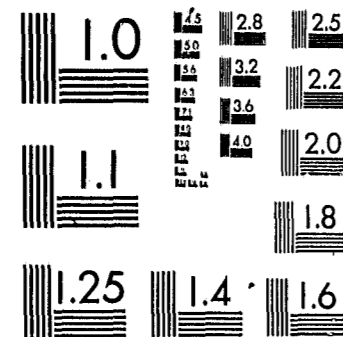


National Criminal Justice Reference Service



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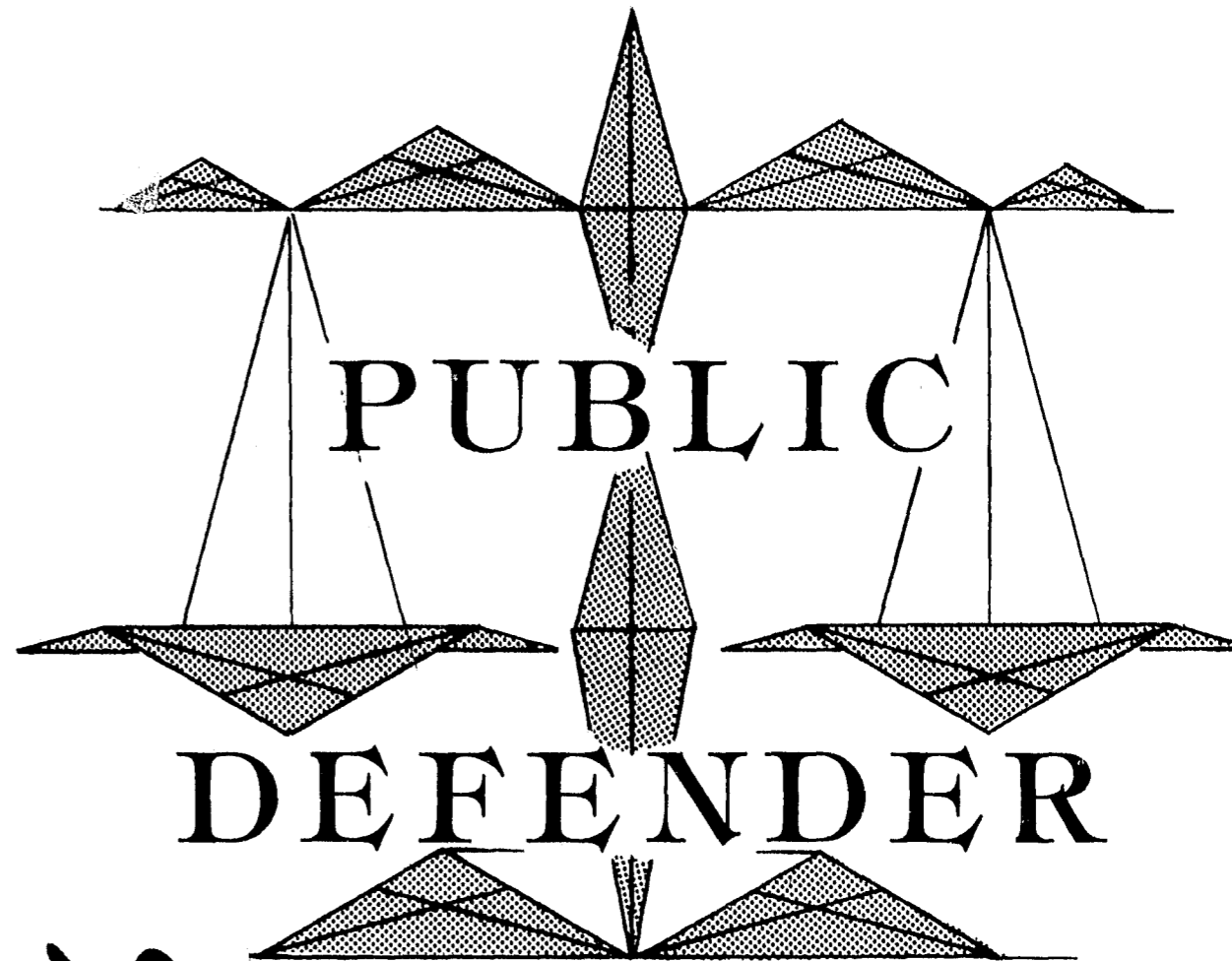
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United States Department of Justice
Washington, D. C. 20531

DATE FILMED

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ANNUAL REPORT
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NTY OF SANTA CLARA
CALIFORNIA

County of Santa Clara
California

ANNUAL REPORT -- 1978-79

TABLE OF CONTENTS

	<u>Page</u>
<u>GENERAL WORKLOAD ACTIVITY</u>	1
Case Category Comparisons	2
Trials, Hearings and Motions	2
<u>INVESTIGATION DIVISION ACTIVITY</u>	2
<u>ADMINISTRATIVE SERVICES DIVISION</u>	3
<u>SPECIAL PROBLEMS</u>	3
1. Effects of Proposition 13	3
2. Death Penalty and Complex Cases	5
3. Consolidation of the Municipal Courts of Santa Clara County	6
4. Conflict Cases and the AID Plan	7
<u>ACHIEVEMENTS</u>	
Dispositional "Success" Rates in Trials, Settlements, and Appeals	9
<u>NEW PROGRAMS AND PROJECTS</u>	
<u>CETA DEMONSTRATION POSITIONS</u>	12
<u>IMPROVED ATTORNEY AND INVESTIGATOR EVALUATION FORMS</u>	13
<u>CBS 60 MINUTES CASE</u>	14
<u>STATE AND NATIONAL ACTIVITIES</u>	
Bail Reform	14
Federal Funding	15
Honors	15
Financial Data and Case Costs	15

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ACQUISITIONS

APPENDICES

- Appendix A - Public Defender Staffing Chart
- Appendix B - Departmental Staff
- Appendix C - Roster of Student Assistants and Interns
- Appendix D - Workload Activity Report
- Appendix E - Investigation Division Report
- Appendix F - Investigation Section Five Year Statistic Comparison
- Appendix G - Cases Opened and Court Appearances
- Appendix H - Case Costs
- Appendix I - Five Year Public Defender Attorney Caseload

**County of Santa Clara
California**

ANNUAL REPORT
FISCAL YEAR 1978-79

The Public Defender is required to provide legal representation upon request or by court appointment to persons financially unable to employ counsel in criminal, juvenile, mental health proceedings including probate conservatorships, and certain civil cases. (See Santa Clara County Ordinance Code, Sec. A2-51; Cal. Gov. Code Sec. 22706.)

GENERAL WORKLOAD ACTIVITY

During FY 1978-79, the Public Defender received a total of 27,140 new cases.* This was an increase of 5.4%. 3,005 applicants were financially ineligible and were denied services under financial criteria approved by the Board of Supervisors.

The legal staff numbered 54 attorneys -- four less than the previous year, due to Proposition 13 cuts. The caseload averaged 493 cases per attorney, compared to 445 cases during FY 1977-78 -- a 9.7% increase.** Court appearances totaled 69,092, or 1,256 per attorney, compared to 1,175 per attorney the year before -- a 6.9% increase. Trials, hearings and motions numbered about

*"Cases" are defined as person-applicants, i.e., each defendant, juvenile or mental health client who applies for services after request, court referral or appointment is considered a "case."

**The felony caseload average was 159; the misdemeanor caseload was 612; and the juvenile caseload was 776. See Appendix I.

6,893, with a substantial increase in juvenile court hearings. The following charts present a detailed comparison of case categories and trials and hearings:

Case Category Comparisons:

	<u>1977-78</u>	<u>1978-79</u>	<u>% Change (+/-)</u>
Homicides	36	50*	+ 38.9
Felonies			
Superior Court	2,287	2,898	+ 26.7
Municipal Court	4,752	5,226	+ 9.9
Misdemeanors	10,311	9,831	- 4.6
Juveniles	3,762	4,118	+ 9.5
Mental Health	5,078	6,198	+ 22.0

*Includes five death penalty cases, of which there were none in 1977-78.

Trials, Hearings and Motions:

	<u>1977-78</u>	<u>1978-79</u>	<u>% Change (+/-)</u>
Court and Jury Trials	307	358	+ 16.6
Preliminary Examinations	2,230	3,019	+ 39.9
Juvenile Jurisdictional Hearings	295	874	+196.3
Mental Health Trials	63	66*	+ 5.0
Motion Hearings	2,173	2,576	+ 18.5

*Estimated due to inaccurate data.

INVESTIGATION DIVISION ACTIVITY

The Investigation Division handled a total of 1,780 cases during FY 1978-79, compared to 2,044 cases during the previous year, a 12.9% reduction. However, actual workload did not decrease

in view of the substantial 38.9% increase in homicide cases, numbering 50 cases, including 5 death penalty cases. The work created by these very serious cases more than made up for the reduction in the total number of cases.

ADMINISTRATIVE SERVICES DIVISION

This division provides vital secretarial and clerical services needed to prepare and process case files, correspondence, legal briefs, transcribe recorded statements, calendar court appearances, receive office visitors, operate telephones and other office equipment, and record workload statistics. During FY 1978-79, the staff of this division opened and processed 27,140 new case files, calendared 69,092 court appearances, received more than 10,000 office visitors, and prepared legal memoranda and briefs in support of more than 500 motions, writs and appeals.

SPECIAL PROBLEMS

1. Effects of Proposition 13

The Department's budget for 1978-79 was reduced by 6%, in the amount of \$180,500, as a result of passage of Proposition 13 in June, 1978. A total of five coded positions were lost by attrition in order to meet this cut. These included 4 attorneys and 1 legal stenographer. The loss of the attorney positions resulted in the elimination of the Department's training officer, one of the two

research attorneys, one attorney in the juvenile court, and one attorney in the municipal court. In addition, the Lead Attorney salary increment for a Lead Attorney position in the Superior Court Felony Division was eliminated.

The loss of the Training Officer and the Superior Court Lead Attorney positions had a detrimental impact on the ability of the Department to provide needed supervision and training which are vital to essential training and supervision.

In general, the negative impact of these reductions was compounded by the increased workload, particularly in the felony, homicide and juvenile court cases. A substantial increase in juvenile court jurisdictional hearings necessitated the assignment of an additional attorney to our Juvenile Court Section. This was accomplished by shifting one attorney position from the San Jose Municipal Court. The depletion of the attorney position from the staff of the San Jose Municipal Court had no major impact in view of a 4.6% reduction in the misdemeanor cases handled in that court.

However, because of a sharp rise in homicides and other complex felony cases, authorization was received to employ an extra help attorney position beginning in the Fall of 1978. Through the employment of an experienced criminal lawyer for this position, it was possible to assign an additional attorney to the Department's homicide team, where the help was badly needed, increasing that unit to 4 lawyers. In this way, it was possible to meet the

substantially increased 38.9% increase in homicide cases during the year.

The rising caseload exacerbated the Department's chronic problem of inadequate clerical staffing which was compounded by the loss of one legal stenographer due to Proposition 13. Because of the severe problems experienced during the year in processing and logging case files, interim authority was given to employ one extra help Clerk II position. However, this position was not reauthorized at the end of the year, and in addition, a Clerk II CETA position was lost with the termination of the CETA program and was not replaced.

Another adverse effect of Proposition 13 was the Department's inability to acquire and maintain adequate equipment such as transcribers, tape recorders, cameras, and even basic office furniture such as file shelving, book cases, chairs and tables. The existing recording equipment and cameras are in need of constant repair or are unserviceable.

2. Death Penalty and Complex Cases

In the Fall of 1978, the voters adopted a death penalty initiative expanding the use of that penalty. By the end of the fiscal year, the Department had received 8 death penalty cases compared to only one the year before. This increase, together with an overall 38.9% increase in homicide cases (from 36 in 1977-78 to 50 in 1978-79) necessitated an expansion of the Department's

homicide team from 3 attorneys to 4. This was made possible with the authorization of the extra help attorney position noted above.

Another problem resulting from the death penalty onslaught was that of the increased burden of research and investigation. The complexity and vagueness of some of the provisions of the new law necessitate much pretrial litigation. Such cases require careful handling in any event, but further incentive was the California Supreme Court's decision in People v. Pope (1979) 23 Cal.3d 412, adopting a higher standard for competency of counsel.

The burden upon our research staff was particularly onerous in view of the prior loss of one of two research attorneys due to Proposition 13. To meet this problem, we obtained authorization to employ a law clerk for part time assistance in death penalty matters -- an expense reimbursed by the State under new Cal. Pen. Code Sec. 987.9, permitting payment for employment of "investigators, experts and others for the preparation or presentation of the defense in capital cases."

3. Consolidation of the Municipal Courts of Santa Clara County

In October, 1978, the Board of Supervisors adopted an ordinance consolidating the various municipal court districts of Santa Clara County in one countywide municipal court, to be known as the Santa Clara County Municipal Court. The effective date of this was July 1, 1979. This change required the reorganization of the various municipal courts in the county. In preparation for the change,

the Department worked closely with the Municipal Court Judges in the development of the consolidation plan and developed plans to realign staff assignments accordingly.

The transition went smoothly. The major problem experienced was enlarging our office quarters at the Santa Clara Facility to accommodate a larger staff for handling Ven. Code Sec. 23102 (drunk driving) cases.

The Department's staffing in the municipal court was realigned as follows:

San Jose Municipal Court

Preliminary Examinations: 7 Attorneys

Misdemeanor Trials: 8 Attorneys

Palo Alto Municipal Court: 3 Attorneys

Outlying Municipal Courts

Santa Clara Facility: 4 Attorneys

Sunnyvale: 1 Attorney

Los Gatos: 1 Attorney

Gilroy: 1 Attorney

The attorneys assigned to the Gilroy, Los Gatos and Sunnyvale courts are also available on special assignment to the other courts as needed.

4. Conflict Cases and the AID Plan

In May, 1979, the County Executive proposed a plan, known as the Aid to Indigent Defendants (AID) Plan, to divide the office into two separate entities for the purpose of handling 90% of all conflict

of interest cases. The plan was justified on the basis that it could save the county several hundred thousand dollars through elimination of assignments and payments to private counsel.

The Public Defender opposed the plan because it was inadequately funded, providing only four (4) additional attorneys at the Grade I level, to handle about 800 additional serious cases. It was also opposed as contrary to national standards regarding the participation of the private bar in the defense of indigent criminal cases.

The Board of Supervisors established a special ad hoc advisory committee of judges, lawyers, county officials and private citizens to investigate the plan. Technical assistance was supplied by an LEAA-funded consultant (Professor Norman Lefstein of the School of Law of the University of North Carolina). The Board subsequently rejected the AID Plan, and adopted an alternative proposal for a Conflicts Administrator governed by an 8-person advisory board of judges, lawyers and private citizens.

The Conflicts Administrator is responsible for organizing the private attorney panels, assigning cases to attorneys according to experience, providing training and supervision, making routine court appearances, administering the payment of attorney claims, and budgeting. This program was instituted in early 1980, and a senior member of our staff, Philip H. Pennypacker, was appointed as the Conflicts Administrator.

ACHIEVEMENTS

Dispositional "Success" Rates in Trials, Settlements, and Appeals.

An assessment of staff effectiveness can be made on the basis of favorable case dispositions, including acquittals, dismissals and reduced charges. The following presents these "success" rates in trials, preliminary hearing, motions, and settlements during the year:

Trials

Felonies (Superior Court)

	<u>Jury Trials</u>	<u>Court Trials</u>
Found Not Guilty	34	1
Found Guilty Lesser	26	0
Found Guilty as Charged	47	2
<u>Totals</u>	107*	3
**Success Rates:	.560 [.610]	.330 [.330]

*Includes 3 murder trials of which 1 defendant was found not guilty, 1 was found guilty of a lesser charge, for a 66-2/3% success rate.

**Includes total of acquittals and lesser findings. Percentages in brackets show rates of prior year.

Misdemeanors

Municipal Courts

	<u>Guilty</u>	<u>Not Guilty</u>
San Jose	51	26
Santa Clara	16	5
Sunnyvale	11	3
Palo Alto	11	6
Los Gatos	3	4
Morgan Hill/Gilroy	7	10
<u>Totals</u>	99	54
Success Rate:	.353	[.361]

Preliminary Hearings (Felonies in Municipal Courts)

<u>*Dispositions</u>	<u>Dism.</u>	<u>N/HTA</u>	<u>Div.</u>	<u>Estey.</u>	<u>PG/M</u>	<u>PG/F</u>	<u>HTA</u>
San Jose	234	149	11	111	289	180	1,422
Santa Clara	12	4	9	10	7	38	175
Sunnyvale	34	1	10	8	15	46	173
Palo Alto	39	5	4	0	45	1	339
Los Gatos	18	9	4	5	11	1	124
M.Hill/Gilroy	<u>29</u>	<u>11</u>	<u>2</u>	<u>13</u>	<u>30</u>	<u>8</u>	<u>110</u>
<u>Totals</u>	366	179	37	147	397	274	2,343

Total Dispositions: 3,743

**Success Rate: .301 [.343]

*Disposition abbreviations: Dism. = Dismissals; N/HTA = Not held to answer; Div. = Diversion; Estey. = Esteybar motion granted; PG/M = Plead guilty to a misdemeanor; PG/F = Plead guilty to a felony; HTA = Held to answer.

**Includes Dism., N/HTA, Div., Estey., PG/M.

Settlements

Felonies

Dismissals Before Trial	341
Pleaded Guilty to Lesser Charge	995
Pleaded Guilty as Charged	<u>595</u>
<u>Total</u>	1,931

Success Rate: .692 [.670]

Misdemeanors

	<u>Diversion</u>	<u>Dismiss.</u>	<u>Pleaded Guilty</u>
San Jose	139	1,066	2,787
Santa Clara	9	141	396
Sunnyvale	7	116	358
Palo Alto	10	131	833
Los Gatos	7	77	236
M.Hill/Gilroy	<u>8</u>	<u>81</u>	<u>279</u>
<u>Totals</u>	180	1,612	4,889

Total Dispositions: 6,681

Success Rate: .268 [.195]

Motions, Appeals and Writs

	<u>Relief Granted</u>	<u>Relief Denied</u>
PC 995 Motions	32	12
PC 1538.5 Motions	19	41
Appeals	4	1
Writs	2	10
Petitions for Hearing in Supreme Court	<u>2</u>	<u>8</u>
<u>Totals</u>	59	72
<u>Total Cases:</u>	131	
Success Rate:	.450	

Re-Cap:

	<u>1978-79</u>	<u>1977-78</u>
<u>Trials and Hearings</u>		
Felonies	.560	.610
Misdemeanors	.353	.361
Preliminary Hearings	.301	.343
<u>Settlements</u>		
Felonies	.692	.670
Misdemeanors	.268	.195
<u>Motions, Writs and Appeals</u>	.450	N/A
<u>Overall "Success" Average</u>	.437	.436

NEW PROGRAMS AND PROJECTS

CETA DEMONSTRATION POSITIONS

In October, 1978, Comprehensive Employment & Training Act (CETA) funds were obtained for three demonstration positions: two (2) Paralegals and one (1) Mental Health Community Worker. The Paralegal positions were filled by Peggy Birge and Sal Marin who were assigned to assist felony section staff lawyers. Linda Sclar was employed as the Mental Health Community Worker and was assigned to the Mental Health Section.

The Paralegals performed a variety of important services which greatly aided the lawyers and enhanced productivity. These services included: contacting clients to deliver documents such as probation reports and to convey messages from attorneys; conferring with especially difficult clients who needed reassurance that their cases were being worked upon; tracking down files; obtaining court records; filing motions; verifying information; providing transportation for witnesses, arranging for appointments; investigating sentencing alternatives; arranging the return of personal property previously taken by the authorities; arranging special visits; contacting family members; and arranging for clients to serve jail terms in other counties. One of the Paralegals (Peggy Birge) was also a part-time law student who assisted with legal research on trial memoranda, short motions and sentence credit problems.

The attorneys who were served by the Paralegals were unanimous in their praise of the program in saving time and enhancing their productivity.

The Mental Health Community Worker assisted the lawyers assigned to the Mental Health Section by arranging alternative placements for clients with outpatient or board-and-care facilities, thereby permitting the attorneys to settle cases without expensive, time consuming hearings and reducing court and institutional costs.

The attorneys also found this assistance invaluable, and the need for the position as a permanent one was acknowledged and supported by the Health Department, the County Counsel's Office, and the Conservatee Rights Committee (a coalition of various mental health community groups), and the Mental Health Advocacy Project of the Santa Clara County Bar Association.

Although the value of these demonstration CETA positions was amply proven, the Department has been unsuccessful in obtaining approval from the Board of Supervisors because of Proposition 13 budget problems.

IMPROVED ATTORNEY AND INVESTIGATOR EVALUATION FORMS

The Department also accomplished the improvement of procedures to evaluate staff lawyers and investigators and aid their professional development. Internal departmental evaluation forms were developed for use by supervisors. These forms focused upon specific areas and skills related to public defender attorney and investigator services. They are routinely completed upon change of assignment. Supervisors then confer with the person evaluated to provide guidance.

CBS 60 MINUTES CASE

The Department received favorable national publicity in connection with its defense of a case involving a suit by the Columbia Broadcasting System against the Superior Court to prevent disclosure of an untelevised portion of a 60-Minutes' segment on drug abuse. Deputy Public Defender John Williams had obtained the discovery order against CBS in connection with his defense of a client who was accused of selling PCP.

A CBS camera crew had secretly filmed a transaction involving an alleged sale of PCP to undercover narcotics officers. CBS resisted disclosure of portions of the film known as "outtakes" which had not been shown during the program. The trial judge overruled the objections and ordered CBS to comply, holding that the constitutional right to a fair trial superseded the statutory privilege under California's "press-shield" law. That ruling was sustained on appeal in CBS v. Superior Court (1978) 85 Cal.App.3d 241. After disclosure of the film, which showed the defendant to be innocent, the district attorney's office dismissed the case.

STATE AND NATIONAL ACTIVITIES

Bail Reform. An extensive amicus curiae brief was filed by the public defender in an important bail reform case in the California Supreme Court -- Van Atta v. Scott (1980) 27 Cal.3d 424. That case was a class action suit brought by taxpayers in San Francisco to contest the pretrial imprisonment of indigent persons.

The decision of the court in July, 1980, held that the prosecution has the burden of proof in showing that a detainee is not likely to appear unless money bail is required.

Federal Funding. The Public Defender also led an effort by the California Public Defenders Association to obtain adoption of a new policy by the California Council on Criminal Justice for an "adequate share" of federal LEAA funds for defenders, amounting to not less than four percent of all LEAA block grant funds. The Department derived an immediate benefit from this policy by an award of a statewide automated research grant to provide a LEXIS research computer terminal and a computerized index and microfiche copies of all State Public Defender briefs.

Honors. The Department was also honored by the appointment of staff attorney Nancy Hoffman, by Governor Edmund G. Brown, Jr., to the California Council on Criminal Justice, on August 22, 1979.

Financial Data and Case Costs. For a summary of actual expenditures and revenues for FY 1978-79 compared to the previous year, see page 16. For the breakdown of costs per case by categories of cases, see Appendix "H."

PUBLIC DEFENDER STAFFING CHART

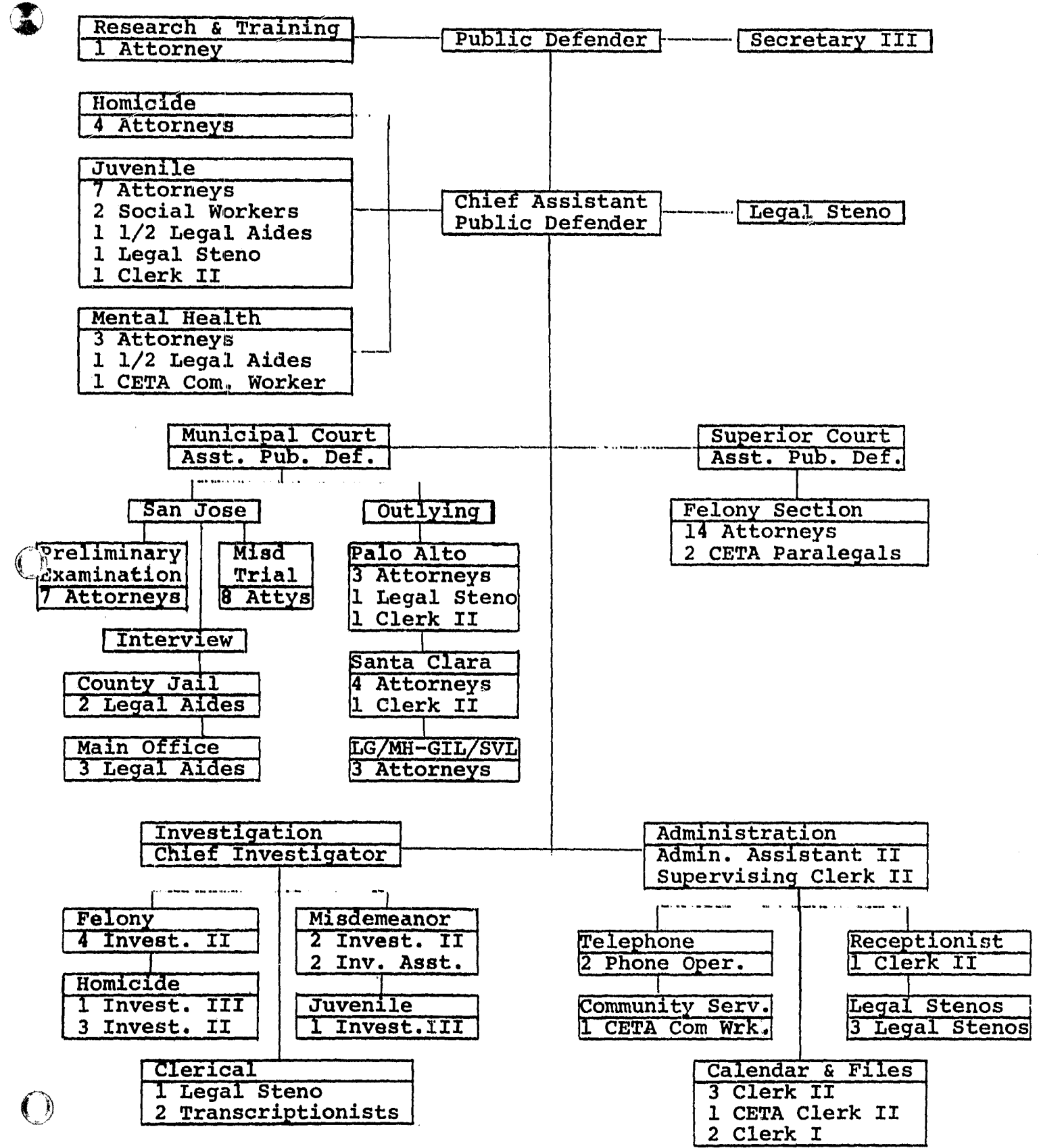
FINANCIAL DATA

Expenditures

	1977-78	1978-79
Salaries	\$2,985,842	\$3,022,091
Overtime Meals	132	-0-
Telephone Services	32,641	40,396
Witness Expense	4,105	4,367
Maintenance-Equip.	-0-	154
Office Expense	17,643	16,721
Meter Postage	1,583	1,557
Prof. & Special Services	21,653	14,787
Data Processing	-0-	-0-
Rent - Equip.	5,999	5,704
Educational Expense	1,386	925
Memberships	1,800	1,830
Printing	4,316	4,866
Transportation & Travel	3,535	3,380
Automobile Mileage	11,605	11,312
Automobile Services	40,660	39,083
Fixed Assets	4,288	-0-
	<u>\$3,137,188</u>	<u>\$3,167,318</u>

Revenue

State Reimbursement	128,040	141,853
Collections - Legal Services	52,308	9,478
	<u>\$180,348</u>	<u>\$151,331</u>



DEPARTMENTAL STAFF

(As of June 30, 1979)

PUBLIC DEFENDER: Sheldon Portman
ACTING CHIEF ASST.
PUBLIC DEFENDER: Norwood A. Nedom
ASST. PUBLIC
DEFENDER: Ronald A. Norman
ACTING ASST. PUBLIC
DEFENDER: Grant M. Armstrong

LEGAL DIVISION

Deputy Public Defenders:

Attorney IV	William L. Campbell N.A. Christensen William B. Cottrell Nazario A. Gonzales Mark B. Harmon John C. Horning, Jr. David M. Mann Thomas F. Mueller George R. Overton Philip H. Pennypacker	Robert K. Regan C. Randall Schneider Wesley J. Schroeder Donald V. Seratti Lloyd G. Stephens W. Steve Stevens Cris M. Story Robert A. Weeks John L. Williams
Attorney III	Katherine V. Alexander Jette Garland Charles N. Goldman Nancy Hoffman David C. Johnson	Michael A. Kresser Carl L. Lambert Kevin P. Morrison Benjamin W. Reese Patricia J. Tiedeman
Attorney II	John B. Aaron Marilyn L. Carmichael Francis C. Cavagnaro William H. Curtiss Ralph H. Dixon Barbara B. Fargo Edward A. Gomez Timothy H. Hallahan	Esau R. Herrera Katherine J. Houston Jeffery A. Kroeber Alan M. Lagod Virginia Marcoida Deborah A. Ryan Rosemary Seiter James M. Thompson
Attorney I	Barbara L. DiPietro Michelle A. Forbes Aram B. James Donald L. Johnson Kenneth L. Shapero	Teri H. Sklar John M. Sullivan David A. Tauber Mary E. Yale

APPENDIX B-1

Social Workers:	Lynne Woodward	Sandra R. Clark
Legal Aides:	Ernest Barrios Doug Harris Robert E. Johnson Carole Morita	Mark A. Quintero Olivia Sahagaun Bernardo Saucedo Timothy R. Volkmann

INVESTIGATION DIVISION

Chief Public Defender Investigator:	Jerry F. O'Connell	
Public Defender Investigators:		
Investigator III	Patrick J. Judge	
Investigator II	Dorothy Ansberry Alayne Bolster Angel L. Campos Cynthia J. Getta David E. Gonzales Marion D. Ide	Edward G. Kelley Russell Kuebel Angel Martinez John P. McCarron Bernard Merrill Marion Trustee
Investigator Asst.	Deborah Howard	Robin McLaughlin

ADMINISTRATIVE SERVICES

Administrative Support Officer:	John W. Osborne	
Supervising Clerk:	Toni Rose	
Legal Stenographers:	Kathleen A. Atwood Fay L. Busey Margaret A. Clark Kathleen V. Corral	Edith Dorey Mary Freer Barbara Stensrud
Clerks:	Lupe Beltran Alicia Blanco Judith L. Fenton Yolanda Garcia Pamela J. Hereford Katherine Malley	Edna Mann Beverly McCullough Mimi M. Nuessle Martha Ray Rachel Sandoval Belinda Torrez
Telephone Operators:	Patricia Martin	Dorothy Ward
Community Workers:	Calvin Robinson Henry Rountree	Linda Sclar

APPENDIX B-2

ROSTER OF STUDENT ASSISTANTS AND INTERNS
DURING 1978-79

RESEARCH INTERN PROGRAM

Stanford Law School: Robert Zalotel

University of Santa Clara Law School: Harry Pedigo
Nick Zuvela

SOCIAL WORKER INTERN PROGRAM

San Jose State University: Areesta Bloomfield
Ann Kutilek

VOLUNTEERS

University of Santa Clara Law School: Donald Allen
Perry Banks
Tim Volkmann

APPENDIX C

WORKLOAD ACTIVITY REPORT

FISCAL YEAR 1978-79

I. SUMMARY - CASES OPENED

A. SUPERIOR COURT DIVISION

1. Felony Defendants		2,898
2. Probation Violation Proceedings		656
3. Juvenile Court		
a. Neglected/Abused Minors (W&I §300)	195	
b. Habitually Disobedient Minors (W&I §601)	209	
c. Minors Violating Criminal Law (W&I §602)	3,063	
d. Other (Traffic; Reviews to Modifications; Termination of Parental Status)	651	
	<u>Total</u>	<u>4,118</u>
4. Mental Health		
a. Mentally Ill (LPS)	3,879	
b. Developmentally Disabled (DD)	195	
c. Probate Conservatorships (PC)	295	
d. Non-Court Legal Services	1,829	
	<u>Total</u>	<u>6,198</u>
5. Special Proceedings (HOP, Discovery, (W/D as Atty., Rost, New Trial, Dism., RBR, MOR, Ballard)		1,203
6. Appeals and Writs		27
	<u>TOTAL SUPERIOR COURT</u>	<u>14,444</u>

B. MUNICIPAL COURT DIVISION

1. Felony		5,229
2. Misdemeanor		9,831
3. Probation Violations		534
	<u>TOTAL MUNICIPAL COURT</u>	<u>15,594</u>

APPENDIX D-1

Workload Activity Report - FY 78-79 (cont.)

II. COURT ACTIVITY

A. COURT APPEARANCES

1. Superior Court Division	30,124
2. Municipal Ct. Div.	38,968
TOTAL	69,092

B. CONFLICTS DECLARED

1. Superior Ct.--Criminal	312
2. Juvenile	238
3. Municipal Ct. Div.	
a. Felony	281
b. Misdemeanor	119
TOTAL	950

C. DISPOSITIONS - SUP. CT. DIV.

1. Sup. Ct.--Crim.	
a. Pleas/Guilty	1,495
b. Ct./Jry. Trials	173
c. Dismissed	343
d. Total	<u>2,021</u>
2. Sup. Ct.--Juvie	
a. Detention Hrngs.	1,949
b. Cont. Juris. Hrngs.	874
c. Pet. Admitted	1,702
d. Pet. Dismissed	211
e. Prima Facie Hrngs.	1
f. Dispo. Hrngs.	776
g. Annual Reviews	57
h. Fitness Hrngs.	98
i. Total	<u>5,668</u>
3. Sup. Ct.--Mental Health	
a. Writs	459
b. Petitions	2,001
c. Annual Reviews	1,095
d. Total	<u>3,555</u>
4. TOTAL DISPOS.-- SUP. CT. DIVISION	<u>11,188</u>

D. DISPOSITIONS--
MUNICIPAL CT. DIV.

1. Felony Cases	
a. HTA	2,452
b. PG Felony	274
c. PX Waived	382
d. Dism/Not HTA	567
e. SPC/RTB/REJ	843
f. PG Misd/Esty.	544
g. Total	<u>5,062</u>

II.D. (cont.)

2. Misd. Cases	
a. Pleas/Guilty	4,889
b. Dism/Divert	1,790
c. FG CT/JT	137
d. FNG CT/JT	44
e. SPC/RTB/REJ	2,823
f. Total	<u>9,683</u>

3. TOTAL DISPOSITIONS
MUN. CT. DIV.

	<u>13,723</u>
E. TOTAL DISPOSITIONS SUP/MUNI DIVISIONS	<u>24,911</u>

III. SUPERIOR COURT--GRIMINAL CASES

CASES SERVICED

a. Informations Filed	2,535
b. Certifications Filed	162
c. Indictments Filed	24
d. Appt/Accept Aft. Arr.	127
e. Probation Vioiation	656
f. Special Proceed. (NGI, 1368m MDSO, CRC, Writ H/C, Represent Witness)	1,202
TOTAL	<u>4,704</u>

COURT APPEARANCES

	<u>17,281</u>
DISPOSITIONS W/O TRIAL	
g. PG as Charged	595
h. PG to Lesser	995
i. Dism/Diverted	341
j. SPC	173
k. Conflict (by D)	308
l. RTB/REJ	23
TOTAL	<u>2,435</u>

TRIALS

m. FG as Charged CT/JT	2/47
n. FG Lesser Fel. CT/JT	/22
o. FG Misd CT/JT	/4
p. FNGI CT/JT	/1
q. FNG CT/JT	1/33
TOTAL	<u>3/108</u>

MOTIONS

r. 995 Grtd/Den.	180
s. 1538.5 Grtd. Den.	174
t. Other (HOP, Discovery, W/D as Atty, Rost, New Trial, Dism., Ballard, BRB, MOR)	1,080
TOTAL	<u>1,436</u>

Workload Activity Report - FY 78-79 (cont.)

IV. SUPERIOR COURT--HOMICIDES

CASES OPENED

COURT APPEARANCES

DISPOSITIONS W/O TRIAL

a. PG to 1st ^o	2
b. PG to 2nd ^o	9
c. PG to Manslaughter	9
d. Dismissed	2
e. Not HTA	1
f. Not Indicted	0
g. No Charges Filed	0
h. SPC	8
i. Conflicts by D	4
TOTAL	<u>35</u>

TRIAL ACTIVITY

j. HTA	26
k. Death CT/JT	/1
l. PG 1st ^o CT/JT	/1
m. PG 2nd ^o CT/JT	/2
n. PG Mansl. CT/JT	1/
o. FNGI CT/JT	0
p. FNG CT/JT	/1
TOTAL	<u>32</u>

CASES PENDING

MOTIONS

q. 995 Grtd/Den.	1/7
r. 1538.5 Grtd/Den.	1/8
s. Other (HOP, Discovery, W/D as Atty, Rost, New Trial, Dism., Ballard, BRB, MOR)	21
TOTAL	<u>38</u>

V. SUPERIOR COURT--JUVENILE SECTION

CASES OPENED

a. W&I Sec. 300	195
b. W&I Sec. 601	209
c. W&I Sec. 602	3,036
d. Traffic	97
e. CC Sec. 232	15
f. Other Cases	539
TOTAL	<u>4,091</u>

DETENTION HEARINGS

g. Released	498
h. Detained	1,451
TOTAL	<u>1,949</u>

V. (cont.)

JURISDICTIONAL HRNGS.

i. Uncont. Pet. Adm.	1,702
j. Pet. Dismissed	211
k. Cont. Pet. Sustained	736
l. Cont. Pet. Not Sust.	138
TOTAL	<u>2,787</u>

OTHER HEARINGS

m. Prima Facie	1
n. Dispositional Hrngs.	420
o. Annual Reviews	57
Fitness Hearings	
p. Found Fit	40
q. Found Unfit	58
TOTAL	<u>98</u>

CONFLICTS

	<u>113</u>
MOTIONS	
r. 1538.5	8
s. Others	49
TOTAL	<u>57</u>

COURT APPEARANCES

	<u>7,955</u>
SOCIAL WORKER ACTIVITY	
t. Cases Referred	1,152
u. Court Appearances	471
v. Alternatives Devel.	374

VI. SUPERIOR COURT--MENTAL HEALTH SECTION

CASES OPENED (Lanterman-Petris-
Short [W&I Sec. 38000])

	<u>5,360</u>
COURT REPRESENTATION	
a. LPS	3,879
b. DD (Developmentally Disabled [H&S Secs. 39009.2, 38451])	195
c. PC (Probate Conservatorships [P.C. Sec. 1461; H&S Sec. 416.95])	295
TOTAL	<u>4,369</u>

NON-COURT LEGAL REPRESENTATION

d. LPS	1,681
e. DD	92
f. PC	56
TOTAL	<u>1,829</u>

COURT APPEARANCES

	<u>4,413</u>
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Workload Activity Report - FY 78-79 (cont.)

VI. Sup.Ct.--M.H.Sec. (cont.)

<u>ANNUAL REVIEWS</u>	
g. LPS	1,070
h. DD	5
i. PC	20
TOTAL	<u>1,095</u>
<u>COURT ACTIVITY</u>	
<u>Writs of H/G</u>	
j. LPS	361
k. DD	99
l. PC	4
TOTAL	<u>464</u>
<u>Petition for Conserv.</u>	
m. LPS	1,958
n. DD	29
o. PC	19
TOTAL	<u>2,006</u>
<u>Trials</u>	
p. LPS CT/JT	277/04
q. DD CT/JT	72/29
r. PC CT/JT	75/20
TOTAL	<u>424/53</u>

VII. SUPERIOR COURT--APPELLATE SECTION

a. 995 Memos Prepared & Filed	58
b. 1538.5 Memos Prepared & Filed	75
c. 995 Motions Grtd/Den.	32/12
d. 1538.5 Motions Grtd/Den.	19/41
e. Briefs on Appeal Filed	13
f. App. Decisions Fav./Unfav.	4/1
g. Petitions for Writs Filed	14
h. Writs Grtd./Den.	2/10
i. Petitions for Hrng. in Supreme Ct. Filed	10
j. Petitions for Hrng. in Supreme Ct. Grtd./Denied	2/8
k. Petitions for Rehearing Grtd./Denied	0
l. Other Support Research (Trial Brief; Evidentiary Matters, Jury Instructions, etc.)	75

VIII. INVESTIGATION DIVISION

<u>Case Activity</u>	
a. Felony	693
b. Misdemeanor	833
c. Juvenile	253
d. Mental Illness	1
e. Other Investigation	35
TOTAL	<u>1,815</u>

<u>Interviews</u>	<u>5,480</u>
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IX. SAN JOSE MUNICIPAL COURT

<u>CASES OPENED</u>	
a. Felony	3,165
b. Misdemeanor	5,727
c. Probation Viol.	340
TOTAL	<u>9,232</u>

<u>COURT APPEARANCES</u>	<u>21,659</u>
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<u>FELONY CASES</u>	
d. HTA	1,422
e. PX Waived	252
f. PG Felony	180
g. Not HTA	149
h. Dismissed	234
i. Diverted	11
j. PG Misdemeanor	289
k. Esteybar Motion	111
l. Conflict	194
m. SPC	190
n. RTB/REJ	337
TOTAL	<u>3,369</u>

<u>MISDEMEANOR CASES</u>	
o. PG	2,787
p. Dismissed	1,066
q. Diverted	139
r. FG CT/JT	3/45
s. FNG CT/JT	2/17
t. Conflict	69
u. SPC	257
v. RTB/REJ	1,406
TOTAL	<u>5,791</u>

<u>MOTIONS</u>	
w. 1538.5	430
x. Others (HOP, Discovery, W/D as Atty., ROST, New Trial, Dism., Ballard, BRB, MOR)	316
TOTAL	<u>746</u>

Workload Activity Report - FY 78-79 (cont.)

X. SANTA CLARA MUNICIPAL COURT

<u>CASES OPENED</u>	
a. Felony	336
b. Misdemeanor	719
c. Probation Viol.	31
TOTAL	<u>1,086</u>

<u>COURT APPEARANCES</u>	<u>3,131</u>
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<u>FELONY CASES</u>	
d. HTA	175
e. PX Waived	13
f. PG Felony	38
g. Not HTA	4
h. Dismissed	32
i. Diverted	9
j. PG Misdemeanor	7
k. Esteybar Motion	10
l. Conflict	21
m. SPC	12
n. RTB/REJ	38
TOTAL	<u>359</u>

<u>MISDEMEANOR CASES</u>	
o. PG	396
p. Dismissed	141
q. Diverted	9
r. FG CT/JT	1/5
s. FNG CT/JT	2/2
t. Conflict	9
u. SPC	21
v. RTB/REJ	174
TOTAL	<u>760</u>

<u>MOTIONS</u>	
w. 1538.5	7
x. Others (See IX.x., supra)	88
TOTAL	<u>95</u>

XI. SUNNYVALE MUNICIPAL COURT

<u>CASES OPENED</u>	
a. Felony	366
b. Misdemeanor	675
c. Probation Violations	33
TOTAL	<u>1,074</u>

<u>COURT APPEARANCES</u>	<u>2,948</u>
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XI. (cont.)

<u>FELONY CASES</u>	
d. HTA	173
e. PX Waived	10
f. PG Felony	46
g. Not HTA	1
h. Dismissed	34
i. Diverted	10
j. PG Misdemeanor	15
k. Esteybar Motion	8
l. Conflict	11
m. SPC	24
n. RTB/REJ	44
TOTAL	<u>376</u>

<u>MISDEMEANOR CASES</u>	
o. PG	358
p. Dismissed	116
q. Diverted	7
r. FG CT/JT	3/23
s. FNG CT/JT	/2
t. Conflict	9
u. SPC	14
v. RTB/REJ	169
TOTAL	<u>701</u>

<u>MOTIONS</u>	
w. 1538.5	27
x. Others (see IX.x., supra)	60
TOTAL	<u>87</u>

XII. PALO ALTO MUNICIPAL COURT

<u>CASES OPENED</u>	
a. Felony	700
b. Misdemeanor	1,368
c. Probation Viol.	59
TOTAL	<u>2,127</u>

<u>COURT APPEARANCES</u>	<u>6,355</u>
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<u>FELONY CASES</u>	
d. HTA	339
e. PX Waived	62
f. PG Felony	1
g. Not HTA	5
h. Dismissed	39
i. Diverted	4
j. PG Misdemeanor	45
k. Esteybar Motion	0
l. Conflict	22
m. SPC	39
n. RTB/REJ	7
TOTAL	<u>563</u>

XII. Palo Alto Muni Ct. (cont.)

<u>MISDEMEANOR CASES</u>	
o. PG	833
p. Dismissed	131
q. Diverted	10
r. FG CT/JT	/4
s. FNG CT/JT	1/2
t. Conflict	15
u. SPC	44
v. RTB/REJ	406
TOTAL	<u>1,446</u>
<u>MOTIONS</u>	
w. 1538.5	11
x. Others (see IX.x, supra)	24
TOTAL	<u>35</u>

XIII. LOS GATOS MUNICIPAL COURT

<u>CASES OPENED</u>	
a. Felony	376
b. Misdemeanor	707
c. Probation Viol.	45
TOTAL	<u>1,128</u>
<u>COURT APPEARANCES</u>	
TOTAL	<u>2,905</u>
<u>FELONY CASES</u>	
d. HTA	124
e. PX Waived	18
f. PG Felony	1
g. Not HTA	9
h. Dismissed	18
i. Diverted	1
j. PG Misdemeanor	11
k. Esteybar Motion	5
l. Conflict	4
m. SPC	22
n. RTB/REJ	68
TOTAL	<u>281</u>
<u>MISDEMEANOR CASES</u>	
o. PG	236
p. Dismissed	77
q. Diverted	7
r. FG CT/JT	19/9
s. FNG CT/JT	/2
t. Conflict	7
u. SPC	25
v. RTB/REJ	182
TOTAL	<u>568</u>

XIII. (cont.)

<u>MOTIONS</u>	
w. 1538.5	24
x. Others (see IX.x, supra)	42
TOTAL	<u>66</u>

XIV. MORGAN HILL/GILROY MUNICIPAL COURT

<u>CASES OPENED</u>	
a. Felony	286
b. Misdemeanor	625
c. Probation Viol.	26
TOTAL	<u>937</u>
<u>COURT APPEARANCES</u>	
TOTAL	<u>1,969</u>

<u>FELONY CASES</u>	
d. HTA	110
e. PX Waived	18
f. PG Felony	8
g. Not HTA	11
h. Dismissed	29
i. Diverted	2
j. PG Misdemeanor	30
k. Esteybar Motion	13
l. Conflict	29
m. SPC	20
n. RTB/REJ	42
TOTAL	<u>312</u>

<u>MISDEMEANOR CASES</u>	
o. PG	279
p. Dismissed	81
q. Diverted	8
r. FG CT/JT	10/13
s. FNG CT/JT	2/8
t. Conflict	10
u. SPC	16
v. RTB/REJ	109
TOTAL	<u>536</u>

<u>MOTIONS</u>	
w. 1538.5	41
x. Others (see IX.x, supra)	35
TOTAL	<u>76</u>

County of Santa Clara

California

INVESTIGATION DIVISION REPORT
Fiscal Year 1978 - 1979

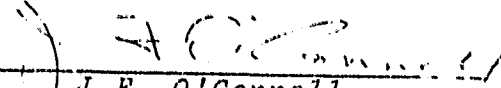
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total Referrals	137	152	128	163	159	147	161	118	165	159	148	178	1815
ADULTS	123	134	109	144	143	129	144	105	131	126	134	140	1562
Felony	40	65	54	68	63	60	54	46	41	56	77	69	693
Misdemeanor	81	63	54	71	80	66	85	57	85	67	56	68	833
Mental	0	0	0	0	0	1	0	0	0	0	0	0	1
Outside Ser-vice Requests	1	3	0	2	0	1	2	0	2	1	0	1	13
Financial Eligibility	0	1	0	0	0	0	2	0	0	1	0	0	4
Advice and Assistance	1	2	1	3	0	1	1	2	3	1	1	2	18
JUVENILES	14	18	19	19	16	18	17	13	34	33	14	38	253
Felony	9	8	9	14	11	11	4	10	18	21	9	30	154
Misdemeanor	5	10	10	5	5	7	13	3	16	12	5	8	99

Services	171	210	195	240	168	109	271	213	306	260	315	203	2661
Field Interviews	254	251	215	223	195	171	291	148	303	226	247	247	2771
Office Interviews	260	245	221	285	171	183	211	169	308	172	213	271	2709
Cases Pending End of Month	219	147	129	180	158	184	144	175	231	229	233	251**	190**

**Cases Pending	
November	1
December	0
January	4
February	6
March	15
April	10
May	75
June	140

Homicides: 8

*Average pendings per month

Submitted 
J.F. O'Connell
Chief Investigator

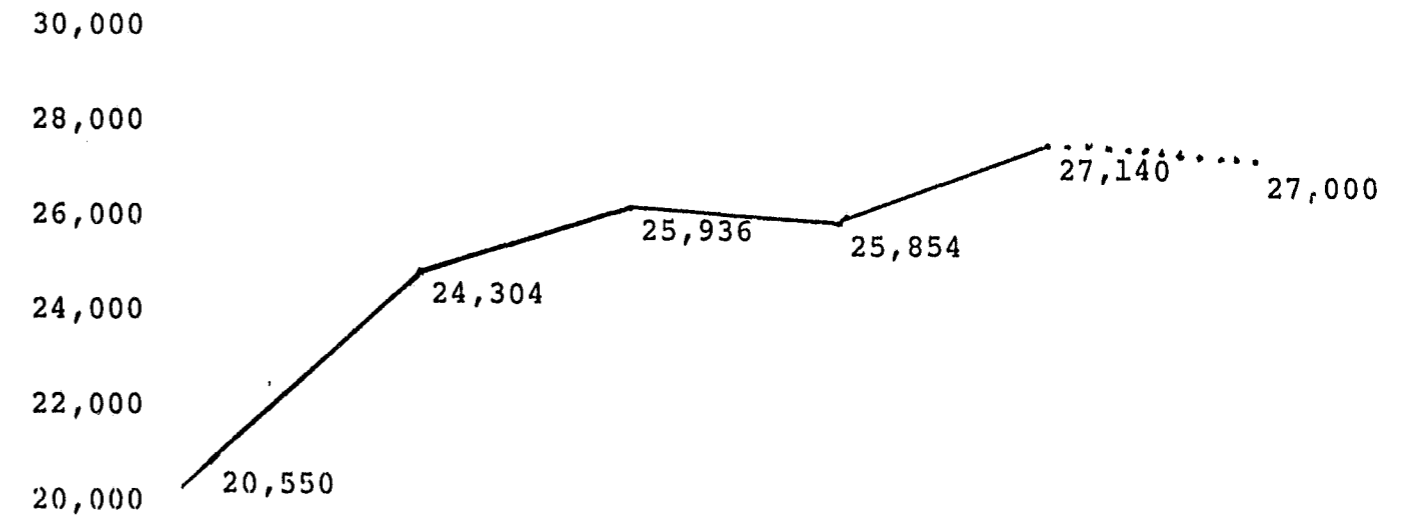
PUBLIC DEFENDER
- Investigation Section -

FIVE YEAR
STATISTIC COMPARISON
(7-01-79)

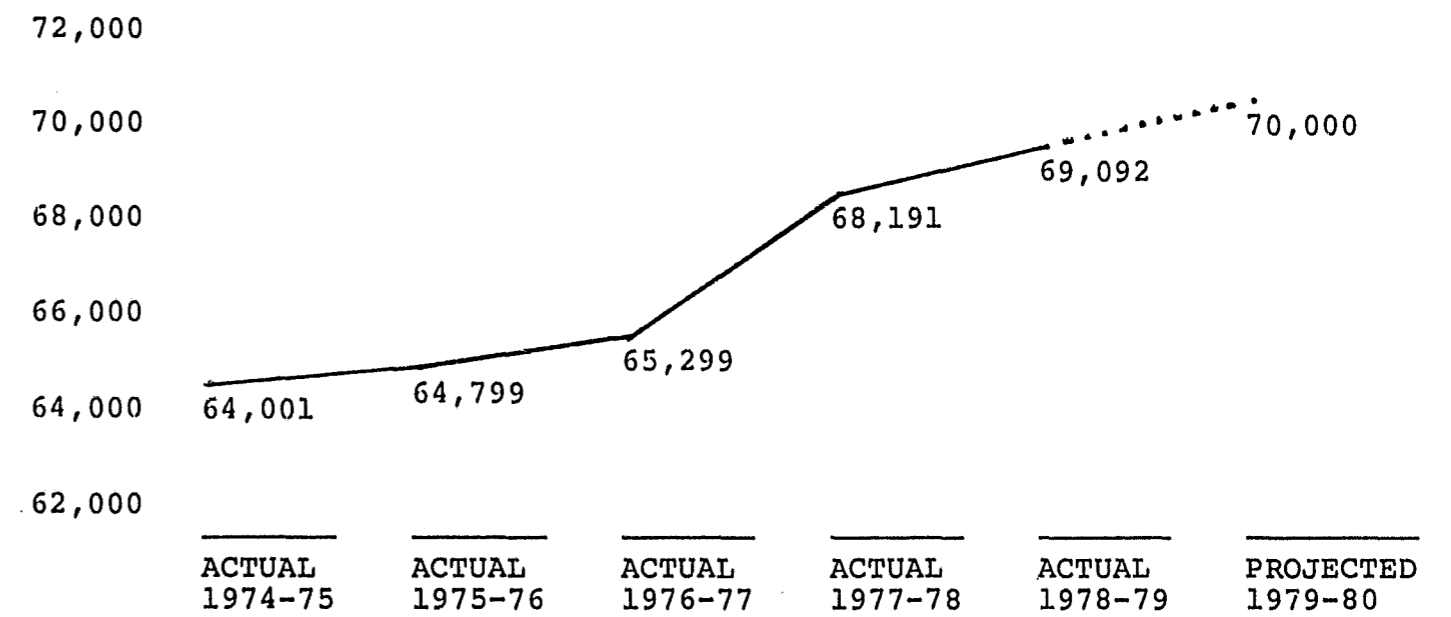
	1974-75	1975-76	1976-77	1977-78	1978-79	% Inc-Dec
ADULT FELONY	580	587	641	732	693	- 5.3%
ADULT MISDEMEANOR	994	846	891	1007	833	- 17.2%
ADULT OTHER	9	27	30	45	36	- 20.0%
ADULT TOTAL	1583	1460	1552	1784	1562	- 12.4%
JUVENILE FELONY	113	82	128	155	154	- 0.6%
JUVENILE MISDEMEANOR	116	49	102	130	99	- 23.8%
JUVENILE TOTAL	229	131	230	285	253	- 11.2%
CASE TOTAL	1840	1591	1794	2069	1815	- 12.2%
SERVICES	917	869	1495	2173	2661	+ 22.5%
CASE AVERAGE PENDING PER MONTH	176	121	148	200	190	- 5.0%
FIELD INTERVIEWS	3039	2851	3096	3115	2771	- 11.0%
OFFICE INTERVIEWS	974	1444	1525	3246	2709	- 16.0%
HOMICIDES	37	24	36	43	36	- 16.2%

Jerry F. Connell
Jerry F. Connell
Chief Investigator

CASES OPENED



COURT APPEARANCES



C A S E C O S T S

<u>Case Categories</u>	<u>Number</u>	<u>Assigned Attorney Staff</u> (%)		<u>Total Cost</u>	<u>Cost Per Case</u>
Homicides	31	4.0	(07.3)	\$ 231,214	\$ 7,458
Felonies (O/T Homicides)	4,589	25.0	(45.8)	1,450,631	316
Misdemeanors	9,484	15.5	(28.4)	899,518	95
Juveniles	5,430	7.0	(12.9)	408,584	75
Mental Health	6,198	3.0	(05.6)	177,371	29
	<u>25,732^{1/}</u>	<u>54.5</u>	<u>(100.0)</u>	<u>\$3,167,318^{2/}</u>	

NOTES: 1/ Case dispositions. Does not include conflicts, ineligibles and persons who later retained private counsel. Felony dispositions include those in municipal and superior court. Probation violations, special proceedings, writs and appeals not included.

2/ Actual expenditures. County administrative-indirect costs not included.

FIVE-YEAR PUBLIC DEFENDER ATTORNEY CASELOAD

TYPE CASES	FISCAL YEAR					5-Year Average Caseload
	74-75	75-76	76-77	77-78	78-79	
<u>Mixed Cases</u>	<u>419</u>	<u>445</u>	<u>402</u>	<u>445</u>	<u>493</u>	441
a. No. of Cases	20,550	24,262	25,936	25,854	27,140	
b. No. of Attys.	43	48.5	54.5	58	54	
<u>Felonies</u>	<u>193</u>	<u>171</u>	<u>172</u>	<u>179</u>	<u>159</u>	175
a. No. of Cases	4,815	4,796	5,492	5,564	4,620	
b. No. of Attys.	23	26	30	31	29	
<u>Misdemeanors</u>	<u>540</u>	<u>551</u>	<u>536</u>	<u>635</u>	<u>612</u>	575
a. No. of Cases	9,993	10,186	10,998	10,805	9,484	
b. No. of Attys.	16.5	16.5	16.5	17	15.5	
<u>Juveniles</u>	<u>663</u>	<u>535</u>	<u>411</u>	<u>537</u>	<u>776</u>	584
a. No. of Cases	2,651	2,677	3,291	3,762	5,430	
b. No. of Attys.	3	4	6	7	7	
<u>Mental Health</u>	<u>1,002</u>	<u>1,688</u>	<u>1,431</u>	<u>1,692</u>	<u>2,066</u>	1,576
a. No. of Cases	2,004	5,064	5,723	5,078	6,198	
b. No. of Attys.	1	2	2	3	3	

APPENDIX I

END