



**REGIONAL PUBLIC DEFENDER FOR CAPITAL CASES**

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*District Court  
Budget Line  
\*No. Fees*

**CHIEF PUBLIC DEFENDER**  
Edward Ray Keith Jr.

**Deputy Public Defender**  
Keri Mallon

**Chief Operating Officer**  
Amy Sharb

**Office Administrator**  
Elaine Nauert

**Assistant Public Defender**  
Susan E. Anderson  
William P.H. Boyles  
Robert Cowie  
James Drummond  
Mark Hendrickson  
Anna Maria Jimenez  
Brian D. Lacour  
Anthony C. Odiome  
Maxwell C. Peck III  
Dennis R. Reeves  
Gary Taylor  
Thomas J. "Jay" Wooten  
John E. Wright

**Senior Investigator**  
Rudy O'Brien

**Investigator**  
Claudia Bretz  
Mike Johnson  
Isabel De La Rosa  
Abigail Scott  
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**Senior Mitigator**  
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**Mitigator**  
Safa Ansari-Bayegan  
Rachael Etheridge  
Robert Graves  
Roland Hernandez  
Sarah Molzow  
Jordan Parnell  
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Marina Rodriguez  
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**Legal Assistant**  
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Evangalina Sanchez

June 16, 2017

Dear County Judge,

First, let me thank you for your participation in the Regional Public Defender Office for Capital Cases (RPDO). Since 2008 Lubbock County has partnered with many Texas counties to provide an innovative and effective solution to indigent defense requirements in the most serious criminal cases when the death penalty is involved. By providing a fully qualified capital defense team that meets the standards of the State Bar of Texas and U.S. Supreme Court case law, we have had the opportunity to assist counties when they need help the most. Moreover, we have helped to mitigate the financial impact that death penalty cases can have on county budgets while delivering the services needed to handle these cases appropriately. We look forward to continuing this partnership that has grown to 177 counties across the state.

*Je 12-28-15 \$6619.00*

As we begin the process of renewing inter-local agreements with our participating counties, I want to update you on our budget process and participation costs for the next two years. As you will recall, in 2015 we reported to you that participation costs for FY2016-FY2017 were reduced significantly due to new funding from the state legislature. As the original state grant expires at the end of 2017, the Texas Indigent Defense Commission (TIDC) requested additional funds from the Legislature to offset county participation costs for the program during the recently concluded 85<sup>th</sup> Legislative Session. Unfortunately, the final budget approved by the Legislature did not include those requested funds, and at the same time, TIDC's overall budget was cut by about 7%. We have worked closely with TIDC to help keep participation costs as low as possible and believe that they will nonetheless be able to provide some additional sustainability grant funds to keep costs to counties as low as possible. On June 15, the TIDC Grants and Reporting Committee recommended an ongoing sustainability grant to do so, and the full Commission will act on that recommendation on June 29<sup>th</sup>.

*\$10,217.00*

I know that for many of you budget planning is underway, so I have attached the projected cost allocations for FY2018-FY2019. (These numbers assume the inclusion of the additional grant funds from TIDC approved by the Grants and Reporting Committee.) While your participation cost will not be at the reduced rate we could offer for the last two years, for most counties it will be like your costs in FY2015 or, in some cases, somewhat lower.

Amarillo 806) 349-4848 Clute (979) 266-7613 Burnet (512) 756-4621 San Antonio (806) 775-1520 Lubbock (806) 775-1522 Midland (432) 688-4366 Terrell (972) 551-0100 Wichita Falls (940) 264-6169

*Dammill*

*V03-0 PG 660*

In order to provide sustainable funding for the PD and a fund balance for emergency situations, participating counties will contribute (with a minimum contribution of \$1,000 per county) per the detailed county allocation schedule marked as Attachment 1 and incorporated herein for all purposes. Based upon this cost-sharing approach, participating counties shall provide the remaining operating costs based upon a formula taking into account the population of the county as a percentage of the whole of the 177 participating counties (50%) and the average number of capital murder cases filed between 2003 and 2013 as a percentage of the 177 participating counties (50%).

The Interlocal Agreements shall become effective October 1, 2017, and continue through September 30, 2018. Thereafter, the agreements shall renew automatically each October 1<sup>st</sup> for a successive one-year term through September 30, 2019, unless terminated under this agreement.

- 1.02 **Judges Authorized to Appoint PD.** The District Courts in the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Administrative Judicial Regions in eligible counties may participate in the Program. The Program allows the Honorable Judge(s) of the Judicial District having jurisdiction within PARTICIPANT's geographic boundaries to appoint the PD for the trial defense of death-eligible capital murder cases. In the event of a conflict of interest among defendants or a legal liability for the PD to accept appointment, the trial court shall appoint an attorney or attorneys other than the PD at the PARTICIPANT's expense.
- 1.03 **Duties and Responsibilities of the PD.** The PD will represent defendants at the trial or re-trial phase only. All decisions pertaining to the presentation of the case will be at the sole discretion of the PD. The PD will at all times be guided by and comply with his or her duties as a licensed attorney in the State of Texas and the Texas Disciplinary Rules of Professional Conduct in making these determinations.
- 1.04 **Program Analysis.** At least quarterly throughout the period of the grant and at the end of the grant year, the PD will prepare an analysis of the Program, as well as an estimated cost for PARTICIPANT's continued participation after all grant funds are expended. The analysis will consist of a fiscal analysis and an analysis of the effectiveness of the PD in meeting pre-established goals and objectives. The PD will provide copies of the analysis to PARTICIPANT's Commissioners Court and to the Honorable Judges identified of the Participating Administrative Judicial Regions. PARTICIPANT shall have three months from the date the cost analysis is provided to the Commissioners Courts to consider the analysis and determine whether participant will continue to participate in the Program. If PARTICIPANT requests to continue participating in the Program, a new interlocal agreement as to funding and the funding cycle will be necessary.
- 1.05 **Data for the Analysis.** As consideration for its participation in the Program, PARTICIPANT agrees to provide the PD information as needed to conduct the analysis, including the current payment schedule for court-appointed counsel on capital murder cases and the previous five fiscal years' data on the amount PARTICIPANT paid for appointed counsel on capital murder cases, if available.