



## Cochise County Indigent Defense Coordinator

*Public Programs...Personal Service*  
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AMY HUNLEY  
Indigent Defense Administrator

### MEMORANDUM

**Date:** June 12, 2015  
**To:** Board of Supervisors  
James Vlahovich, County Administrator  
**From:** Amy Hunley, Indigent Defense Administrator  
**Subject:** IDC Request for General Fund Contingency Transfer

IDC is requesting contingency funds in the amount of \$100,000 for its projected FY14/15 budget shortfall. Based on year-to-date expenses, IDC anticipates a shortfall of approximately \$93,600 after vacancy savings transfers from the Public Defender and Legal Defender. Attachment A contains FY14/15 budget projections for the Indigent Defense Coordinator, Public Defender and Legal Defender budgets, and Attachment B contains IDC's FY14/15 budget projection.

IDC's budget shortfall is due to expenses in one capital murder case and eight non-capital murder cases assigned to private attorneys due to conflicts in the Public Defender and Legal Defender offices. In FY14/15 to date, IDC expended over \$275,000 in attorneys' fees and related costs for murder cases, including trial expenses for four of the cases.

IDC anticipates reduced costs in FY15/16 as the capital murder case and five of the non-capital murder cases assigned to private attorneys have been resolved.

#### Attachments

Old Bisbee High School, 3rd Floor  
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520-432-8461 fax  
ahunley@cochise.az.gov

## INDIGENT DEFENSE BUDGET

<b>FY14/15 BUDGET PROJECTED THROUGH JUNE 2015</b>								
<i>Description</i>	<i>Adopted Budget</i>	<i>Actual Expenses through 5/31/15</i>	<i>Projected Expenses through 6/30/15</i>	<i>Budget Less Projected Expenses</i>	<i>FY13/14 Adopted Budget</i>	<i>FY13/14 Total Expenses</i>	<i>FY12/13 Adopted Budget</i>	<i>FY12/13 Total Expenses</i>
<b>Indigent Defense Coordinator</b>	\$1,032,207	\$1,063,653	\$1,224,660	-\$192,453	\$1,019,562	\$1,203,264	\$1,002,709	\$1,289,467
<b>Public Defender</b>	\$1,418,742	\$1,209,187	\$1,349,892	\$68,850	\$1,428,613	\$1,280,374	\$1,423,533	\$1,259,343
<b>Legal Defender</b>	\$895,032	\$781,783	\$865,032	\$30,000	\$897,624	\$897,489	\$887,348	\$891,713
<b>TOTALS</b>	<b>\$3,345,981</b>	<b>\$3,054,623</b>	<b>\$3,439,584</b>	<b>-\$93,603</b>	<b>\$3,345,799</b>	<b>\$3,381,127</b>	<b>\$3,313,590</b>	<b>\$3,440,523</b>
<b>TOTAL FY13/14 &amp; FY12/13 INDIGENT DEFENSE BUDGET LESS EXPENSES</b>					<b>-\$35,328</b>		<b>-\$126,933</b>	

<b>FY14/15 SALARY/VACANCY SAVINGS</b> (Included in IDC/PD/LD Budget Projections)		
	Salary Savings	Vacancy Savings
Indigent Defense Coordinator	\$ -	\$ -
Public Defender	\$ (6,000)	\$ 19,000
Legal Defender	\$ -	\$ 48,000
<b>TOTALS</b>	<b>\$ (6,000)</b>	<b>\$ 67,000</b>

<b>FY14/15 REVENUE*</b> (General Fund Deposits not Included in IDC/PD/LD Budgets)	
PROJECTED Attorneys' Fees Collected by Courts <i>Actual July-May 2015 Amount: \$47,951 (PD Revenue)</i>	<b>\$62,000</b>
PROJECTED Salary Reimbursement from FTG Grant funds <i>PD Paralegal Amount: \$24,730 (PD Revenue)</i> <i>LD Investigator Amount: \$33,178 (Paid directly from Grant)</i>	<b>\$57,908</b>
<b>TOTAL PROJECTED REVENUE</b>	<b>\$119,908</b>

\*Revenue figures are provided for informational purposes only as those monies are deposited to the General Fund and are not available for use by the departments.

# INDIGENT DEFENSE COORDINATOR BUDGET

Description	FY14/15				FY13/14		FY12/13	
	Adopted Budget	Actual Expenses 5/31/15	Projected Expenses through 6/30/15	Budget Less Projected Expenses	Adopted Budget	Year End Expenses 6/30/14	Adopted Budget	Year End Expenses 6/30/13
Administrative Expenses (including Salaries/Benefits)	\$ 119,815	\$ 105,186	\$ 116,660	\$ 3,155	\$ 118,491	\$ 118,926	\$ 122,638	\$ 113,478
Psychological Evaluations	\$ 4,071	\$ -	\$ -	\$ 4,071	\$ 4,071	\$ 13,900	\$ 4,071	\$ 4,875
Rule 11 Examinations	\$ 35,000	\$ 18,338	\$ 28,000	\$ 7,000	\$ 35,000	\$ 22,640	\$ 14,000	\$ 28,575
Court Investigator Fees	\$ 5,000	\$ 40,178	\$ 45,000	\$ (40,000)	\$ 5,000	\$ 30,528	\$ 5,000	\$ 19,452
Witness Fees	\$ 21,321	\$ 40,348	\$ 50,000	\$ (28,679)	\$ 10,000	\$ 69,832	\$ 10,000	\$ 90,158
Juvenile Indigent Defense	\$ 228,500	\$ 220,140	\$ 275,000	\$ (46,500)	\$ 228,500	\$ 344,326	\$ 228,500	\$ 344,173
Adult Indigent Defense	\$ 618,500	\$ 639,463	\$ 710,000	\$ (91,500)	\$ 618,500	\$ 603,112	\$ 618,500	\$ 688,755
<b>TOTAL</b>	<b>\$ 1,032,207</b>	<b>\$ 1,063,653</b>	<b>\$ 1,224,660</b>	<b>\$ (192,453)</b>	<b>\$ 1,019,562</b>	<b>\$ 1,203,264</b>	<b>\$ 1,002,709</b>	<b>\$ 1,289,467</b>
<b>IDC BUDGET SHORTFALL - FY13/14 and FY12/13</b>					<b>(\$183,702)</b>		<b>(\$286,758)</b>	
<b>Transfers from PD and Contingency Funds</b>					<b>\$182,000</b>		<b>\$348,360</b>	
<i>FY13/14: \$100,000 contingency funds, \$82,000 PD</i>								
<i>FY12/13: \$280,000 contingency funds, \$68,360 PD</i>								

FY14/15 expenses for Adult Indigent Defense, Court Investigator Fees and Witness Fees include over \$275,000 for expenses incurred in 1 capital and 8 non-capital murder cases. Trials were held in 4 of the non-capital murder cases between July 2014 and March 2015. The cases are assigned to private attorneys due to conflicts in the Public and Legal Defender offices.

Juvenile Indigent Defense expenses consist of attorneys' fees and costs for juvenile delinquency, dependency and severance cases, with the majority of the expenses attributable to dependency cases. Dependency cases typically remain open and active for several years before being resolved, so expenses include payments for new cases as well as for cases assigned in previous fiscal years.