

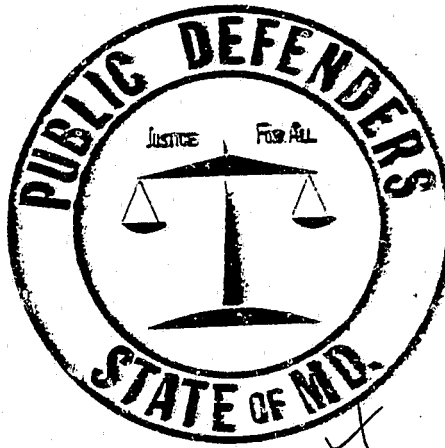
**REPORT  
OF THE OFFICE OF  
THE PUBLIC DEFENDER  
FOR THE STATE OF MARYLAND**

**FISCAL YEAR 1979**

**Operational Period**

**July 1, 1978-June 30, 1979**

63222



REPORT OF PUBLIC DEFENDER

FISCAL YEAR 1979

NCJRS

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ACQUISITIONS

**BOARD OF TRUSTEES**

Honorable James K. Cullen, Chairman

William W. Cahill, Jr., Esq.

Norman P. Ramsey, Esq.

**ALAN HAMILTON MURRELL**  
**PUBLIC DEFENDER**

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

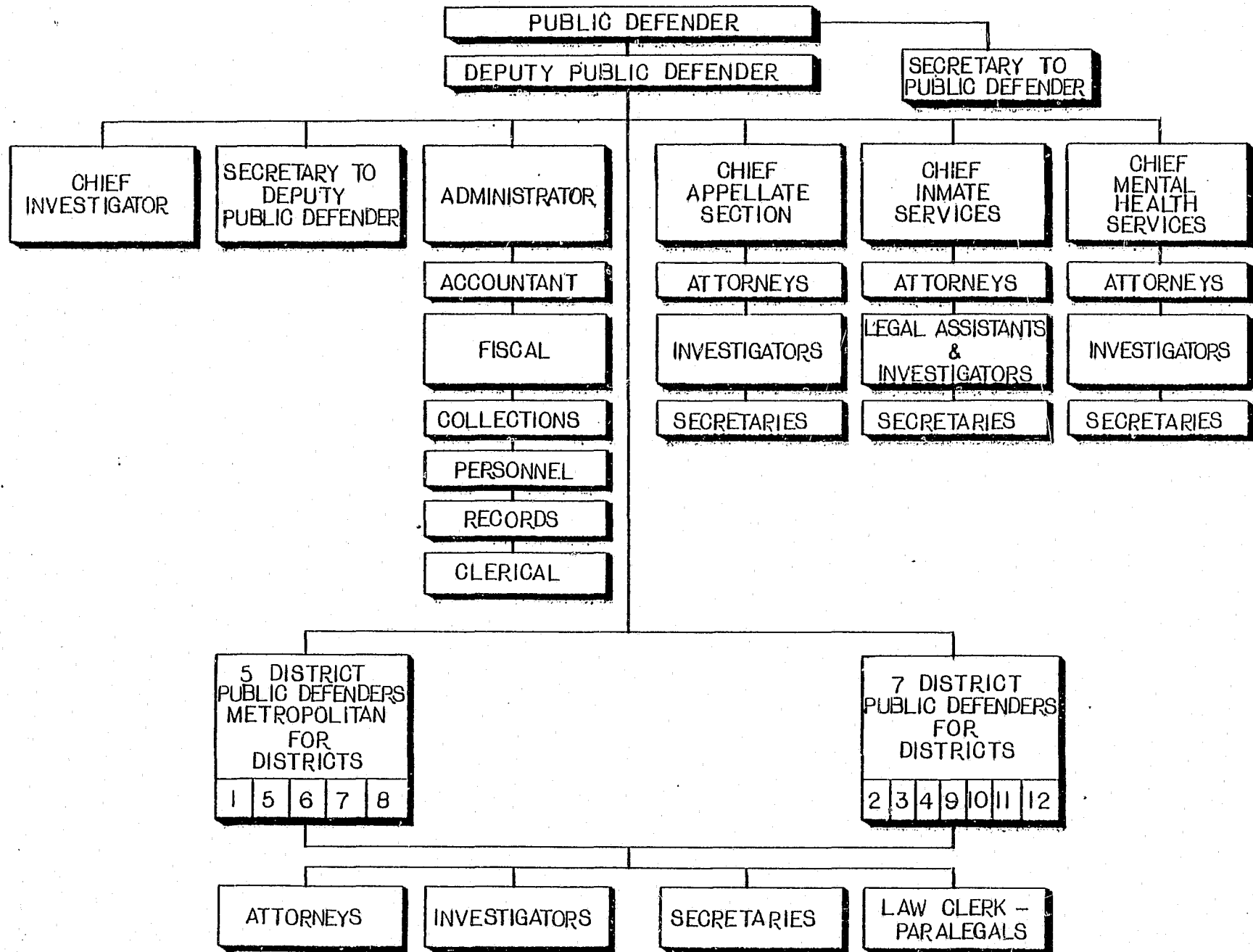
Central Offices  
800 Equitable Building  
Baltimore, Maryland 21202

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."

# MARYLAND PUBLIC DEFENDER SYSTEM

## BOARD OF TRUSTEES



## 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 statewide 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 (Organization).

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.

\*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.



The Public Defender provides legal representation for eligible indigents in criminal and juvenile proceedings within the State requiring Constitutional Guarantees of Counsel in the following:

1. Prior to presentment before a Commissioner or Judge.
2. Arraignments, preliminary hearings, suppression hearings, motions, trials and sentencings in the District and Circuit Courts.
3. Appeals and Writs of Certiorari in the Court of Special Appeals of Maryland, the Court of Appeals of Maryland and the U. S. Supreme Court.
4. Post conviction proceedings under Article 27, Annotated Code of Maryland, habeas corpus and other collateral proceedings.
5. Any other proceeding where possible incarceration pursuant to a judicial commitment of individuals of institutions of a public or private nature may result.

The Public Defender may represent an eligible indigent in a Federal Court under certain circumstances, and the expenses attached to the representation will be an obligation of the Federal Government. Investigations are made to determine the eligibility to receive legal services from the Public Defender. The Public Defender also provides investigative and technical assistance to any staff attorneys and panel attorneys appointed to represent an indigent person. In some instances the Public Defender will obtain reimbursement for legal services when the client has some limited resources. Liens are executed when necessary to protect the interests of the State of Maryland.

The Public Defender's operations beginning in Fiscal Year 1980 have been divided into four programs. These allocations of the agency's personnel and resources to specific areas in separate programs should prove to both upgrade the Public Defender services and create greater fiscal control.

The Public Defender's activities are now defined in the following program areas:

A. General Administration (Program .01):

The Public Defender, Deputy Public Defender, (District Public Defenders) and the administrative staff:

1. Establishes guidelines for the qualifications of clients.
2. Establishes procedures for the handling of client's cases by staff and panel attorneys.
3. Establishes qualifications for panel attorneys and fee schedules.
4. Handles all personnel and fiscal matters.
5. Makes legislative proposals.
6. Supervises all training.

B. District Office (Program .02):

The Twelve (12) District Offices as established by Article 27A:

1. Qualifies indigent clients for Public Defender defense services.
2. Provides representation to qualified clients in District Courts, Juvenile Courts, Circuit Courts, police custody (line-ups, interrogations, etc.), post convictions, habeas corpus, bail hearings, probation violations and appeals by staff and assignment of panel attorneys.
3. Establishes approved panel attorney lists for its District, assigns the cases to panel attorneys and authorizes the payment of fees to panel attorneys.
4. Provides investigative services for staff and panel attorney assistance.
5. Sets fees for clients required to reimburse for legal services and collects such fees and executies liens.

STATEWIDE DIVISIONS SERVING DISTRICT CLIENTS IN SPECIALIZED AREAS:

C. Appellate and Inmate Services (Program .03):

1. Appellate Division
  - a. Administers all work in the Appellate Court in conjunction with the District Public Defenders.
  - b. Qualifies indigent clients who seek appellate relief.
  - c. Provides representation to indigent clients.
  - d. Assigns appellate cases to panel attorneys when needed.
  - e. Provides continuing training by seminars and newsletters.
2. Inmate Services:
  - a. Provides advice and assistance to indigent inmates of Maryland penal institutions regarding their criminal convictions.
  - b. Represents indigent inmates in habeas corpus, post conviction proceedings, parole violations and detainer matters.

D. Involuntary Institutionalization Services (Program .04):

1. Provides representation to indigents upon admission to mental institutions.
2. Provides six month and annual reviews to persons committed to mental institutions.
3. Provides representation to indigents seeking judicial release from mental institutions.

## REIMBURSEMENT PROCEDURES:

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 below, 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 \$107,214.25.

We have been circumspect in the administration of Section 7. One reason was the question of the constitutionality by virtue of the Supreme Court decision in Strange v. 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.

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 v. 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 v. Jones (Clearinghouse #9808, April 12, 1973) held that assessment of Public Defender attorney's 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 8 (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 number 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 v. 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.

REIMBURSEMENTS RECEIVED FROM DEFENDANTS:  
DISTRICTS 1 - 12, JULY 1, 1978 TO JUNE 30, 1979

<u>District</u>	<u>Amount</u>
1	\$14,013.80
2	6,898.75
3	16,597.95
4	3,302.50
5	42,052.50
6	1,680.00
7	-0-
8	14,285.00
9	2,873.75
10	5,325.00
11	-0-
12	185.00
Total	<u>\$107,214.25</u>

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 at a minimum.

APPELLATE DIVISION - ANNUAL REPORT - FISCAL YEAR 1979

The Appellate Division, with headquarters in Baltimore City, has statewide responsibility for all appellate litigation involving Public Defender clients and provides continuing legal education and research services for staff and panel attorneys throughout the twelve Public Defender Districts.

Fiscal Year 1979 saw the first significant increase in the appellate caseload in three years. New cases opened during the year were up 15% over the previous year. The increase is a

natural consequence of the growing number of criminal cases being tried in the Circuit Courts and is also partly the result of the creation last year of a right to appeal in two categories of cases involving defendants found not guilty by reason of insanity. The Court of Appeals in Langworthy v. State, 284 Md. 588, gave such a defendant the right to test on appeal the guilt determination phase of his trial. Dorsey v. Solomon, 433 F. Supp. 725, now requires a full due process hearing on whether a defendant found not guilty by reason of insanity is a danger to society before he may be committed to a mental hospital and allows an appeal from an adverse determination.

The addition of two attorneys in the staff during the year partially offset the increase in caseload, and the Appellate Division closed the fiscal year spending significantly less in panel fees than in the previous year. In 74.2% of the cases closed representation was provided by staff attorneys. However, the full impact of the 1979 increase in cases will not be felt until Fiscal Year 1980 when a substantial proportion of those cases will be concluded. Many cases which otherwise could have been handled in staff had to be assigned to panel attorneys during the last quarter of the year when the agency-wide layoff of contractural employees left the Appellate Division without law clerk support. Fees for those cases will be paid in Fiscal Year 1980.

Most of the increase in new cases will have to be handled with panel attorney representation in Fiscal Year 1980. The eleven staff attorneys are presently carrying a caseload well above the number set as a desirable maximum by several national studies.

In addition to providing direct representation in the Court of Special Appeals and Court of Appeals, Appellate Division functions fall into four categories: first, to identify those cases decided by the Court of Special Appeals in which Petitions for Writ of Certiorari in the Court of Appeals and U. S. Supreme Court are appropriate and prepare the necessary petitions; second, to provide continuing legal education in the criminal area to staff and panel attorneys; third, to provide a central source of information to keep Public Defender attorneys abreast of recent developments in criminal law and to provide quick and accurate information to individual attorneys engaged in trials or hearings who may have an immediate need for reserach on a particular legal point; and fourth, to influence the orderly development of criminal law in Maryland.

The Public Defender Law Letter, published quarterly by the Appellate staff and distributed to nearly 1,500 attorneys serving the Public Defender System, as well as to judges and officials of Court related agencies, continues to be a valuable aid in providing a continuous update on all significant developments

in criminal law. The Law Letter contains a digest of all reported Maryland Appellate Court and Supreme Court opinions relating to criminal law and, also includes comments and articles concerning procedure, trial tactics and the trends and implications indicated by new Court decisions, legislation and Rule changes.

Among the most significant decisions by Maryland's Appellate Courts during the year have been those mandating strict compliance with the new Criminal Rules. Most controversial of these was State v. Hicks, decided by the Court of Appeals on June 25, 1979, which held that failure to try an accused within 120 days of his initial Court appearance, as provided by Rule 734, required dismissal of the charges. Thompson v. State, 284 Md. 113 and State v. Bryan, 284 Md. 152, made clear that the waiver of counsel inquiry set out in Rule 723 must be strictly observed by the Court at trial and in revocation of probation proceedings. Biddle v. State, 40 Md. App. 399, interpreting Rule 735, held that a defendant electing a Court trial must be personally examined on the record as to the voluntariness of his waiver of trial by jury. Rule 753, relating to sequestration of witnesses, was held mandatory in Johnson v. State, 283 Md. 196; Haley v. State, 40 Md. App. 349, interpreted Rule 724a to require the presence of the accused at the voir dire examination of prospective jurors at the bench. In Kohr v. State, 40 Md. App. 92, the provision of Rule 735a under which the defense waives certain issues unless a written motion raising the issue is filed within 30 days of either the accused's first appearance before the Court or the entry of counsel appearance was held to be constitutional.

In order to meet the demands of a growing appellate caseload and continue to provide support services to the Public Defender System, an increase in the number of staff attorneys and in funds from panel fees will be a necessity in the next fiscal year.

#### APPELLATE DIVISION STATISTICS

Cases referred	1049
Cases rejected	227
Cases accepted:	
Court of Special Appeals	784
Court of Appeals	<u>38</u>
	822
 Cases closed	
Court of Special Appeals	685
Court of Appeals	<u>26</u>
	711

## CERTIORARI REVIEW

Total opinions reviewed	388
Certiorari petitions filed	
in Court of Appeals	102
Petitions granted	15
Petitions denied	60
Petitions pending	27
Certiorari petitions filed	
in Supreme Court	4
Petitions granted	0
Petitions denied	3
Petitions pending	1

## INMATE SERVICES DIVISION - ANNUAL REPORT - FISCAL YEAR 1979

This Division of the Office of the Public Defender has been operating since January 1, 1975. It works with the Courts, District Public Defenders, Parole Commission, Department of Parole and Probation, and Department of Correction to provide a full range of legal representation in collateral post-trial criminal proceedings involving indigent inmates in the Maryland Department of Correction. The Division presently consists of eight Assistant Public Defenders, three paralegal assistants, and three legal secretaries operating from the headquarters office in Baltimore City.

The Inmate Services Division provides assistance and representation to all indigent inmates in cases involving post conviction hearings, parole revocation hearings, habeas corpus proceedings, detainer problems, "jail time" credit requests and transcript requests. In addition, the Division handles all violation of probation hearings involving indigents before the Supreme Bench of Baltimore City, writs of mandamus, extradition and other miscellaneous quasi-criminal matters.

In the area of post conviction proceedings, the Division has had continued success in winning new trials for a substantial number of convicted defendants. In particular, the effect of recent decisions has meant that many petitioners are entitled to new trials based on constitutional rights not recognized at the time of their original trial which can now be applied retrospectively under post conviction. The Division is now handling virtually all post conviction petitions statewide, including proper person writs filed by the inmates as well as petitions prepared by the staff attorneys of the Division.

In addition, the Division has been involved in some specific appellate work and has had a curative effect on certain procedures, for example, the improper jury selection process addressed in State v. Davis, Daily Record, March 5, 1989.

Under the Supreme Court decision of Morrissey v. Brewer, 408 U. S. 471 (1972), the Inmate Services Division provides counsel at parole revocation hearings before the Maryland Board of Parole. These hearings are held approximately seven days a month at the various State correctional institutions and the local jails. An excellent line of communication is maintained with the Parole Board in these matters. The investigation and representation afforded by the Division in parole revocation hearings is thorough and a high percentage of technical parole violators are released from prison and continued on parole.

All extradition cases throughout the State are handled through the Division from initial interview through appeal, if necessary. These cases are referred by the District Public Defenders in the counties or by the Baltimore City Fugitive Squad in District No. 1. Hundreds of requests for assistance involving detainers lodged against inmates are processed and handled by the Inmate Services Division. Staff personnel work as a clearing house in conjunction with the Department of Correction and law enforcement agencies in attempting to have detainers lifted once they are filed against inmates. The lines of communication that have been opened by the detainer program are of great assistance not only to the inmates, but to the Courts and all parts of the Criminal Justice System in assuring a speedy disposition of outstanding criminal charges.

Pursuant to Section 638C and the Governor's Executive Order of April 1, 1975, all prisoners sentenced in Maryland must be given credit for their period of pre-trial incarceration. Requests for assistance with these "jail time" credit matters have been numerous. If the credit is not given at the institution, the Inmate Services Division follows through by filing motions for appropriate relief with the Courts. Successful resolution of "jail time" credit and detainer problems always means the inmate will be incarcerated for a substantially shorter period and save money for the taxpayer.

The Prisoner Assistance Project of the Legal Aid Bureau has been closely cooperating with the Division in referring all criminally related matters directly to Inmate Services. The Division, in turn, refers all civil matters such as inmate grievances and civil rights suits directly to Legal Aid.

All requests made to the Office of the Public Defender for transcripts are now directed to the Inmate Services Division. It is the policy of the office that a transcript will not be released to an inmate. However, a staff attorney will go over a transcript with an inmate. Also, the transcript will be released to counsel once action is pending in any Court.

The District Public Defenders now refer virtually all their collateral criminal matters directly to the Inmate

Services Division. As a result, a burden is taken off their staff and the cases are handled much less expensively than if they were paneled out. Due to the tremendous caseload and travel requirements involved in representing the thousands of indigent inmates, the present staff has difficulty keeping ahead. There is a great amount of paperwork involved as well as daily trips to Court or to the various correctional institutions. The Division could use more attorneys, more paralegals and two additional secretaries.

During the four years of its existence, the Inmate Services Division has provided a level of professional expertise in collateral criminal proceedings which can better assure Maryland inmates equal protection under the law.

Relevant statistics follow:

#### INMATE SERVICES DIVISION STATISTICS

	<u>Carry Over</u>	<u>Received</u>	<u>Closed</u>	<u>Pending</u>
Post Convictions	557	610	752	415
Detainers	108	1032	1045	95
Habeas Corpus	-	19	18	1
Parole Revocation Hearings	3	341	341	3
Referrals to Legal Aid	-	94	94	-
Pre-trial Status (Jail Credit)	288	65	344	9
Miscellaneous				
(Civil Grievances)	3	64	67	-
Referrals From Legal Aid	-	18	18	-
Referrals Other than				
District #1	-	153	153	-
Total	<u>959</u>	<u>2396</u>	<u>2832</u>	<u>523</u>

#### INVOLUNTARY INSTITUTIONALIZATION SERVICES

##### ANNUAL REPORT - FISCAL YEAR 1979

On July 1, 1975, the Circuit Court for Baltimore City ordered the Office of the Public Defender to provide representation to every person involuntarily confined to a mental health facility under the jurisdiction of or licensed by the Maryland State Department of Health and Mental Hygiene pursuant to Article 59 of the Maryland Code. Since that date, the Mental Health Division has represented indigent clients throughout the State in all cases of criminal and civil commitment pursuant to Article 59 of the Code.

Those indigent persons civilly committed to facilities operated by the Department of Health and Mental Hygiene or hospitals licensed by the Department of Health and Mental Hygiene were represented by attorneys from the Mental Health Division in administrative hearings held in hospitals and in judicial hearings held at the Circuit Court level throughout the State.



Any person committed to a hospital pursuant to Section 12 of Article 59 of the Code has a right to an administrative hearing before a hearing officer pursuant to Regulation 10.04.03 of the Department of Health and Mental Hygiene. These administrative hearings took place in the following hospitals during Fiscal Year 1979: Walter P. Carter Center, Chestnut Lodge, Eastern Shore Hospital Center, Finan Center, Crownsville Hospital Center, Highland Health Facility (Baltimore City Hospital), Sheppard & Enoch Pratt Hospital, Springfield Hospital Center, Spring Grove Hospital Center and Taylor Manor hospital. As a result of a July 1979 revision of Section 22 of Article 59, it is contemplated that these administrative hearings may take place at many other general hospitals throughout the State. This may necessitate Public Defender representation in even a greater number of hospitals.

Further, any person committed to a hospital pursuant to Article 59, has a right to habeas corpus relief pursuant to Section 14 of Article 59 and judicial release pursuant to Section 15 of Article 59. The Mental Health Division is responsible for representation in both of these areas. Jurisdiction for these actions lies at the Circuit Court level. Section 15 allows for a jury trial with venue lying in either the county where the person is committed or the county of his residence. Thus, in Fiscal Year 1979, attorneys from the Mental Health Division represented civilly committed persons in jury trials on the Circuit Court level throughout the State.

In order to facilitate better client contact and at the same time maintain a continuity of representation, the Division maintains headquarters in the central office in Baltimore City and branch offices in three of the State regional hospitals. Currently, staff attorneys and investigators are located at Spring Grove, Springfield and Crownsville Hospital Centers. The hospital branch offices have improved the Division's ability to conduct extensive investigations in conjunction with our representation of civilly committed clients. Further, the hospital branch offices having increased the effectiveness of the District Public Defenders in their representation in criminal cases of persons committed to the hospital by allowing quick and thorough investigations by the investigators in the hospitals.

The staff attorneys in the central office in Baltimore City, along with representing clients in administrative hearings and appeals from those hearings at the smaller facilities, such as Carter Center and Highland Health Facility are responsible for full client representation at Clifton T. Perkins Hospital Center in Jessup. Patients at Perkins have generally been found not guilty by reason of insanity of the most serious crimes. Accordingly, their cases require extensive preparation, complicated expert evaluation and often lengthy litigation in

an attempt to gain their release from Perkins. Thus, trials for these more complicated cases have been assigned to attorneys in our central office to assure statewide continuity.

The type of representation undertaken by attorneys in the Mental Health Division calls for highly specialized legal and supportive services. Expert testimony from psychiatrists and psychologists as well as extensive investigation into the history of each client is required. As a result, the Division is constantly attempting to attract qualified psychiatrists and psychologists to aid in the evaluation of our clients. It has been our experience that thorough and complete psychiatric evaluation and testimony are essential for the adequate representation of our clients. During Fiscal Year 1979, we were able to utilize a rather complete roster of experienced forensic psychiatrists and psychologists in part due to our ability to pay fees to these experts at a level more competitive with the private sector. The Division has continued its involvement in a program being administered by The Institute of Psychiatry and Human Behavior at the University of Maryland Medical School to train forensic psychiatrists. In Fiscal Year 1979 the Division was fortunate in having the services of a forensic fellow in that program to aid in the evaluation of our clients in the regional hospitals. Further, in order to maintain the degree of specialization necessary for our attorneys and investigators to prepare for trials and hearings and to provide a preliminary review of medical records, the Division has contracted for the services of a professor in forensic psychiatry to consult with staff attorneys on a weekly basis.

As our Division's experience with psychiatric and psychological testimony has increased, the ability of staff attorneys and investigators from our Division to work with other Assistant Public Defenders and panel attorneys who represent defendants raising the insanity defense has also increased. Further, recent developments in mental health law have involved our Division evermore closely with Assistant Public Defenders in the District and Circuit Courts throughout the State. The last year has seen a great increase not measurable in the Mental Health Division's statistics of Mental Health Division staff attorneys assisting District and Assistant Public Defenders throughout the State in the representation of criminal defendants whose mental disorder becomes an issue not only in a potential insanity defense but also in sentencing.

The Fiscal Year 1979, Mental Health Division staff attorneys became more involved in criminal representation on the Circuit Court level of defendants where mental health issues were not involved. Due to the heavy increase of criminal jury trials on the Supreme Bench level in Baltimore, it became necessary for Mental

Health Division staff attorneys to handle an increased number of criminal trials. This has provided a diversified experience for staff attorneys of the Mental Health Division and increased their trial ability. The next year it is anticipated that the Division's attorneys will handle a larger criminal caseload.

Attorneys from the Mental Health Division have served on numerous legislative, executive, judicial and citizens committees considering mental health issues. Such participation not only provides an opportunity for governmental officials and interested persons to benefit from the staff's experience, but also keeps the members of our Division abreast of changes of law and policy in the mental health area. Most importantly, through this participation, the interests of our clients are represented in forums other than the courtroom.

#### MENTAL HEALTH DIVISION STATISTICS

##### Patient Contacts at Hospital

Observation Status	4,713
Six Month and Annual	<u>1,509</u>
Total	<u>6,222</u>

##### Not Represented at Hearing

Prior to Hearing	
Released	720
Vol. Adm.	1127
Vol. Admitted at Hearing	208
Waived Counsel	10
Not Eligible for Public Defender or Private Attorney	113
Waived Hearing	455
Other	<u>666</u>
Total	<u>3,299</u>

##### Patient Hearings

Released	1,022
Retained	<u>1,979</u>
Total	<u>3,001</u>

##### Judicial Hearings\*

Dorsey Hearings	182
Art. 59 Sanity & Habeas Corpus	<u>50</u>
Total	<u>232</u>

\*Does not include criminal cases handled by Mental Health attorneys which are included in Supreme Bench District 1 Statistics.

District No. 1  
Baltimore City

District Public Defender  
Norman N. Yankellow

800 Equitable Building  
Baltimore, Md. 21202

Total Population	830,500
Panel Attorneys	116
District Courts	13
(8 Criminal - 5 Traffic)	
Juvenile Courts	8
(7 Masters - 1 Judge)	
Criminal Courts	12
(Supreme Bench Level)	

During Fiscal Year 1979, 591 cases were completed at trial by panel attorneys, slightly more than in Fiscal Year 1978 and 27,172 cases were completed at trial by District No. 1 staff. In addition thereto, 13,294 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. The staff who handled this workload consists of 48 Assistant Public Defenders supported by 26 investigators, 8 law clerks and 15 secretaries.

The level of cases completed in the District Courts continues to grow. In the District Court, the total actual trials completed for Fiscal Year 1979 was 15,405, up 15% over 1978. As a result, the workload of the attorneys assigned to the District Court has brought about a new rotation of staff attorneys to meet this ever increasing caseload.

In the Juvenile Court, the total number of cases completed for Fiscal Year 1979 was 5,527, indicating an increase in the caseload of 17%.

Arraignment Court, Criminal Court Part III, continues to be a permanent fixture for the orderly prosecution of criminal matters in Baltimore City. Its function has been refined so that it provides for a first Court appearance for all defendants charged with serious crimes. The Arraignment Court serves many needs, including a forum for bail review for all jailed defendants, a place in which to weed out cases which the State should not have brought, or which foreseeably will not be tried, a place for meaningful plea negotiations and, more importantly, acting as the conduit for redetermining the future actual caseload for the Criminal Courts.

The staff assigned to the Arraignment Court has been expanded by the use of attorneys assigned to the District Court Division. Each attorney assigned is required to review the case and visit the client personally prior to appearance in that Court for arraignment.

Criminal Courts Part XI and Part XII are designated as the Courts through which all warrant cases in which jury trials were prayed at the District Court level are prosecuted. Such cases still represent approximately 50% of the total caseload of the Supreme Bench, and it is vital that they be closely supervised in order to prevent totally clogging the Criminal Justice System at the Supreme Bench level.

Criminal Court Part XI is used as an Arraignment Court where a majority of the cases are disposed of through guilty pleas. In this manner, tremendous savings are effected, because the appearance of witnesses - police and civil - is negated, and Court time which would otherwise have to be allotted for the trial of such a case is preserved for actual trials. Daily bail review hearings are available for the defendants who request a trial of the issues.

Criminal Court Part XII serves as the first Court to which such trials are scheduled after arraignment. These Courts are manned by a rotation of attorneys assigned to the District Court Division. Each Assistant Public Defender in that Division is scheduled first into the Criminal Court Part III, then into Criminal Court Part XI, and finally into Criminal Court Part XII. The rotation accomplished several goals:

1. It intensifies the attorney's activities, by permitting him continuous personal contact with the client.
2. It acquaints the attorney with the personnel and function of the Courts at the Supreme Bench level.
3. Most importantly, it provides all staff attorneys assigned to District No. 1 the opportunity to try cases before criminal juries.
4. It develops for this District a continually qualified cadre of experienced trial lawyers in all phases of criminal trial work.

The combination of constantly increasing instances of representation and the budgetary constraints required a close monitoring of the day to day operation of each of the units of the office in an attempt to maintain its quality of services rendered.

When it was determined by the administrative office that funding was no longer available for the use of part-time law clerks, a total revision in the use of the investigators assigned to Baltimore City was required. In order to compensate for the loss to the Supreme Bench staff attorneys of the use of an individual clerk, a system of case review by investigators was instituted.

A review of the actual file preparation indicates that there has been no diminution in the gathering of the factual evidence. Of necessity a checklist was prepared and is now attached to each file to ensure that all pretrial motions and discovery are filed. Unfortunately, although the system has shown itself capable of maintaining adequate file preparation, the greatest loss has been in the ability to maintain physical contact with the client.

Additionally, because of the loss of the law clerks, the individual Supreme Bench staff attorney is no longer able to maintain his caseload and there has been an increase in the total number of untried cases per staff attorney.

There has also been an increase in the number of complaints from incarcerated clients that they are unable to see their attorneys.

As a direct result of the loss of support personnel, several senior staff attorneys resigned.

Having created a workable system to cover the loss of support personnel, the Hicks decision coming at the close of the fiscal year caused a crisis in the planning for the coming fiscal year. Since its inception, this office has considered itself the flagship of the State operation and has always sought to provide the greatest amount of service through the efficient use of its staff attorneys and their support personnel. With the loss of a necessary component, the total efficiency of the office and its relationship with its client community has been impaired. The long term effect will be the loss of experienced senior attorneys, and in direct proportion thereto, an inability to maintain the high ratio of cases its attorneys previously established.

The Investigation 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.

During Fiscal Year 1979, reorganization plans for the Investigation Division were completed. The intake process for incarcerated defendants instituted during the previous reporting period, resulted in a more cost-efficient interview procedure; and, it served as an invaluable tool for establishing rapport with the detained client and for maintaining liaison with jail personnel. The entrance of investigative personnel with the Baltimore City Jail commitment process has afforded the trial staff an in-place support arm that previously did not exist. There has been no change in the intake process used in the Central Office.



Field Investigation Activity has been realized to conform with the needs of the trial staff. Investigative personnel have been assigned to individual staff assistants on the Supreme Bench level. These investigators are augmented by Field Investigators who are assigned to the four center city police districts.

In essence, the trial staff - Supreme Bench and District Court - is provided with continuity of investigative services from the time of arrest to trial. During this same period field investigations assigned and completed increased 19% over the previous reporting period. This increase was accomplished without increase in staff positions. Utilizing half-time investigators to fulfill peculiar requirements was instituted during this reporting period. This tool has proven overwhelmingly effective in providing investigative coverage when less than full time coverage is required.

Agency-community rapport continued at a high level during the past year. Division staff members were used as resource personnel for area colleges. Additionally, several Investigation Division personnel functioned in a liaison role with advocacy programs located within the Social Services area. The Division operated an internship program in conjunction with the University of Baltimore's Criminal Justice Program. A cooperative work study program was administered through the Division in conjunction with the University of Maryland's Office of Minority Affairs. Additionally, the Mayoral Fellowship Program of the Johns Hopkins University and the Political Science Department of the University of Baltimore, Baltimore County campus, provided several students during the year. Finally, Frostburg State College began a cooperative arrangement with the agency through the placement of a student with the Division. In each instance, the student and the school benefited from the practical application of theories learned in the classroom. Additionally, students placed with the Division aided in several management studies by providing statistical data used as the basis for organizational changes.

As a result of these organization changes, new demands have to be met for supervision and team resource personnel. To meet this requirement, plans were submitted to the Department of Personnel for higher grade investigative positions. Approval of the plan is requested for Fiscal Year 1981.

The following is a recapitulation of the activities of the Investigation Division during Fiscal Year 1979:

Total Office Activity	13,324
Cases Accepted	6,762
Cases Rejected	406
Persons Advised	6,156
Total Institutional Intake	4,994
Total Field Investigations	711

District No. 2  
Dorchester, Somerset, Wicomico  
and Worcester Counties

District Public Defender  
Patric L. Rogan, Jr.

One Plaza East, Suite 416  
Salisbury, Md. 21801

Prince William St.  
Princess Anne, Md. 21853

7208 Coastal Highway  
Ocean City, Md. 21842

Total Population	137,400
Panel Attorneys	31
District Courts	5
Circuit Courts	4
Juvenile Courts	4

Organization: The State provides one office in the District which is located in Salisbury. It is staffed by the District Public Defender, one investigator, one full time secretary and one part time secretary. There are three Assistant Public Defenders who provide their own office space, one full time secretary and two part time secretaries in Salisbury, Ocean City and Princess Anne. The administration for the four county districts is handled by the District Public Defender's Office in Salisbury.

Fiscal Matters: The 1978 Annual Report contained the following statement: "An additional Assistant Public Defender was authorized for Fiscal Year 1979 and this should result in a dollar savings to the State". The new Assistant Public Defender was provided in Wicomico County. Panel attorney fees were reduced from \$169,513.98 in Fiscal Year 1978 to \$94,036.34 in Fiscal Year 1979, a reduction of \$75,477.64. The salary for this Assistant plus the one-half secretary provided for him was approximately \$24,000.00 and thus a net dollar savings to the State of approximately \$50,000.00

Cases Accepted: The cases accepted in the District are constantly increasing. In Fiscal Year 1979, there was an increase of more than 11% over Fiscal Year 1978 and it is anticipated that this trend will continue in Fiscal Year 1980. A breakdown of the increase is as follows:

<u>1977</u>	<u>1978</u>	<u>% Increase</u>	<u>1979</u>	<u>% Increase</u>
1877	2100	+12	2328	+11

Despite the increase in cases accepted, the number of cases referred to panel attorneys decreased from 949 cases in Fiscal Year 1978 to 845 cases in Fiscal Year 1979. In 1979, staff attorneys were assigned 64% and panel attorneys 36% of the cases. Cases accepted and assigned to staff and panel attorneys for the past three years are as follows:

	<u>Staff</u> <u>Attorneys</u>	<u>% of</u> <u>Increase</u>	<u>Panel</u> <u>Attorneys</u>	<u>% of</u> <u>Increase</u>	<u>Total</u>	<u>% of</u> <u>Increase</u>
1979	1483	+29	845	-11	2328	+11
1978	1151	+56	949	-16	2100	+12
1977	738		1133		1871	

A breakdown of the assignment of cases accepted and assigned in the various Courts during Fiscal Year 1979 for the four counties in the District is as follows:

<u>1979 Cases Assigned</u>								
<u>Staff and Panel With Percentages</u>								
	<u>Dorchester</u>		<u>Somerset</u>		<u>Wicomico</u>		<u>Worcester</u>	
Staff Attorneys	1	0%	369	99%	817	90%	296	41%
Panel Attorneys	309	100%	4	1%	93	10%	421	59%
Totals	<u>310</u>		<u>373</u>		<u>910</u>		<u>717</u>	

It should be noted that there is no Assistant Public Defender located in Dorchester County and the only case assigned to a staff attorney in that County is a case in which the State is seeking the death penalty.

Cases Completed: In Fiscal Year 1979, there was a decrease in the number of cases completed of 7.5% for the District as a whole, but the staff completed more than 6% more cases than it did in Fiscal Year 1978.

	<u>1979</u>
Staff Attorneys	1421
Panel Attorneys	862
Total	<u>2283</u>

Panel Attorney Fees: District wide panel attorneys handled 173 Circuit Court cases for fees totaling \$36,583.12, or an average of \$211.46 per case. They handled 562 District Court cases for fees totaling \$47,193.04 or an average of \$83.97 per case. They handled 127 Juvenile Court cases for fees totaling \$10,260.18 or an average of \$80.78 per case.

A breakdown of panel attorney fees paid in each county for the various Courts is as follows:

	<u>Dorchester</u>	<u>Somerset</u>	<u>Wicomico</u>	<u>Worcester</u>
Circuit Ct.	\$14,058.93	\$ 67.50	\$6,246.01	\$16,210.68
District Ct.	16,613.76	270.00	6,360.08	23,949.20
Juvenile Ct.	4,949.17	145.00	2,037.15	3,128.86
Totals	<u>\$35,621.86</u>	<u>\$ 482.50</u>	<u>\$14,643.24</u>	<u>\$43,288.74</u>

Highlight Activites: Staff attorneys handled the two sodomy murder cases of State v. Ellwood Leroy Leuschner, which involved young male victims. It is felt that these cases were partially responsible for the re-establishment of the death penalty in Maryland.

Staff attorneys also handled the case of State v. Glenn Sturgis which is the first case where a Maryland jury was asked to decide on a penalty of death or life imprisonment. After seven hours of deliberation, the jury reported that it was deadlocked and a sentence of life imprisonment was imposed.

Staff attorneys also handled the much publicized case of State v. Harly Hicks in which the Court of Appeals indicated that the 120 day rule was mandatory for conducting a criminal defendant's trial unless extraordinary cause is shown.

Appeals of the above cases were handled by the Appellate Division of the State Public Defender's Office.

District Needs:

Dorchester County: With an expenditure of \$35,621.86 in panel attorney fees, a caseload of 328, and considering that the County contains a State Mental Hospital, an Assistant Public Defender and a part time secretary would seem to be in order. The approximate cost of an Assistant's salary would be \$19,619.00 and that of a part time secretary would be \$4,800.00. A net dollar savings would be anticipated.

Worcester County: This County has two active District Courts located in Ocean City and Snow Hill, and one Circuit Court located in Snow Hill. With only one Assistant Public Defender being located in Ocean City, distance becomes a problem. In Fiscal Year 1979, panel attorney fees of \$43,288.74 were approved for 327 cases. Another Assistant Public Defender and a part time secretary in Snow Hill are needed and if approved should result in a net dollar saving to the State.

Wicomico County: Another investigator is needed in the District Public Defender's Office as is more office space. With the volume of cases being handled in the District, the one investigator provided is not sufficient. A law clerk would also be helpful to all of the attorneys in the District.

Conclusion: Caseloads continue to rise at a rate disproportionate to the funds provided to handle them properly. The only viable solution is to provide more staff attorneys and support persons to decrease the amount of fees paid to panel attorneys. The experience in the District is that the cases can be handled less expensively and more efficiently by the use of staff rather than panel attorneys.

The District Public Defender is most appreciative of the efforts provided by the staff and cannot ask more production from them. The attorneys, investigator and secretaries are all

performing in a superior manner.

The District Public Defender will continue to rely heavily on the assistance provided by the State Public Defender's Office through the Appellate Division, Inmate Services Division, Mental Health Division and the Investigation Division.

District No. 3  
Caroline, Cecil, Kent,  
Queen Anne's and Talbot Counties

District Public Defender  
John W. Sause, Jr.

115 Lawyers Row  
P. O. Drawer H  
Centreville, Md. 21617

204 E. Main Street  
Elkton, Md. 21921

115 Court Street  
Chestertown, Md. 21620

Organization and General Operation: Caroline, Cecil, Kent, Queen Anne's and Talbot Counties comprise District No. 3 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 agencies.

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, and an investigator. Assistant Public Defenders located in Elkton and Chestertown 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 law clerk-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" - private attorneys retained on a contractual per case basis.

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. Applications made in Cecil County are forwarded to Centreville for final determination with respect to eligibility.

During the fiscal year ending June 30, 1979, the overall workload of the District showed an increase of only seven cases, less than the 7% increase between 1977 and 1978, the 13% increase between 1976 and 1977 and the increase of 11% between 1975 and 1976. However, as will be seen, there was a radical shift within the workload itself, resulting in an 11% increase in accepted cases.

	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>	<u>1975</u>
Accepted	1,029	924	910	828	817
Denied	422	440	275	391	253
Appeals	41	50	48	39	37
Other	<u>194</u>	<u>265</u>	<u>242</u>	<u>129</u>	<u>148</u>
	<u>1,686</u>	<u>1,679</u>	<u>1,574</u>	<u>1,387</u>	<u>1,255</u>

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

	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>	<u>% change 1978-79</u>
Caroline	128	111	99	101	+ 15
Cecil	497	434	395	310	+ 15
Kent	112	102	137	123	+ 10
Queen Anne's	128	135	143	153	- 5
Talbot	<u>164</u>	<u>142</u>	<u>136</u>	<u>141</u>	+ 15
Totals	<u>1,029</u>	<u>924</u>	<u>910</u>	<u>828</u>	+ 11

Disposition of cases: Although 1,029 cases were accepted during the year, staff and panel attorneys actually worked on 1,201 cases and closed 966 of the. This resulted from dispositions in all matters open from prior fiscal years:

Open Cases 7/1/78	172
Cases Assigned F/Y 1979	<u>1,029</u>
	1,201
F/Y 1978 Closed	172
F/Y 1979 Closed	794
	<u>- 966</u>
Cases Open 6/30/79	<u>235</u>

Panel Attorneys: The Public Defender statute provides for the assignment of private counsel to represent defendants "with like effect and to the same purpose as though privately engaged . . . and without regard to the use of public funds" and specifically directs that "maximum use of panel attorneys shall be made insofar as practicable". Obviously, "practicable" involves the availability of attorneys qualified to take a particular case and the availability of funds to compensate them. Funds appropriated by the General Assembly for panel attorneys have been woefully inadequate on a state-wide basis; and the amount allocated to District No. 3 on the basis of its relative overall caseload is indeed small.



During Fiscal Year 1979, fees were approved for panel attorneys in District No. 3 in total amount of \$44,179.48 (compared to \$41,776.06 in Fiscal Year 1978 and \$45,627.81 in Fiscal Year 1977). However, for \$2,403.42 more paid in Fiscal Year 1979, there were 72 more cases completed by panel attorneys than in Fiscal Year 1978: In addition, there were 15 other cases completed by panel attorneys for which no fee was charged, primarily because private counsel was retained by the client prior to the time that a panel attorney began his assignment.

In view of the increase in caseload alone, the amount paid panel attorneys, relative to other years, is surprisingly low; and, there are still other factors which would have indicated a higher figure. In late June of 1978, the Assistant Public Defender in Cecil County suffered two broken arms and was on sick leave for several months, necessitating not only the almost exclusive panel attorney assignment of new cases in Cecil County (where the workload is heaviest), but also the reassignment to panel attorneys of cases being handled by the assistant at the time of his accident. This factor did, in fact, have significant impact early in the fiscal year. Panel attorney fees paid in the first four months of the fiscal year amounted to \$18,686.40, or 42% of the total for the entire year-suggesting that, but for that unfortunate event, the total amount paid panel attorneys during the fiscal year would have been significantly lower.

The reductions have not been the result of arbitrary economies. As promised in prior reports, continuing effort has been made to upgrade the panel attorney fees within the framework of the maximum rates of \$25 per hour for time spent in Court and \$20 for investigation and preparation, allowable under statewide guidelines. Aside from the extraordinary conditions brought about at the beginning of the fiscal year, the fees approved have been well within the Public Defender's informal panel attorney budget allocation for District No. 3; and relatively few fees have been approved using rates below the allowable maximums.

The stable fee situation in District No. 3 is thus a tribute to the ability of our panel attorneys to provide competent and effective legal services with a minimum (in most cases, a complete absence) of wasted time, and a demonstration of their dedication to the principle of providing legal services to the indigent accused. However, the fee guidelines, unchanged since the inception of the Public Defender Program in 1972, bear little resemblance to what the panel attorneys could expect to receive in their private practices - or, indeed, from other government programs which utilize private attorneys. In fairness to these attorneys, and to those who will in the not too distant future suffer from the inability to secure competent counsel at the prevailing rates, the subject is one which demands careful attention from those in fiscal control.

Staff Attorneys: Staff attorneys were assigned to roughly 57% of the 1,029 cases accepted during the fiscal year. This represents 582 new cases; and the staff also concluded 74 cases held over from the last fiscal year--a total workload of 656 cases.

The problem is that in staff-panel ratio and staff caseload there are only three staff attorneys for five counties and 12 Courts. In addition, two of the staff attorneys have significant administrative duties not directly connected with the preparation and trial of cases.

Unlike metropolitan areas where caseloads and Public Defender representation are proportionally greater, on a given day there might be no more than one case in a Court in District No. 3 in which the Public Defender is involved, either through staff or panel personnel. If a staff member is assigned to that one case, the time involved in traveling to another county and the uncertainties of the docket will more often than not effectively preclude his appearance in any of the other seven Courts on that day. The problem is compounded by the fact that a single case might involve several such appearances, e.g. preliminary hearing, hearings on motion, trial, sentencing, to name only a few.

The situation can be, and obviously has been, dealt with through the cooperation of the Courts and State's Attorneys in scheduling and/or re-scheduling cases to permit a staff member to appear in several matters on the same day. But that has inherent limitations, which we have very nearly reached; and, scheduling can do little to permit the grouping of cases at the Circuit Court level.

Appeals: Unlike other Districts in the State, appellate matters arising in District No. 3 are handled by the District Office.

Initially, the Office assumes responsibility for securing the transcript and perfecting the appeal. After a matter is docketed in the Appellate Court, the transcript is reviewed and counsel assigned on the basis of availability and experience with the issues involved. A majority of the appeals are prosecuted by the District Public Defender.

Seventy-six appeals were processed in Fiscal Year 1979:

Open Appeals 7/1/78	35	
Appeals Accepted F/Y 1979	<u>41</u>	76
Completed Appeals:		
Panel Attorneys	17	
District Public Defender	24	
Dismissed by Client	14	
Appellate Division	<u>2</u>	-57
Appeals Open 6/30/79		<u>19</u>

Of the 19 appeals pending at the end of Fiscal Year 1979, 4 were assigned to panel attorneys, 12 to the District Public Defender and 3 were unassigned.

Denials and Reimbursement: Denial of representation is based chiefly upon a determination that the applicant had sufficient income and/or resources to employ private counsel. A very small number of denials was based upon the fact that representation was not required or authorized by the law for the particular crime involved.

Denials represented approximately 28% of the 1,492 cases in which action was taken upon formal written application. This was slightly less than the 31% denial rate during the 1978 Fiscal Year, but identical to the 1977 rate.

The Public Defender law directs that "where it appears that the defendant has or reasonably expects to have means to meet some part of the expenses for services rendered to him, he shall be required to reimburse the office, either by a single payment or in installments, in such amounts as he can reasonably be expected to pay."

The District No. 3 office collected \$16,597.95 during Fiscal Year 1979. Reimbursement collected is deposited in the general funds of the State and is not available as a supplement to budgeted funds of the Office.

Other Matters: The necessity for making a record of any affirmative notification from any source that a person may require the services of the Office is apparent both from the standpoint of projecting the demands which will be made upon the Office and from the standpoint of minimizing any inconvenience to witnesses, Court personnel and others involved in the Criminal Justice System. Therefore, upon notification that a person is incarcerated, immediate contact is made to ascertain whether or not that person does or may require the services of assigned counsel.

There were 194 such cases in Fiscal Year 1979 (down from 265 in Fiscal Year 1978), some involving preliminary inquiries which were not perfected by formal application and others involving a pre-application determination that the particular matter involved was not one in which the Office is authorized to participate. All required both initial attention and follow-up investigation.

There is also a vast amount of work involved for which no statistics are kept. Mention has already been made of the initiative taken with respect to all juvenile matters and the collection of reimbursements. In addition, beginning in July 1977, all original process issued in the various Circuit Courts has been sent to the District Office for a determination of whether or not the accused had made any request for Public Defender representation. Although each of these inquiries was individually answered in writing, they are not included in the figures in this Report.

District No. 4  
Charles, St. Mary's and Calvert Counties

District Public Defender  
John F. Slade, III

Courthouse  
La Plata, Md. 20646

P. O. Box 409  
Mattingly Bldg.  
Leonardtown, Md. 20650

Courthouse  
Prince Frederick, Md. 20679

Total Population	144,000
Panel Attorneys	32
District Courts	3
Circuit Courts	3
(Juvenile Masters)	2

The Public Defender's Office in District No. 4 consisting of Charles, Calvert and St. Mary's Counties, is staffed by a District Public Defender, three Assistant Public Defenders, three full time secretaries, one investigator and one part time law clerk. The Public Defender's Office maintains an office in each of the three counties, with the La Plata office serving as the administrative office for the District,

During Fiscal Year 1979, District No. 4 processed 2,737 applications for appointment of counsel and accepted 2,217 applicants as clients, an average of 177 new clients each month. The total number of cases accepted this fiscal year was an increase of 9% over the previous fiscal year. However, of the new cases accepted, 1,576 or 74% were handled by the District's four staff attorneys, an increase of 10% for staff participation over the previous year. The remaining 551 cases or 26% were assigned to the 32 panel attorneys utilized by District No. 4.

The average fee paid per case to panel attorneys for cases completed in Fiscal Year 1979 average \$101.48.

During Fiscal Year 1979, District No. 4 received as reimbursement from clients the sum of \$3,302.50.

It is anticipated that the caseload of the District will increase to approximately 195 or more cases per month in Fiscal Year 1980.

For the past four years, and until March 1979, the administrative office had the services of a contractual employee serving as a clerk-typist. The loss of the services of this clerk-typist has

placed an extreme hardship on the administrative office which also does all of the paperwork for all Charles County cases and all paperwork for the Calvert County cases. It is urgently requested that a position of clerk-typist be made permanent full time and filled as soon as possible.

District No. 5  
Prince George's County

District Public Defender  
Fred Warren Bennett

14821 Pratt Street  
Upper Marlboro, Md. 20870

Maryland District Court  
Bowie Building  
Upper Marlboro, Md. 20870

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

Maryland District Court  
County Service Building  
5012 Rhode Island Ave.  
Hyattsville, Md. 20781

Total Population	675,800
Panel Attorneys	187
District Courts	3
Circuit Courts	1
Juvenile Courts	3

Fiscal Year 1979 ended with a decrease in District No. 5's caseload. During Fiscal Year 1979, there was a decrease in total cases accepted of 676 (5963 down to 5287) or a decrease of approximately 11.3%. However, the decrease in the caseload of 11.3% is misleading because there was an actual increase of 7% in the Circuit Court felony caseload (up from 1195 to 1289 cases). It is the Circuit Court felony caseload that continues to be the largest problem of this District with the average length of a criminal felony trial now lasting approximately one and one-half to two days. Furthermore, unlike many areas of the State, the vast majority of all Circuit Court criminal cases are jury trials as opposed to Court trials.

Approximately 60% of the total cases were handled by staff attorneys, with the remainder of 40% being handled by panel attorneys. These figures are almost exactly the same as for Fiscal Year 1978. Including the District Public Defender, there are now a total of ten attorneys assigned to District No. 5. Although the number of staff attorneys has increased from eight to ten during Fiscal Year 1979, it is anticipated that the ratio between staff and panel attorney appointments will not change dramatically in light of the increase in the number of cases at the Circuit Court caseload, the Assignment Office of the Circuit Court for Prince George's County increased the number of courtrooms available for criminal cases from three to four during Fiscal Year 1979 and in light of the decision of the Court of Appeals of Maryland in State v. Hicks, \_\_\_ Md. \_\_\_ (decided June 25, 1979 and modified July 19, 1979), which mandates the prompt disposition of criminal cases, the Assignment Office of the Circuit Court for Prince George's County will be increasing the number of courtrooms available for criminal cases from four to four and one-half per day (calculated on a weekly basis) during Fiscal Year 1980.

During Fiscal Year 1979 this District received an unprecedented number of homicide cases, most of which were handled by staff attorneys. Effective July 1, 1978 there is a new death penalty statute in Maryland and the District Public Defender has already been engaged in the defense of two death penalty cases.

At least five additional death penalty cases are in the stages of litigation at this time and it is anticipated that until there is a clear ruling on the constitutionality of the death penalty statute by the Court of Appeals of Maryland, a significant number of death penalty cases will continue to be litigated in this District. Of the two death penalty cases handled as of this date, one resulted in a sentence of life imprisonment and the other case resulted in a total sentence of 50 years imprisonment on a conviction of a second degree murder and related counts.

Fee payments to panel attorneys were reduced during Fiscal Year 1979 from approximately \$289,000 to \$274,300. With the addition of two staff attorneys during Fiscal Year 1979, we are hopeful of reducing the fees paid to panel attorneys. However, it is difficult to predict with certainty whether any substantial savings can be made in fees paid to panel attorneys in light of the Hicks decision and the increasing amount of time that it is taking to dispose of criminal jury trials at the Circuit Court level.

The Juvenile Court docket, which is now approaching 1100 cases per year is handled totally by staff attorneys, except for infrequent daily overloads, specially assigned lengthy cases and vacations.



We now have a staff attorney assigned to each of the three District Court locations (Hyattsville, Oxon Hill, Upper Marlboro) on a full time basis and these attorneys have developed an expertise at the District Court level.

Our collection procedures have resulted in reimbursements from our clients in the amount of \$42,052.50 for Fiscal Year 1979. This compared to \$26,794.80 for Fiscal Year 1978 and our collection procedures have resulted in a substantial increase in the reimbursement of fees from defendants. Through the efforts of our staff and investigators, these collections of almost \$42,000 in Fiscal Year 1979 cover the cost of approximately three to three and one-half secretaries in an office to which only five secretaries have been allotted.

We declined to represent 1592 applicants for our services at all Court levels, even though the judges at all Court levels continue to refer borderline and marginal cases to our office with minimum screening being done by the Courts.

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, proved to be very costly.

During the year, the vast majority of all appeals to the Court of Special Appeals of Maryland and Court of Appeals of Maryland were handled by our Appellate Division in Baltimore.

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 paralegal personnel, prior to the bond hearing, interview each individual; then under the supervision of an attorney our paralegal personnel present at the bond hearing recommendations to the District Court judge. Despite other duties and responsibilities our paralegal personnel are, in addition, handling this bond program mainly because of its tremendous service to the arrestees and its vast savings of public funds.

We are pleased that we have been able to hire two paralegals who are working approximately 35 hours a week. The paralegals are assisting with legal research, bond hearings, Juvenile Court representation, interviewing clients at all Court levels for indigency qualifications and assisting the public defender aide in obtaining discovery in criminal cases.

Our five secretaries have again responded well beyond reasonableness in maintaining the efficient administration of the offices, notwithstanding the overwhelming caseload. The 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 because of budget limitations and is seriously affecting the efficiency of our District Court operation.

Our present staff of five investigators and one and one-half public defender aides is still overburdened with the present caseload. We are receiving a significant number of cases for disposition of detainers in both interstate and intrastate cases and we are receiving daily requests from inmates incarcerated throughout the State for the filing of Motions for Reduction of Sentence. In addition, we are filing a significant number of Motions for Bond pending appeal and arguing these Motions in open Court. This work is handled entirely in-staff and takes up a significant amount of time for the full time public defender aide, paralegals, and supervising staff attorneys. We are also receiving a significant number of requests for investigations to be conducted on Circuit Court felony cases. Although investigators are assigned in the morning to the District Courts, they are left with basically only the afternoons to conduct investigations and handle the other duties and responsibilities toward adequate case preparation.

During the year, through American University and Georgetown University, our District Court staff attorneys participated in legal 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.

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 Courthouse and a second small one-room office has been opened on the ground floor of the Courthouse for interviewing clients who are juveniles.

During Fiscal Year 1979 we received additional office space at the Bowie Building, located adjacent to the Courthouse. Our present Main Office facility continues to be inadequate for the efficient operation of this District, as there is simply not enough office space for our existing personnel and the staff attorneys do not even have a private office to meet with clients. We are looking at alternative office space in the Upper Marlboro area and hope to enter into a new lease agreement for a Main Office facility during Fiscal Year 1980.

District No. 6  
Montgomery County

District Public Defender  
J. James McKenna

414 Hungerford Drive  
Rockville, Md. 20850

Total Population	592,500
No. of Panel Attorneys	429
No. of District Courts (2 Juvenile Courts)	7
U. S. Commissioner	1
No. of Circuit Courts	1

District No. 6's office remains in a private office building within easy walking distance of the Circuit Courthouse. The District Defender, six assistants, one public defender aide, and one and one-half investigators and three secretaries are housed at this location. We have lost two public defender aides, one will go to law school in the Fall and the other has been hired by a private law firm as a full time law clerk. Additionally, we have lost the law clerk's position due to a cutback by the Legislature, although this situation should be remedied in the Fall.

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 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 pilot project is running into some difficulties. The lawyers continue to be paid at the rate of \$10 per hour for this project, the same rate as was announced in the summer of 1973. They are justifiably upset by this, but there is no funding to improve upon it. As a consequence we are having great difficulty in maintaining a sufficient number of lawyers to adequately handle the pilot project. It is possible, if not probable, that during the next fiscal year, we will have to obtain another Assistant Public Defender, two, to take over the

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defense work in the Juvenile Court since it does not appear that the Juvenile Court pilot project has many more months left in its life.

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.

The participation of the members of the Bar as panel lawyers continues to grow each year in Montgomery County. This is a healthy sign of participation by the Bar Association, but fiscal problems continue to mount. There is going to be less money available for panel lawyers during the next fiscal year than there was last year, and we were successful in cutting back 9% during the last fiscal year for money spent on panel lawyers over the previous year. There seems to be a collision course brewing between the zealous attitude of the members of the Montgomery County Bar toward handling Public Defender cases and the ever-decreasing amount of panel money available to pay them. It is this office's best judgment that the 1980 Fiscal Year is going to be a watershed in the history of the Public Defender's Office.

The District Defender and his Deputy handle cases at the Circuit Court level as well as handling all of the petty tasks which occur on a daily basis at the Circuit Court, such as bench warrants, arraignments, and various incidental matters. For the most part, the Circuit Court judges are prompt in handling the matters when the District Defender arrives at the Courthouse, thus not taking an inordinate amount of time out of the working day to handle what essentially is an accommodation to the Court.

The daily running of the office continues to make this one of the best law offices in the County, due in large measure to the excellent attitude of the secretarial and administrative staff toward their jobs. They do not personify or typify what might be considered to be a bureaucratic attitude, which is a very healthy status indeed.

This office definitely needs to have a law clerk on a full time basis, and we will continue to seek one. It is our understanding that we will receive one with the beginning of September 1979, to be paid on a contractual basis.

District No. 7  
Anne Arundel County

Acting District Public Defender  
Stephen E. Harris

60 West Street  
Annapolis, Md. 21401

91 Aquahart Road  
Glen Burnie, Md. 21061

District Court of Maryland  
District Court Bldg.  
Taylor Ave. & Rowe Blvd.  
Annapolis, Md. 21401

Total Population	348,800
No. of Panel Attorneys	94
District Court Locations	2
Circuit Court Locations	1
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, Md. with branch offices located at both District Court locations in Anne Arundel County.

During Fiscal Year 1979, this office accepted 3039 new cases for legal representation. During the same period 2848 cases were closed. A total of 545 persons who applied for services from this office were rejected because they did not satisfy the financial guidelines for indigency. There was a slight decrease of 155 new cases in 1979 from the previous year.

Due to retrictions imposed by the unavailability of panel attorney monies, the vast majority of cases in District No. 7 was handled by the staff attorneys in the Anne Arundel County office. Of the total number of cases received for representation, only 128 were paneled to the private Bar. This office was able to reduce its total panel attorney expenditures by \$12,117.09 in Fiscal Year 1979, from \$49,926.16 in Fiscal Year 1978 to \$37,809.07.

At the same time, the caseload per staff attorney increased from an average of 300 cases per annum to one in excess of 400. While it is obvious that legal representation is more economically provided by staff attorneys, the ever increasing caseload per attorney clearly necessitates either an increased panel

attorney allocation or an additional Assistant Public Defender position.

District No. 7 continues to be staffed by a total of eight trial attorneys in addition to the District Public Defender, four investigators and four secretaries. With the present complement of attorneys and investigators, the daily operational plan for this office provides for the appearance of six 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 these attorneys assigned to the Criminal Court in Annapolis, one attorney provides daily representation to indigents in the District Court now located at Rowe Boulevard, while one attorney is regularly assigned to juvenile cases 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 No. 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. 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 of 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 seven 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, Md. 21204

Total Population	635,300
Panel Attorneys	87
District Court	3
Circuit Court	1
Juvenile Courts (2 Masters)	1

<u>Cases Completed During Year</u>	<u>Increase from 1977-1978</u>
District Court 3529	+34%
Circuit Court 685	+16%
Juvenile Court 530	- 3%
<u>4744</u>	

There were 189 Circuit Court cases assigned but not yet tried at the end of the year.

The sum of \$82,601 was paid to panel attorneys in the Circuit Court for an average of \$143 per case. 109 Circuit Court defendants were represented by R. Clark Kinsley and the District Public Defender.

The sum of \$15,000 was paid to two panel attorneys who handle all the juvenile cases. This amount came to an average of \$27.00 per case.

The sum of \$14,285 was collected during the course of the year from various defendants represented by this office.

#### GENERAL METHOD OF OPERATION

Circuit Court: These cases are represented by our panel of about 80 attorneys together with those cases handled by R. Clark Kinsley of this office and the District Public Defender. A significant part of the increase in the number of Circuit Court cases is due to the fact that we have been providing representation in violation of probation cases since a recent appellate decision in that regard.

Juvenile Court: All juvenile cases are handled by two panel attorneys who work on a per diem basis. These attorneys do the initial interviewing to determine indigency, attend all the arraignment sessions of the Juvenile Court and represent the juveniles at their trial. Just recently we have been authorized to hire a contractual worker who is to work about 20 hours a week to help the attorneys and this should alleviate the burden upon the attorneys for the present time.



District Court: There are presently 43 morning or afternoon criminal sessions in the five separate District Courts located throughout Baltimore County. These sessions are covered by four staff attorneys, the District Public Defender and one contract attorney who covers one Court two days a week. During the past year an investigator has been utilized in connection with the Dundalk and Essex Courts and another for the Halethorpe and Owings Mills Courts. The investigator arranges interviews to predetermine indigency and to prepare the case investigation for use at trial. This arrangement has been very helpful to the staff attorneys in the various District Courts and has practically eliminated the complaint that the defendant has not been talked to or seen by someone from our office until the date of the trial.

District Court-Jail Day: Indigent persons arrested on misdemeanor charges who are unable to obtain their release from custody are tried on the following Tuesday or Thursday in the Towson District Court. One of our staff attorneys is in charge of that Court. He interviews all the defendants in the Baltimore County Jail and represents them on the two trial days a week.

Staff: Our permanent staff is composed of the District Public Defender, his first assistant, five staff attorneys and two splendid secretaries. During part of this past year we have been greatly helped by the addition of the two investigators utilized in the District Courts, the one attorney who helps two days a week in the District Court and the newly acquired contractual employee who works with the attorneys in the Juvenile Court System.

District No. 9  
Harford County

District Public Defender  
Henry C. Engel, Jr.

Equitable Building  
220 South Main St.  
Bel Air, Md. 21014

P. O. Box 311  
Bel Air, Md. 21014

Total Population	145,162
Panel Attorneys	14
District Courts	2 (3 Judges)
Circuit Courts	1 (3 Judges, 1 Juvenile Master)

The District No. 9 office has completed 13 years of operation. The addition of the fourth staff attorney during the year has been most helpful and in spite of the assignment of a second judge to criminal cases in Circuit Court, additional days for the Juvenile Master and extra sessions in District Court, we were able to substantially reduce our panel attorney costs.

We again noted an increase in longer and more complex trials which resulted in no real gain in cases closed. However, we ended the year with a 64% increase in cases on hand awaiting disposition. The staff closed one appellate case, 203 Circuit Court cases, 505 District Court cases, 219 Juvenile Court cases, for a total of 927. The staff also handled approximately 500 miscellaneous appearances as well.

During the fiscal year we authorized for payment a total of \$10,187.52, in panel attorney fees in 246 cases for an average cost of about \$41.25 per case. This broke down as follows: \$1,327.07 for 14 Circuit Court cases, averaging \$94.79; \$8,815.45 for 231 District Court cases, averaging \$38.16 each; and one Juvenile Court case of \$45.00. We also increased our reimbursements by clients from \$790.00 in Fiscal Year 1978 to \$2,873.75 this past year.

Our two secretaries continue to be unsung heroes of our operation and without their dedication and competence we could not succeed. With the continued cooperation of all concerned, we hope to be able to continue to provide quality representation to our clients in an efficient manner without too many problems.

District No. 10  
Howard and Carroll Counties

District Public Defender  
Orrin J. Brown, III

3691 Park Avenue  
Ellicott City, Md. 21043

13 N. Court St.  
Westminster, Md. 21157

Total Population	237,243
Panel Attorneys	43
District Courts	4
Circuit Courts	5

During the Fiscal Year 1978 staff in District No. 10 has remained constant with one District Public Defender, four Assistant Public Defenders, three investigators, and three secretaries. The staff has performed well over this period.

Caseload has increased by 25% (from 1597 to 2118) based upon cases accepted. The primary reason for this substantial increase in cases has been the continued reliance by the Court on our office to handle juvenile cases of all kinds.

Effective October 1979 a new District Court will be opened in Howard County. The result will be two additional criminal days, making for a total of seven full criminal days in District Court. We currently have one Assistant Public Defender handling the five full days of Criminal Court. While we will attempt to handle the additional Criminal District Court days in staff, occasions may arise when paneling becomes necessary.

The Hicks decision will have little or no effect on our staff during Fiscal Year 1979. The backlog of Circuit Court criminal cases in Howard County was substantially alleviated during April, May and June of 1979. Our office was able to meet the increase in cases during that period as a result of the loan of an Assistant Public Defender from Baltimore City.

District No. 11  
Frederick and Washington Counties

District Public Defender  
William R. Leckemby, Jr.

18 West Church St.  
Frederick, Md. 21701

120 W. Washington St.  
Hagerstown, Md. 21740

Total Population	210,000
Panel Attorneys	33
District Courts	4
Circuit Courts	4
Juvenile Courts	2

The Public Defender's Office in District No. 11 consisting of Frederick and Washington Counties, is staffed by the District Public Defender who is headquartered in Frederick County, a Deputy District Public Defender who is in Washington County, one Assistant Public Defender for Washington County and one Assistant Public Defender for Frederick County, two investigators and two full time secretaries.

During this fiscal year, 2029 individuals were accepted for representation, an increase of 348 over last fiscal year; 336 applicants were rejected because they failed to meet the established financial guidelines. During this fiscal year, 1878 cases were closed of which number, 1292 were closed by staff

attorneys and the balance of 586 cases being closed by panel attorneys.

A breakdown of the cases closed follows:

	<u>Staff</u>	<u>Panel</u>
Inmate Services	13	
Mental Health		10
Circuit Court	312	108
District Court	792	426
Juvenile Court	175	42
	<u>1292</u>	<u>586</u>

Despite the increase of the caseload which has grown steadily since the inception of the Public Defender System, our District fortunately managed to operate within the budgetary guidelines established for our office, thanks to the dedication of the staff and the understanding of our panel attorneys. However, should our caseload continue to increase, as anticipated, additional staff will be necessary to avoid increased panel expenditures.

District No. 12  
Allegany and Garrett Counties

District Public Defender  
Paul J. Stakem

227 Algonquin Hotel  
Cumberland, Md. 21502

Total Population	107,300
Panel Attorneys	26
District Courts	2
Circuit Courts	2
Juvenile Courts	2

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, Md. There are no Assistant Public Defenders assigned to this office.

Twenty-six members of the Allegany and Garrett County Bars comprise the panel for District No. 12 with 19 of these attorneys residing in Allegany County. Two of the panel attorneys have offices and are assigned cases in both counties. As can be seen from the statistics set forth below, almost half of the cases defended by this office in Allegany County were handled personally

by the District Public Defender and nearly all of the cases defended by this office in Garrett County were assigned to the nine 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 No. 12 accepted 854 indigent defendants as clients. Another 113 prospective clients were rejected in accordance with financial eligibility guidelines. The number of cases accepted represents an increase of 28 cases over the caseload of Fiscal Year 1978. It should also be noted that in every fiscal year except 1977, the caseload has increased over the previous year's total. Primarily because of the economic conditions and high unemployment rate which exists in Western Maryland, the trend of a progressive increase in the number of indigent defendants eligible for the services of the Public Defender's Office can be expected to continue, and an increase in the Fiscal Year 1980 caseload is anticipated.

Of the 854 cases accepted during the 1979 Fiscal Year, 267 cases originated in Garrett County and the remaining 587 cases in Allegany County. All Garrett County cases were assigned to panel attorneys, and of the 587 Allegany County cases, 284 were handled personally by the District Public Defender and the remaining 303 cases were assigned to panel attorneys. During the same fiscal year, a total of 834 cases were closed, 252 of these being closed by Garrett County panel attorneys. Of the remaining 582 cases, 287 were closed by the District Public Defender and 295 were closed by Allegany County panel attorneys. Fees paid to panel attorneys during 1979 totalled \$49,191.19, for an average fee of \$89.93 per case. A breakdown of the cases closed according to Courts, shows that 15% of the cases closed were tried in the Circuit Courts, 72% in the District Courts, and the remaining 13% in the Juvenile Courts.

Early in the 1980 Fiscal Year, the District No. 12 Office will move to the District Court Building, 59 Prospect Square, Cumberland, Md. The proximity of our office, which will be adjacent to District Court, may have the effect of further increasing the caseload at the District Court level. In view of the fact that no increase in staff is considered practical at this time, a moderate increase in the allocation of funds for payment to panel attorneys appears necessary if this office is to be able to continue to provide competent, effective representation of the increasing number of indigent defendants who are entitled to our services. Aside from this need for an additional appropriation of funds, no other problems are anticipated in the operation of the District 12 Office during the 1980 Fiscal Year.

## OFFICE OF THE PUBLIC DEFENDER

## OVERALL BUDGET APPROPRIATION

<u>22.02.00.00 Office of the Public Defender</u>	<u>1979 Actual</u>	<u>1980 Appropriation</u>	<u>1981 Request</u>
Number of Authorized Positions	277	276	291
Salaries and Wages	\$ 4,843,391	\$ 5,262,909	\$ 5,493,168
Technical and Special Fees*	1,517,447	1,227,474	1,280,358
Operating Expenses	851,836	846,511	923,129
<b>TOTAL GENERAL FUND APPROPRIATION</b>	<b>\$7,212,674</b>	<b>\$7,336,894</b>	<b>\$7,696,655</b>

## GENERAL ADMINISTRATION BUDGET

22.02.00.01 Office of the Public Defender

Number of Authorized Positions		16	16
Salaries and Wages	\$	\$ 315,579	\$ 308,247
Technical and Special Fees*		15,700	3,000
Operating Expenses		60,540	29,977
<b>TOTAL GENERAL FUND APPROPRIATION</b>		<b>\$ 391,819</b>	<b>\$ 341,224</b>

## DISTRICT OPERATIONS BUDGET

<u>22.02.00.02 Office of the Public Defender</u>	<u>1979 Actual</u>	<u>1980 Appropriation</u>	<u>1981 Request</u>
Number of Authorized Positions		214	224
Salaries and Wages	\$	\$ 3,969,114	\$ 4,265,276
Technical and Special Fees		1,052,374	1,131,735
Operating Expenses		407,614	487,213
<b>TOTAL GENERAL FUND APPROPRIATION</b>	<b>\$</b>	<b>\$5,429,102</b>	<b>\$5,884,224</b>

## APPELLATE AND INMATE SERVICES REPORT

22.02.00. 03 Office of the Public Defender

Number of Authorized Positions		34	36
Salaries and Wages	\$	\$ 710,750	\$ 673,978
Technical and Special Fees*		92,900	106,723
Operating Expenses		347,443	372,516
<b>TOTAL GENERAL FUND APPROPRIATION</b>	<b>\$</b>	<b>\$1,151,093</b>	<b>\$1,153,217</b>

## INVOLUNTARY INSTITUTIONALIZATION SERVICES BUDGET

<u>22.02.00.04 Office of the Public Defender</u>	<u>1979 Actual</u>	<u>1980 Appropriation</u>	<u>1981 Request</u>
Number of Authorized Positions		12	15
Salaries and Wages	\$	\$267,466	\$ 245,667
Technical and Special Fees*		66,500	38,900
Operating Expenses		30,914	33,423
<b>TOTAL GENERAL FUND APPROPRIATION</b>		<b>\$364,880</b>	<b>\$317,990</b>

PERSONNEL ALLOCATIONS

PROGRAM .01

ADMINISTRATION (16 Positions)

Public Defender	1
Deputy Public Defender	1
Chief Investigator	1
Administrator	1
Accountant	1
Administrative	2
Fiscal	3
Secretaries	2
Personnel	2
Records & Statistics	2

PROGRAM .02

DISTRICT OPERATIONS (214 Positions)

DISTRICT #1

District Public Defender	1
Attorneys	49
Investigators	25
Law Clerks/Para-legals	8
Secretaries	15

DISTRICT #2

District Public Defender	1
Attorneys	3
Investigator	1
Secretaries	3

DISTRICT #3

District Public Defender	1
Attorneys	2
Investigator	1
Law Clerk/Para-legals	.5
Secretary	1

DISTRICT #4

District Public Defender	1
Attorneys	3
Investigator	1
Law Clerks/Para-legals	.5
Secretaries	3

DISTRICT #5

District Public Defender	1
Attorneys	9
Investigators	5
Law Clerks/Para-legals	1.5
Secretaries	5

DISTRICT #6

District Public Defender	1
Attorneys	6
Investigators	4
Law Clerks/Para-legals	1
Secretaries	4

DISTRICT #7

District Public Defender	1
Attorneys	8
Investigators	3.5
Secretaries	4

DISTRICT #8

District Public Defender	1
Attorneys	6
Investigators	2
Secretaries	2

DISTRICT #9

District Public Defender	1
Attorneys	3
Investigator	1
Secretaries	2

DISTRICT #10

District Public Defender	1
Attorneys	4
Investigators	3
Secretaries	3

DISTRICT #11

District Public Defender	1
Attorneys	3
Investigators	2
Secretaries	2

DISTRICT #12

District Public Defender	1
Investigator	1
Secretary	1

PROGRAM .03

APPELLATE AND INMATE SERVICES

APPELLATE (20 Positions)

Chief Attorney	1
Attorneys	10
Investigator	1
Secretaries	8

INMATE SERVICES (14 Positions)

Chief Attorney	1
Attorneys	5
Investigator	1
Legal Assistants	4
Secretaries	3

PROGRAM .04

INVOLUNTARY INSTITUTIONALIZATION (12 Positions)

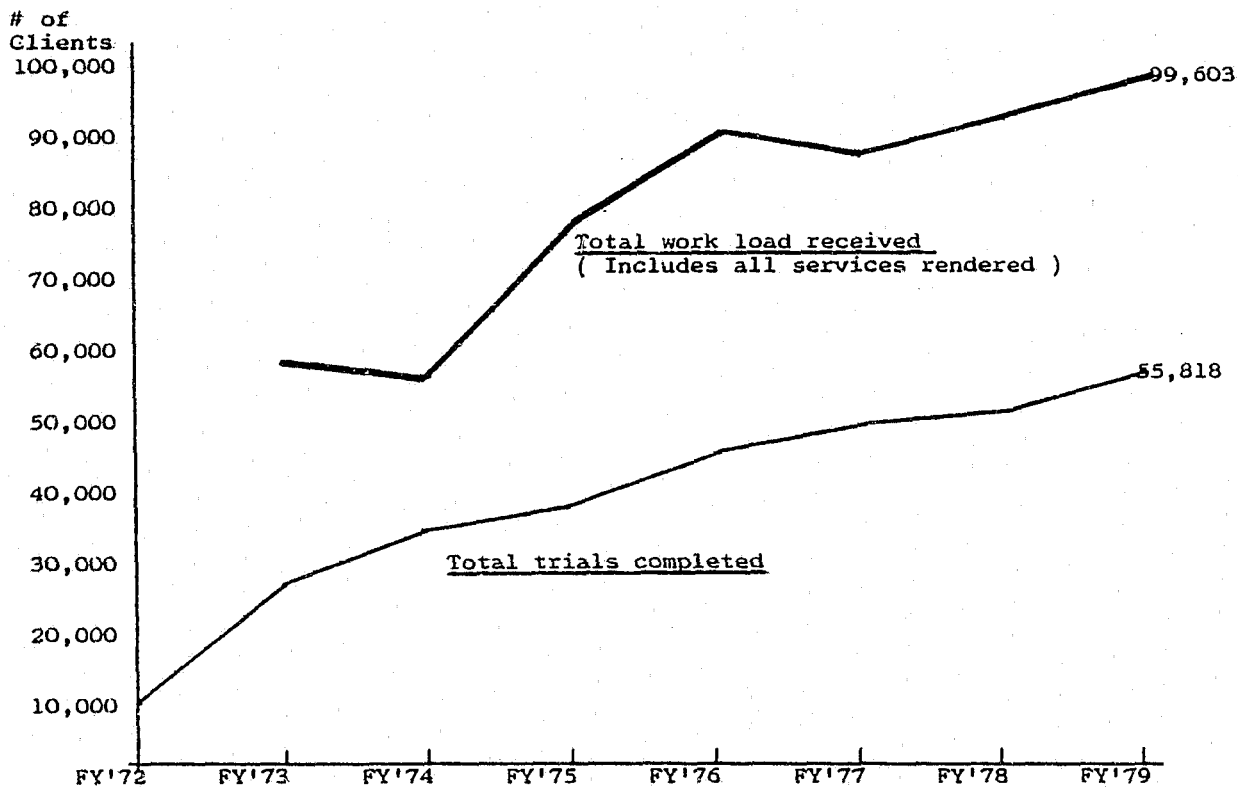
Chief Attorney	1
Attorneys	5
Investigators	4
Secretaries	2

OFFICE OF THE PUBLIC DEFENDER  
Courts: All Courts  
Period: July 1, 1978 to June 30, 1979

Total Number of Incidents of Representation Completed...*	91,601
Total Expenditures (Including IEAA Grants).....	\$7,212,674
Average Cost for All Cases (Including Payments to Panel Attorneys).....	\$ 79
Total Fees Paid Attorneys.....	\$1,196,465
Average Per Case Cost of Direct Payments to Panel Attorneys.....	\$ 139

\*Includes 711 Appeal Cases Closed; 465 Panel Cases Completed in FY.'79 but paid out of FY.'80 funds.

WORK LOAD ANALYSIS





WORKLOAD DISTRIBUTION

PERIOD JULY 1, 1978 TO JUNE 30, 1979

<u>Division</u>	<u>Total Cases Accepted</u>	<u>Other Defense Services Provided</u>	<u>Total Workload</u>	<u>% Overall Workload</u>	<u>% Workload District Operations</u>
District #1	28,857	19,360	48,217	48.4%	54% *
2	2,299	94	2,393	2.4	2.7
3	957	390	1,347	1.4	1.5
4	2,260	801	3,061	3.1	3.4
5	5,287	4,092	9,379	9.4	10.5 *
6	4,665	2,609	7,274	7.3	8 *
7	3,154	642	3,796	3.8	4.2 *
8	4,385	1,303	5,688	5.7	6.4 *
9	1,336	576	1,912	1.9	2.1
10	2,033	809	2,842	2.9	3.2
11	2,050	496	2,546	2.6	2.8
12	854	176	1,030	1	1.2
District Totals	58,137	31,348	89,485	89.9%	100%
Appellate	822	615	1,437	1.4	
Inmate Services		2,227	2,227	2.2	
Involuntary Institutionalization Services		6,454	6,454	6.5	
	58,959	40,644	99,603	100%	

\*The Five Metropolitan Districts carry 83.1% of the District Operations Workload.

DISTRICTS NO. 1 - 12  
Statistical Report  
Period: July 1, 1978 to June 30, 1979  
Percent of Workload Completed

	<u>DISTRICT NO. 1</u>			<u>DISTRICTS NO. 2 - 12</u>			<u>TOTALS</u>		
	<u>Cases Completed By Trial</u>	<u>Other Defense Services</u>	<u>Total</u>	<u>Cases Completed By Trial</u>	<u>Other Defense Services</u>	<u>Total</u>	<u>Cases Completed by Trial</u>	<u>Other Defense Services</u>	<u>Total</u>
Cases Completed	23,999	25,262	49,261	24,963	11,988	36,951	48,962	37,250	86,212
Percent Completed			57%			43%			100%
By District No. 1									
By Districts No. 2 - 12									
Total									

Period: July 1, 1978 to June 30, 1979  
Percent Released

	<u>DISTRICT NO. 1</u>				<u>DISTRICTS NO. 2-12</u>				<u>TOTALS</u>			
	<u>Juv.</u>	<u>Dist.</u>	<u>Crim.Ct. Supreme Bench</u>	<u>Total</u>	<u>Juv.</u>	<u>Dist.</u>	<u>Crim.Ct. Supreme Bench</u>	<u>Total</u>	<u>Juv.</u>	<u>Dist.</u>	<u>Crim.</u>	<u>Total</u>
Total Cases	4,837	15,328	7,234	27,399	3,401	16,958	5,417	25,776	8,238	32,286	12,651	53,175
Less:												
Private Counsel	(122)	(650)	(697)	(1469)	(55)	(397)	(287)	(739)	(177)	(1047)	(984)	(2208)
Held for Grand Jury	-	(1925)	(6)	(1931)	-	(68)	(6)	(74)	-	(1993)	(12)	(2005)
Net Cases Completed	4,715	12,753	6,531	23,999	3,346	16,493	5,124	24,963	8,061	29,246	11,655	48,962
Less:												
Jail/Correctional Institutions	339	1148	2,136	3,840	354	1,848	1,773	3,975	693	2,996	3,909	7,598
Released	4,376	11,605	4,395	20,159	2,992	14,645	3,351	20,988	7,368	26,250	7,746	41,364
Percent Released	92%	91%	67%	84%	89%	89%	65%	84%	91%	90%	66%	84%

DISTRICT COURT  
Detailed Statistical Report  
Districts: 1 - 12  
Period: July 1, 1978 to June 30, 1979

WORKLOAD

The Office of the Public Defender provided counsel for \_\_\_\_\_ 30,160  
indigent defendants, facing a total of charges \_\_\_\_\_ 48,185

DISPOSITION:

Private counsel was retained in \_\_\_\_\_ 1,047  
cases. Of the balance represented \_\_\_\_\_ 1,993  
defendants were held for the Grand Jury  
representing approximately \_\_\_\_\_ 0.07%

Prison/Jail/Correctional Institution terms were received in \_\_\_\_\_ 2,814  
cases, representing approximately \_\_\_\_\_ 0.09%  
of the total cases.

ACTIVITY

The daily average of completed cases was \_\_\_\_\_ 122

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 \_\_\_\_\_ 45%  
of the defendants, with an unemployment rate of \_\_\_\_\_ 72%

The majority of the defendants or approximately \_\_\_\_\_ 82%  
are male.

Approximately \_\_\_\_\_ 25%  
are head of household.

Those shown on welfare are \_\_\_\_\_ 11%

Those addicted to drugs in one form or another are \_\_\_\_\_ 16%

The average weekly wage of those shown is \_\_\_\_\_ \$80

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

Of the total charges \_\_\_\_\_ 82%  
are misdemeanors.

**DISTRICT COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**Period: July 1, 1978 to June 30, 1979**

District	1*	2	3	4	5	6	7	8	9	10	11	12	Total
Total Cases Completed	13,207	9,109	1,060	2,983	2,626	1,757	678	819	1,106	562	0	160	
Total Charges Involved	22,250	2,434	937	1,560	4,308	3,869	2,446	4,941	1,128	1,249	1,979	1,084	48,185
<b>TYPE OF CHARGES</b>													
Felony	3,031	662	136	275	1,100	1,051	420	988	149	209	426	192	8,639
Misdemeanor	19,219	1,772	801	1,285	3,208	2,818	2,026	3,953	979	1,040	1,553	892	39,546
<b>DISPOSITION OF CHARGES</b>													
A. Fine and Costs	2,174	518	111	253	339	284	448	684	279	251	331	294	5,966
B. Jail/Prison Term	1,494	277	191	230	540	201	165	405	151	105	229	121	4,109
C. PBV/PW	1,327	152	67	35	525	216	222	1,080	123	127	101	62	4,037
D. Not Guilty	1,852	291	108	68	322	191	288	581	148	177	191	125	4,340
E. Dismissed	2,358	149	15	34	108	396	99	15	55	20	47	121	3,417
F. Held for Grand Jury	3,192	-	1	3	4	17	7	13	-	1	84	-	3,322
G. S/S & Probation	1,626	278	120	117	547	326	276	479	105	113	129	54	4,170
H. S/S	521	30	15	26	137	41	26	94	2	11	26	31	960
I. Hospital Term	-	13	-	1	10	2	-	13	7	3	5	7	61
J. Charge (s) Reduced	-	2	-	8	52	46	19	-	-	-	18	27	172
K. Stet	2,193	87	15	233	280	5	58	600	55	141	124	40	3,831
L. Nolle Prosequi	871	351	127	346	910	1,252	268	486	153	163	273	123	5,323
M. Retained Counsel	1,012	64	24	44	38	145	132	14	18	54	44	37	1,626
N. Other & Not Shown	3,630	222	143	164	496	747	438	477	32	83	377	42	6,851
<b>DEFENDANT CHARACTERISTICS</b>													
A. Racial/Ethnic Groups													
1. Caucasian	3,315	831	330	573	1,185	1,296	1,172	2,331	487	593	859	538	12,510
2. Negro	9,876	529	130	468	1,613	772	549	1,121	168	183	225	22	15,656
3. Puerto Rican	-	1	5	1	7	21	2	6	-	1	5	-	49
4. American Indian	11	2	-	-	-	2	1	2	-	1	1	-	20
5. Oriental	-	-	1	-	11	20	3	6	6	1	1	-	49
6. Other & Not Shown	-	29	23	18	167	515	25	25	17	40	15	2	876

\*2126 District 1 cases completed in FY.'79 are not included in this schedule.  
 (These cases were closed after July 1, 1979.)

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
B. Sex													
1. Male	11,167	1,136	405	886	2,237	2,149	1,424	2,679	538	700	912	473	24,706
2. Female	2,035	256	84	174	746	477	328	812	140	119	194	89	5,454
C. Age													
0-20 years	3,582	448	118	329	798	427	487	1,155	178	253	288	167	8,230
21-30 years	5,887	523	208	443	1,207	799	799	1,510	312	366	422	223	12,699
31-40 years	2,191	162	80	116	340	202	251	422	79	99	160	66	4,168
41-50 years	1,019	100	29	85	132	89	94	169	38	42	99	46	1,942
51-60 years	297	43	13	36	89	56	40	90	15	22	55	22	778
61-70 years	162	24	5	12	26	24	13	43	5	4	14	14	346
71 and Over	64	4	-	1	4	3	5	7	-	1	3	3	95
Other & Not Shown	-	88	36	38	387	1,026	63	95	51	32	65	21	1,902
D. Head of Household	3,420	324	167	258	809	539	410	749	210	192	307	190	7,575
E. Welfare Recipient	2,189	52	43	69	242	178	102	340	71	10	71	47	3,414
F. Addictions													
1. Alcohol	949	103	83	66	120	236	126	333	115	71	173	65	2,440
2. Narcotics	864	17	8	9	96	154	79	79	15	33	8	8	1,370
3. Methadone	346	3	-	1	11	7	2	15	2	-	2	-	389
4. Non-Narcotic	-	10	7	2	8	20	12	52	26	1	7	3	148
5. Other & Not Shown	456	9	3	-	29	13	1	25	6	2	5	11	560
G. Employed	4,396	507	74	188	740	452	486	842	210	208	173	104	8,380
H. Unemployed	8,806	885	415	872	2,243	2,174	1,266	2,649	468	611	933	458	21,780
I. Education (Avg. Years)	10	10	10	10	11	9	11	11	11	11	10	11	10
<b>DISPOSITION (DEFENDANT)</b>													
1. Released/Supervised Release	7,491	1,046	304	729	2,208	1,800	1,217	2,786	550	636	720	441	19,928
2. Held for Grand Jury	1,925	-	1	3	4	11	6	11	-	1	31	-	1,993
3. Jail/Prison Term	966	163	107	166	403	152	139	318	96	82	147	75	2,814
4. Private Counsel	650	36	12	26	29	97	94	8	11	37	22	25	1,047
5. Other & Not Shown	2,170	147	65	136	339	566	296	368	21	63	186	21	4,378

CIRCUIT COURT  
Detailed Statistical Report  
Districts: 1 - 12  
Period: July 1, 1978 to June 30, 1979

WORKLOAD

The Office of the Public Defender provided counsel for \_\_\_\_\_ 12,651  
indigent defendants, facing a total of charges \_\_\_\_\_ 24,028

DISPOSITION

Private Counsel was retained in \_\_\_\_\_ 984  
cases representing approximately \_\_\_\_\_ 8%  
of the total cases.

Prison/Jail/Correctional Institution terms were received in \_\_\_\_\_ 3,909  
cases, representing approximately \_\_\_\_\_ 31%  
of the total cases.

Of the balance \_\_\_\_\_ 7,758  
defendants were released, either under some sort of  
supervision or as a result of dismissals or findings of  
innocence, representing approximately \_\_\_\_\_ 61%  
of the total cases.

The daily average of completed cases was \_\_\_\_\_ 51

PROFILE

The overall profile of the average defendant seeking  
representation by the office of the Public Defender is:  
a young \_\_\_\_\_ 25  
year-old Negro who represents \_\_\_\_\_ 63%  
of the defendants, with an unemployment rate of \_\_\_\_\_ 88%

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

Approximately \_\_\_\_\_ 20%  
are head of household.

Those shown on welfare are \_\_\_\_\_ 6%

Those addicted to drugs in one form or another are \_\_\_\_\_ 20%

The average weekly wage of those shown is \_\_\_\_\_ \$97

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

Of the total charges \_\_\_\_\_ 53%  
are felonies.

**CIRCUIT COURT**  
**Statistical Report**  
**Districts: 1 - 12**  
**Period: July 1, 1978 to June 30, 1979**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
Total Cases Completed	7234	417	198	419	1194	562	943	624	190	387	375	108	12,655
Total Charges Involved	2917	1120	401	875	2571	1178	1079	1391	513	848	828	307	24,020
<b>TYPE OF CHARGES</b>													
Felony	7104	580	138	362	1224	636	575	791	276	340	428	190	12,640
Misdemeanor	5813	540	263	513	1347	542	504	600	237	508	400	117	11,300
<b>DISPOSITION OF CHARGES</b>													
A. Fine and Costs	94	54	12	16	44	13	20	30	6	17	31	19	350
B. Jail/Prison Term	3087	295	94	192	769	326	353	410	105	130	140	65	5,960
C. PBV/PWV	132	34	18	9	32	37	25	39	10	47	19	3	400
D. Not Guilty	563	118	38	20	143	59	39	101	25	51	58	19	1,230
E. Dismissed	184	50	13	23	51	39	19	16	40	20	101	43	599
F. Held for Grand Jury	6	-	-	-	1	15	-	1	4	-	-	-	27
G. S/S & Probation	1833	109	88	84	277	150	189	213	59	126	81	73	3,282
H. S/S	138	24	6	7	37	18	10	24	3	2	27	9	305
I. Hospital Term	24	-	-	1	7	5	-	2	2	-	1	5	47
J. Charge(s) Reduced	6	1	-	1	7	3	1	1	-	-	9	-	29
K. Stet	1882	66	3	38	19	-	11	40	11	34	22	18	2,144
L. Nolle Prosequi	2789	245	46	355	715	309	93	316	178	266	195	27	5,430
M. Retained Counsel	1214	22	8	41	77	14	70	54	41	40	57	11	1,640
N. Other & Not Shown	965	102	75	188	392	190	249	144	29	115	87	15	2,551
<b>DEFENDANT CHARACTERISTICS</b>													
A. Racial/Ethnic Groups													
1. Caucasian	1275	218	138	206	416	282	526	357	146	239	253	95	4,151
2. Negro	5756	184	55	198	673	241	360	223	42	105	109	12	7,950
3. Puerto Rican	9	-	-	1	-	1	-	1	-	-	-	-	12
4. American Indian	3	-	-	-	1	1	-	-	-	-	-	-	5
5. Oriental	-	-	-	-	-	6	-	1	-	-	1	-	0
6. Other & Not Shown	191	15	5	14	104	31	57	42	2	43	12	1	517
<b>District</b>													
B. Sex	1	2	3	4	5	6	7	8					
1. Male	620	376	178	77	1090	495	892	571	76	343	349	94	11,561
2. Female					104	67	51	53	14	44	26	14	1,090
<b>C. Age</b>													
0-20 years	2156	133	74	135	268	101	214	148	57	108	88	26	3,508
21-30 years	2724	193	78	184	517	228	458	235	84	180	182	55	5,118
31-40 years	775	38	22	41	106	60	130	59	21	53	44	13	1,362
41-50 years	268	15	9	35	27	17	38	20	4	10	24	5	472
51-60 years	80	7	3	4	8	5	7	8	2	6	11	1	142
61-70 years								1	2	-	-	2	45
71 and Over												1	3
Other & Not Shown				19	265	147	96	153	20	30	26	5	2,001
D. Head of Household	1331	66	53	78	281	165	180	109	41	73	82	37	2,496
E. Welfare Recipient	499	10	14	13	66	51	30	28	15	7	3	5	741
<b>F. Addictions:</b>													
1. Alcohol	540	26	23	23	107	78	39	98	25	36	65	17	1,077
2. Narcotics	514	12	12	15	167	119	37	91	15	30	15	3	1,030
3. Methadone	33	-	-	-	9	2	2	1	2	1	1	-	51
4. Non-Narcotic	41	3	4	7	20	3	8	25	4	3	15	1	134
5. Other & Not Shown	124	3	1	2	22	21	8	11	3	-	-	8	203
G. Employed	758	80	21	28	237	71	153	51	46	51	24	16	1,536
H. Unemployed	6476	337	177	391	957	491	790	573	144	336	351	92	11,115
I. Education (Avg. Years)	10	11	10	10	11	11	10	10	10	11	10	11	10
<b>DISPOSITION (DEFENDANT)</b>													
1. Released/Supervised Release	381	181	80	179	492	262	359	244	95	217	178	51	6,155
2. Held for Grand Jur						2			2				12
3. Jail/Prison Term	213	152	65	94	453	172	300	241	57	86	112	41	3,909
4. Private Counsel	697	15	6	24	52	12	59	44	20	20	30	5	984
5. Other & Not Shown	578	69	47	122	196	114	225	94	16	64	55	11	1,591

DISTRICTS NO. 1 - 12  
Juveniles  
Detailed Statistical Report  
Period: July 1, 1978 to June 30, 1979

WORKLOAD

The Office of the Public Defender provided counsel for \_\_\_\_\_ 8,238  
indigent defendants, facing a total of charges: \_\_\_\_\_ 13,769

DISPOSITION

In addition to the above, private counsel was retained in \_\_\_\_\_ 177  
cases.

Correctional Institution terms were received in \_\_\_\_\_ 693  
cases representing approximately \_\_\_\_\_ 8%  
of the total cases.

The balance of \_\_\_\_\_ 7,545  
defendants were released, either under some sort of supervision or as a result of  
dismissals or findings of not delinquent, representing approximately \_\_\_\_\_ 92%  
of the total cases.

The daily average of completed cases was \_\_\_\_\_ 33

The overall profile of the average defendant seeking representation by the  
Office of the Public Defender is a young, approximately \_\_\_\_\_ 16  
year old Negro who represents \_\_\_\_\_ 57%  
of the defendants, with an unemployment rate of \_\_\_\_\_ 96%

The Majority of the defendants or approximately \_\_\_\_\_ 87%  
are male.

Approximately \_\_\_\_\_ 0.003%  
are head of household.

Those shown on welfare are \_\_\_\_\_ 10%

Those addicted to alcohol and/or drugs in one form or another are \_\_\_\_\_ 4%

The average education in years is \_\_\_\_\_ 8

Of the total charges \_\_\_\_\_ 71%  
are misdemeanors.

**JUVENILE COURT  
STATISTICAL REPORT  
DISTRICT: 1 - 12  
Period: July 1, 1978 to June 30, 1979**

District	1	2	3	4	5	6	7	8	9	10	11	12	Total
<b>TYPE OF CASES</b>													
Delinquency		200	75	258	524	227	47	284	168	139	162	72	6461
Waiver of Jurisdiction	387	11	11	2	27	1	1	54	2		4		500
Others including CINS	145	69	37	164	304	194	18	146	27	109	34	30	1277
Total Cases Handled	4837	280	123	424	855	422	66	484	197	248	200	102	8238
<b>TYPE OF CHARGES</b>													
Felonies	1922	268	75	231	502	132	26	357	192	145	70	24	3944
Misdemeanors	5876	371	162	519	842	457	63	688	337	161	243	106	9825
Total Charges	7798	639	237	750	1344	589	89	1045	529	306	313	130	13769
<b>DISPOSITION (RESPONDENTS):</b>													
Released	48	43	26	87	276	117	12	112	25	63	30	17	856
Dismissed by State, Court	1886												8
Committed-Juvenile Instit.	339	45	19	28	111	20	4	57	35	17	14	4	693
Probation Supervised	1499	87	24	139	345	107	34	175	111	86	104	28	2739
Probation Not Supervised	145	2	1	13	16	6	4	3	4	2	6	1	203
Committed or Detained non-Juvenile Institution	242	52	28	78	42	91	3	43	15	35	34	40	703
Other Disposition	678	51	25	79	65	81	9	94	7	45	12	12	1158
PRIOR JUVENILE RECORD	1052	92	43	66	375	104	29	128	134	33	49	37	2142
PREVIOUS COMMITMENTS	512	46	21	36	97	60	16	52	67	22	26	24	979
<b>NOT INCLUDED IN ABOVE STATISTICS:</b>													
Private Counsel	122	6		1	40	4	1			2	1		177
Refused	54												54
Refused Counsel	28												28
No. of Times Represented	10666												10666
Exception Taken	135												135
Postponed	1236												1236

District 1 - 12	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	1390	156	85	238	252	250	35	373	162	217	167	91	3416
2. Negro	3	7	37	168	556	125	30	105	34	25	31	11	4686
3. Puerto Rican		1				2							3
4. American Indian													
5. Oriental													
6. Other & Not Shown								6	1	6	2		129
<b>B. Sex</b>													
1. Male	4448	221	100	274	736	297	58	421	186	166	162	76	7145
2. Female	389	59	23	150	119	125	8	63	11	82	38	26	1093
<b>C. Age (Time of Offense)</b>													
1. Juveniles													
0 - 15 years	2840	112	60	175	361	139	22	197	95	100	78	52	4231
16 - 18 years	1997	125	60	161	426	149	35	270	95	110	08	40	3576
Other & Not Shown							9	17	7	38	14	10	431
<b>D. Head of Household</b>													
		1											1
<b>E. Welfare Recipient</b>													
	921												921
<b>F. Addictions</b>													
1. Alcohol		3			2	19		10	27	13	20		143
2. Narcotics	17												
3. Methodone													
4. Non-Marcotic		5		7		9		52	39	6	5		33
5. Other & Not Shown		2	2	4	4	1	3	1		3			0
<b>G. Employed</b>													
Avg. Weekly Income			2	13	54	10	6	13	26	11	6	5	308
<b>H. Unemployed</b>													
	4684			0	6	83	8	8	63	\$6		6	66
<b>I. Education (Avg. Yrs.)</b>													
	8	9	8	9	9	9				9	9	8	8

# OFFICE OF THE PUBLIC DEFENDER

Public Defender.....	Alan H. Murrell	(301) 383-3053
for the State of Maryland	800 Equitable Building	
	Baltimore, MD 21202	
Deputy Public Defender.....	Alfred J. O'Ferrall, III	(301) 383-6130
for the State of Maryland	800 Equitable Building	
	Baltimore, MD 21202	

Information: (301) 383-3050

## DISTRICT PUBLIC DEFENDERS

District No. 1.....	Norman N. Yankellow	(301) 383-3052
Baltimore City	800 Equitable Building	
	Baltimore, MD 21202	
District No. 2.....	Patrick L. Rogan, Jr.	(301) 749-2430
Dorchester, Wicomico,	P.O. Box 195, 1 Plaza East	
Somerset & Worcester Counties	Salisbury, MD 21801	
District No. 3.....	John W. Sause, Jr.	(301) 758-0090
Queen Anne's, Talbot, Cecil,	115 Lawyers Row	
Caroline & Kent Counties	P.O. Drawer H	
	Centreville, MD 21617	
District No. 4.....	John F. Slade, III	(301) 934-9420
Charles, St. Mary's &	Court House - Room 237	
Calvert Counties	La Plata, MD 20646	
District No. 5.....	Fred Warren Bennett	(301) 627-1600
Prince George's County	14821 Pratt Street	
	Upper Marlboro, MD 20870	
District No. 6.....	DeLawrence Beard	(301) 424-4990
Montgomery County	Suite 250, 414 Hungerford Drive	
	Rockville, MD 20850	
District No. 7.....	Stephen E. Harris	(301) 269-2201
Anne Arundel County	60 West Street	
	Annapolis, MD 21401	
District No. 8.....	Paul J. Feeley	(301) 296-2340
Baltimore County	101 Investment Building	
	Towson, MD 21204	
District No. 9.....	Henry C. Engel, Jr.	(301) 838-0895
Harford County	Equitable Building	
	220 South Main Street	
	Bel Air, MD 21014	
District No. 10.....	Orrin J. Brown, III	(301) 465-8900
Howard & Carroll	3691 Park Avenue	
Counties	Ellicott City, MD 21043	
District No. 11.....	William R. Leckemby, Jr.	(301) 663-8324
Frederick & Washington	18 West Church Street	
Counties	Frederick, MD 21701	
District No 12.....	Paul J. Stakem	(301) 777-2142
Allegany & Garrett	Suite 227, Algonquin Hotel	
Counties	Cumberland, MD 21502	



**END**