time limitations. The Public Defender in Wicomico County and the assistant in Somerset County have full time dockets and cannot assist during the vacation season in Worcester County. Therefore, a substantial number of cases are submitted to Worcester County Panel Attorneys.

If there were an additional assistant in Wicomico County, he could help with the Worcester County cases in the summer and the Wicomico and Dorchester County cases in the non-vacation season. This would result in fewer cases being submitted to panel attorneys and probably a net dollar saving to the office.

The average cost per case paid to panel attorneys for Circuit Court cases is \$229.55; for District Court cases is \$101.94; and for Juvenile Court cases is \$99.48. Of these costs the Circuit Court cases are in line with Statewide averages; but the District Court costs are approximately 53% above average and the Juvenile Court cases are approximately 22% above average.

Appellate cases, except in extreme cases, are handled by the Appellate Section of the State Public Defender's Office, and Post Conviction cases are handled by the Inmate Services Division of said office.

It is anticipated that there will be a moderate caseload increase in fiscal 1978.

DISTRICT NO. 3  
Queen Anne's Talbot, Cecil,  
Caroline & Kent Counties

District Defender  
John W. Sause, Jr.

115 Lawyers Row  
Centreville, Maryland 21617

204 E. Main Street  
Elkton, Maryland 21921

115 Court Street  
Chestertown, Maryland 21620

Total Population:	141,400
No. of Panel Attorneys:	28
No. of District Courts:	5
No. of Circuit Courts	5 (Juvenile)

Caroline, Cecil, Kent, Queen Anne's and Talbot Counties comprise District Three of the Office of the Public Defender. Each of the five counties has its own separate Circuit, Juvenile and District courts, State's Attorney's office, police agencies and court-support systems, such as probation and juvenile services.

The "one office" provided by the Public Defender law for each District is located in Centreville. It is staffed by the District Public Defender, a secretary, an investigator and a part-time clerk-typist. Assistant Public Defenders located in Chestertown and Elkton operate from their private offices. Expenses of these offices, except telephone and stationery for use on office business, are borne by those Assistants. A part-time secretary and interviewer are provided to the Assistant in Elkton.

All Public Defender activities within the District are coordinated in the office in Centreville. Administrative matters relating to employees of the Office within the District are handled there, as are matters relating to the assignment and payment of panel attorneys, who are private attorneys paid on a contractual basis for each case handled.

Applications for appointment of counsel are made at this office, or to a staff member working out of this office, by persons charged in the lower four counties; and applications made in Cecil County are channeled here for final determination with respect to eligibility. Those who do not qualify for representation are promptly notified of that fact and of their right to retain private counsel; similar notice is given to the appropriate court at the same time. In matters where the qualifications of an applicant are not clear, further investigation is made. In cases where eligibility is found to exist, attorney assignments are made by notifying appropriate Court, State's Attorney and the client. In proper cases, a preliminary hearing is immediately requested by the District office at the time that counsel assignment is made.

Frequent inquiries are received by the office from the various courts, State's Attorneys, police agencies, and probation and juvenile personnel concerning matters involving, or potentially involving, the Office of the Public Defender. A matter already assigned is referred to the appropriate attorney; otherwise, it is handled by beginning the application procedure, or taking other appropriate action.

During the 1977 fiscal year, the workload of the office showed an increase of 13%, approximately the same as the increase of 11% between 1975 and 1976. The 1977 fiscal year caseload was 1,574 cases, compared to 1,387 in 1976.

These figures break down as follows:

	<u>1977</u>	<u>1976</u>	<u>1975</u>
Cases accepted	910	828	817
Representation denied	374	391	253
Appeals	48	39	37
Other	<u>242</u>	<u>129</u>	<u>148</u>
	<u>1,574</u>	<u>1,387</u>	<u>1,255</u>

The table below shows the comparative distribution of accepted cases among the 5 counties in the District:

	<u>1977</u>	<u>1976</u>	<u>1975</u>	<u>% change 1976-77</u>
Caroline	99	101	72	- 2
Cecil	395	310	310	+ 27
Kent	137	123	143	+ 12
Queen Anne's	143	153	148	- 7
Talbot	<u>136</u>	<u>141</u>	<u>144</u>	- 4
Totals	910	828	817	+ 10



No statistics are available for the distribution of cases between the various courts, since it is the policy of the District to assign a matter to a specific attorney at the time that it is first accepted.

Although 910 cases were accepted during the year, staff and panel attorneys actually worked on 1,081 cases and closed 922 of them--12 more than were accepted for representation during the year. This resulted from dispositions in all but one matter open from the prior fiscal year:

Open cases 7/1/76	171	
Cases assigned F/Y 1977	<u>910</u>	
		1,081
F/Y 1976 closed	170	
F/Y 1977 closed	<u>752</u>	<u>- 922</u>
Cases open 6/30/77		159

The largest part of the open cases (79%) involve those assigned during the last three months of the fiscal year, as seen by the following analysis of the 159 open cases:

F/Y 1976	1	March	5
7/1 to 12/31/76	10	April	27
January	9	May	34
February	9	June	64

Of these open cases, 77 are assigned to panel attorneys and 82 are being handled by staff.

In terms of percentages, all but one hold-over, and 83% of the new cases accepted during the fiscal year were closed. The open cases primarily involve protracted matters about which periodic status reports are given to the District Office.

Denials represented approximately 28% of the 1,332 cases in which action was taken upon formal written application. This was slightly less than the 31% denial rate during the 1976 fiscal year.

Funds appropriated by the General Assembly for panel attorneys have been woefully inadequate on a statewide basis; and the amount allocated to District Three on the basis of its relative over-all caseload is indeed small.

During fiscal 1977, panel attorneys in District 3 received total fees of \$45,627.81 for the 403 cases completed by them during the fiscal year; and another 35 cases were terminated in which no fee was charged because private counsel was retained prior to the time that a panel attorney began his assignment. This suggests an average fee of \$113.22 per case.



In a majority (62%) of those cases, the fee paid was under \$100. Another 25% of fees paid were between \$100 and \$200. The total breakdown is:

Under \$100	250
\$100 - \$200	101
\$200 - \$300	27
\$300 - \$400	7
\$400 - \$500	9
Over \$500	9

These figures are roughly comparable to those for the 1976 fiscal year, although total fees paid were some 8% less during the fiscal year.

Assuming a continuation of the same panel attorney budget for District Three and a fairly stable caseload in fiscal 1978, it may be possible to upgrade panel fees without affecting the actual dollar cost of providing legal services. It is certainly a goal to be attempted.

Staff attorneys were assigned to roughly 57% of the 910 cases accepted during the fiscal year. This represents 516 new cases; and the staff also concluded 62 cases held over from the last fiscal year.

In addition, staff attorneys performed administrative duties relating to applications, assignment of counsel, answering inquiries and the like. Assigning a most conservative amount to that portion of their duties, staff attorneys receive roughly the same compensation as panel attorneys for actual legal services rendered.

All appellate matters arising on the Upper Shore are handled by the District office. Forty-eight appeals were accepted in the District during the fiscal year--up from 39 in fiscal 1976. Nineteen had not been perfected by docketing in the Court of Special Appeals or were unassigned by the end of the year. Of the assigned cases, 13 were handled by the District Public Defender and 16 were assigned to panel attorneys.

Forty-two appeal cases, including some pending at the beginning of the fiscal year, were concluded. Of these, 19 were handled by the District Public Defender and 23 by panel attorneys. In the appeals prosecuted by panel attorneys \$7,453.11 was paid in fees--an average of about \$324 per case.

DISTRICT NO. 4  
Charles, St. Mary's  
& Calvert Counties

District Public Defender  
John F. Slade, III

4th District Administrative Office  
Courthouse  
La Plata, Maryland 20646

P. O. Box 409  
Mattingly Building  
Leonardtwn, Maryland 20650

Courthouse  
Prince Frederick, Maryland 20678

Total Population:	143,300
No. of Panel Attorneys:	32
No. of District Courts:	3
No. of Circuit Courts:	3 (Juvenile Masters 2)

The Public Defender's Office in District Number Four, consisting of Charles, St. Mary's and Calvert Counties, is staffed by a District Public Defender, two Assistant Public Defenders, three full-time secretaries, one investigator, one part-time secretary and one part-time law clerk. The Public Defender's Office maintains an office in each of the three counties.

During fiscal year 1977, District Four processed 2,242 applications for appointment of counsel and accepted 1,604 applicants as clients, an average of 134 new clients each month. The total number of cases accepted was about the same as in the previous fiscal year. However, of the new cases accepted, 1,105 or 69% were handled by the District's three staff attorneys, and the remaining 499 cases or 31% were assigned to the 32 panel attorneys utilized by District Four. With greater caseload participation, our staff handled almost 5% more cases this fiscal year compared to last fiscal year. A total of \$55,213.59 was paid to panel attorneys for cases completed during fiscal year 1977. By keeping our panel attorney fees to a minimum and by greater staff participation, we were able to reduce our expenditures for panel attorneys by approximately \$18,000.00 compared to fiscal year 1976. The average fee paid per case to panel attorneys for cases completed during fiscal year 1977 was \$107.42 which represents a decrease of about \$8.00 per case compared to the last fiscal year.

During the fiscal year 1977, the District received as reimbursement from clients the sum of \$4,342.34.

It is anticipated that the caseload of the District will increase to approximately 150 or more cases per month in fiscal year 1978. It is believed that with the appointment of an additional Assistant Public Defender, the staff should be able to provide representation in 85% or more of the cases, thereby reducing the total cost for panel attorney expenses.

In early June, 1977, our office organized a conference to discuss the new Maryland Criminal Rules which took effect on July 1, 1977. The conference was

held on June 28, 1977 at the Courthouse in La Plata, Maryland and was attended by the Judges, State's Attorneys and their staff attorneys, Public Defender staff attorneys and key court personnel from Charles, St. Mary's and Calvert Counties. The purpose of the conference was to discuss the significant changes in the criminal rules and the application of same as they will affect the administration of criminal justice in the Tri-County area. The discussion was led by Judge Perry Bowen, who was assisted by Judge David A. Harkness, both of Calvert County. Approximately sixty persons attended the conference.

DISTRICT NO. 5  
Prince George's County

District Public Defender  
Edward F. Camus

114821 Pratt Street  
Upper Marlboro, Md. 20870

Maryland District Court  
Room G-31, Court House  
Upper Marlboro, Md. 20870

Maryland District Court  
Lucente Building  
5418 Oxon Hill Road  
Oxon Hill, Md. 20021

Maryland District Court  
County Service Building  
Hyattsville, Md. 20781

Total Population:	675,800
No. of Panel Attorneys:	185
No. of District Courts:	3
No. of Circuit Courts:	1
No. of Juvenile Courts:	4 (Judge and 3 Masters)
U.S. Commissioner:	1

Fiscal 1977 ended with a leveling out of our previously increasing caseload. Actually we had a decrease of 1% over fiscal 1976 but we still have 92% more cases over fiscal 1973.

In order to reduce costs, an additional staff attorney was added, but only after seven months of the fiscal year had passed. Nonetheless, with the added help our staff attorneys handled 55.5% of the cases, with the panel attorneys handling the remainder, 44.5%. Thus, our staff handled almost 15% more cases this year than last year. Again, our staff attorneys are handling a caseload far in excess of the recommended ABA standards for public defenders.

Even with the inflation spiral close to 8% to 10%, and through the excellent cooperation of the private bar and our staff, costs of handling cases in the District Court and Circuit Court rose less than 1%, with the costs in the Juvenile Court being reduced about 10% over fiscal 1976.

With the added assistant public defender, the Juvenile Court docket is being handled totally by staff attorneys, except for infrequent daily overload, specially assigned lengthy cases, and vacations.

Our collection procedures continue to have a priority portion and resulted in collections from our clients in the amount of \$33,865. This compares with \$34,064 for fiscal 1976. Even though the amount is less than 1976, our 1977 caseload was less and collections appear to be in the same ratio as cases handled. Again, through extraordinary efforts of our staff these collections basically cover the costs of three secretaries in an office where only five secretaries have been allotted.

We declined to represent 4,258 applicants for our services, at all court levels. Had we accepted them, the additional costs for representation would have approximated \$435,000 in this District alone.

During the year, all Courts of Appeal Cases from District 5 were handled by our Appellate Division in Baltimore.

Substantial sums were saved by the excellent representation provided by our Inmate Services Division in Baltimore, who are handling all of our Post Conviction proceedings and Habeas Corpus cases. Previously these cases were assigned to panel attorneys and, due to their nature, such cases were very expensive.

Our pre-trial release program (bond release) is functioning efficiently. This results in a substantial savings of public funds due to the reduction in the jail population in pre-trial detention. Daily, all arrestees are brought to the District Court for a bond hearing. Our para-legal personnel, prior to the bond hearing, interview each individual, then, under the supervision of an attorney, present at the hearing recommendations to the District Court Judge. Despite other duties and responsibilities, our para-legal personnel are in addition handling this bond program mainly because of its tremendous service to the arrestees and its vast savings of public funds.

Our five secretaries have again responded well beyond reasonableness in maintaining the efficient administration of the offices, notwithstanding the overwhelming caseload. Two additional secretaries are necessary if we are to maintain our present overburdened level of efficiency. Two of our outlying District Court facilities, Oxon Hill and Hyattsville, reached a caseload several years ago necessitating a secretary in each such office. However, our request for a secretary in each District Court office has gone unfulfilled and is seriously affecting the efficiency of our District Court operation.

Our present staff of four investigators and one public defender aide is again overwhelmed with our present caseload. Although our investigators are assigned in the morning to the District Courts, and the number of Circuit Court investigations has increased significantly, they are left with only the afternoons to conduct investigations and handle the multitude of other duties, responsibilities, and details necessary toward case presentation in court. We need additionally two investigators and one public defender aide. This public defender aide must be a law student in order to assist with the legal preparation of cases including research. By increasing para legal personnel, which include investigators, trial attorneys can handle more cases, more efficiently, more competently, and at less cost. The reduction of para-legal personnel is a false savings in that more attorneys would be necessary without such personnel, at a far greater cost.

During the year, through American University and Georgetown University, our staff attorneys participated in law intern programs funded by LEAA. These programs create an additional burden on our staff attorneys, but are obviously a professional necessity in the training of new law enforcement personnel and attorneys. Thus, we consider it our obligation, and therefore time well spent, in cooperating with the Universities in these programs.

An additional staff attorney could share the burden of Circuit Court assignments and significantly reduce the costs of funds paid to panel attorneys.

During the year we opened an office adjacent to the District Court in Upper Marlboro, Maryland. Previously we had to conduct most of our business in the hallways, a substantial disadvantage and an unacceptable reflection on our office.

Also, a state-wide pilot program is being conducted in Prince George's County, i.e., Family Court. This has created additional drains on our available personnel but through the cooperation of all it is being handled adequately. With the addition of the Family Court and our increased need of space in the Circuit Court, we opened a small one-room office on the second floor of the court house.

Our present main office facilities and our need in the near future, for additional space is graphically obvious. A doubling of our space is recommended. The owner of the property is considering the construction of a new building, adjacent hereto and we expect negotiations with him concerning space therein.

Our present staff, including attorneys and contract help, number twenty-one. It is our recommendation that the "office manager" position be upgraded to Administrative Aide. Our present office manager, holding the position of office secretary III, has the responsibility of day-to-day running of the office, personnel problems, maintaining proper records, assignment of personnel and the solution of all the related problems. Consequently, the position, title, and salary should properly reflect the responsibility assumed and required.

DISTRICT NO. 6  
Montgomery County

District Public Defender  
J. James McKenna

4114 Hungerford Drive  
Rockville, Maryland 20850

Total Population:	577,400
No. of Panel Attorneys:	385
No. of District Courts:	7 (2 Juvenile Courts)
U.S. Commissioner:	1
No. of Circuit Courts:	1

The Montgomery County Public Defender's Office continues at a private office building within easy walking distance of the Circuit Courthouse. The District Defender, five Assistants, four secretaries, one investigator and periodic contractual help are housed at this location.

There are three separate locations for the Montgomery County District Courts--Rockville (containing the courts for the upper sections of the County). The Rockville area has one courtroom as does the Wheaton-Glenmont area, Bethesda, located in the Bethesda Police Station, and Silver Spring, located in the Silver Spring Police Station. There is an Assistant Public Defender assigned to each of the courts except Silver Spring, where we now have a full-time second courtroom. As a consequence, there are two Assistants assigned to this location. Each has had a great deal of trial experience, and each is considered among the very top criminal trial lawyers in the County. The staff lawyers handle virtually all of the District Court cases other than where there is a conflict.

The Juvenile Court is overseen by the District Defender but defense lawyers are provided by a special panel put together by the Montgomery County Bar Association. The methodology was devised in the summer of 1973 and called the Juvenile Court pilot project. There are approximately 100 lawyers from the private Bar on the Juvenile Court special panel at any given time. The project is set up in such a way that the lawyers are given complete advance notice of the cases they will be handling and are able to prepare rather than to merely "shoot from the hip" on any given day. The limitation on payment in this court remains at \$10 per hour for both in-court and out-of-court time, with an \$80 per day maximum, and the usual \$250 suggested maximum per case.

At the Shady Grove court, we have a full-time investigator and a full-time interviewer. These two ladies are solely responsible for qualifying individuals for representation as well as handling investigations relating to the two District Courts and the Juvenile Courts. Another investigator is assigned full time to the Silver Spring court.

As can be seen above, the size of the panels continues to increase, and we have in Montgomery County more active participation than in any other District by panel lawyers, including Baltimore City. The District Defender, owing to the expansion of the Silver Spring court, now is the sole staff lawyer member handling cases at the Circuit Court level. In addition, he performs virtually all the petty tasks which occur at the Circuit Court on a daily basis such as bench

warrants, arraignments, and various other incidental court related matters. Appearing at these minor hearings is viewed as an accommodation to the organized Bar as well as a money-saving device for the State of Maryland. Through June of 1977, the District Defender or an Assistant appeared for arraignments each Friday along with one or more members of the investigative staff to perform on-the-spot evaluations of indigency, thus eliminating wasteful delays. The system will be changed somewhat with the coming now of new criminal rules.

The secretarial staff continues to be the very best in this County. There are no delays of any consequence in the system, and every effort is made by the ladies to take action on cases as quickly as possible when they come into the office. Emphasis, as always, is placed on providing the best of legal services for the people coming into the office, and the secretarial staff provides that needed touch to make this a well run, efficient law office. As in any successful law office, however, it has been necessary for the secretaries to work overtime on many evenings, sometimes on weekends, and occasionally on holidays.

We have had no increase in lawyer staff during the year, but we have, as always, had an appreciable increase in the workload.

Because of the increase in the workload, the addition of another court in Silver Spring, and just general overcrowding conditions, we still need another staff lawyer position and another Secretary.

Finally, we again thank the Montgomery County Bar Association and the fine panel lawyers who have done an excellent job for us during this past fiscal year. The cooperation between the Bar and this office is at a very high point, and we intend to do everything possible to keep it there.

DISTRICT NO. 7  
Anne Arundel County

District Public Defender  
T. Joseph Touhey

60 West Street  
Annapolis, Maryland 21401

91 Aquahart Road  
Glen Burnie, Maryland 21061

District Court of Maryland  
District Court Building  
Taylor Avenue and Rowe Blvd.  
Annapolis, Maryland 21401

Total Population:	348,800
No. of Panel Attorneys:	94
No. of District Court Location	2
No. of Circuit Court Locations	1
No. of Juvenile Courts:	1



The office of the Public Defender for Anne Arundel County continues to maintain three offices in Anne Arundel County for purposes of providing legal services to indigent clients. As in past years, the primary office for this jurisdiction is located at 60 West Street, Annapolis, Maryland, with branch offices located at both District Court locations in Anne Arundel County.

During the fiscal year 1977, the Anne Arundel County Public Defender's office accepted 3340 cases for legal representation. During this same fiscal period a total of 3095 cases were closed. A total of 503 persons applying for services from this office were rejected based on financial guidelines established by this office with regard to indigency. During this fiscal period, the caseload for this jurisdiction appears to have leveled in contrast to past fiscal years. An increase of only 97 cases over the last fiscal year is noted for the current year.

With regard to the manner of representation, as in past years, the vast majority of retained cases were handled by staff attorneys of the Anne Arundel County office, due again in large measure to budget limitations restricting the availability of funds for paneling cases to private counsel. Of the total number of cases received for representation, only 188 cases were paneled to private counsel. Due to the lack of funds with which to retain private counsel, the staff attorneys of this office have been required to carry a caseload in excess of 300 cases per man per annum which exceeds a desirable standard for caseload for a staff attorney. While only a small percentage of retained cases were assigned to private counsel during the fiscal year, monies totalling \$43,086.39 were authorized for payment to the private defense bar. This amount represents a decrease of \$4,815.63 in authorized counsel fees over a comparable period during fiscal year 1976 when monies totaling \$47,902.02 were paid in this jurisdiction. While currently, the cost of representation is more economically provided by staff attorneys, the burdening caseload clearly dictates the need for additional staff attorneys or additional monies with which to enlist the aid of the private defense bar.

Despite the steady caseload during the past fiscal year, District 7 was staffed by a total of nine trial attorneys in addition to the District Public Defender, three investigators and four secretaries. Additionally, this office continues to enjoy the services of several law clerks as part of a law intern program maintained by this district office in conjunction with surrounding law schools. Based upon the burdening caseload, the staff attorneys of this office have been required to increasingly rely upon the services of law clerks and investigators in performing many of the necessary functions of the office. Most recently, one attorney formerly assigned to this District has been reassigned to the Mental Health Division in the central offices where he provides legal services to individuals seeking review hearing on their detention in mental health facilities.

With the present compliment of attorneys and investigators, the daily operational plan for this office provides for the appearance of six staff attorneys at Circuit Court and District Court proceedings at Annapolis together with two



investigators. Additionally, two staff attorneys and one investigator maintain daily office hours at the District Court facility in Glen Burnie during all court sessions and working hours. Attorneys are required to make daily appearances in court and stand available to receive cases referred to them by the presiding judge or by the court commissioners. Of those attorneys assigned to the Circuit Court in Annapolis, one attorney provides daily representation to indigents in the District Court now located on Rowe Blvd. while one attorney is regularly assigned to juvenile causes at the Circuit Court level. Staff attorneys assigned to this office provide representation at the Circuit Court level in as many cases as feasible in view of the limited operational budget of this District office and funds available for employment of private counsel.

The overall case statistics for District 7 will reflect that since the inception of the Public Defender Program the number of post conviction procedures as well as appellate procedures flowing from Anne Arundel County have been significantly reduced each fiscal year. For fiscal year 1977, this office provided legal representation at the appellate level in 15 cases. This represents one less case than handled in the prior fiscal year. It is our belief that effective representation at the trial level has accounted for a significant and continuing reduction in appellate cases.

With regard to the future operation of this office, it is clear that with the present caseload of each staff attorney, that the present number of staff attorneys will not be able to competently accept increasing demands for legal representation in this office without additional professional personnel or monies with which to engage private counsel. The need to provide personnel in several court locations is a matter of particular concern where each staff attorney in this District carries a caseload well in excess of normal acceptable standards. With redefined definitions by appellate courts regarding the meaning of effective assistance counsel, it is clear that the high professional standards sought by this office can only be diminished unless relief is available through the assistance of additional staff personnel or monies with which to engage private practitioners to provide relief to overburdened staff attorneys. Additionally, the secretarial personnel must be added to ease the heavy burden imposed on the administrative personnel in this office. It is significant to note that the number of clerical personnel for this District has not changed in six years of operation despite a tripling of administrative duties and caseload.

DISTRICT NO. 8  
Baltimore County

District Public Defender  
Paul J. Feeley

101 Investment Building  
Towson, Maryland 21204

Total Population:	635,300
No. of Panel Attorneys:	125
No. of District Courts:	3
No. of Circuit Courts:	1 (Juvenile-2 Masters)

Since the publication of the last annual report, in District 8, the total number of District Court cases was about 5% higher than fiscal year 1976 while the number of Circuit Court cases decreased substantially. The total cases completed during the year were as follows:

District Court	2449
Circuit Court, including	438
Courts of Appeal	52
Juvenile Court	<u>430</u>
Total	3369

At the end of the year the following cases were assigned but not tried:

District Court	269
Circuit Court	141

With few exceptions all cases in District Court are handled by our regular staff attorneys. 34 morning or afternoon District Court sessions are held in Halethorpe, Towson and Dundalk. These are handled by our 5 staff attorneys and is one area that we can foresee an immediate problem. On most days these staff attorneys are covering two courts in the same building at the same time. This sometimes causes a problem of delaying a Judge in one court who must wait for the Public Defender to finish a case in the other court down the hall. The problem could be further accentuated about October 1, 1977 when the District Court plans to start several criminal sessions a week in the newly opened District Court in Pikesville.

In Circuit Court a total of \$73,724 was paid to panel attorneys for an average of \$160 per case. Most of the indigent defendants are represented by an attorney appointed from our panel list of about 125 such attorneys. In an attempt to eliminate some of the cost of panel attorneys a number of Circuit Court cases are being handled by the District Public Defender and a senior Assistant Public Defender.

Two panel attorneys, under a special arrangement, representing our clients in Juvenile Court were paid a total of \$11,125. A total amount of \$5,793 was collected from defendants for reimbursement of our services.

Juvenile cases are still tried three days per week in the Circuit Court. These same two panel attorneys handle all of the Juvenile arraignments, indigency

interviews and trials. Each is paid \$125 per week which amounted to \$25 per case during the past year. Again, the Court Masters have assured us that this arrangement, under the direct supervision of the District Defender, has proven most satisfactory.

One of our staff attorneys is charged with the representation of all District Court indigents who are held in jail until their trial date. He interviews all the defendants in the Baltimore County Jail and represents them at their trials which are held two days a week in the Towson District Court.

Our staff is comprised of the following: The District Public Defender, his first assistant, five staff attorneys and two secretaries. The services of an additional secretary for three days a week has alleviated some of the ever-increasing burdens of our two secretaries.

DISTRICT NO. 9  
Harford County

District Public Defender  
Henry C. Engel, Jr.

Equitable Building  
220 South Main Street  
Bel Air, Maryland 21014

Total Population:	139,300
No. of Panel Attorneys:	19
No. of District Courts:	2
No. of Circuit Courts:	1 (3 Judges and 1 Juvenile Master)

The Public Defender's Office in Harford County, District Nine, has completed its eleventh year of operation and its fifth year as a State Agency with a staff consisting of the District Defender, two Assistant District Defenders, an Investigator, two Secretaries, and an Interviewer Aide. The latter position was acquired on January 1 through the CETA-PSE Program with a grant that we hope we will be able to continue until such time as the position can be worked into the regular budget. We had indicated in our past two reports that this was something we saw a need for in this office and the experience over the six month period has proved so successful that we wonder how we got along without one. We have been successful in adding six additional panel attorneys to our list although, as in the past, only about eight of the panel attorneys are available to us on a regular basis when requested. As in the past, we mainly utilize our panel attorneys to handle the District Court activity in Aberdeen and for conflict situations in the other Courts. With few exceptions, our staff attorneys handle the entire Circuit Court calendar, the Juvenile Court and the bulk of the Bel Air District Court as well as all miscellaneous appearances, hearings, etc. We still feel that this is the most economical way to handle our caseload here in Harford County and I believe that the figures will again show a relatively small dollar pay out in panel attorney fees.

As anticipated in our last report, the District Court consolidated the Havre de Grace and Aberdeen operations to the single court building in Aberdeen but greatly expanded the calendar in that Court. Also, the overall increase of caseload in Harford County has resulted in the rather regular assignment of a third District Court Judge to the County which has further increased some of our staffing problems by allowing the Bel Air Court to operate as a two judge court throughout the week. Also, due to an increase in caseload additional days have been added to the Juvenile Master schedule so that we now must cover Juvenile Court eight or nine days a month. The Circuit Court has also assigned criminal cases to a second judge on several days of the month and it becomes quite apparent that three staff attorneys cannot cover six courtrooms at the same time. It is for this reason that we feel that an additional staff attorney in District No. Nine is still a necessity and would be a sound move from an economic point of view since it would certainly reduce the need for calling panel attorneys in the cases as often we have had to although it certainly would not eliminate their use entirely. Also, we would anticipate no resistance to such a move on the part of the local Bar. As indicated, in past reports, the State's Attorney's Office has met the same problems by increasing its staff to twelve attorneys, seven secretaries, two legal interns, a police legal advisor, and they are contemplating the addition of more personnel.

In spite of the fact that our caseload increased considerably, from 893 defendants accepted for representation in 1976 fiscal year to 1,092 in the year just ended, and more of our cases seem to be lengthier jury and non-jury trials, the splendid co-operation from our Courts, and the other Agencies with whom we work we are completing our trial calendar and trying our cases on time without any reduction in the quality of services being rendered to our clients.

Again, we cannot over-emphasize the fact that our accomplishments would be impossible without the complete and total dedication of our most competent office staff. We also are blessed with the assistance of an excellent District Advisory Board and, upon retirement of Judge Harry Dyer, Jr. our former Chairman, the Honorable Edward D. Higinbotham was appointed as his replacement and as Chairman. Coincidentally with his appointment he was also designated as the Chief Criminal Judge in the Circuit Court and has been most helpful in solving some of the problems that we face. We have also been again splendidly supported by our Central Office whenever we have requested assistance and are also especially appreciative of the assistance and some of the burden that has been taken from us by our special divisions in Baltimore.

Barring any unforeseen difficulties, we feel confident that our District Nine team will continue to function on a sound, if somewhat hectic, basis throughout the 1978 fiscal year, but we are hopeful that the 1979 fiscal year budget will hold some relief, particularly if our caseload continues to increase as it has in the past year and is currently showing signs of continuing its growth in this year.

DISTRICT NO. 10  
Howard and Carroll Counties

District Public Defender  
Bernard F. Goldberg

3691 Park Avenue  
Ellicott City, Maryland 21043

16 Court Street  
Westminster, Maryland 21157

Total Population: 188,100  
No. of Panel Attorneys: 43  
No. of District Courts: 3  
No. of Circuit Courts: 3 (Juvenile-1 Master)

District 10 is staffed by the District Public Defender who oversees the District operation from the Public Defender's Office in Ellicott City with 2 Assistant Public Defenders, a secretary and 2 investigators. A second Assistant Public Defender supported by a secretary and an investigator conducts the Public Defender District for Carroll County.

During the past fiscal year 1,999 persons were interviewed for Public Defender services; 1,574 were accepted as clients. The staff was assigned 1,415 cases or 90% of the workload. Of cases completed 86% were completed by staff; 14% by panel attorneys.

Fiscal year 1977 statistics were virtually identical to those of the previous fiscal year. This stabilization of workload enabled operations within the District to function more smoothly than in the past. In spite of the lack of increase in caseload, there will be a need for more assistance in District 10 in fiscal year 1978 as the caseload, particularly in Carroll County, will be accelerated by the addition of a Circuit Court Judge and a District Court Judge. At a minimum, an additional Assistant Public Defender will be needed.

DISTRICT NO. 11  
Frederick and Washington Counties

District Public Defender  
William R. Leckemby, Jr.

18 West Church Street  
Frederick, Maryland 21701

120 W. Washington Street  
Hagerstown, Maryland 21740

Total Population: 210,000  
No. of Panel Attorneys: 37  
No. of District Courts: 2  
No. of Circuit Courts: 2 (Juvenile)

The Office in District 11, consisting of Frederick and Washington Counties, continued to function smoothly during fiscal year 1977. During this year 1,402 individuals were accepted for representation, a slight increase over 1976, of which number 880 were assigned to staff attorneys. During this period 1,388 cases were closed with 852 of this number being closed by staff attorneys; 328 applicants were rejected. The staff consists of the District Public Defender who is headquartered in Frederick County, a Deputy District Defender who is in Washington County, one Assistant Defender, two Investigators and two full-time secretaries.

The District continues to utilize panel attorneys although not to the same degree we did in prior years, again thanks to the addition to the staff

The needs for the fiscal year 1978 remain as before, primarily the need is for additional personnel; one more Assistant Defender would enable us to operate within the budgetary guidelines issued for our District.

It is interesting to note that while Maryland's 1976 Uniform Crime Records showed a 4% crime decrease for the State, Frederick County's rate was up 15.4%. We can only anticipate a continued increase.

DISTRICT NO. 12  
Allegany and Garrett Counties

District Public Defender  
Paul J. Stakem

227 Algonquin Hotel  
Cumberland, Maryland 21502

Total Population:	107,300
No. of Panel Attorneys:	22
No. of District Courts:	2
No. of Circuit Courts:	2 (Juvenile)

The Public Defender's Office in District No. 12, consisting of Allegany and Garrett Counties, is manned by one District Public Defender, one Investigator, one full-time secretary and one part-time secretary, operating from offices located in Cumberland, Maryland. There are no Assistant Public Defenders assigned to this office.

Twenty-two (22) members of the Allegany and Garrett County Bars comprise the panel for District 12 with 16 of these attorneys residing in Allegany County. As can be seen from the statistics listed below, nearly 50% of the cases defended by this office in Allegany County are handled personally by the District Public Defender and nearly all of the cases defended by this office in Garrett County are assigned to the six panel attorneys operating in that area, with assistance from the District Public Defender and panel attorneys from Allegany County when necessary.

During the past fiscal year, District 12 accepted 764 indigent defendants as clients. This figure represents a decline of 145 cases from the record caseload of fiscal 1976. Until this fiscal year, a steadily increasing number of cases had been accepted by this office. In 1972, during its six months of operation, 251 cases were accepted. The number of cases accepted in the ensuing years are as follows: 1973 - 449 cases; 1974 - 551 cases; 1975 - 743 cases; 1976 - 909 cases; and 1977 - 764 cases. Whether the departure experienced this year from the former pattern of steadily increasing annual caseloads will continue in the future remains to be seen. However, the steadily deteriorating economic conditions in Western Maryland can only be expected to increase the number of indigent defendants eligible for the services of the Public Defender's Office in the coming years. It should also be noted that in the last three months of the past fiscal year, the average number of cases accepted each month returned to near the 1976 fiscal year level. These factors lead to the conclusion that we can anticipate accepting approximately 850 to 950 cases during fiscal 1978.

Of the 764 cases accepted during the 1977 fiscal year, 240 cases originated in Garrett County and the remaining 524 cases in Allegany County. All Garrett County cases were assigned to panel attorneys and of the 524 Allegany County cases, 258 were handled personally by the District Public Defender and the remaining 266 cases were assigned to panel attorneys. During the same fiscal year, a total of 693 cases were closed, 247 of these being closed by Garrett County panel attorneys. Of the remaining 546 cases, 270 were closed by the District Public Defender and 276 were closed by Allegany County panel attorneys.

With the caseload anticipated for fiscal 1978, no increase in personnel should be needed by the District 12 office. In future years it is recommended that a part-time Assistant Public Defender be employed to handle cases in Garrett County, thereby resulting in substantial savings in fees now being paid to panel attorneys. Even if no additional personnel is employed, however, the present staff and panel attorneys should be able to handle the anticipated caseload without experiencing any major difficulties.

## STATISTICAL REPORT

### ALL PUBLIC DEFENDER DISTRICTS

July 1, 1976 - June 30, 1977

It has been said that statistics in government are usually presented to justify the existence of the Agency, but in our case the figures submitted not only indicate the tangible overall workload and end results of our activity during the Fiscal Year, but in analysis points out the differences that exist in our clients' background, make-up and criminal proclivity from District to District.

As Baltimore City, District No 1, represents 53% of the total State caseload, we have set forth its operation statistically in the District, Supreme Bench, and Juvenile Courts, and for purposes of comparison in combination with the other Districts.

It is interesting to note that of the total number of Public Defender clients represented in all twelve Districts during the period, 14% were subjected to incarceration in the District Courts 48% in the Circuit Courts (Supreme Bench of Baltimore City), and 13% of the juveniles were committed to detention centers. The balance of our clients were released under some form of supervision, or as a result of dismissals or findings of innocence.

The significance of these figures while perhaps indicating the professional competency of our Public Defender personnel, also reflects the great strides made since our inception, January 1, 1972, by all of the components of the Criminal Justice System in Maryland (Public Defender, State's Attorney, and Bench), to handle such a caseload at all judicial levels, yet at the same time affording the accused a speedy, just, and fair trial.

"Assembly line justice", so familiar in the past, and particularly to the indigent accused, is now ended. More than ever before, trial issues are being narrowed, rules of evidence strictly adhered to, and prosecution testimony and evidence more carefully examined and evaluated, to the end that no matter what the ultimate disposition of the case may be, none of our clients will be able to truthfully say that he or she did not receive equal justice under the law.



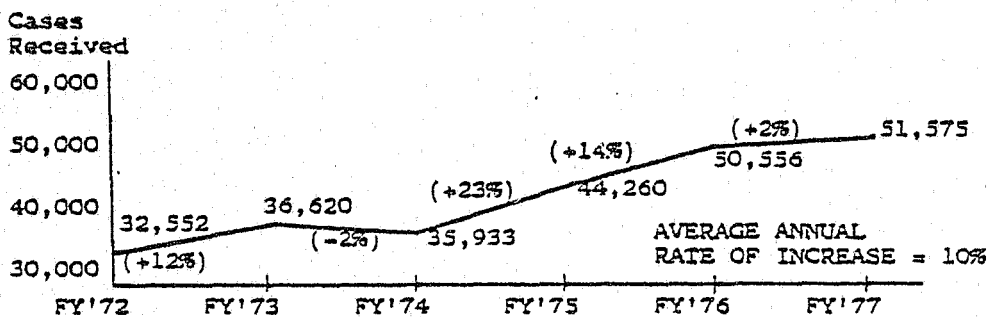


## PUBLIC DEFENDER TREND INFORMATION

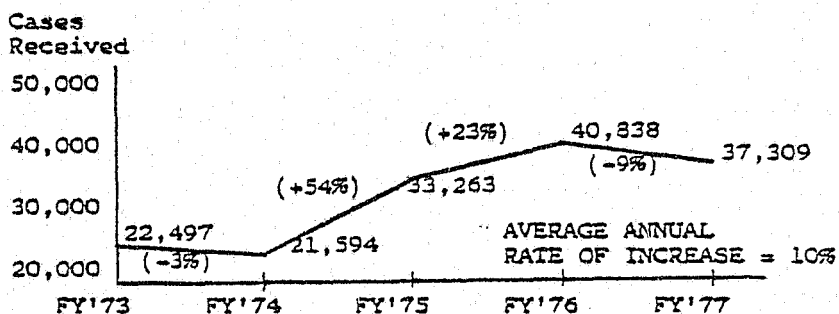
Today the pursuit of crime is a profession for which one needs no advanced degree, no period of apprenticeship, and no special insurance. The hours are generally discretionary and one is subject to no foreman or bosses of any kind unless one joins one of the more organized branches of criminality. The tax bite is the lowest of all professions, and the Occupational Safety and Health Administration makes no demands nor does the Consumer Products Safety Commission. \*Enterprising Americans are taking advantage of the opportunities this field affords.

— The Alternative  
February 1976

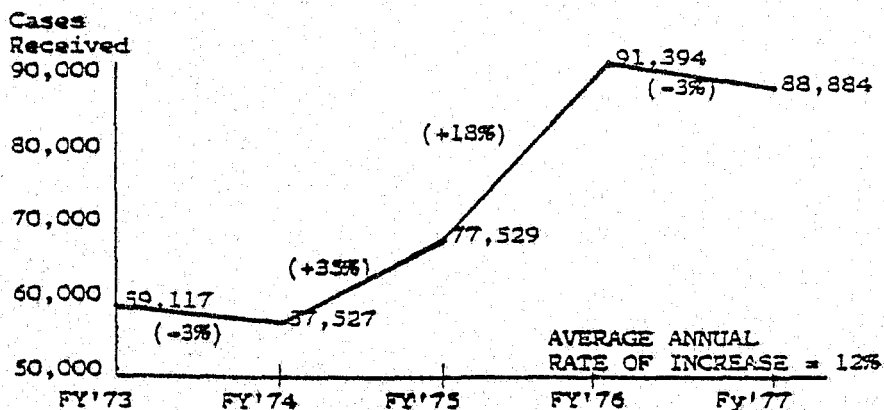
### \*CASE LOAD ANALYSIS



### OTHER DEFENSE SERVICES ANALYSIS



### TOTAL CASELOAD & DEFENSE SERVICES



DISTRICTS NO. 1 - 12  
Courts: All Courts  
Period: July 1, 1976 to June 30, 1977

<u>District No.</u>	<u>Total Cases Accepted</u>	<u>Other Defense Services</u>	<u>Total</u>	<u>Workload Percentage</u>
1	24,286	21,926	46,212	52%
2	1,871	165	2,036	2%
3	891	387	1,278	1%
4	1,717	717	2,434	3%
5	6,550	6,933	13,483	15%
6	4,284	2,574	6,858	8%
7	3,517	613	4,130	5%
8	3,588	1,989	5,577	6%
9	1,158	757	1,915	2%
10	1,574	666	2,240	3%
11	1,375	408	1,783	2%
12	<u>764</u>	<u>174</u>	<u>938</u>	<u>1%</u>
Total	<u>51,575</u>	<u>37,309</u>	<u>88,884</u>	<u>100%</u>

REIMBURSEMENTS RECEIVED FROM DEFENDANTS

DISTRICTS 1 - 12

July 1, 1976 to June 30, 1977

<u>District Number</u>	<u>Amount</u>
1.....	\$ 14,763.58
2.....	2,118.50
3.....	6,572.50
4.....	4,237.34
5.....	31,580.05
6.....	1,873.44
7.....	1,073.32
8.....	5,795.10
9.....	927.50
10.....	4,214.09
11.....	215.00
12.....	<u>419.50</u>
Total	<u>\$ 73,789.92</u>

DISTRICTS NO. 1 - 12Courts: All CourtsPeriod: July 1, 1976 to June 30, 1977

Total Number of Incidents of Representation Completed..... 88,465  
 Total Expenditures (Including LEAA Grants).....\$6,676,198.15  
 Average Cost for All Cases (Including Payments to Panel Attorneys)..... \$75.47  
 Total Fees Paid Attorneys.....\$1,327,702.68  
 Average Cost per Case of Payments to Panel Attorneys..... \$138.49

DISTRICTS NO. 1 - 12Statistical ReportPeriod: July 1, 1976 to June 30, 1977Percent of Workload Completed

	DISTRICT NO. 1			DISTRICTS NO. 2 - 12			TOTALS		
	Cases Completed By Trial	Other Defense Services	Total	Cases Completed By Trial	Other Defense Services	Total	Cases Completed by Trial	Other Defense Services	Total
Cases Completed	24,823	21,926	46,749	26,333	15,383	41,716	51,156	37,309	88,465
Percent Completed									
By District No. 1			53%						
By Districts No. 2 - 12						47%			
Total									100%

DISTRICTS NO. 1 - 12  
Statistical Report  
Court: All Courts  
Period: July 1, 1976 to June 30, 1977  
Percent Released

	DISTRICT NO. 1				DISTRICTS NO. 2-12				TOTALS			
	Juv.	Dist.	Crim.Ct. Supreme Bench	Total	Juv.	Dist.	Crim.Ct. Supreme Bench	Total	Juv.	Dist.	Crim.	Total
Total Cases	7,667	11,844	6,043	25,554	3,616	16,961	6,203	26,780	11,283	28,805	12,246	52,334
Less:												
Private Counsel	(208)	(780)	(210)	(1,198)	(35)	(402)	(303)	(740)	(243)	(1,182)	(513)	(1,938)
Held for Grand Jur.	-	(2)	-	(2)	-	(74)	-	(74)	-	(76)	-	(76)
Net Cases Com. eted	7,459	11,062	5,833	24,354	3,581	16,485	5,900	25,966	11,040	27,547	11,733	50,320
Less:												
Jail/Correctional Institutions	1,171	1,972	2,334	5,477	326	2,151	2,177	4,654	1,497	4,123	4,511	10,131
Released	6,288	9,090	3,499	18,877	3,255	14,334	3,723	21,312	9,543	23,424	7,222	40,189
Percent Released	84%	82%	60%	78%	91%	87%	63%	82%	86%	85%	62%	80%

DISTRICTS NO. 1 - 12  
Statistical Report  
Period: July 1, 1976 to June 30, 1977  
Percent of Cases Completed By Trial

	DISTRICT NO. 1					DISTRICTS NO. 2 - 12					TOTALS				
	Juv.	Dist.	Crim.Ct. Supreme Bench	Appeal Cases	Total	Juv.	Dist.	Circuit	Appeal Cases	Total	Juv.	Dist.	Crim.& Circuit	Appeal Cases	Tot Cases
Cases Completed	7,459	11,062	5,833	469	24,823	3,581	16,485	5,900	367	26,333	11,040	27,547	11,733	836	51,116
Percent Completed															
By District No. 1					49%										
By Districts 2-12										51%					
Total															100

DISTRICT COURT  
Detailed Statistical Report  
Districts: 1 - 12  
Period: July 1, 1976 to June 30, 1977

WORKLOAD

The Office of the Public Defender provided counsel for \_\_\_\_\_ 28,805  
indigent defendants, facing a total of charges \_\_\_\_\_ 44,864

DISPOSITION

Private counsel was retained in \_\_\_\_\_ 1,182  
cases. Of the balance represented \_\_\_\_\_ 76  
defendants were held for the Grand Jury  
representing approximately \_\_\_\_\_ 0.26%  
Prison/Jail/Correctional Institution terms were received in \_\_\_\_\_ 4,123  
cases, representing approximately \_\_\_\_\_ 11%  
of the total cases.

ACTIVITY

The daily average of completed cases was \_\_\_\_\_ 117

PROFILE

The overall profile of the average defendant seeking  
representation by the Office of the Public Defender is a young \_\_\_\_\_ 26  
year old Negro who represents \_\_\_\_\_ 51%  
of the defendants, with an unemployment rate of \_\_\_\_\_ 82%  
The majority of the defendants or approximately \_\_\_\_\_ 82%  
are male.  
Approximately \_\_\_\_\_ 23%  
are head of household.  
Those shown on welfare are \_\_\_\_\_ 5%  
Those addicted to drugs in one form or another are \_\_\_\_\_ 15%  
The average education in years is \_\_\_\_\_ 10  
Of the total charges \_\_\_\_\_ 79%  
are misdemeanors.

**DISTRICT COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**Period: July 1, 1976 to June 30, 1977**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
Total Cases Completed	11,844	973	502	962	4,175	2,532	2,169	2,593	615	947	869	624	28,805
Total Charges Involved	20,413	1,661	898	1,426	5,474	3,645	2,732	3,802	1,040	1,351	1,321	1,101	44,864
<b>TYPE OF CHARGES</b>													
Felony	3,530	382	230	241	1,683	778	648	996	158	325	313	202	9,486
Misdemeanor	16,883	1,279	668	1,185	3,791	2,867	2,084	2,806	882	1,026	1,008	899	35,378
<b>DISPOSITION OF CHARGES</b>													
A. Fine and Costs	1,863	284	91	181	470	350	510	415	277	242	185	295	5,163
B. Jail/Prison Term	1,962	214	159	157	718	232	326	318	119	130	200	127	4,642
C. BV/PW	1,072	90	38	71	601	363	185	461	97	207	103	64	3,355
D. Not Guilty	2,573	213	116	71	853	261	269	446	121	165	187	176	5,451
E. Dismissed	2,449	61	32	15	228	66	130	9	70	18	27	100	3,205
F. Held for Grand Jury	2	2			26	16	10	4	5	3	31	1	130
G. S/S & Probation	1,131	227	114	145	693	300	402	473	120	113	140	76	3,934
H. S/S	1,557	41	16	30	253	40	36	68	5	24	19	19	2,104
I. Hospital Term	27	1	11	7	10	7	6	3			1		73
J. Charge (s) Reduced	27	4	1	5	72	8	8	4			1	29	152
K. Stet	1,605	127	16	169	249	88	25	626	37	77	69	36	3,121
L. Nolle Prosequi	957	179	183	348	409	1,055	157	489	94	251	165	96	4,383
M. Retained Counsel	1,288	83	33	36	55	113	84	1	19	52	31	21	1,816
N. Other & Not Shown	3,900	135	88	191	837	743	554	485	76	69	162	61	7,301
<b>DEFENDANT CHARACTERISTICS</b>													
A. Racial/Ethnic Groups													
1. Caucasian	2,972	497	302	500	1,637	844	1,545	1,738	468	623	663	587	12,376
2. Negro	8,842	466	182	452	2,162	569	544	800	133	256	172	29	14,607
3. Puerto Rican	1	3	8		9	10	1	2	1				35
4. American Indian	25	2	1		3	2		7		3			43
5. Oriental			2	1	6	5		2	2	1			19
6. Other & Not Shown	4	5	7	9	358	1,102	79	44	11	64	34	8	1,725

**DISTRICT COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**Period: July 1, 1976 to June 30, 1977**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
B. Sex													
1. Male	9,807	796	425	814	3,326	2,098	1,851	2,032	515	751	674	529	23,618
2. Female	2,037	177	77	148	849	434	318	561	100	196	195	95	5,187
C. Age													
0-20 years	3,329	285	143	248	1,238	461	645	854	185	266	236	170	8,060
21-30 years	5,477	388	206	365	1,622	647	941	1,047	250	356	323	259	11,881
31-40 years	1,672	119	68	166	471	135	264	309	82	150	120	90	3,646
41-50 years	825	78	35	91	236	91	111	154	42	43	59	49	1,814
51-60 years	371	40	11	39	110	33	52	89	16	30	24	25	840
61-70 years	134	19	9	11	33	7	21	22	10	11	16	7	300
71 and Over	36	1		1	9		10	6	2	4	2	1	72
Other & Not Shown		43	30	41	456	1,158	125	112	28	87	89	23	2,192
D. Head of Household	2,489	297	149	248	1,071	446	436	661	209	316	173	236	6,731
E. Welfare Recipient	200	47	27	53	276	221	92	182	60	46	55	48	1,307
F. Addictions													
1. Alcohol	904	82	79	50	279	231	131	236	116	107	130	90	2,435
2. Narcotics	694	16	15	2	112	158	23	83	9	35	33	6	1,186
3. Methadone	88				9	7	2	14		4			124
4. Non-Narcotic	4	21	8	11	14	36	105	56	39	17	12	3	326
5. Other & Not Shown	9	7		3	16	23	5	15	3	10	38	18	147
G. Employed	1,702	251	68	187	1,154	356	503	315	166	262	109	153	5,226
H. Unemployed	10,142	722	434	775	3,021	2,176	1,666	2,278	449	685	760	471	23,579
I. Education (Avg. Years)	11	10	10	10	11	11	10	11	10	11	10	11	10
<b>DISPOSITION (DEFENDANT)</b>													
1. Released/Supervised Release	7,896	682	296	644	2,882	1,705	1,321	1,953	444	727	548	468	19,566
2. Held for Grand Jury	2	2		1	12	14	16	1		2	25	1	76
3. Jail/Prison Term	1,972	148	118	126	600	183	282	230	94	116	156	98	4,123
4. Private Counsel	780	47	23	25	43	74	74	13	29	39	22	13	1,182
5. Other & Not Shown	1,194	94	65	166	638	556	476	396	48	63	118	44	3,856

CIRCUIT COURT  
Detailed Statistical Report  
Districts: 1 - 12  
Period: July 1, 1976 to June 30, 1977

WORKLOAD

The Office of the Public Defender provided counsel for \_\_\_\_\_ 12,246  
indigent defendants, facing a total of charges \_\_\_\_\_ 22,374

DISPOSITION

Private Counsel was retained in \_\_\_\_\_ 513  
cases.

Prison/Jail/Correctional Institution terms were received in \_\_\_\_\_ 4,511  
cases, representing approximately \_\_\_\_\_ 38%  
of the total cases.

Of the balance \_\_\_\_\_ 7,222  
defendants were released, either under some sort of  
supervision or as a result of dismissals or findings of  
innocence, representing approximately \_\_\_\_\_ 62%  
of the total cases.

The daily average of completed cases was \_\_\_\_\_ 48

PROFILE

The overall profile of the average defendant seeking  
representation by the office of the Public Defender is  
a young \_\_\_\_\_ 26  
year-old Negro who represents \_\_\_\_\_ 57%  
of the defendants, with an unemployment rate of \_\_\_\_\_ 90%

The majority of the defendants or approximately \_\_\_\_\_ 91%  
are male.

Approximately \_\_\_\_\_ 18%  
are head of household.

Those shown on welfare are \_\_\_\_\_ 5%

Those addicted to drugs in one form or another are \_\_\_\_\_ 25%

The average weekly wage of those shown is \_\_\_\_\_ \$89

The average education in years is \_\_\_\_\_ 10

Of the total charges \_\_\_\_\_ 36%  
are misdemeanors.



**CIRCUIT COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**July 1, 1976 to June 30, 1977**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
Total Cases Con. leted	6 04		2	0	5	5	00						
Total Charges Involved	10 160	1 2	80	6		8				9			
<b>TYPE OF CHARGES</b>													
Felon	7 143	7	4 7	339	1 6	1 023	1	801	2 6		6	18	1
Misdemeanor	3 017	543	332	314	1 308	874	425	377	213	264	280	116	8 06
<b>DISPOSITION OF CHARGES</b>													
A. Fine and Costs	17	34	9	14	27	14	28	5	30	12	35	5	2
B. Jail/Prison Term	3,075	293	192	83	890	489	392	303	133	163	205	107	6 2
C. PBV/PWV				6		2				2	1		
D. Not Guilt	8	156	0	2	1 0	11	28	102	5		10	16	1
E. Dismissed	1	28	24			6	2	1	12		1	21	
F. Held for Grand Jur.		10			5			1					1
G. S/S & Probation	1 181	1	101	6	5	02	232	12		8			2 6
H. S/S	1	14	8	8	1	28	23	10	1	6	14	2	31
I. Hos. tal Term	47	14		9	16	1	2	2			13	1	10
J. Charges (s) Reduced		16			15	6		3		1	1	1	
K. Stat	1 28	121	12	62	36	13	16	55	23	24	16	5	1 67
L. Nolle Prosequi	0 6			7				3	1		68		0
M. Retained Counsel		6	6		88	2	58	6	18	8	2	16	1
N. Other & Not Shown	8	0	80	0	82	1	228	116	66	64	77	24	2 43
<b>DEFENDANT CHARACTERISTICS</b>													
A. Racial/Ethnic Groups													
1. Caucasian	1 25	292	173	139	440	395	503	329	193	200	310	148	4,37
2. Ne ro	4 30	252	109	161	753	287	333	205	91	162	105	9	6,99
3. Puerto Rican		1	4			2		13	1	2			3
4. American Indian	9				1			1					1
5. Oriental	3							7					1
6. Other & Not Shown	232	8	8	7	109	151	172	61	7	53	6		81

**CIRCUIT COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**July 1, 1976 to June 30, 1977**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
B. Sex													
1. Male	5 572	509	267	268	1 175	747	11	582	252	8	400	1	11 20
2. Female	471		2		128	88							
C. Age													
0-20 ears	1 626	1	8	8	3 2	1			6	8	0	6	1
21-30 ears	2 217	255	145	146	532	321	474	217	146	228	210		50
31-40 ears	646	46	34	2	117	67	1 6	8	33		8	20	1 2
41-50 ears	215	21	15	17	33	23	40	19	11	17	23	8	442
51-60 ears	81	21		2	11		10						160
61-70 ears	12	4		1	3	4	3	1		1	4	1	34
71 and over		1			2						1		
Other & Not Shown	1 243	30	15	27	273	269	108	178	21	28	18	9	2 219
D. Head of Household	934	107	76	56	291	195	203	106	77	91	87	37	2,260
E. Welfare Recient	311	20	12	13	66	55	27	25	17	17	15	7	585
F. Addictions													
1. Alcohol				2	9	1 0	62		4	2	82	3	1 0 6
2. Narcotics	6	20	1		21	162		8	5	2	3	3	1 278
3. Methadone	2				17	8	2	12			2		100
4. Non-Narcotic	23	11	8	4	34	20	17	36	9	5	16	9	192
5. Other & Not Shown	105	3		4	31	20	17	5		2	11	12	210
G. Employed	384	88	27	43	199	129	141	44	40	59	11	24	1,189
H. Unemploy ed	5,659	465	267	264	1,104	706	867	572	252	358	410	133	1,057
I. Education (Av. Years)	10	10	11	10	10	11	11	10	11	11	10	10	10
<b>DISPOSITION (DEFENDANT)</b>													
1. Released/Supervised													
Release	11	262	132	1 9	4 5	33	423	279	133	227	172	65	5 968
2. Held for Grand Jury													
3. Jail/Prison Term	2,334	208	121	75	479	314	333	218	89	116	156	68	4,511
4. Private Counsel	210	27	6	22	59	16	52	45	11	29	28	8	513
5. Other & Not Shown	188	56	35	71	275	170	200	74	59	45	65	16	1 254

JUVENILE COURT  
Detailed Statistical Report  
Districts: 1 - 12  
Period: July 1, 1976 to June 30, 1977

WORKLOAD

The Office of the Public Defender provided counsel for _____	11,184
indigent defendants, facing a total of charges _____	14,320

DISPOSITION

In addition to the above, private counsel was retained in _____ cases.	243
--	-----

Correctional Institution terms were received in _____ cases representing approximately _____ of the total cases.	1,497 13%
--	--------------

The balance of _____ defendants were released, either under some sort of supervision or as a result of dismissals or findings of not delinquent, representing approximately _____ of the total cases.	9,687 87%
---	--------------

The daily average of completed cases was _____	45
--	----

The overall profile of the average defendant seeing representation by the Office of the Public Defender is a young, approximately _____ year old Negro who represents _____ of the defendants, with an unemployment rate of _____	16 63%
---	-----------

The majority of the defendants or approximately _____ are male.	78%
---	-----

Approximately _____ are head of household.	0.35%
--	-------

Those shown on welfare are _____	7%
----------------------------------	----

Those addicted to alcohol and/or drugs in one form or another are _____	3%
---	----

The average education in years is _____	8
---	---

Of the total charges _____ are misdemeanors.	70%
--	-----

**JUVENILE COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**Period: July 1, 1976 to June 30, 1977**

District	1	2	3	4	5	6	7	8	9	10	11	12	TOTAL
<b>TYPE OF CASES</b>													
Delin uenc	13	16	106	2 2	642	266	1	279	144	102	95	64	9 367
Waiver of Jurisdiction	283	19	9	4	15	3	2	29	1	4	19	3	391
Others includin CINS	18		41	2	623	162	38	120	32	89	21	18	1 426
Total Cases Handled	7 603	22	1 6	288	1 280	4 1	179	428	177	195	1	8	11 18
<b>TYPE OF CHARGES</b>													
Felonies	68	6		8	1 1	3	1 4		33	124	101	56	4 321
Misdemeanors	7 135	212	176	315	763	370	115	419	152	173	95	74	9,999
Total Char es	7 603	477	313	643	1 960	23	09	1 1 8	491	297	196	130	14 320
<b>DISPOSITION (RESPONDENTS):</b>													
Released	57	29	33	44	497	73	37	110	32	52	18	11	993
Dismissed by State, Court	2,478	-	-	-	-	-	-	-	-	-	-	-	2,478
Committed-Juvenile Instit.	1,171	30	28	25	62	47	15	58	14	20	9	18	1,497
Probation Supervised	3,006	105	46	142	493	107	90	174	101	58	58	21	4,401
Probation Not Supervised	185	2	1	19	12	15	22	12	10	5	2	2	287
Committed or Detained Non-Juvenile Institution	279	31	34	46	77	118	12	38	19	25	26	27	732
Other Disposition	283	30	14	12	139	71	3	36	1	35	22	6	652
PRIOR JUVENILE RECORD	1,909	54	56	95	580	128	90	164	79	21	37	31	3,244
PREVIOUS COMMITMENTS	1,824	13	37	37	158	70	30	55	55	7	8	18	2,312
<b>NOT INCLUDED IN ABOVE STATISTICS:</b>													
Private Counsel	208	3	3	4	13	1	1	-	1	5	1	3	243
Refused	185	-	-	-	-	-	-	-	-	-	-	-	185
Refused Counsel	220	-	-	-	-	-	-	-	-	-	-	-	220
No. of Times Represented	3,726	-	-	-	-	-	-	-	-	-	-	-	3,726
Exceptions Taken	89	-	-	-	-	-	-	-	-	-	-	-	89
Postponed	898	-	-	-	-	-	-	-	-	-	-	-	898

**JUVENILE COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**Period: July 1, 1976 to June 30, 1977**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
<b>DEFENDANT CHARACTERISTICS</b>													
<b>A. Racial/Ethnic Groups</b>													
1. Caucasian	1,115	132	99	138	445	217	116	314	146	133	95	78	3,028
2. Ne ro	4 2 6	0	3	147	641	68		10	1	17		6	629
3. Puerto Rican													8
4. American Indian	-	1	-	-	-	-	2	-	-	-	-	-	3
5. Oriental	1	-	-	-	3	-	-	-	-	-	-	-	4
6. Other & Not Shown	10	4	2	2	190	45	7	7	-	45	1	1	314
<b>B. Sex</b>													
1. Male	4 782	185	135	250	1,095	317	162	375	170	170	113	74	7,828
2. Female	623	42	21	38	185	114	17	53	7	25	22	11	1,158
<b>C. Age (Time of Offense)</b>													
<b>1. Juveniles</b>													
0 - 15 ears	2 116	99	78	139	559	150	75	194	82	59	60	39	3,650
16 - 18 ears	3 289	115	77	133	530	158	94	215	91	113	72	36	4 923
Other & Not Shown	-			6	1	1	10	1		23	3	10	413
<b>D. Head of Household</b>													
	-	2	1	1	6	7	1	5	2	4	1	9	39
<b>E. Welfare Recient</b>													
	400	22	14	36	160	56	45	18	16	7	6	19	799
<b>F. Addictions</b>													
1. Alcohol	1	-	-	13	11	19	6	6	21	7	8	6	128
2. Narcotics	19			6	0	10			-	3	1	1	80
3. Methodone	-	-	-	-	-	-	-	-	-	-	-	-	2
4. Non-Narcotic	1		2	2	10	7	4	7	24	13	6	2	53
5. Other & Not Shown	-		-	1	4	8	10	17	-	1	-	7	
<b>G. Unemployed</b>													
	124	16	5	8	68	24	8	2	20	10	-	2	287
Avg. Weekly Income	\$61	\$6	\$94	\$76	\$59	\$52	\$59	\$50	\$52	\$59	-	\$60	\$61
<b>H. Unemployed</b>													
	5,281	211	151	280	1 212	407	171	426	157	185	135	83	8,699
<b>I. Education (Av . Yrs.)</b>													
	8	8		8	9	9	8	9	9	9	9	9	9



**END**