

MPEL

EARLY REPRESENTATION BY DEFENSE COUNSEL
FIELD TEST

OFFICE OF THE PUBLIC DEFENDER
SHELBY COUNTY
MEMPHIS, TENNESSEE

FUNDED BY:
NATIONAL INSTITUTE OF JUSTICE

OCTOBER 1983

95725

DRAFT FINAL REPORT

NATIONAL INSTITUTE OF JUSTICE FIELD TEST
EARLY REPRESENTATION BY DEFENSE COUNSEL
1982-1983

STEPHEN E. WEITZMAN
ASSISTANT PUBLIC DEFENDER
SHELBY COUNTY, TENNESSEE

U.S. Department of Justice
National Institute of Justice

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EARLY REPRESENTATION BY DEFENSE COUNSEL
IN SHELBY COUNTY, TENNESSEE
1982-1983

FUNDED BY THE NATIONAL INSTITUTE OF JUSTICE

FINAL REPORT

Submitted by

Stephen E. Weitzman
Assistant Shelby County Public Defender
Supervising Attorney - Early Representation Grant

INTRODUCTION

In 1981, the Shelby County Public Defender in Memphis, Tennessee was selected to participate in a test sponsored and funded by the research division of the United States Department of Justice, the National Institute of Justice. The purpose of the test was to measure and document the effects, if any, of appointed counsel providing representation to indigent felony defendants earlier in time relative to the point of arrest, than was normally the practice in Shelby County. Capital Murder cases were excluded from the test.

The staff used to participate in the test was a mixture of existing employees and persons retained for the duration of the test. Existing employees included three attorneys, and one investigator, one secretary, and one data-research specialist. Participating staff was divided into two groups, test and control. The control staff consisted of two attorneys and one investigator, all of whom were existing employees. The test staff consisted of one supervising attorney, two staff attorneys, one investigator, one secretary, and the data-research specialist. The entire test staff, except for the supervising attorney, were new employees retained exclusively for the test program for one year. The supervising attorney divided his time equally between administrative responsibilities and client representation.

DETERMINATION OF INDIGENCY

Funding was provided to Shelby County Pre-Trial Services¹ to retain an interview counselor. The interview counselor's responsibility was to interview defendants prior to first appearance in court, to provisionally determine who is, and is not, financially able to employ an attorney. It was deemed appropriate to have someone outside the supervision of the Shelby County Public Defender make first contact with defendants to avoid the appearance of solicitation of business.

Problems quickly developed regarding weekend interviews with defendants. The full-time counselor retained worked Monday through Friday; therefore, the indigency interviewing for weekends was performed by other Pre-Trial Service Counselors. Frequent visits were made by the supervising attorney to the Director of Shelby County Pre-Trial Services during the first month of implementation to discuss deficiencies in the quality of weekend indigency interviews. These problems included: indigency interview forms being lost, delivered to some place other than the Public Defender's Office, not being fully completed, or simply not having the defendants interviewed because of the weekend counselor's forgetfulness. It should be emphasized that the vast majority of these problems were confined to weekend interviews and these difficulties were resolved during the second month of implementation.

¹Shelby County Pre-Trial Services has responsibility for determining which defendants are appropriate risks for recognition release consideration.

NUMBERS OF CLIENTS

During the period of the test, September 1, 1982 through May 15, 1983 a total of 2,119 clients were represented by the test and control staff. The test attorneys processed 818 and the control 1,301. The reason for the imbalance in numbers was due to prospective clients providing inaccurate data to the Pre-Trial Service Counselors who interviewed those Defendants regarding financial status. When a Defendant responded affirmatively² that he or his family had or planned on retaining private counsel that Defendant would be excluded from the test group; however, when that same Defendant lingered in jail without private counsel ever appearing, and the Public Defender eventually appointed, this Defendant would be a control group client.

It should be noted that in 1980, the Shelby County Public Defenders represented approximately 1,400 felony Defendants at the General Sessions level of court. In the opinion of this author, there are three events primarily responsible for the approximate 50% increase in Public Defender appointments: (1) Recession and resulting unemployment, (2) consolidation of the City Court System with the General Sessions System, and (3) observations of judges that there are now five available Assistant Public Defenders in their court, resulting in liberal appointments.

²A copy of the Pre-Trial Services indigency interview form is attached.

THE PRIVATE BAR

Shelby County, Tennessee has an active and vocal private bar that practices in the General Sessions Courts. It should be noted that in Shelby County a private attorney may accept a fee and sign a Defendants Court jacket and only be responsible for representation in lower Court and have no obligation after the case is indicted. Firm opposition was voiced by members of the private bar against implementation of the test. Some obstreperous lawyers threatened litigation; the fear was that the Public Defenders would be indirectly soliciting business in the jail prior to Court appointment via the Pre-Trial Services indigency interview. A result of conferences between the Public Defender and representatives of the private bar was a LIMITED WAIVER OF ATTORNEY CLIENT CONFIDENTIALITY and AFFIDAVIT OF INDIGENCY forms³. Assurances were made that should any Assistant Public Defender assigned to the group discover that a client had misrepresented his financial status, the judge would be informed.

One result of the affidavit of indigency was unanticipated. When a test attorney would make a motion for bond reduction, the prosecutor would refer the judge to the affidavit of indigency in the Court jacket, and argue that the bond should not be lowered because the Defendant is indigent and could not possibly post a lower bond, and if he did he was in contempt of Court for lying about his financial status. Fortunately, this argument was not well received by the judges.

³Examples of these forms are attached.

FIRST CONTACT WITH CLIENTS

All of the judges, except one, did not permit our attorneys to interview prospective clients in the jail "holding tank" adjacent to the courtroom. This resulted from an unyielding position of the jail administrators who were of the opinion that lawyers in the security area created an undue risk to all concerned. Therefore, first contact with prospective clients was limited to a brief and whispered conversation in the courtroom, often moments before arraignment. It was not unusual for the Defendant's case to be called while the test attorney was engaged in his first contact with the prospective client. The judges were generally cooperative in allowing the test attorneys sufficient time to complete their initial interview. It should be noted that adequate attorney client interview rooms were provided; however, these rooms are inaccessible from the courtroom in terms of distance and time.

Early representation caused a positive impact on bail settings from the defense perspective. Prior to implementation, indigent defendants were unrepresented during bail settings at first appearance. Judges usually accepted the recommendation of the Prosecutor when setting bail for unrepresented defendants.

As a result of defense counsel being appointed at first appearance, we had an opportunity to present proof and argument on the bail issue. Frequently the prosecutors information was unintentionally incomplete or inaccurate regarding the defendant's prior record. An example would be a defendant who was originally arrested for Robbery with a Deadly Weapon and had his matter

dismissed at a preliminary hearing, was indicted not in custody for simple robbery and had a capias issued, and lastly plead guilty for three years to the offense of larceny from the person. The prosecuting attorney would invariably recite these events in such a manner to cause a Judge to think the Defendant has been arrested for three felonies, had one conviction, and missed one court appearance. It has been the observation of this author that Early Representation enabled Judges to make better informed bail decisions at first appearance.

Another benefit of early contact with defendants was an increased level of confidence and communication between the test attorney and his client. The test attorney informed the client what to expect at first appearance in terms of a bond setting. The test attorney would usually visit the new client in the jail the same day of first appearance, or shortly thereafter. This continuity of contact fostered improved communication and trust between the attorney and client.

VARIOUS IMPACTS OF EARLY REPRESENTATION

It is the opinion of this author that the services of a "street investigator" for the test group was an invaluable aid. Numerous felony cases were settled at the General Sessions level as a result of early investigation. It was learned that many victims of crime simply did not wish to proceed with prosecution. This was particularly evident when the victim was a relative or boyfriend/girlfriend. Often victims wanted only restitution. The test investigator used a pre-printed refusal to prosecute form.⁴ When such a form was presented to the prosecuting attorneys, a dismissal or very favorable plea bargain usually resulted.

Although other members of the criminal justice system were aware of the Early Representation Project in Shelby County, the primary response was from the Assistant District Attorney General's staff. The frequency and quality of early investigation was noticed to the extent of having Prosecutors occasionally suggest to the Test Attorney what information the test investigator might seek to aid in a potential settlement on a reduced misdemeanor plea bargain arrangement.

In cases that could not be settled, early investigation aided the test attorneys in conducting a meaningful preliminary hearing. Often, the early investigation provided as much, or more information than a preliminary hearing could provide; this enabled the test attorney to negotiate a waiver of preliminary hearing in exchange for an agreed bond reduction. It has been

⁴A copy of this form is attached.

our finding that victims and witnesses are willing to talk and recall events surrounding the crime more readily at the General Sessions level, as compared to an investigation three or four months after the fact.

It was the general consensus of our trial attorneys that an indicted case with an early investigation from General Sessions Court was disposed of quickly in Criminal Court. When a test case was arraigned on the indictment and an investigation was already completed in General Sessions Court, the trial assistant was in an effective position to begin plea negotiations. Prior to implementation, plea negotiations were frequently made without the defense attorney having the benefit of a completed investigation. It has been our observation that test cases frequently were disposed of by guilty plea or announced for trial at the first report date after arraignment on the indictment.

For Shelby County Tennessee, the primary benefit of Early Representation was derived from early investigation. It is anticipated that the services of a "street investigator" will be retained for the General Sessions level of Court; although financial arrangements are not yet finalized.

SET: _____ SESS. _____ DIV. _____ ATTY: _____
TEST # _____

Date: _____ Time (A.M./P.M.) _____
Name: _____ D.O.B. _____
Booking No. _____ Charge(s) _____

1. Do you have an attorney for this case? Yes No
2. Do you intend to hire an attorney? Yes No
3. Do you expect anyone from your family to hire you an attorney? Yes No
4. Do you have any property or income which would enable you to hire an attorney? Yes No

PTS Representative: _____

Defendant: _____

INDIGENCY INTERVIEW

INTERVIEWER _____

DATE _____ TIME _____

NAME _____ D.O.B. _____ BOOKING NO. _____

CHARGE(S) _____ BOND AMOUNT _____

DATE ARRESTED _____ TIME _____ DATE BOOKED _____ TIME _____

1. What is your average monthly income? \$ _____
 Present Employer _____ How Long _____
 Address _____ Supervisor _____ Phone _____
 Other Income Sources (spouse, government checks, etc.) _____

2. What assets do you have?

Home	_____
Auto	_____
Bank Account	_____
Other	_____

3. What are your monthly expenditures?

House note/Rent	\$ _____
Auto	\$ _____
Food	\$ _____
Clothes	\$ _____
Other	\$ _____

4. How many dependents do you have? _____
 5. Was there anyone arrested with you? (Names) _____

6. After a preliminary examination this defendant appears to be:
 INDIGENT NON-INDIGENT

LIMITED WAIVER OF ATTORNEY CLIENT CONFIDENTIALITY

I, _____, hereby expressly waive my right to the attorney client confidentiality only as to matters of my financial eligibility for Public Defender representation, and if it is determined that I have deliberately given erroneous or inaccurate information, I am hereby expressly waiving my right to the attorney client confidentiality. This has been explained to me by the below signed witness.

CLIENT _____

ATTORNEY _____

DATE _____

IN THE GENERAL SESSIONS COURT OF SHELBY COUNTY TENNESSEE
DIVISION

STATE OF TENNESSEE

*

*

VS.

*

DOCKET NO.

*

*

DEFENDANT

AFFIDAVIT OF INDIGENCY

Be it remembered that Officers of the Court have questioned the defendant as to his financial ability to retain counsel at his own choice and expense, and it appears to the Court that the defendant is indigent and unable to bear the expense of counsel and the defendant requests the services of the Public Defender.

I hereby declare under the penalties of perjury that the answers given with respect to financial ability to hire counsel are true, and I hereby request the Court to appoint counsel to represent me in this action.

This the _____ day of _____, 19____.

DEFENDANT

Sworn to and subscribed before me this _____ day of _____, 19____.

AFFIDAVIT

_____ being duly sworn makes oath as follows:
that I do not wish to participate in the prosecution of _____ for _____
_____. My unwillingness for pursuing this matter is based on the fact that I _____

I further state that this statement is given freely and voluntarily without being threatened in any way or promised anything in return.

Sworn and subscribed before me this the _____ day of _____, 19____.

NOTARY

My Commission Expires: _____

INDICTMENT NO(S) _____

REQUEST FOR INVESTIGATION

CLIENT _____ <small>LAST FIRST MIDDLE INIT.</small>	FILE NO. _____	ASSIGNED TO:
CHARGE _____	REQUESTED BY _____	
RETURN REQUESTED BY _____ <small>DATE</small>	DATE REC'D FOR INV. _____	BY _____ DATE _____

SERVICE REQUESTED:

DATE RETURNED _____	INVESTIGATOR _____	REVIEWED BY _____
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SERVICES PERFORMED

REVISED OPERATIONAL PROCEDURES

F O R

MEMPHIS, SHELBY COUNTY, TENNESSEE

EARLY REPRESENTATION BY DEFENSE COUNSEL PROJECT

A Grant funded by the National Institute of Justice

August, 1983

OPERATIONAL GUIDELINES

NATIONAL INSTITUTE OF JUSTICE FIELD TEST
EARLY REPRESENTATION BY DEFENSE COUNSEL
1982-1983

STEPHEN E. WEITZMAN
ASSISTANT PUBLIC DEFENDER
SHELBY COUNTY, TENNESSEE

A. INTRODUCTION

The Office of Public Defender for Shelby County, Tennessee participated in an early Representation by Defense Counsel (ERDC) project sponsored by the National Institute of Justice. The National Institute is the research, development, and evaluation center within the U. S. Department of Justice. Congress has assigned to the National Institute responsibility for demonstrating and testing new and improved approaches to strengthen the criminal justice system.

An application for the Public Defender to participate in the ERDC project was submitted to the National Institute of Justice by Shelby County, and was endorsed by all appropriate local officials, including the Mayors of Shelby County and Memphis, the district attorney general, the chief prosecutor of Memphis, the chief public defender of Shelby County, the police director of Memphis, and the sheriff of Shelby County. The Shelby County Public Defender was one of three public defender offices in the United States chosen to participate in the ERDC project. The other public defender offices are in Palm Beach County, Florida, and Passaic County, New Jersey.

The purposes of the project are to determine the effects of early representation on the operations of the public defender, or the quality of attorney-client relations, and, or the other components of the criminal justice system. The test, also, will determine in a systematic fashion whether the limited empirical evidence which indicates that early

representation will speed case processing and improve the overall quality of representation is valid.

The test of early representation in Shelby County began in September, 1982, and lasted approximately one (1) year. Only those defendants who are unable to afford counsel and who are charged with felonies, (excluding first degree murder), were included in the test. In general, during the one (1) year test period, the Public Defenders normal felony caseload in the court of General Sessions, (approximately 1400-1500 cases), was randomly sub-divided and assigned either to "control" or "test" attorneys. Defendants who receive "control representation" will be served by the agency's lawyers in exactly the same manner that representation has been provided in the past. Defendants assigned to "test representation" received legal services earlier in the process than has previously been possible, and, the overall extent and quality of the representation was enhanced as well. Although the precise time that test attorneys will commence representation will necessarily vary, ordinarily defendants were interviewed prior to their first court appearance, which is normally within 24 hours after arrest.

In order to hire additional staff to implement the ERDC project, the National Institute awarded the Office of Public Defender a \$180,000.00 grant. The staff retained for the cases of "test" defendants included a supervising attorney, two staff attorneys experienced in criminal defense, a

secretary, and an investigator. An administrative assistant, with record-keeping responsibilities was also hired. The staff assigned to providing representation in "control cases" included two attorneys, a secretary, and an investigator. The position of supervising attorney for test cases was filled by Stephen Weitzman, a member of the public Defender's staff for the past five (5) years. Mr. Weitzman, also, was responsible for day-to-day co-ordination of the Public Defender's participation in the ERDC project.

To assist the Public Defender in implementing procedures, the National Institute of Justice retained the services of the University Research Corporation of Washington, D. C. An evaluation of the effects of early representation was undertaken by the URSA Institute of San Francisco, California.

B. DETERMINATION OF ELIGIBILITY FOR APPOINTED COUNSEL

Shelby County Pretrial Services made recommendations to the General Sessions Judge concerning defendant's eligibility for appointed counsel. An interviewer employed by Pretrial Services screened defendants twice daily during weekdays. (Weekend screening is described in Section D.) At approximately 7:00 A.M. and 1:00 P.M., Pretrial's interviewer consulted the jail list and noted those defendants who were recently arrested and were charged with felonies. Pretrial's interviewer spoke with each defendant, individually, after first obtaining permission from the jailor. Specifically,

the interviewer questioned each accused regarding his ability to employ counsel, and, if financially unable to do so, whether the services of the Public Defender are desired. If the accused advised the interviewer that he has private counsel, or, that he did not desire the services of the Public Defender, the interview was immediately terminated. On the other hand, if the accused advised the Pretrial interviewer that he couldn't afford private counsel and desired the Public Defender, the interviewer would proceed to ask a series of standardized questions from a financial eligibility form. (See attachment #1) Defendants who did not qualify for Public Defender representation, in the judgment of the Pretrial interviewer, would not be referred to the Public Defender for possible representation.

C. SELECTION OF THE TEST GROUP

Financial eligibility forms were delivered daily to the test group secretary, who immediately undertook to determine the defendants to be represented by test group attorneys. This was done pursuant to a random assignment system, utilizing either odd or even booking numbers. Periodically, URSA Institute's field representative gave the test secretary an assignment code, which indicated whether test cases were odd or even numbered.

Multiple indigent defendant cases were assigned to one test attorney, absent a conflict of interest. Where a conflict

of interest developed, the test attorney asked the General Sessions judge to relieve the Public Defender of representation of one or more of the defendants. Randomization of multiple defendant cases were based upon whatever group (test or control) the first defendant would otherwise have been a part. The first defendant is that defendant with the lowest booking number.

D. OPENING AND ASSIGNMENT OF FILES FOR TEST CASES

Once the test secretary determined who would be represented by the test attorneys, a file was opened for each client. The file included the financial eligibility form, a case processing form, and intake case monitoring form, a preliminary hearing report ("the pink sheet"), and an investigation request form. (See attachment #2) The name of the test attorney assigned to handle the case through General Sessions Court appeared on the outside of the file, and test group files were identified by the placement of a red adhesive circle. This assisted in the retrieval of closed files at the conclusion of the project, when they are desired, for research purposes.

The test secretary also made an entry in the case log-book for each accused. (See attachment #3) The entry for each accused included: (1) date and time the financial eligibility form was received from Pretrial Services; (2) the test group case number; (3) the booking number; (4) the name of the

client; and (5) there will be a space reserved for a date the file was closed or the services of a test group attorney were terminated.

The test secretary next reported the new test cases to the senior records clerk, a position now held by Ms. Rene Cole, who recorded each test case on an index card file maintained in the defendant's last name. (See attachment #4)

Cases were assigned rotationally to test group attorneys, except for multi-defendant cases as previously discussed. The supervising attorney was assigned only one of every five (5) cases, as he divided his time between caseload work and project supervision. The supervising attorney did, however, make necessary adjustments in case assignments to equalize workload. When the secretary completed opening the files and made entries in the case logbook and index file, she immediately distributed the new files to the test attorneys.

The foregoing procedures for the opening of new files occurred twice daily, as financial eligibility forms were received from the Pretrial Services interviewer. On Saturday, this procedure was followed only once. To make early representation a reality, each test group attorney worked a half day every third Saturday. The "Saturday attorney" also handled the duties of opening the files and making the entries in the case logbook. Additionally, this provided the senior records clerk a list of new test cases for logging in the index card file by leaving this list in a mail slot provided

for that purpose.

E. INITIAL TEST ATTORNEY-CLIENT CONTACT

The test attorney first reviewed the information given to Pretrial Release to make sure the accused qualified for the services of the Public Defender. The test attorney's next duty was to interview the client immediately. If the attorney concluded that the defendant qualifies,¹ the attorney would have the client execute an affidavit of indigency to be presented when the accused made his first appearance in court. If the attorney concluded that the accused was not qualified for Public Defender representation, this finding was reported to the court and the case was excluded from the test.

A complete factual interview of the defendant usually occurred the same day of first appearance. This interview covered the circumstances of the offense, the identity of

¹Title XVII Private Acts of Shelby County, Sec. 8, Private Acts, 1917, Chapter 69. Senate Bill 187, provides:

"That upon request by the defendant, or upon order of the Court, it shall be the duty of the Public Defender to defend, without expense, and to represent generally, all persons who are without means to employ counsel, who have been indicted, by the grand jury or charged with the commission of any crime and he shall, also, upon request, give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher Court or Courts of any person who has been convicted upon such charge, where, in his opinion there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment of conviction."

potential defenses and witnesses, the need for medical or psychiatric treatment or evaluation, and whether the client desired to negotiate a settlement of his case.

Following the interview, the attorney determined if additional investigation was required. If so, the attorney completed the investigation request form, took the form to the investigator's desk, and placed it in the appropriate tray. It was the duty of the attorney to make certain that the investigation proceeded, and, that the investigator furnished the necessary information on schedule. The attorney also determined if the accused required medical or psychiatric examination and made the appropriate arrangements.

F. INITIAL TEST ATTORNEY-PROSECUTOR CONFERENCE

As a general rule, the accused's first court appearance was the day following arrest. Occasionally, first appearance would be longer than one court day from arrest. If for example, the accused was arrested on a Friday, Saturday or Sunday, the accused's first court appearance was normally the following Monday.

Before the accused was formally charged by the police, it was customary for the liaison officer from the charging officer's bureau to meet with a representative of the District Attorney General's Office assigned to the felony division of General Sessions Court. The liaison officer related the facts

to the Assistant District Attorney General, who either approved the charge against the accused or instructed that a different charge be lodged. Thereafter, the liaison officer appeared before the clerk of court, made oath to the facts contained in the affidavit of complaint, which was then filed in the court jacket.

Frequently, the test attorney sought an initial conference with the Assistant District Attorney General within one business day after first Court appearance. The availability of investigation, the desire of the accused to "charge bargain" or "plea bargain" to a lesser included offense, and the strategy of the attorney dictated the timing, nature, and scope of the conference. Of course, the Assistant District Attorney General was under no obligation to engage in plea negotiations.

G. THE ARRAIGNMENT: THE FIRST COURT APPEARANCE TO TEST ATTORNEY

The test attorney appeared with the accused at first appearance. When the accused's case was called by the Court, the test attorney informed the judge that the accused was unable to retain counsel, and, that the Public Defender provided representation, subject to Court approval. The attorney tendered to the judge the affidavit to indigency, already signed by the accused. The attorney applied for a resonbalé bond or a recognizance release. Thereafter, the

attorney requested either (a) a report date, if the attorney believed the matter could be disposed of pursuant to negotiations with the District Attorney General's Office, or (b) a preliminary hearing. When the accused was confined to jail, Tennessee law required the Court to set a preliminary hearing within ten (10) days.

H. THE PRELIMINARY HEARING

If the attorney was unsuccessful in reaching a termination of prosecution of the accused's case before the General Session Judge, the attorney provided representation at the preliminary hearing, unless waived by the accused. At the hearing, the attorney attempted to discover all available information, including the identity of witnesses. Also, witnesses presented by the prosecution were cross-examined, and the facts warranting dismissal or reduction of the charge to a lesser included offense was argued. In addition, the attorney argued for a reduction in bond if it remained beyond defendant's reach.

I. RECORD KEEPING

The test attorney was responsible for completing the case processing form, the preliminary hearing report, (and the request for investigation form, when needed). Appropriate entries were made on the face of the file by the attorney. For example, when a preliminary hearing that took one half

hour was completed, the attorney would note on the file, "8-18-82-conducted P. hearing, C-.50": The notation C-.50 represents in court time of one half hour. Furthermore, the test attorney prepared a narrative summary of all preliminary hearings. All preliminary hearings were audio tape recorded by the test attorneys.

Each test attorney completed intake and case monitoring forms on a daily basis. These forms were delivered to the URSA Institute field representative for mailing to the URSA Institute in California.

J. CLOSING OF FILES FOR TEST GROUP

If the test attorney was able to reach an agreement with the Assistant District Attorney General, thus terminating prosecution in General Sessions Court, the file was closed and returned to the test secretary. The test secretary entered the closing date in the case log book, delivered the case processing form (which has been completed by the test attorney) to the URSA field representative, and, lastly, delivered the file to the senior records clerk.

If the test attorney was unable to terminate prosecution in General Sessions Court, he retained custody of the file to explore settlement options with the District Attorney General responsible for submitting indictments to the Grand Jury. If a pre-indictment settlement could not be achieved, the test secretary, who noted on her case log form, under the heading

"date closed", the date the file was delivered to the senior records clerk. The senior records clerk reassigned the file subsequent to indictment and appointment of the Public Defender in Criminal Court. The test attorneys were available to the Public Defender's trial court attorneys to discuss the case.

When a trial court attorney closed a file, it was returned to the senior records clerk for billing, and next delivered to the research assistant for completion of the case processing form, he delivered it to the URSA field representative and the file was retired.

	DATE	TEST NO.	BOOKING NO.	CLIENT	ATTORNEY	DATE CLOSED
1.	ATTACHMENT 3					
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

EARLY REPRESENTATION QUESTIONNAIRE

Name _____ D.O.B. _____

Booking No. _____ Charge(s) _____

1. Do you have an attorney? Yes No

2. Do you intend to hire an attorney? Yes No

3. Do you expect anyone from your family to hire you an attorney? Yes No

4. Do you have any property or income which would enable you to hire an attorney? Yes No

PTS Representative:

WEST PALM BEACH ERDC
INTAKE AND CASE MONITORING FORM

NAME: _____
CASE ID: _____
SEX: _____ RACE: _____ DIVISION/COURT: _____
AGE (YRS.): _____

CURRENT ARREST
DATE: _____ TIME (A.M./P.M.): _____
CHARGE(S) (BY CODE NUMBER; CIRCLE NUMBER OF COUNTS):

AMOUNT OF BAIL SET (AT JAIL): _____
RELEASED ON BAIL: YES _____ NO _____

PRIOR RECORD
NUMBER MISDEMEANOR ARRESTS: _____ NUMBER FELONY ARRESTS: _____

FIRST CONTACT
BY WHOM: _____
DATE: _____ TIME (A.M./P.M.): _____ LENGTH (MINS.): _____

FIRST P.D. CONTACT
DATE: _____ TIME (A.M./P.M.): _____ LENGTH (MINS.): _____

FIRST APPEARANCE
DATE OF FIRST APPEARANCE: _____
DATE OF P.D. APPOINTMENT: _____
TYPE OF P.D. APPOINTMENT: THO _____ PAF _____ UNKNOWN _____
AMOUNT OF BAIL SET (FIRST APPEARANCE): _____
RELEASED ON BAIL: YES _____ NO _____

	DATE	TEST NO.	BOOKING NO.	CLIENT	ATTORNEY	DATE CLOSED
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						

ATTACHMENT 3

EARLY REPRESENTATION QUESTIONNAIRE

Name _____ D.O.B. _____

Booking No. _____ Charge(s) _____

- 1. Do you have an attorney? Yes No
- 2. Do you intend to hire an attorney? Yes No
- 3. Do you expect anyone from your family to hire you an attorney? Yes No
- 4. Do you have any property or income which would enable you to hire an attorney? Yes No

PTS Representative:

WEST PALM BEACH ERDC
INTAKE AND CASE MONITORING FORM

NAME: _____
CASE ID: _____ DIVISION/COURT: _____
SEX: _____ RACE: _____ AGE (YRS.): _____

CURRENT ARREST

DATE: _____ TIME (A.M./P.M.): _____

CHARGE(S) (BY CODE NUMBER; CIRCLE NUMBER OF COUNTS):

AMOUNT OF BAIL SET (AT JAIL): _____

RELEASED ON BAIL: YES _____ NO _____

PRIOR RECORD

NUMBER MISDEMEANOR ARRESTS: _____ NUMBER FELONY ARRESTS: _____

FIRST CONTACT

BY WHOM: _____
DATE: _____ TIME (A.M./P.M.): _____ LENGTH (MINS.): _____

FIRST P.D. CONTACT

DATE: _____ TIME (A.M./P.M.): _____ LENGTH (MINS.): _____

FIRST APPEARANCE

DATE OF FIRST APPEARANCE: _____

DATE OF P.D. APPOINTMENT: _____

TYPE OF P.D. APPOINTMENT: THO _____ PAF _____ UNKNOWN _____

AMOUNT OF BAIL SET (FIRST APPEARANCE): _____

RELEASED ON BAIL: YES _____ NO _____

SET: _____ SESS. _____ DIV. _____ ATTY: _____
TEST# _____

Date: _____ Time (A.M./P.M.) _____
Name _____ D.O.B. _____
Booking No. _____ Charge(s) _____

1. Do you have an attorney? Yes No
2. Do you intend to hire an attorney? Yes No
3. Do you expect anyone from your family to hire you an attorney? Yes No
4. Do you have any property or income which would enable you to hire an attorney? Yes No

PTS Representative:

INDIGENCY INTERVIEW

INTERVIEWER _____
DATE _____ TIME _____
NAME _____ D.O.B. _____ BOOKING NO. _____
CHARGE(S) _____ BOND AMOUNT _____
DATE ARRESTED _____ TIME _____ DATE BOOKED _____ TIME _____

1. What is your average monthly income? \$ _____
Present Employer _____ How Long _____
Address _____ Supervisor _____ Phone _____
Other Income Sources (spouse, government checks, etc.) _____

2. What assets do you have?
Home _____
Auto _____
Bank Account _____
Other _____

3. What are your monthly expenditures?
House note/Rent \$ _____
Auto \$ _____
Food \$ _____
Clothes \$ _____
Other \$ _____

4. How many dependents do you have? _____
5. Was there anyone arrested with you? (Names) _____

6. After a preliminary examination this defendant appears to be:
 INDIGENT NON-INDIGENT

Case Processing Form ATTACHMENT 2a

Case Number: _____ Site: _____

PRE-FIRST APPEARANCE ACTIVITIES

First Contact with Defendant:
 Date ___/___/___ Time ___ AM/PM...
 By whom? _____

Date	Nature of Contact	By Whom	Time Spent

PRE-ARRAIGNMENT (Lower Court) ACTIVITIES

Date of PD Appointment ___/___/___
 Name of PD _____
 Name of Prosecutor _____
 Name of Judge _____
 Circuit/Court Room _____
 Defense Activities (i.e., contacts with defendant or prosecutor or judge; case prep or investigation; first appearance, probable cause hearings)

Date	Nature of Activity	By Whom	Time Spent

ARREST INFORMATION

Date ___/___/___ Time _____
 Arresting Jurisdiction _____
 Charge(s) (By Statute #) _____

Yes No
 Prior Holds? _____
 Codefendants? _____
 Confession? _____
 Line Up? _____
 Other evidence? _____
 Bailed? _____ Date ___/___/___

PRE-ARRAIGNMENT STATUS

Bail Information:
 Date Set ___/___/___ Amount _____
 OR _____ Date Released _____
 Cash Bond _____
 10% Bond _____
 Other _____

Case Status:

Date _____
 Dismissed/Nolle/No probable cause ___/___/___
 Dismissed/Nolle/Refiled as Misd. ___/___/___
 Misd. Charge(s) _____
 Waived P.D. ___/___/___
 Diversion ___/___/___
 Terms/Length _____
 Bound Over ___/___/___
 Charge(s) _____
 Guilty Plea/Nolo ___/___/___
 Charge(s) _____
 Sentence _____
 Grand Jury Indictment:
 Waiver? _____ Date ___/___/___
 Date Indicted ___/___/___
 Charge(s) _____

ARRAIGNMENT AND TRIAL ACTIVITIES

Name of PD _____
 Name of Prosecutor _____
 Name of Judge _____
 Date of Arraignment ___/___/___
 Jail/Bail Status at Arraignment _____
 Date Trial Start ___/___/___ End ___/___/___
 Jail/Bail Status at Start of Trial _____

Defense Activities (i.e., contacts with defendant; conferences with DA or judge; In-Court)

Date	Nature of Activity	By Whom	Time Spent

POST-TRIAL ACTIVITIES

Date filed	Appeals or Motions

MOTIONS

	Date Filed	Date Heard	W L
Discovery			
Bond (amt.)			
Suppress			
Phys. Evid.			
Suppress Identification			
Other:			
Other:			
Other:			

CONTINUANCES

Requested by	Date

CASE OUTCOME

Method of Disposition: (Check one)
 Jury Trial _____
 Bench Trial _____
 Plea _____
 Other _____
 Case Disposition: (Date)
 Dismissal/Nolle ___/___/___
 Acquittal ___/___/___
 Conviction Charge(s) ___/___/___
 Guilty Plea/Nolo Charge(s) ___/___/___
 Other (JNOV, directed verdict) ___/___/___

Sentence: (Date)

Incarceration ___/___/___
 Length _____
 Where _____
 Probation ___/___/___
 Length _____
 Conditions _____
 Diversion ___/___/___
 Length/Conditions _____
 Type of Program _____
 Fine ___/___/___
 Amount: _____

PRELIMINARY HEARING REPORT

TAPE No. _____

1. Name: Last _____ First _____ Middle _____ Alias _____

2. Arrest: Time _____ Date _____ Place _____

3. Incident: Time _____ Date _____ Place _____

4. Age: _____ Sex: _____ Race: _____ Height: _____ Weight: _____ Married Child Single

5. Address: _____ Phone: _____

6. Unemp. Employed Salary _____ Dependents _____

7. Bond Amt. _____ Can Pay Not Sure No.

8. In Jail: Date: _____ City County Out of Jail Release date: _____

9. Judge _____ 10. Court _____ 11. Dt. Admt. _____ 12. Ct. Date: _____

13. Continuances _____
Co-Def: _____

14. Bond Info: _____ Time in Memphis _____ Education Level _____
Jobs longer than 8 months _____
Family in Memphis _____ Other Ties _____

15. Priors: _____ Juvenile Record Yes No
Arrest _____
Convictions _____
Time Serves _____

16. Charges _____

17. Victims or Complainants _____ Address _____ Phone _____

18. Witness _____

19. Arrt. Off. _____

20. Invst. Off. _____

21. Disposition: H. T.S. Nolle Prose Diversion Candidate Pvt. Atty.
 G.P. Dismiss Accepted Rejected

22. Attorney _____

23. Interview Client _____ See Back

24. Interview Officers _____ See Back

25. Interview Witness _____ See Back

26. Date and time of first attorney-client contact. _____

27. Date and time of first investigator-client contact. _____

28. Date and time of A.G. conference. _____

REQUEST FOR INVESTIGATION

CLIENT _____ FILE NO. _____

ASSIGNED TO: _____

CHARGE _____ REQUESTED BY _____

RETURN REQUESTED BY _____ DATE REC'D FOR INV. _____

BY _____

DATE _____

SERVICES REQUESTED:

DATE RETURNED _____ INVESTIGATOR _____ REVIEWED BY _____

SERVICES PERFORMED (use additional blank paper if necessary)

DATE	TIME	TEST #	BOOKING #	PD FILE #	NAME	ATTORNEY	DATE
9-28-82	9:10 am	T39	82269736	39	Curley Lee JACKSON (Arrested) Carl JACKSON	Weitzman	10-18-82
"	"	T40	82269040	40	James Roger Beith	Newport	10-15-82
"	"	T41	82268134	41	FRANK D. HALL	Green	10-21-82
"	12:55 pm	T42	82271704	42	J.W. OLIVER	Newport	10-20-82
"	12:00 pm	T43	82269728	43	James Louis Cole	Weitzman	10-15-82
"	12:00 pm	T44	82267082	44	Glen HANSEN	Green	10-27-82
9-29-82	10:40 am	T45	82271051	45	RONNIE ANDERSON	Newport	10-1-82
9-29-82	11:16 am	T46	82269733	46	Dewitt GIBSON	Green	10-19-82
"	4:00 pm	T47	82271609	47	James Standard	Newport	9-30-82
"	"	T48	82271077	48	Thomas L. Carr	Weitzman	11-12-82
9-30-82	8:25 am	T49	82271071	49	Ricky Rockholt	Green	10-22-82
"	"	T50	82272015	50	Gregory Akins	Newport	10-26-82
"	9:59 am	T51	82264013	51	Emit Chambers	Newport	10-19-82

IN THE GENERAL SESSIONS COURT OF SHELBY COUNTY TENNESSEE
DIVISION

STATE OF TENNESSEE

VS.

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*

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DOCKET NO.

DEFENDANT

AFFIDAVIT OF INDIGENCY

Be it remembered that Officers of the Court have questioned the defendant as to his financial ability to retain counsel at his own choice and expense, and it appears to the Court that the defendant is indigent and unable to bear the expense of counsel and the defendant requests the services of the Public Defender.

I hereby declare under the penalties of perjury that the answers given with respect to financial ability to hire counsel are true, and I hereby request the Court to appoint counsel to represent me in this action.

This the _____ day of _____, 19__.

DEFENDANT

Sworn to and subscribed before me this _____ day of _____, 19__.

MILLER, LAVESTER

75 PD 6262

#41234 RWDW
#46019 A & B

DIV. III SET: 3-11-75
3-17-75 GP 41235 Nolle Pross W/out cost
41234 10 yrs as charged in Pen.
46019 11 mo 29 days as charged.
TMNT 4-17-75, closed file.

4-17-75 No TMNT at all, closed file.

END