

Calendar Year 2005 Annual Report
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Council Member Listing

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Bondurant, Mixson & Elmore

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Wilson DuBose, Vice-Chairperson

Chairman, State Bar of Georgia

Indigent Defense Committee

District 8

Winkler, DuBose & Davis, L.L.C.

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Phone: 706-342-7900

Fax: 706-342-0011

E-Mail: wdubose@wddlaw.com

District 4, vacant

District 1, vacant

Edward Hine, Jr.

Edward Hine, Jr., P.C.

District 7

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Paul Kurtz

Associate Dean

District 10

University of Georgia School of Law

Athens, Georgia 30602

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Email: pmkurtz@arches.uga.edu

Judge Willie Lockette

Dougherty County Superior Court

District 2

225 Pine Avenue, Dougherty County

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Phone: 229-431-2186

Fax Number: 229-431-2174

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Wycliffe Orr

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District 9

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Evelyn Turner-Pugh, Treasurer

Councilor of the Consolidated Government of Columbus
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District 3

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Jerry Word

Circuit Public Defender, Coweta Judicial Circuit

District 6

306 Tanner Street

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Phone: 770-830-1323

Fax Number: 770-830-0715

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David Dunn, Secretary

Attorney, Circuit Public Defender-Lookout Mtn Circuit
Public Defender Representative

108 East Villanow Street

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Phone: 706-638-3290

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Legislative Oversight Committee Member Listing

Senator Bill Hamrick (30th), Chairman

121 H State Capitol
Atlanta, GA 30034
(404) 656-0036/fax (404) 651-6767

Senator Jack Hill (4th)

234 State Capitol
Atlanta, GA 30334
(404) 656-5038/fax (404) 657-7094

Senator Judson Hill (32nd)

327B Legislative Office Building
Atlanta, GA 30334
(404) 656-0150/fax (404) 463-7785

Senator. Preston Smith (52nd)

301 A Legislative Office Building
Atlanta, GA 30334
(404) 656-0034/fax (404)463-4161

Representative Mack Crawford (127th), Vice-Chairman

245 State Capitol
Atlanta, GA 30334
(404) 463-2247/fax (404) 463-2249

Representative Barry Fleming (117th)

415 State Capitol
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(404) 656-5024/fax (404) 657-8278

Representative Tom Knox (24th)

220 State Capitol
Atlanta, GA 30334
(404) 656-6831/fax (404) 656-6700

Rep. David Ralston (7th)

132 State Capitol
Atlanta, GA 30334
(404) 656-5943/fax (404) 657-8277

Introduction

“The creation of Georgia’s Public Defender Standards Council was the fulfillment of more than 25 years of work by the Georgia General Assembly and by Georgia’s judiciary. The Public Defender Standards Council has complied with its statutory requirements and organized a state wide public defender system, basically from whole cloth, in less than fourteen months. As the Standards Council moves forward into its second year of operation it is confident that the 43 state public defender offices, nine dedicated conflict defender offices, along with more than six hundred assigned conflict defense attorneys, will ensure that Georgia’s system continues to be the model for other states.

Now that the initial task of creating, organizing and staffing the circuit public defender offices and the conflict defender offices has been accomplished, the Council will continue to develop and implement its mandatory training programs for public defenders and staff members. The Council recognizes that the continued success of Georgia’s state wide public defender system is going to depend not only upon adequate funding of the program, but also upon the Council’s ability to attract and keep the best qualified attorneys, investigators and administrators in the system over the long haul. The key to keeping those integral components in our system is the quality of the Council’s training program. The Council’s mandatory training program will continue to be the lynch-pin of the system’s long term success. The curriculum includes (1) training in client-centered representation, (2) training on substantive legal subjects, (3) training on litigation skills, (4) training on how to maintain a cooperative and supportive public defender community. Without a doubt, our training program will not only produce the highest quality legal representation for poor people in our state, but will also produce a professional cadre of career public defenders.

The second part of the success of the Council’s programs will be the continued development and use of our state wide case management system. The development of this specialized case management system is one of the most important and revolutionary tools which the Council has developed. This system not only allows for the tracking of indigent cases throughout the state, it has, for the first time, given the State of Georgia accurate and reliable data about the number and types of indigent criminal cases. In just over one year, the Council offices throughout the state, including the conflict cases, have opened over 174,000 individual case files with the help of our computerized case management system! This case management system continues to help the circuit public defender offices throughout the state to manage cases in a systematic way, but it has provided a mechanism for a shared data program which will, when completed, allow all of the various components within the criminal justice system to share data and cut the costs of records keeping. The Cordele Judicial Circuit has already begun this process of data sharing and in the coming year the Council anticipates expanding to many other circuits throughout the state. The Council hopes that during the course of the next five years,

there will be a data sharing project fully operational in all 43 judicial circuits which are a part of the state wide public defender system.

The Council will continue to work with the local county and municipal governments and our State General Assembly to increase the state funding for our system. We have worked to help provide a funding source through increased fees for civil filings, add-on fees for certain bonds and forfeitures for our state government from which funds can be drawn to insure that our general fund revenues are available for the continued expansion of the system.

From a professional and fiscal standpoint, the Council is confident that the most effective way to deliver criminal defense services to the poor is through a well-run, well-financed, and well-trained public defender system. The guarantee of representation to anyone being prosecuted is not just a constitutional right; it is a solemn promise from the State of Georgia to all of its citizens.

The creation and implementation of our state wide public defender system is the fulfillment of that promise. Our state wide public defender system is a constant reminder of the quote from Pulitzer prize winner Herbert Agar, the author of "Who Owns America: A Declaration of Independence," who wrote "A civilization rests on a set of promises; if the promises are broken too often, the civilization dies, no matter how rich it may be, or how mechanically clever. Hope and faith depend on the promises; if hope and faith go, everything goes." Georgia is a great State and we must insure that we keep our promise to the poor. Our state wide public defender system is Georgia's commitment to keeping the promises of the Constitution.

This annual report for the fiscal year of 2005 -2006 is respectfully submitted pursuant to the provisions of the Official Code of Georgia Section 17-12-4.

Michael Mears, Director
Georgia Public Defender Standards Council

Executive Summary

The Georgia Public Defender Standards Council was created by legislation during the 2003 session of the Georgia General Assembly. The Georgia Indigent Defense Act of 2003 created a state agency within the judicial branch to be overseen by an eleven member Standards Council. This council was given the responsibility for setting up public defender offices throughout the state organized by judicial circuit and for setting uniform state-wide standards for these offices to follow in order to deliver quality services to indigent defendants.

In the 2004 legislative session, House Bill 1EX, the funding mechanism for the new state-wide system, was passed. This legislation funded the state's portion of the funding for the Standards Council through court "user fees" including a \$50 waivable application fee, a \$15 add on for civil filing fees, a 10% add on for traffic and criminal fines, and a 10% add on with a \$50 cap for bail and bonds. This fund is projected to collect between \$37 and \$40 million per year.

House Bill 1EX also created an 8 member Legislative Oversight Committee comprised of 4 members each from the House of Representatives and the Senate. The Governor appoints one member to each house, the Speaker of the House appoints 3 members in the House of Representatives, and the Senate Committee on Assignments appoints 3 members from the Senate. The committee, currently chaired by Senator Bill Hamrick from Carrollton, GA, meets a minimum of 6 times annually to review the council's standards, programs and budget. The General Assembly at the recommendation of this committee must ratify all standards passed by the Standards Council by joint resolution of both houses.

The Indigent Defense Act established mandatory funding areas for the state which included a circuit public defender for each judicial circuit, one assistant Public Defender per superior court judge excluding the chief judge, one investigator and two administrative staff. The state is also responsible to pay for all costs associated with capital "cases involving the death penalty" cases noticed after January 1, 2005, costs associated with conflict of interest cases, expert witness fees and interpreter services in superior court and in juvenile delinquency proceedings, and all training and mileage expenses for the circuit public defender offices.

Calendar Year 2005 was the first year of operation for the Standards Council. Forty two circuit public defender offices began operation January 1st of 2006. The 43rd circuit, the Clayton Judicial Circuit initially applied to opt out but decided to withdraw its application and started its public defender office in December.

There is a provision in the Indigent Defense Act which allows single county judicial circuits to apply to opt-out of the public defender system and utilize an alternate delivery system for indigent defense services. The Cobb, Gwinnett, Houston, Douglas, Blue Ridge and Bell-Forsyth Circuits applied and were approved for opt out. These circuits must continue to meet or exceed

the standards set by the Standards Council in order to continue to opt out of the public defender system.

All caseload data and statistics are maintained through the state's JCATS Case Management System for all judicial circuits in the state. During calendar year 2005 the circuit and conflict offices opened over 162,000 cases, the majority of the cases opened in the offices involved felony charges.

This annual report provides a description of each of the Standards Council's programs as well as its personnel, financial, legislative and caseload data for the year.

Central Office Summary

OCGA §17-12-5 (b)(1) and OCGA §§17-12-6(a)(1)-(5) state that the director of the Standards Council shall provide support services and programs for circuit public defender offices and other attorneys representing indigent persons in criminal or juvenile cases. Services include technical, research, and administrative assistance; educational and training programs for attorneys, investigators, and other staff; assistance with the representation of indigent defendants with mental disabilities; assistance with the representation of juveniles; assistance with appellate advocacy; and other such assistance to public defenders as may be authorized by law. The services listed above are provided through a Central Office located at 104 Marietta Street in Atlanta.

The Central Office has 33 full time staff members and provides support to the council, 43 circuit public defender offices, Office of Mental Health Advocate, and the Office of the Georgia Capital Defender. The central office is divided into divisions as follows:

Administration

Provides administrative and human resources support to over 650 staff members throughout the state staffing the various public defender offices.

Staff:

Michael Mears, Director
Sarah Haskin, Deputy Director, Fiscal & Government Affairs
Nolan Martin, Deputy Director, Compliance
Helen Tate, Director of Operations
Joan Nalls, Human Resources Manager
Andrea Alpin, Benefits Specialist
Joey Mack, Personnel Technician
Tracy Anderson, Executive Assistant to Director
Vanessa Carty, Administrative Assistant
Receptionist,

Fiscal

Handles all budgetary matters for the council and all staff. This includes contracts and grants management, budget development, accounts payable and receivable, collection of private funds.

Staff:

Laurie Olney, Fiscal Manager
Marques Smith, Budget Analyst II
Ebony Lockhart, Fiscal Analyst
Sue Nails, Clerks & Sheriffs Fiscal Analyst

Legislative Affairs/Data Entry

Handles legislative agenda for council with assistance of legal office. Generates and formulates all reports involving council data and statistics. This division also acts as the liaison with the public defender offices to handle hiring, budget and contract employee matters.

Staff:

Becky Chase, Data Collection Manager
Christie Crane, Legislative Affairs Coordinator
Tracy Atcheson, Data Collection Coordinator

Legal

Handles legal matters for the council and director and assists legislative division with advocacy.

Staff:

Susan Teaster, Interim Chief Legal Officer

Cindy Wang, Deputy Chief Legal Officer

Training

Provides all mandatory training for employees of the Standards Council. Also offers training to panel attorneys handling conflict of interest cases.

Staff:

Jon Rapping, Director

Trish McCann, Assistant Training Director

Megan Reynolds, Training Coordinator

Allison Manning, Administrative Assistant

Fellowship Attorney, vacant

Appeals

Directly handles appeals for circuit offices. This office also provides training and assistance on direct appeals in superior court and in juvenile delinquency proceedings.

Staff:

Jim Bonner, Director

Sarah Gerwig, Senior Attorney

Leigh Schrope, Staff Attorney

Nashekah Kimbro, Paralegal

Conflicts Central Management

Oversees the conflict case management system for the entire state. This includes 9 stand alone conflict offices directly handling case assignment and cases as well as all financial matters concerning processing and payment of appointed attorneys handling conflict cases.

Staff:

Paul Kehir, Deputy Director, Conflict System

Robin Fisher, Conflicts Coordinator

Technology

Provides technical support of JCATS case management system, provides training on utilization of system, maintains council website and handles all council technology grants and projects.

Staff:

Marla Kosier, IT Manager

Verlencia Lester, IT Specialist

Kim Murphy, Website Coordinator

GPDSC APPELLATE ADVOCACY & LEGAL RESEARCH DIVISION

The Appellate Advocacy and Legal Research Division is the only general legal resource division of the Standards Council and assists public defenders with all stages of representation, from case-planning and research to trial preparation to appellate litigation.

In the first year of the new public defender system, the Appellate Division developed performance standards for appellate counsel and designed a specially-tailored JCATS appellate case management system. It also helped design training materials, templates, forms, and other helpful resources for the public defender intranet site. The Division has assembled a brief bank, organized by topic and court, to help public defenders with their case-planning and research.

The Appellate Division staff has handled 27 appellate cases and has fielded approximately 1300 case-related requests for advice or assistance. The Director of the Appellate Division won both the GACDL “Case of the Year” and the 2005 Indigent Defense Awards. The Senior Appellate Supervising Attorney directs a pro bono clinic at Emory Law School.

The Circuit Public Defenders all asked for training for themselves and their staff members (in online research, brief writing, appellate procedures, and the like), and our division has therefore made that a focus. The Division hosted a very successful basic training on April 9, 2005, which offered comprehensive appellate practice instruction to approximately 160 attendees. The Division also published a revised appellate training manual complete with forms and examples, and also distributed periodic caselaw updates.

PURPOSE AND GOALS

To elevate the quality of legal advocacy for indigent clients. To better identify the research needs of public defenders and to respond with superior resources. To maximize the possibility of successful appellate litigation by planning for and steering appellate advocacy in a statewide system. To fulfill this purpose by achieving the following goals:

- Offer consultation with both trial and appellate counsel in Circuit Public Defender Offices and for conflict defenders
- Assist circuit public defender offices and conflict defenders with direct appeals, from case-planning to brief-writing
- Track important appellate cases and issues statewide
- Provide superior online research resources
- Direct and coordinate appellate litigation by filing cert petitions and amicus briefs where appropriate
- Assist the Training Division by co-sponsoring seminars on appellate practice and procedure and developments in the appellate courts

RESOURCES PROVIDED AND SERVICES OFFERED

I REPRESENTATION/ LEGAL ADVOCACY

- Assist CPD and Conflict offices with important/ pressing cases
- File amicus briefs in significant cases
- Coordinate litigation throughout the state by monitoring appellate courts' docket and filing cert petitions where appropriate

II RESOURCES

ATTORNEY CONSULTATION

- Available by telephone or e-mail
- Assistance ranges from general research advice to brainstorming to writing briefs or drafting motions

MANUALS AND PUBLICATIONS

- Appellate Manual available in print and online
- Appellate opinion summaries available via e-mail/ downloadable in .pdf for PDAs
- Notices about granted certioraris e-mailed as appropriate

INTRANET RESOURCES

- Brief bank Index
- Links to statutes, courts, court rules, DOC inmate information, etc.
- Link to LEXIS where appropriate for legal research
- Periodic summaries of appellate court decisions
- Notice about granted certioraris
- Appellate forms (motions, notices, etc.)
- Publications
- Appellate Manual with forms and appendices

III TRAINING

WORK WITH TRAINING DIRECTOR TO DEVELOP PROGRAMS BASED ON

- Effective brief and motions drafting
- Specific questions and requests for guidance from CPDs
- Common errors or problems noted in briefs filed in appellate courts
- Developments in the law
- Online legal research

Conflict Case Management Report

OCGA §17-12-26(b) states that the budget of the council shall include budget of all circuit public defender offices including conflict defender offices and appointed attorneys providing indigent representation. Conflicts are handled 2 different ways. In some circuits there is an authorized appointed list of attorneys handling these cases (those cases are identified as C3 cases). These attorneys are paid hourly rates by the Standards Council for services.

In areas with large volumes of conflict cases there are stand alone offices with full time conflict attorneys, administrators and staff handling case assignment and conflict cases (those cases are identified as CP cases).

There are nine conflict offices throughout the state.

Atlantic Conflict Defender Office

Samuel G. Oliver, Conflict Defender
912-654-5400

Middle Georgia Conflict Office

Vita Morales, Case Administrator
478-289-2802

East Georgia Conflict Office

Elizabeth Chavis, Case Administrator
706-721-8825

North Georgia Conflict Office

Steve Nevels, Case Administrator
770-535-5783

Chattahoochee Conflict Defender Office

Dorothy Williams, Conflict Defender
706-649-0593

Rome Conflict Defender Office

James C. Wyatt, Conflict Defender
706-295-6469

West Georgia Conflict Office

Larry Love, Case Administrator
706-649-0783

South Georgia Conflict Office

Teresa S. Steinberg, Case Administrator
229-245-2211

Metro Conflict Defender Office

Janet Hankins, Conflict Defender
404-614-0304

We have included in the report statistics for conflict cases for the 2005 calendar year, GPDSC's first year of operations. These statistics indicate that GPDSC is well below the conflict case rate that was established for 2005 budgetary projections. They further reflect a cost per case amount which is essentially in line with the amount projected for 2005.

These statistics show that our effort to contain conflict case costs have been successful. They also show that our efforts to develop a quality conflict case management system that is responsive to the caseload requirements of our multiple jurisdictions are also paying dividends. GPDSC has a system for assigning conflict cases statewide. This system uses Conflict Case Administrators to assign cases either to our dedicated offices or to conflict case panel attorneys.

Dedicated Conflict Defender Offices are located in the Metro Atlanta Area, the Atlantic – Ogeechee Circuits, the Chattahoochee Circuit and the Rome Circuit. These four offices are fully staffed with attorneys, investigators and support personnel dedicated to representing clients within a specified area. These areas have sufficient conflict caseloads to make a dedicated office cost effective. Some of the dedicated offices serve more than one circuit.

For example, the Metro Atlanta Conflict Defender serves the Atlanta and Stone Mountain Circuits. The recently established Rome Conflict Defender Office will serve the Rome, Cherokee and Tallapoosa Circuits.

GPDSC's Conflict Case Division maintains a statewide panel of qualified attorneys who accept conflict case appointments in areas of the state where the number of conflict cases will not support a dedicated conflict defender office. We have over 550 conflict case panel attorneys throughout the state who are willing to take appointed cases.

The collection and analysis of conflict case data is critical in creating a cost effective system. We have had the extraordinary benefit of the assistance of the Spangenberg Group. They have experience throughout the nation with indigent defense programs and the benefit of this experience and data from other jurisdictions has proven to be of immense benefit to our program. The data that accompanies this report is the result of a joint data collection/evaluation/projection effort of our staff and the Spangenberg consultants.

Our JCATS data collection system is in its first year of operation. Our statistics and projection ability will improve as the JCATS system is refined and utilized by our personnel. 2005 was a year that saw a number of modifications to the system which positively impacted our ability to obtain specific case data and make cost projections both by region and case type.

Additional dedicated conflict defender offices will be added and existing offices may expand into nearby circuits during the 2006 calendar year. GPDSC will open an Athens Regional Conflict Defender Office in March. This office will serve multiple circuits in that area of the state. Expansion will be driven by an analysis of conflict case volume and cost.

Conflict Rates by Month - Calendar Year 2005

Month	PD	CP	C3	Grand Total	Total Conflict	Dedicated Conflict Offices	Conflict Panel Attorneys	% Total Conflict	
1/2005		14,091	235	585	14,911	820	1.6%	3.9%	5.5%
2/2005		12,908	190	585	13,683	775	1.4%	4.3%	5.7%
3/2005		15,091	257	808	16,156	1,065	1.6%	5.0%	6.6%
4/2005		13,513	251	810	14,574	1,061	1.7%	5.6%	7.3%
5/2005		14,426	302	705	15,433	1,007	2.0%	4.6%	6.5%
6/2005		14,099	405	724	15,228	1,129	2.7%	4.8%	7.4%
7/2005		12,632	426	575	13,633	1,001	3.1%	4.2%	7.3%
8/2005		15,326	483	795	16,604	1,278	2.9%	4.8%	7.7%
9/2005		14,209	452	720	15,381	1,172	2.9%	4.7%	7.6%
10/2005		13,450	353	661	14,464	1,014	2.4%	4.6%	7.0%
11/2005		12,079	318	632	13,029	950	2.4%	4.9%	7.3%
12/2005		10,743	318	542	11,603	860	2.7%	4.7%	7.4%
Grand Total		162,567	3,990	8,142	174,699	12,132	2.3%	4.7%	6.9%

	PD	CP	C3	Grand Total	Total Conflict	Dedicated Conflict Offices	Conflict Panel Attorneys	% Total Conflict
Felony Capital	435	44	56	535	100	8.2%	10.5%	18.7%
Felony Personal	10,755	156	468	11,379	624	1.4%	4.1%	5.5%
Felony Property	10,928	202	818	11,948	1,020	1.7%	6.8%	8.5%
Felony Drug	25,620	1,491	2,663	29,774	4,154	5.0%	8.9%	14.0%
Felony Other	35,675	1,431	1,834	38,940	3,265	3.7%	4.7%	8.4%
Felony Prob Revocation	20,553	32	236	20,821	268	0.2%	1.1%	1.3%
Felony SB440	117	18	12	147	30	12.2%	8.2%	20.4%
Felony Traffic	376	5	9	390	14	1.3%	2.3%	3.6%
Juvenile	21,906	584	1,235	23,725	1,819	2.5%	5.2%	7.7%
Deprivation	1,160		241	1,401	241	0.0%	17.2%	17.2%
Local Ordinance	1,444		2	1,446	2	0.0%	0.1%	0.1%
Mental Health	26		1	27	1	0.0%	3.7%	3.7%
Misd Aggravated	1,434		6	1,440	6	0.0%	0.4%	0.4%
Misd Property	1,603	8	67	1,678	75	0.5%	4.0%	4.5%
Misd Drug	1,743	5	81	1,829	86	0.3%	4.4%	4.7%
Misd Other	23,142	8	377	23,527	385	0.0%	1.6%	1.6%
Misd Prob Revocation	4,665	1	23	4,689	24	0.0%	0.5%	0.5%
Misd Traffic	947	5	11	963	16	0.5%	1.1%	1.7%
(blank)	27			27	-	0.0%	0.0%	0.0%
Grand Total	162,567	3,990	8,142	174,699				

**Office of the Mental Health Advocate
Annual Report January - December 2005**

CURRENT OPEN CASES: 257
QUICK RESOLUTIONS: 180
NEW CASES OPENED: 27
CLOSED CASES: 9

Staff Listing:

Sabrina Rhinehart, Director
Alicia Thomas, Staff Attorney
Charles (Chuck) Hess, Staff Attorney
Susan Myrick, Paralegal
Cathy Sonier, Social Worker
Trina Cox, Coordinator

* Kennita Haley and David Boy
Law Student interns from Georgia State University,

O.C.G.A § 17-12-45 provides for The Office of the Mental Health Advocate (OMHA) to undertake the representation of indigent persons found Not Guilty by Reason of Insanity (NGRI) at the time of the crime in any court in this state and serves all counties of this state. To that end we continue to monitor all cases in the state and directly represent some cases as constrained by staff and budget limitations.

In January 2005 Georgia Public Defender Standard's Council appointed Sabrina Rhinehart as Interim Director and finalized the appointment as Director of the Office of the Mental Health Advocate in September 2005.

This office has continued to successfully argue for full and conditional releases on behalf of clients that have been found NGRI state wide. At the behest of Attorneys, Physicians, Courts or Family members, we have also provided some limited oversight of cases in which the clients are hospitalized for an extended period due to a finding of incompetence to stand trial.

OMHA continues to visit all seven hospitals in Georgia which include those located in Rome, Savannah, Atlanta, Augusta, Columbus, Milledgeville and Thomasville. These visits are designed to monitor the progress of those individuals found Not Guilty by Reason of Insanity and maintain a working relationship with the various hospitals to better facilitate services for our clients and understand the dynamics of the mental health community statewide. The staff also continues to monitor/visit prospective forensic group homes and community placement sources statewide in an effort to assist clients as well as attorneys place clients as an alternative to incarceration. Given the unsteady nature of these homes, this has and will be an on-going process.

OMHA continues to maintain and update a database of forensic experts to include psychologist, psychiatrist and pharmacologist.

Quick Resolutions

A large part of our caseload had increased dramatically with the creation of the statewide Public Defender's Office. (Now approximately half our workload) We have serviced many phone calls and e-mails from attorneys, judges, criminal defendants, DHR and family members inquiring as to how to navigate through the Criminal and Mental Health systems simultaneously. Amongst other things, we are asked to assist with trial preparation, prepare motions and orders, research issues, and assist with placement of defendants through our Social Worker. The role of a valuable resource and mental health experts in the criminal justice system has become a major portion of our responsibility that we have embraced by continuing to educate ourselves with the latest trends, laws and training.

Appeals

In collaboration with the Appellate Division, OMHA joined in an amicus brief filed in Sims v. State which was argued before the Georgia State Supreme Court on January 24, 2005.

OMHA monitored the Shepard v. State case as it was argued before the Supreme Court of Georgia to address a dual sentence of Guilty but Mentally Ill and Not Guilty by Reason of Insanity for the same Murder.

Publications

OMHA developed and disseminated upon request several works to include:

- Not Guilty by Reason of Insanity (Trial Notebook)
- Civil Commitment (Trial Notebook)
- Incompetency to Stand Trial (Trial Notebook)
- Mental Health manual (Completion expected early 2006)
- Mental Health Caselaw notebook
- When someone with Mental Illness is arrested in Georgia
- Not Guilty by Reason of Insanity: *Know your Rights* (Brochure)
- Office of the Mental Health Advocate (Brochure)

Developmental Projects

Consulted and worked in conjunction with Department of Human Resources Forensic Services Division to make changes to O.C.G.A. § 17-7-130 as it pertains to pursuit of a defense of Guilty but Mentally Ill. (Now House Bill 398)

OMHA continued to encourage and promote jurisdictions within the state to implement mental health courts such as Gainesville, Muscogee and DeKalb and has been working with many attorneys and judges and mental health organizations. The effort to facilitate communication and initiatives has been demonstrated by inviting representatives from the Department of Human Resources, Department of Corrections and the Governor's Pilot Program in Gainesville to be a part of a panel discussion regarding mental health courts.

Special Projects

Assist attorneys statewide in researching innovative defenses such as neonaticide and the pharmacological influence of drugs on a client/victim.

OMHA along with Alston and Bird assisted the Georgia Innocence Project in finding placement/services for someone that was exonerated with the help of DNA evidence who also suffers from a mental illness.

OMHA assisted the DeKalb Cread Program, as a supporter of a Grant to fund an alternative for those clients in DeKalb, to divert individuals from the Jails in coordination with the DeKalb Treatment Diversion Court.

Website

OMHA revamped the Website to make it more interactive and informational regarding changes and activities in the Mental Health Community that Attorneys may find useful to their practice in representing someone that is charged with a crime and has a Mental Illness or Retardation.

Articles:

Shock Therapy

Pilot Program

Asperger's Syndrome

Medications

Debbie Blum Award

Shepard v. State

Sims v. State

Seminars/Presentation/Education

OMHA presented for Health Ed "Georgia Mental Health and the Law 2005" that is a one day educational program for mental health professionals designed to examine the critical legal issues surrounding, amongst other things, the criminal justice system and the mentally ill client.

GPDSC's training division along with OMHA developed, facilitated and presented a statewide seminar for public defenders to discuss competency issues, mental health courts and obstacles that attorneys face when representing a client that are simultaneously involved with the criminal justice and mental health systems.

OMHA attended a training sponsored by DeKalb County Sheriff's Department and Policy Research Associates. During the session, a strategic planning process was initiated to address identified procedure and resource gaps in services for people with mental illnesses who are also involved with the criminal justice system. Attendees included members of the judiciary, law enforcement, religious/ non-profit and consumer advocacy groups. This training was followed by a focus group session in which some members of the OMHA participated.

OMHA attended a series of evening seminars sponsored by DeKalb County Community service board that included Advocating for Access to Treatment, The Early Course of Schizophrenia, Mental Health and the African American Child, Addiction: The Brain on Fire and Suicide Prevention Seminar.

OMHA attended a National Seminar in Austin, Texas that discussed successfully working with adults with mental illness involved in the Criminal Justice system. The workshop was attended by professionals from many areas of the county that represent this unique population to discuss innovative ways of servicing the needs of the mentally ill population that are arrested.

Sabrina Rhinehart and Susan Myrick attended a five (5) month law course from New York Law School "Disability and the Law" that discussed the historical and current consequences of mental illness as it pertains to civil commitment, institutional rights of patients, Deinstitutionalization,

Criminal Incompetencies, Insanity Defense, Sexually violent Predator laws, Federal sentencing guidelines, and the Death Penalty.

Office of the Georgia Capital Defender Annual Report: January 1, 2005 – December 31, 2005

As a result of the cooperation between the Georgia General Assembly, Georgia Supreme Court, and Governor Perdue, the Office of the Georgia Capital Defender opened its doors on January 1, 2005. We are proud to announce that in our first year representing capital defendants in the State of Georgia, we have successfully closed a total of ten cases, two of which resulted in jury trials and eight of which were resolved through negotiated plea agreement. In none of these cases was a death sentence imposed. The Office represented forty additional capital defendants, whom we will continue to represent in 2006. This report provides an explanation of how we have undertaken our mission to represent Georgia's capital defendants in 2005 and how we plan to continue fulfilling that mission as we embark on the second year of our mandate.

INTRODUCTION: The Mandate of The Office of the Georgia Capital Defender

The Office of the Georgia Capital Defender (GCD) was created as a result of the cooperation between the Georgia General Assembly, Georgia Supreme Court, and Governor Perdue. O.C.G.A. § 17-12-121 provides for creation of the Office of the Georgia Capital Defender to undertake the defense of all indigent persons charged with a felony for which the death penalty is sought in any court of Georgia. The Georgia Capital Defender embarked on this mission on January 1st of 2005.

In a report entitled *Status of Indigent Defense in Georgia: A Study for the Chief Justice's Commission on Indigent Defense, Part I*, the Report noted as follows: "Representation of indigent defendants in death penalty cases was not an area of close scrutiny in our site work, as a detailed study of a system in a state that has a very large death row¹ was beyond the scope of our general review of indigent defense in Georgia. However, in our site work, we heard universal praise for the work of the Multi-County Public Defender among prosecutors, judges, and attorneys. Interviewees commented that the level of capital defense has been raised in Georgia because of the work of the Multi-County Public Defender."²

The Georgia Capital Defender is the direct successor to the Office of the Multi-County Public Defender – however, GCD's mandate, and as a result its caseload, is more expansive than that of its predecessor. GCD now provides direct representation in all capitally charged felony cases, except when a conflict arises, and serves as a trial resource center for attorneys outside the office still handling pre-2005 death penalty cases. The Office provides assistance in death penalty cases by: (1) providing training and assistance to attorneys who defend defendants charged with a capital offense; and (2) representing defendants facing the death penalty, often in collaboration with local counsel.

¹ The NAACP's report, *Death Row U.S.A. Fall 2001* lists Georgia's death row population as 131 as of October 1, 2001. See <http://www.naacpldf.org/pdfdocs/DRUSA-Fall01.pdf> p. 21.

² Formed in 1985, The Spangenberg Group is a nationally and internationally recognized criminal justice research and consulting firm that specializes in indigent defense services.

There is still much work yet to be done in the field of capital defense in Georgia. In a report entitled *Evaluating Fairness and Accuracy in State Death Penalty Systems: The Georgia Death Penalty Assessment Report*, authored by the American Bar Association Death Penalty Moratorium Implementation Project and the Georgia Death Penalty Assessment Team, the authors suggest that there are seven areas in need of reform in Georgia's capital punishment regime: 1) Inadequate Defense Counsel at Trial; 2) Lack of Defense Counsel for State Habeas Corpus Proceedings; 3) Inadequate Proportionality Review; 4) Inadequate Pattern Jury Instructions on Mitigation; 5) Racial Disparities in Capital Sentencing; 6) Inappropriate Burden of Proof from Mentally Retarded Defendants Facing the Death Penalty; 7) Death Penalty for Felony Murder. The Office is endeavoring to tackling some of these issues in its efforts to provide the best possible representation for our clients. However, as is noted in the ABA Report, the office must continue to be adequately funded in order to do so, especially as its caseload increases.³

Representation of the accused in a capital case involves a complex body of constitutional law and unusual procedures that do not apply in other criminal cases. A death penalty trial is bifurcated, meaning there are two trials with two different sets of issues. In every death penalty case, investigation must be conducted for both sets of issues, including the entire lifetime of the defendant and the victim as well as the investigation of the charges. Penalty phase preparation requires extensive investigation into personal and family history. This investigation is the threshold of adequate representation in a capital case. Particularized skills are required of counsel for competent representation in a capital case. Death penalty cases raise complex additional legal and factual issues beyond those raised in an ordinary felony trial. The minimal level of attorney competence that is sufficient in non-capital cases can be fatally inadequate in death penalty cases. The specialized representation provided by the Office as well as the assistance provided to local counsel is essential to providing the high quality representation that the constitution requires in the defense of capital cases.

CASELOAD: Trial and Direct Appeal Successes of 2005

During the period of January 1, 2005 to December 31, 2005 the Office of the Georgia Capital Defender represented defendants in fifty pre-trial and trial death penalty cases in the State of Georgia. Ten of these cases were resolved in 2005. The Georgia Capital defender also served as appellate counsel in six direct appeals, and provided active consultation on an additional fourteen appeals. The assistance provided in these cases involved forty different counties.

In the year 2005, the Office of the Georgia Capital Defender resolved a total of ten cases – in which none of the defendants received a death sentence. Leicester Woodall, whose case was tried before a jury in Glynn County in August and September of 2005, received a sentence of life. He will be eligible for parole. Wesley Harris, whose case also proceeded to a jury trial in Gwinnett County the Fall of 2005, received a sentence of life without the possibility of parole. The remaining eight cases were resolved by negotiated pleas; they resulted in seven sentences of life without the possibility of parole and one sentence of ten years. In summary, the year ended with eight sentences of life without parole, one sentence of life with the possibility of parole, one sentence of ten years, and zero death sentences.

³ The report states that “[a]lthough the State of Georgia has recently instituted a statewide capital defender system, which provides experienced attorneys for indigent defendants in capital proceedings at trial and on direct appeal, it is unclear whether funding will be available to enable it to function as planned.” Page 19.

As of December 31, 2005 there are forty death penalty cases pending at the trial level; the Georgia Capital Defender will continue to represent these clients in 2006. This figure does not include those cases which are currently on direct appeal to the Georgia Supreme Court where we remain counsel of record, or who have completed the direct appeal process and are in the habeas corpus process. We do not represent capital defendants in their habeas corpus appeals. The men who have been sentenced to death are housed at the Georgia Diagnostic and Classification Center at Jackson.

Caseload	
Trial	
Total 2005 Cases	50
Cases Carried Over Into 2006	40
Cases Carried Over From the Multi-County Public Defender	15
Cases Assigned to Georgia Capital Defender in 2005	35
Cases Resolved Through Plea Agreements	8
Cases Resolved Through Trial	2
Total Closed Cases	10
Total Death Sentences Imposed	-0-
Total Life Sentences (or less) Imposed	2
Total Life Sentences Without Parole Imposed	8
Conflict Cases	10
Conflict Cases Resolved	1
Appeals	
Appeals Representation for 2005	6
Appeals Active Consultation Services for 2005	14
Total 2005 Direct Appeals	20

LEGAL EDUCATION: Seminars and Trainings

In Georgia, criminal procedure in death penalty prosecutions is governed by the Unified Appeal. Under the Unified Appeal, counsel must receive a prescribed amount of death penalty specific training in order to litigate capital trials. Therefore, as part of its mission to provide training and assistance to attorneys who have been appointed to defend persons charged with a capital offense, the Georgia Capital Defender puts on a series of trainings and seminars throughout the year. There were three such trainings in 2005.

On February 4-5, 2005, the office hosted a weekend seminar in which GCD employees lectured on a number of topics including Mitigation generally, Mitigation Investigation, Essential Elements of Developing and Presenting Mental Retardation in Death Penalty Cases, Working with Experts, The Art of Persuasion, Capital Voir Dire, Challenging Jury Composition, Discovery, and Key Points of Capital Case Law. A number of other high profile capital defense attorneys also presented on a number of these topics. They included persons such as Steve Bright, Mark Olive, Gary Parker, and Russell Stetler. This seminar was attended by more than one hundred people, many of whom engage in capital defense work in partnership with GCD as local counsel and in cases that GCD cannot provide representation, as in a conflict of interest situation.

On July 8-9, 2005, GCD addressed a number of other key topics in capital defense litigation including Defense-Based Victim Outreach, Ethical Considerations of Working with Clients and their Families, an Overview of Death Penalty Legislation, Fact Investigation, Working with Young Capital Defendants, and Confronting Issues of Race and Class in Capital Litigation. This seminar also attracted more than one hundred attorneys and investigators.

The Georgia Capital Defender also hosted a widely attended Colorado-Method Voir Dire Training in collaboration with the National Association of Criminal Defense Lawyers (NACDL). This three-day voir dire college provided training for our staff and other capital defense lawyers in the most cutting-edge voir-dire techniques.

The Director of the Georgia Capital Defender, Chris Adams, also presents on a number of topics related to capital litigation throughout the State of Georgia and on a national level. In particular, Mr. Adams presented the closing argument demonstration at the National Death Penalty Defense College and presented lectures on Getting the Plea in Difficult Cases and Debunking the Drive By Mental Health Examination at the Darrow Death Penalty Defense College. Additionally, the Mr. Adams serves on the Board of Directors of the National Association of Criminal Defense Lawyers and is the Co-chair of the NACDL Death Penalty Committee.

PUBLIC EDUCATION: Website and Scholarship

As part of the Capital Defender's attempt to educate both the general public as well as practicing attorneys regarding various aspects of capital defense litigation, the office has posted a number of relevant articles on its website. The following is a list of published articles that can be found at www.gacapdef.org:

- "Analysis of Death Penalty Cases in Georgia by Judicial District"
- "A Historical Perspective: The Importance of Venue"
- "The Duty to Investigate Before Deciding on a Defense Strategy: The Lesson of Wiggins v. Smith."
- "Fetal Alcohol Syndrome Evidence as Mitigation in Death Penalty Cases"
- "Ineffective Assistance of Counsel: The "Sleeping Lawyer" Exception to the Presumption of Prejudice"
- "Tinkering With the Machinery of Death: Georgia's New Lethal Injection Statute"
- "The Death Penalty in the United States Continues to Reflect Our Nation's Prejudice Against African-Americans"
- "Effective Use of Objections During a Criminal Trial"
- "The Right to Effective Assistance of Counsel During a Criminal Trial"
- "The Right to Effective Assistance of Counsel When the Defendant Pleads Guilty"
- "Georgia Needs a Racial Justice Act"
- "Executing Children in Georgia"
- "International Law and the Death Penalty: 'Does It Really Matter'"
- "Death by Lethal Injection or Death by Electrocution, "and the difference is????"
- "Capital Trials and the Costs of Criminal Justice"
- "Principles of Developing and Presenting Mental Health Evidence in Criminal Cases"
- "Principles of Developing and Presenting Evidence of Mental Retardation: Part 1"
- "Principles of Developing and Presenting Evidence of Mental Retardation: Part 2"
- "A New Profession for an Old Need: Why a Mitigation Specialist Must Be Included on the Capital Defense Team"
- "Offenders' Family Members' Responses to Capital Crimes: The Need for Restorative Justice Initiatives"
- "Seeking Sanctuary: Interviews with Family Members of Capital Defendants"

The Georgia Capital Defender also redesigned its Website, www.gacapdef.org, to make it more informational for those seeking resources useful to their practice in representing capital defendants or those simply seeking to educate themselves about the status of capital punishment in Georgia.

SERVING EXTRINSIC CLIENT NEEDS

While the office's primary purpose is to serve the legal needs of those we represent, capital defendants face a myriad of other difficulties and have various unique needs as a result of their incarceration. Providing these services is critical to our legal representation as the strength of our relationships with our clients is key to successful representation at trial and to resolving our cases through the plea negotiation process.

The Georgia Capital Defender Office has developed an inmate-support program with the Interdenominational Theological Center (ITC) of Atlanta, Georgia. During the course of 2005, six ITC students made a commitment to visit death row inmates and provide spiritual and moral support to these inmates under the guidance and supervision of Social Worker John Ellis. These students were Woodrow Brown, who has volunteered his services for three years now; Christopher Scott and Andrew Adams, who both have stayed on for a second semester of service; and Kira Houston, Kindra Freeman, and Charles Ramsey.

In addition to its collaboration with ITC, the office is also committed to building relationships with local communities so as to locate persons committed to providing support to our clients. Our clients who have already been convicted and are in the direct appeal process are located at Jackson Prison, and hence are within close proximity to Atlanta and the students we work with there. Those clients who are awaiting trial and thus facing the possibility of a death sentence are at a greater distance from Atlanta. Although they spend a lot of time with the Georgia Capital Defender attorneys and investigators, they sometimes enjoy or need additional contact with persons outside the prison system. By building a network of persons throughout Georgia interested in supporting our clients, we hope to meet that need. For example, John Ellis has begun to work closely with Randolph Loney. Randolph Loney is a former college educator who operates a family farm and serves as pastor in the Glad River Congregation, a small church composed of persons from the Mercer University Community in Macon. He has been visiting prisoners on Georgia's death row since 1985. Loney has also written about the lives of men struggling for dignity, meaning, and love while awaiting execution by the state in his book *A Dream of the Tattered Man: Stories from Georgia's Death Row*.

The Office of the Georgia Capital Defender continues working with a joint interagency exploratory study (with accompanying grant proposals) with the Georgia Fatherhood Program (a division of Morehouse College) as a way to meet some of those specific needs. The title of the program is *Breaking the Cycle of Incarceration: Fatherhood Program Services for Children of Inmates Serving Life Sentences Without the Possibility of Parole or Awaiting Execution in Georgia*. The purpose of the program is to find ways to address the need to provide incentives for our clients to accept long term incarceration in lieu of going to trial and risking a sentence of death.

The primary project of *Breaking the Cycle of Incarceration* is an annual initiative during the holiday season to provide gifts to the children of our clients. All of the children that receive gifts through this program are poor and traumatized from losing their fathers. No public money is utilized in this project. Each year we receive private donations of gifts for approximately thirty

kids, ranging in ages from one to sixteen. The office investigators and attorneys then get together the weekend before Christmas to wrap the gifts and deliver them to our clients' children.

Though these programs the Georgia Capital Defender seeks not only to address some of the extrinsic needs of our clients, but also to strengthen the relationships that our attorneys and investigators form with our clients. The strength of those relationships of trust is key to the successful representation of our clients at trial or in building a relationship that allows our cases to be resolved through the plea negotiation process.

LAW STUDENT OUTREACH: Clinics and Internships

The Georgia Capital Defender Clinic

Every semester, the Georgia Capital Defender opens its doors to law students from Georgia State, Mercer, and Emory who are interested in capital defense. Professor Tim Floyd, in partnership with other attorneys in the office, teaches a clinical law school class that encompasses mitigation issues, fact investigation, death penalty law and advocacy skills. During class sessions, attorneys from the office can offer their insight on any particular issue being taught that day in addition to directly supervising students on their legal work.

Students also assist on cases in the office by motion drafting and legal research as well as some factual investigation and mitigation investigation. Students spend at least 12 hours per week working on projects for this class, and most students spend a significant amount of that time in the office collaborating with attorneys and each other.

The Georgia Capital Defender Clinic

Clinic Director: Timothy Floyd

Clinic Students:

Robin Besaw	Tana Brackin	Janis Carino
Mazie Lynn Causey	Jennifer Certonio	Allison Charney
Agnes Jordan	Anne Kurtz	Adam Levin
John Minor	Hope Trice	Grady Wade
Jeanette Wasdin	Leah Whittle	Leslie Donahue
Sandra Goff	Greg Gardner	Paul Ghanouni
Charlie Barrow	Tiffany Carlisle	Tamika Fluker
Ebuni McFall-Roberts	John Minor	Constance Stansell
Jennifer Collins	Kimberley Ponder	Cameron Martin
Christopher Bracci		

The Capital Assistance Project at the University of Georgia Law School:

The Capital Assistance Project at the University of Georgia Law School was initiated in 1998 at the suggestion of the Supreme Court of Georgia. Students who take part in this clinical program work at agencies tasked with defending individuals charged with or convicted of capital crimes.

Students undertake valuable research and writing projects to assist agency attorneys with these cases. Four students from the Capital Assistance Project volunteered their time at the Georgia Capital Defender in 2005.

2005 GCD Volunteers from The Capital Assistance Project

Kimberly McClung
Nathaniel Studelska

Taberah Joy Holloway

Nikki Cox

The Georgia Capital Defender Summer Internship Program:

The Georgia Capital Defender recruited an enthusiastic summer internship class in 2005 with the aim of building the commitment of a younger generation of law students to capital defense work and providing current staff with additional support in their caseloads. Students from NYU, Cornell, Cardozo, Fordham, Florida Coastal, Duke, Emory, and the University of Leeds law schools volunteered their time for six to eight weeks over the summer. Student interns participated in and assisted with various aspect of our work, depending on need. Activities and projects typically assigned to students included: interviewing witnesses, collecting and organizing data, assisting attorneys and investigators with organizing files and preparing cases for hearings or trials, legal research and drafting of pre-trial pleadings or portions of appellate briefs, digesting transcripts of capital trials, assisting in preparing seminars and training conferences, visiting and interviewing clients with attorneys or investigators where feasible, locating and interviewing witnesses (with investigators or attorneys), observing court appearances including appellate arguments, participating in seminars and conferences.

GCD Summer Internship Class of 2005

Lee Awbrey
Jessica Chicco
Michael Klunder
Ben Stark

Ray Beauchamp
James Dawson
Sucharita Kuchibhotla
Scott Wells

Chimera Bowen
John Embree
Casey Secor

FELLOWSHIP ATTORNEY PROGRAM

Part of the Georgia Capital Defender's mission is to ensure that young attorneys gain the skills and experience necessary to develop a lifetime commitment to indigent capital defense. As part of that mission, the office has a two-year fellowship program wherein recent law school graduates participate in research and writing direct appeals for defendants sentenced to death as well as assisting in preparing pretrial motions and the investigation of cases. The office has one second year fellow and has two first year fellowship attorneys to deal with the increasing case load. This experience benefits not only these attorneys who will gain invaluable experience in assisting in capital litigation, but increases the quality of defense provided to the office's present and future clients. Our fellowship attorneys come to us from schools such as the King Hall Law School at the University of California, Davis; Howard Law School; and Cornell University. Next year, we welcome two new fellows from Harvard Law School and New York University Law School.

GCD Staff Listing		
Attorneys	Investigators	Staff
Chris Adams , <i>Director</i>	Caroline Boddie , <i>Investigator</i>	Dorie Callies , <i>Case Manager</i>
Steve Bayliss , <i>Consultant</i>	Kathryn Corriher , <i>Investigator</i>	Jason Gray , <i>Part-time IT Engineer</i>
Lindsay Bennett , <i>Fellowship Attorney</i>	Christy Dickerson , <i>Investigator</i>	Adam Lyons , <i>Part-time File Clerk</i>
Deborah Czuba , <i>Staff Attorney</i>	John Ellis , <i>Forensic Social Worker</i>	Chris Morrison , <i>Part-time File Clerk</i>
Michelle E. Drake , <i>Staff Attorney</i>	Erica Keys , <i>Investigator</i>	Doug Munro , <i>Consultant</i>
Ottrell Ferrell , <i>Senior Staff Attorney</i>	Joshua Noblitt , <i>Investigator</i>	Cheryl Toppin , <i>Office Administrator</i>
Dennis Francis , <i>Staff Attorney</i>	Felicia Sullivan , <i>Senior Investigator</i>	Diane Winterich , <i>Assistant Office Administrator</i>
Patrice Fulcher , <i>Senior Staff Attorney</i>	Laura Switzer , <i>Investigator</i>	
Brad Gardner , <i>Staff Attorney</i>	Jay Varner , <i>Investigator</i>	
Holly Geerdes , <i>Senior Staff Attorney</i>	Amy Vosburg-Casey , <i>Investigator</i>	
Christian Lamar , <i>Dep. Dir. for Litigation</i>	Laura Wood , <i>Investigator</i>	
Bill McGuire , <i>Staff Attorney</i>		
Josh Moore , <i>Staff Attorney</i>		
Marie-Pierre Py , <i>Fellowship Attorney</i>		
Joseph Romond , <i>Fellowship Attorney</i>		
Teri Thompson , <i>Senior Staff Attorney</i>		
Boyd Young , <i>Staff Attorney</i>		

FINANCIAL REPORT

The Georgia Capital Defender’s total expenses for January 1, 2005 to December 31, 2005 were \$7,253,068. Personnel costs totaled \$2,765,649 and operating expenses totaled \$878,639. The hourly fee of co-counsel working with GCD, the hourly fee and expenditures of attorneys working on conflict cases, and payments to experts working on GCD and conflict cases totaled \$3,608,780.

Expenditures for January 1, 2005 – June 30, 2005 (First half of FY05 Budget)	\$ 3,729,099
Personnel Costs	\$ 1,357,976
Co-Counsel, Conflict Case Attorneys, and Expert Costs	\$ 1,832,188
Operating Expenses	\$ 538,935

Expenditures for July 1, 2005 – December 31, 2005 (Second half of FY06 Budget)	\$ 3,523,969
Personnel Costs	\$ 1,407,673
Co-Counsel, Conflict Case Attorneys, and Expert Costs	\$ 1,776,592
Operating Expenses	\$ 339,704

TOTAL EXPENDITURES January 1, 2005 – December 31, 2005	\$ 7,253,068
Personnel Costs	\$ 2,765,649
Co-Counsel, Conflict Case Attorneys, and Expert Costs	\$ 3,608,780
Operating Expenses	\$ 878,639

GPDSOC is administering the part of the GCD budget dedicated to conflict cases. Due, in part, to the fact that GCD lawyers are (1) state employees and (2) are specialized in this highly technical field of criminal defense, the cost per case average is lower for the GCD cases than for the conflict cases litigated by outside counsel. This is reflected in the fact that GCD receives a smaller percentage of the annual budget than the percentage of Georgia's capital cases that the office handles.

Due to the streamlining effect of the Unified Appeal, it takes approximately two to three years for a death penalty case in Georgia to progress from the filing of the death notice to the rendering of a verdict. This timeline is actually shorter than a majority of other death penalty jurisdictions. We, therefore, expect that it will take approximately three years for our caseload and staff to build up to full size. This means that in 2006, we expect 40 new cases and to resolve approximately 20. By year 2007, we expect to resolve 40 cases and have 40 additional new clients. We should by then have between 80 and 100 cases in the office at one time.

CONCLUSION

The Georgia Capital Defender has had a successful first year, as is most evident in our receipt of zero death sentences. Both jury trials litigated this year resulted in a sentence less than death. Where appropriate and possible, we have negotiated plea agreements so as to minimize the emotional burdens of our clients and their families. These pleas also have the fortunate effect of lessening the emotional burdens of victims' families and the necessary financial contributions of the State.

Circuit Public Defender Offices

The passage of the Indigent Defense Act of 2003 established circuit public defender offices to be established in each of the 49 judicial circuits. There are currently 43 circuit public defender offices throughout the state, the other 6 circuits have been approved for opt out.

OCGA §§17-12-23(a) (1)-(4) sets out when legal representation will be provided by the Standards Council. Areas covered by the circuit offices include any case in a superior court in Georgia in which there is a possibility that a sentence of imprisonment or probation of a suspended sentence of imprisonment may be adjudged; probation revocation hearings in a superior court; any juvenile court case where the juvenile may face a disposition of confinement commitment, or probation; and any direct appeal of any of the above.

Counties and cities can also opt to contract with the circuit public defender for services in state and municipal courts. Counties also may contract for additional personnel as may be needed in each circuit based on caseloads. Counties in 39 circuits contract with the public defender offices for additional personnel and services.

Listing of Circuit Public Defenders

Alapaha Judicial Circuit

Melinda Ryals
229-686-2585

Alcovy Judicial Circuit

John T. Strauss
770-788-3750

Appalachian Judicial Circuit

Michael Parham
706-698-7322

Atlanta Judicial Circuit

Vernon Pitts
404-730-5210

Atlantic Judicial Circuit

Steve Messinger
912-369-6338

Augusta Judicial Circuit

Sam B. Sibley, Jr.
706-312-5105

Chattahoochee Judicial Circuit

Robert L. Wadkins
706-653-4301

Cherokee Judicial Circuit

Christopher Paul
678-721-3254

Clayton Judicial Circuit

Christine Van Dross
404-767-1899

Conasauga Judicial Circuit

Bentley Adams
706-876-1576

Cordele Judicial Circuit

Burt Baker
229-276-2768

Coweta Judicial Circuit

Gerald P. Word
770-830-1323

Dougherty Judicial Circuit

Leisa Terry
229-483-6240

Dublin Judicial Circuit

Joe H. Thalgott
478-272-7210

Eastern Judicial Circuit

Michael Edwards
912-447-4901

Enotah Judicial Circuit

Murphy Miller
706-745-8156

Flint Judicial Circuit

Gary Bowman
678-583-3740

Griffin Judicial Circuit

Joseph Saia
770-467-4725

Lookout Mountain Judicial Circuit

David Dunn
706-638-3290

Macon Judicial Circuit

William Lee Robinson
478-621-5950

Middle Judicial Circuit

James I. Collins Jr.
478-240-9681

Mountain Judicial Circuit

Drew Powell
706-754-6427

Northeastern Judicial Circuit

H. Bradford Morris
770-718-5523

Northern Judicial Circuit

Joel Shiver
706-246-9320

Ocmulgee Judicial Circuit

G.B. Moore
478-986-6189

Oconee Judicial Circuit

Steven Harrison
478-448-1801

Ogeechee Judicial Circuit

Robert L. Persse
912-764-6292

Pataula Judicial Circuit

Robert Thomas
229-758-6236

Paulding Judicial Circuit

Thomas D Driggers
770-443-3463

Piedmont Judicial Circuit

Donna Seagraves
706-387-6317

Rockdale Judicial Circuit

Steve Purvis
770-929-4017

Rome Judicial Circuit

Teddy Lee Henley
706-234-0975

South Georgia Judicial Circuit

Ernie M. Sheffield
229-246-2877

Southern Judicial Circuit

John Kent Edwards, Sr.
229-671-2800

Southwestern Judicial Circuit

Sam Merritt
229-928-4610

Stone Mountain Judicial Circuit

Lawrence Schneider
404-371-2222

Tallapoosa Judicial Circuit

David Smith
770-748-3480

Tifton Judicial Circuit

John Mobley
229-387-6488

Toombs Judicial Circuit

Harold W. Wallace III
706-595-7650

Towaliga Judicial Circuit

Wanda Johnson
478-994-0040

Waycross Judicial Circuit

J. Clayton Culp
912-287-4360

Western Judicial Circuit

Thomas J. Kileen
706-369-6440

Approved Standards & Policies

The following standards have been set by the Standards Council and have been drafted in resolution form for ratification by the Georgia General Assembly.

- 1) Standard Definition of a Case;
- 2) Standards for Determining Indigence;
- 3) Performance Standards for Criminal Defense Representation in Indigent Criminal Cases;
- 4) Performance Standards for Juvenile Defense Representation in Indigent Delinquency and Unruly Cases;
- 5) GPDSC Death Penalty Performance Standards;
- 6) Standard for Removal of a Circuit Public Defender for Cause Pursuant to O.C.G.A. §17-12-20
- 7) Performance Standards for Appellate Counsel

All approved standards can be viewed on the council's website at www.gpdsc.com

Policies & Procedures

The following policies and procedures have been adopted by the Council and are applicable to employees of GPDSC including Circuit Public Defenders and employees of Circuit Public Defender Offices.

PART 1

Resolutions and Procedures of the Georgia Public Defender Standards Council Applicable to Employees of the Standards Council Including Circuit Public Defenders and Employees of Circuit Public Defender Offices.

1. Council Resolution 06-04: Statement of Diversity.
2. Council Resolution 08-04: Employee Political Activity Policy.
3. Council Resolution 11-04: Procedures to Insure Diversity.
4. Council Resolution 12-04: Sexual Harassment Policy.
5. Council Resolution 02-05: Removal of Circuit Public Defender for Cause.
6. Employee Grievance Policy and Procedures.

PART 2

Internal Operating Policies of Georgia Public Defender Standards Council Applicable to Employees of the Standards Council Including Circuit Public Defenders and Employees of Circuit Public Defender Offices.

1. Internal Operating Policy 01-05: Applicable State Laws and Regulations.
2. Internal Operating Policy 02-05: Determining Indigence.
3. Internal Operating Policy 03-05: Reporting automobile accident.
4. Internal Operating Policy 04-05: Acceptance of service of legal document.
5. Internal Operating Policy 05-05: Protocol for Assignment of Conflict Cases.

6. Internal Operating Policy 06-05: Practice by Third Year Law Students.
7. Internal Operating Policy 07-05: Assumption of cases from private lawyers.
8. Internal Operating Policy 08-05: Conflicting employment.
9. Internal Operating Policy 09-05: Leave.
10. Internal Operating Policy 10-05: Holidays.
11. Internal Operating Policy 11-05: Nepotism.
12. Internal Operating Policy 12-05: County salary supplements.
13. Internal Operating Policy 13-05: Application fee collection.
14. Internal Operating Policy 14-05: Civil Contempt of Court Exclusion.
15. Internal Operating Policy 15-05: Deprivation Case Exclusion.
16. Internal Operating Policy 16-05: Teaching for University System Prohibited.
17. Internal Operating Policy 17-05: Transfer of Leave.
18. Internal Operating Policy 18-05: Practice by Law School Graduates.
19. Internal Operating Policy 19-07: Travel Advances.
20. Internal Operating Policy 20-05: Employee Privacy.
21. Internal Operating Policy 21-05: Unauthorized Email Accounts.
22. Internal Operating Policy 22-05: Payment of Conflict of Interest Death Penalty Cases.
23. Internal Operating Policy 23-05: Procedure for Leave Requests.
24. Internal Operating Policy 24-05: Statewide Travel Policy.
25. Internal Operating Policy 25-05: Travel Reimbursement Procedure.
26. Internal Operating Policy 26-05: Ordering of Supplies.
27. Internal Operating Policy 27-05: Contracting Procedure.
28. Internal Operating Policy 28-05: Personnel Changes Procedure.
29. Internal Operating Policy 29-05: 72 Hour Rule.
30. Internal Operating Policy 30-05: Letterhead Stationary.

PART 3

Attorney General Opinions Applicable to Employees of the Standards Council Including Circuit Public Defenders and Employees of Circuit Public Defender Offices.

1. November 5, 2004: Lease of space by entity partially owned by a circuit public defender.
2. March 18, 2005: Death penalty cases that are the responsibility of the Office of the Georgia Capital Defender.

2005 General Assembly Session Legislative Proposal

The Georgia Public Defender Standards Council (Standards Council) sought the support of the General Assembly for its 2005 legislative proposal in the following areas:

- Budget requests (supplemental and general); and
- Support for the ratification of the standards already adopted by the Standards Council.

Brief Overview

During the 2004 session of the General Assembly, the Standards Council received from the State \$22.09 million for funding for 9 months. It is imperative that the Standards Council receive the remaining \$8.75 million in the supplemental budget in order to implement the 43-plus circuit public defender offices in fiscal year 2005 (FY05). For fiscal year 2006 (FY06), the Standards Council is asking for an additional \$11.24 million for a total request for state funds of \$42.08 million. Its total FY06 budget request is \$44.05 million which includes other fund sources. This budget includes the funding for the central agency, the Office of the Mental Health Advocate, the Office of the Capital Defender, and the circuit public defender offices.

The Georgia Indigent Defense Act of 2003, for which the State Bar of Georgia received national recognition, established a statewide circuit-based public defender system with the Standards Council as the oversight agency. The offices have been operational since January 1, 2005. A listing of the circuit public defender offices is included in this packet. The mechanism for funding this new system came by way of HB 1EX. HB 1EX increased civil filing fees by \$15 in all courts (except for juvenile courts); established an additional 10% surcharge on all criminal fines; added another 10% surcharge on bails and bonds with a \$50 cap; and established an application fee of \$50. All of these additional fees were earmarked for indigent defense funding. The Indigent Defense Fund is anticipated to collect \$32.1 million in FY05 and \$42.08 million in FY06. The Standards Council's total request for state funds is within the revised collection projections.

Of the additional fees imposed, the counties are allowed to keep the \$50 application fees from the lower courts. All other fees are to be remitted to the State treasury. Because the Georgia Indigent Defense Act of 2003 (the Act) only covers superior courts⁴ and juvenile delinquency proceedings, much of the indigent defense expenditures remain with the counties.

The Association County Commissioners of Georgia support full State funding of indigent defense.

The Act was amended in 2004 to establish a legislative General Oversight Committee. This General Oversight Committee decides which of the standards adopted by the Standards Council has a fiscal impact. Those deemed to have a fiscal impact must be ratified by joint resolution of the General Assembly and enacted into law in order to be effective. Otherwise, it is considered a guideline.⁵ Those standards without a fiscal impact are effective on January 1, 2005.

⁴ O.C.G.A. § 17-12-27 provides for one assistant public defender for each superior court judge authorized for the circuit, excluding the chief judge and senior judges.

⁵ O.C.G.A. § 17-12-8 (c).

Consequently, the following standards adopted by the Standards Council that may be considered to have a fiscal impact and therefore must be ratified are:

- Determining indigence;
- Definition of “a case”;
- Limiting case loads and determining size of legal staff in the circuit public defender offices;
- Performance; and
- Juvenile Performance.

The standards are included in this packet.

The Standards Council respectfully asks for the General Assembly’s support for the budget request and ratification of standards deemed to have a fiscal impact.

Please contact Cindy Wang at (404) 232-8916 or email at cwang@gpdsc.state.ga.us, if there are any questions or concerns.

For more information, please also check out www.gpdsc.com.

2005 Training Report

New Attorney Training	
January 18-22, 2005	
Approximate cost per person	\$475
Attendees/Faculty/Staff:	237
Approximate total cost:	\$112,575

Juvenile Defender Training	
March 3-5, 2005	
Approximate cost per person	\$272
Attendees/Faculty/Staff:	78
Approximate total cost:	21,216

Appellate Training	
9-Apr-05	
Approximate cost per person	\$130
Attendees/Faculty/Staff:	135
Approximate total cost:	\$17,550

Investigator Training	
29-Apr-05	
Approximate cost per person	\$130
Attendees/Faculty/Staff:	95
Approximate total cost:	\$12,350

Mental Health Seminar	
19-May-05	
Approximate cost per person	\$130
Attendees/Faculty/Staff:	75
Approximate total cost:	\$9,750

DUI Seminar	
15-Jul-05	
Approximate cost per person	\$130
Attendees/Faculty/Staff:	80
Approximate total cost:	\$10,400

Trial Skills Workshop	
July 24-29, 2005	
Approximate cost per person	\$430
Attendees/Faculty/Staff:	186
Approximate total cost:	\$79,980

Management Training	
September 22-23, 2005	
Approximate cost per person	\$374
Attendees/Faculty/Staff:	75
Approximate total cost:	\$28,050

Sentencing Workshop	
17-Oct-05	
Approximate cost per person	\$130
Attendees/Faculty/Staff:	75
Approximate total cost:	\$9,750

Unique Issues for Juvenile Defenders	
November 1-2, 2005	
Approximate cost per person	\$130
Attendees/Faculty/Staff:	73
Approximate total cost:	\$9,490

Forensic Science Conference	
November 8-10, 2005	
Approximate cost per person	\$309
Attendees/Faculty/Staff:	132
Approximate total cost:	\$40,788

Total Approximate Cost: **\$351,899**

Honors Program Training

Three Week Initial Training	
August 22-September 10, 2005	

Attendees/Faculty/Staff:	50
Approximate total cost:	\$42,875

Quarterly Training	
December 9-10, 2005	

Attendees/Faculty/Staff:	31
Approximate total cost:	\$4,063

Total approximate cost: **46,938**

Calendar Year 2005 Budget and Expenses

	Calendar Year 2005 Budget	Calendar Year 2005 Expenses
Central Office	\$5,220,324	\$5,406,233
OMHA	\$439,891	\$357,903
GCD	\$5,378,600	\$2,508,596
Multi-County Public Defender	\$286,907	\$286,907
CIRCUIT OFFICES		
Alapaha	\$364,567	\$352,010
Alcovy	\$519,981	\$523,464
Appalachian	\$359,965	\$349,829
Atlanta	\$2,659,990	\$2,270,400
Atlantic	\$462,244	\$489,540
Augusta	\$772,327	\$635,514
Blue Ridge	\$472,523	\$296,141
Brunswick	\$557,855	\$470,230
Chattahoochee	\$630,281	\$590,942
Cherokee	\$487,903	\$403,447
Clayton	\$551,497	\$270,808
Conasauga	\$523,590	\$490,215
Cordele	\$366,236	\$381,868
Coweta	\$595,902	\$605,164
Dougherty	\$424,588	\$370,889
Dublin	\$408,701	\$358,934
Eastern	\$621,342	\$576,447
Enotah	\$361,791	\$353,029
Flint	\$452,296	\$390,754
Griffin	\$559,455	\$520,251
Lookout Mountain	\$525,815	\$471,517
Macon	\$584,566	\$543,584
Middle	\$382,251	\$339,552
Mountain	\$374,143	\$343,510
Northeastern	\$505,619	\$417,180
Northern	\$423,910	\$381,415
Ocmulgee	\$585,639	\$515,114
Oconee	\$365,874	\$301,714
Ogeechee	\$431,440	\$410,615
Pataula	\$364,467	\$339,492
Paulding	\$371,834	\$337,671
Piedmont	\$469,896	\$433,410
Rockdale	\$359,040	\$314,152
Rome	\$514,775	\$486,902
South Georgia	\$373,435	\$396,820
Southern	\$565,377	\$469,272
Southwestern	\$441,091	\$382,693
Stone Mountain	\$1,079,582	\$957,640
Tallapoosa	\$392,392	\$350,166
Tifton	\$406,002	\$347,703
Toombs	\$357,367	\$312,489
Towaliga	\$347,184	\$305,170
Waycross	\$429,422	\$362,791
Western	\$489,296	\$432,534

	Calendar Year 2005 Budget	Calendar Year 2005 Expenses
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CONFLICT OFFICES

Chattahoochee Conflict	\$379,605	\$422,296
Atlantic Conflict	\$284,172	\$260,380
Augusta Conflict	\$166,286	\$140,336
Southern Conflict	\$151,840	\$127,406
Middle Conflict	\$120,728	\$85,828
Northern Conflict	\$107,502	\$77,015
Metro Conflict	\$91,529	\$84,398

OPT OUT CIRCUITS

Bell-Forsyth	\$96,669	\$375
Cobb	\$421,352	\$381,360
Douglas	\$217,588	\$197,904
Gwinnett	\$387,254	\$350,622
Houston	\$183,399	\$167,166

TOTAL	\$37,227,081	\$31,507,694
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Revenues Collected by Standards Council

January 1 – December 31, 2005

Clerks & Sheriffs Collections	\$1,279,704
Interest on Lawyers Trust Accounts (IOLTA)	\$1,992,173
\$50 Indigent Application Fee (remitted to the Superior Court Clerk's Authority)	\$315,513
Total	\$3,587,390.00

Circuit and Conflict Office Staffing Levels

CIRCUIT	State Paid Staff	State Paid Vacant	Local Paid Staff
Alapaha	5		2
Alcovy	7		
Appalachian	6		7
Atlanta	19	2	
Atlantic	7		9
Augusta	11		36
Brunswick	7		9
Chattahoochee	7		8
Cherokee	7		7
Clayton	8		
Conasauga	7		7
Cordele	5		2
Coweta	8		19
Dougherty	6		7
Dublin	7		3
Eastern	9		10
Enotah	5		5
Flint	6		10
Griffin	6		17
Lookout Mountain	7		7
Macon	8		14
Middle	5		3
Mountain	5		3
Northeastern	6		2
Northern	7		3
Ocmulgee	8		6
Oconee	5		2
Ogeechee	6		7
Pataula	5		2
Paulding	5		3
Piedmont	6		7
Rockdale	5		
Rome	8		8
South Georgia	5		3
Southern	7		17
Southwestern	6		9
Stone Mountain	13		
Tallapoosa	5		5
Tifton	5		6
Toombs	5		
Towaliga	5		2
Waycross	6		8
Western	6		31
Atlantic Conflict	6		
Augusta Conflict	2		
Chattahoochee Conflict	6		
Metro Conflict	51		
Middle Conflict	1		
Northern Conflict	2		
Rome Conflict	2		
Southern Conflict	2		
Totals	364	2	306

JCATS Defender Case Management Program

The JCATS Defender case management system allows GPDSC to systematically collect criminal case data from each circuit public defender office. JCATS is used by all circuit staff members to enter and track information on every criminal case. The system allows attorneys to work their cases from any computer that has Internet access be it from home or the courtroom. It allows motions, files, pictures, and any kind of type of document to be scanned in and saved to a clients' file. Circuit staff can access a clients' information through a secure internet connection. Attorneys can access their cases in the system as much or little as they want and are able to retrieve detailed information such as scheduled hearings and other court dates. The system allows for a near paperless work environment.

Each Circuit Public Defender (CPD) is able to track all of the cases and manage case assignment effectively. CPDs are also able to track caseloads by requesting case load reports through the system. Some examples of the type of reports that can be generated include, total cases opened, closed, by charge and/or case type. Attorneys can run reports listing which cases or in jail, assigned to which ADA, or not yet indicated. The capability of reports that can be generated by JCATS continues to grow and is only limited by the imagination. The Council can monitor caseload activity as well, with Circuit or statewide reporting. Warning Flags have been developed to indicate critical issues and time frames. JCATS is a non-traditional case management system and the programmers have worked hard in our first year to customize the product so that it serves our wide and varied needs throughout the state. Conflict management also allows for closer tracking of those cases, their assignments, and their actual cost.

One uniform statewide system ensures a more complete and accurate tracking of indigent defense in this State. Several other States and agencies have begun looking at the system as a result of our use and improvement to it.

Program Update

Currently JCATS is being used by every circuit and conflict office in the state of Georgia. Circuits were allowed to opt out of the statewide public defender system are also entering information into JCATS. New programming security was created to handle conflict cases. JCATS has been a part of a Proof of Concept data integration project in one of the circuit offices where case information is successfully imported directly into JCATs.

A **JCATS Work Group**, consisting of Circuit Public Defenders, Assistant Circuit Public Defenders and office support staff from around the state, was formed to bring the end user into the development loop. The Work Group addresses issues from ease of input, to the degree of detail in regards to actual data entry. The Work Group recommends system enhancements and works with both the central office and the end users to ensure that all the information needed is collected and organized in a meaningful and useful manner. The system itself is updated routinely based on these recommendations.

Regular reports are posted on GPDSC webpage showing completed updates, pending updates and their status. Training is ongoing with both new employees and old as the system expands.

An example of the JCATS - Case Summary by Case Type report is included in report on page forty-five. The report gives a break out of each circuit by case type. The report was generated on Friday, February 10, 2006.

Crisp County Data Exchange Project

In 2005 GPDSC, in conjunction with the Prosecuting Attorneys Council, the Criminal Justice Coordinating Council, and Crisp County agencies, worked to produce a novel approach to sharing information within the justice system. The Crisp County Data Exchange Project is one of the few integration projects that seek to involve all pertinent players in the criminal justice system. The project is designed to integrate the courts, the district attorneys, public defenders, and law enforcement, thus improving the entire criminal justice process.

The initial goal of the project was to research the capabilities of electronically sharing information among the criminal justice agencies in Crisp County, GA. It was believed that criminal justice data integration would improve the accuracy of criminal justice records, and more importantly, improve the efficiency and speed of the criminal justice process by allowing each agency to maximize its resources.

The Data Exchange project has automated the arrest warrant process. Crisp County Courts have real time access to incident report information. Law enforcement automatically receives warrants as the courts issue them. In addition, court officers, District Attorneys and Public Defenders receives notification of arrests that are made as well as up to date jail lists.

Participants

The committee which governs the Crisp County Data Exchange Project is comprised of local and state agencies.

Local Agencies	State Agencies
Crisp County Superior Court Clerk	Georgia Public Defender Standards Council
Crisp County Magistrate Court	Prosecuting Attorneys' Council of Georgia
Crisp County Sheriff	Georgia Superior Court Clerk's Cooperative Authority
City of Cordele Police Department	
Cordele Circuit District Attorney	
Cordele Circuit Public Defender	

Case Management Software Providers

The following software vendors were eager to work with the Crisp County Data Exchange project in these early stages.

[Paragon/ComnetiX](#)

provides services to the Crisp County Sheriff allowing them to track, incidents, warrants, and jail lists.

[Icon Software Solutions](#)

provides services to Crisp County Magistrate Court to and to the Superior Court Clerk.

[Canyon Solutions](#)

provides case management to the public defenders across the entire state of Georgia.

[Judicial Dialog Solutions](#)

provides case management for the Cordele Circuit District Attorney's office.

Project Status to Date

The Crisp Cordele Data Exchange expects to sign a contract with a case management software provider within the next few weeks. This will move the project from a "proof of concept" with six (6) data exchanges between agencies to a production model with fourteen (14) data exchanges. The project is currently working with the Criminal Justice Coordinating Council to secure additional funding.

In an effort to show continued support for this project will continue GPDSC will provide matching funds and continue to provide IT support and project management.

The Crisp County Data Exchange Project will serve as a model for other counties and circuits as they plan similar integration projects. Ultimately, GPDSC desires to implement the data exchange project statewide.

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL 2005 ANNUAL REPORT
Case Summary By Case Type



Start Date 01/01/2005
End Date 12/31/2005
Circuit Group General Public Defender Offices
Group Fel/Mis Yes

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
All PD Circuits	Appellate	0	80	9	19	16	73	34
	Deprivation	0	1,151	336	27	86	817	38
	Felony	0	83,581	35,614	5,232	4,094	48,218	2,518
	Felony Prob Revocation	0	20,290	14,621	384	192	5,659	105
	Juvenile	0	21,583	14,916	433	1,233	6,692	112
	Juvenile Prob Revocation	0	14	6	0	0	8	0
	Local Ordinance	0	1,420	1,100	1	28	318	0
	Mental Health	0	26	6	1	0	20	0
	Misd Prob Revocation	0	4,555	3,600	42	21	958	11
	Misdemeanor	0	28,436	15,244	867	440	13,220	761
Total for All PD Circuits		0	161,136	85,452	7,006	6,110	75,983	3,579
Alapaha	Deprivation	0	20	0	0	9	20	0
	Felony	0	684	335	47	125	354	17
	Felony Prob Revocation	0	305	243	0	6	64	0
	Juvenile	0	67	49	1	13	19	0
	Misd Prob Revocation	0	146	110	1	1	36	0
	Misdemeanor	0	651	333	19	25	322	2
Total for Alapaha		0	1,873	1,070	68	179	815	19
Alcovy	Felony	0	1,405	515	12	215	904	10
	Felony Prob Revocation	0	945	806	2	20	137	0
	Juvenile	0	188	146	0	12	39	1
	Mental Health	0	1	1	0	0	0	0
	Misd Prob Revocation	0	18	15	0	0	3	0
	Misdemeanor	0	802	329	8	43	476	3
Total for Alcovy		0	3,359	1,812	22	290	1,559	14
Appalachian	Deprivation	0	0	0	1	0	0	4
	Felony	0	889	156	88	30	738	378
	Felony Prob Revocation	0	37	20	1	0	17	8
	Juvenile	0	40	4	0	0	36	1
	Local Ordinance	0	2	1	0	0	1	0
	Misd Prob Revocation	0	19	8	1	0	11	3
	Misdemeanor	0	782	176	62	12	605	301
Total for Appalachian		0	1,769	365	153	42	1,408	695
Atlanta	Appellate	0	1	0	0	0	1	0
	Deprivation	0	1	0	0	0	1	0
	Felony	0	13,790	6,073	50	69	7,724	21
	Felony Prob Revocation	0	2,506	2,461	6	1	43	0
	Juvenile	0	2,266	1,657	1	79	621	14
	Juvenile Prob Revocation	0	3	0	0	0	3	0
	Misd Prob Revocation	0	190	189	0	0	1	0
	Misdemeanor	0	202	61	0	0	142	0
	Total for Atlanta		0	18,959	10,441	57	149	8,536
Atlanta State/Overflow	Felony	0	519	228	0	1	290	0
	Felony Prob Revocation	0	1	1	0	0	0	0
	Misd Prob Revocation	0	0	0	0	0	0	0
	Misdemeanor	0	20	4	0	0	16	5
Total for Atlanta State/Overflow		0	540	233	0	1	306	5

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
Atlantic	Appellate	0	3	0	0	0	3	0
	Deprivation	0	94	33	0	0	61	1
	Felony	0	984	212	6	14	778	1
	Felony Prob Revocation	0	284	166	2	0	117	1
	Juvenile	0	457	315	1	8	143	0
	Juvenile Prob Revocation	0	1	1	0	0	0	0
	Misd Prob Revocation	0	18	6	0	0	12	0
	Misdemeanor	0	244	83	0	0	160	0
	Total for Atlantic		0	2,085	816	9	22	1,274
Augusta	Appellate	0	2	0	0	1	2	0
	Deprivation	0	51	6	0	0	46	0
	Felony	0	2,557	810	0	53	1,757	1
	Felony Prob Revocation	0	831	560	1	0	272	0
	Juvenile	0	1,639	1,313	0	0	325	0
	Local Ordinance	0	271	207	0	0	63	0
	Mental Health	0	1	1	0	0	0	0
	Misd Prob Revocation	0	136	23	0	0	113	0
	Misdemeanor	0	3,263	1,314	0	2	1,951	0
	Total for Augusta		0	8,751	4,234	1	56	4,529
Bell Forsyth	Felony	0	0	0	0	0	0	0
	Total for Bell Forsyth	0	0	0	0	0	0	0
Blue Ridge	Felony	0	0	0	0	0	0	0
	Total for Blue Ridge	0	0	0	0	0	0	0
Brunswick	Felony	0	2,169	849	96	122	1,332	141
	Felony Prob Revocation	0	451	231	6	2	220	4
	Juvenile	0	279	202	0	6	78	0
	Local Ordinance	0	1	1	0	0	0	0
	Misd Prob Revocation	0	11	3	0	0	8	0
	Misdemeanor	0	192	72	0	0	120	2
	Total for Brunswick	0	3,103	1,358	102	130	1,758	147
Chattahoochee	Appellate	0	3	0	0	0	3	0
	Felony	0	2,906	2,029	527	458	890	60
	Felony Prob Revocation	0	977	831	18	36	146	3
	Juvenile	0	2,688	2,530	0	320	160	0
	Juvenile Prob Revocation	0	0	0	0	0	0	0
	Local Ordinance	0	1	1	0	0	0	0
	Mental Health	0	18	1	0	0	17	0
	Misd Prob Revocation	0	7	5	0	0	2	0
	Misdemeanor	0	197	132	1	14	65	0
	Total for Chattahoochee	0	6,797	5,529	546	828	1,283	63
Cherokee	Appellate	0	3	0	0	2	3	0
	Deprivation	0	26	3	0	0	23	0
	Felony	0	2,238	968	39	211	1,284	19
	Felony Prob Revocation	0	301	219	3	4	82	0
	Juvenile	0	47	18	0	0	29	0
	Misd Prob Revocation	0	149	101	4	2	48	0
	Misdemeanor	0	1,168	533	14	18	637	7
	Total for Cherokee	0	3,932	1,842	60	237	2,106	26
Clayton	Appellate	0	1	0	0	0	1	0
	Felony	0	1	0	0	0	1	0
	Misdemeanor	0	1	1	0	0	0	0
Total for Clayton	0	3	1	0	0	2	0	
Cobb	Appellate	0	6	0	0	0	6	1
	Felony	0	4,548	2,253	19	9	2,291	7
	Felony Prob Revocation	0	312	172	0	0	141	0
	Juvenile	0	1,207	387	2	0	816	5
	Misd Prob Revocation	0	1	0	0	0	1	0
	Misdemeanor	0	14	0	0	0	14	0
Total for Cobb	0	6,088	2,812	21	9	3,269	13	

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
Conasauga	Appellate	0	1	0	0	0	1	0
	Deprivation	0	177	11	0	38	166	0
	Felony	0	1,489	585	1	93	903	1
	Felony Prob Revocation	0	129	77	0	0	51	0
	Juvenile	0	175	31	1	19	143	2
	Local Ordinance	0	4	4	0	0	0	0
	Mental Health	0	1	1	0	0	0	0
	Misd Prob Revocation	0	50	26	0	0	24	0
	Misdemeanor	0	809	375	1	7	434	1
	Total for Conasauga		0	2,835	1,110	3	157	1,722
Cordele	Appellate	0	0	0	0	0	0	1
	Deprivation	0	59	3	9	0	56	10
	Felony	0	714	361	135	54	358	66
	Felony Prob Revocation	0	226	141	8	2	83	14
	Juvenile	0	155	80	3	2	75	26
	Misd Prob Revocation	0	30	12	1	0	17	0
	Misdemeanor	0	328	139	54	3	189	29
	Total for Cordele		0	1,512	736	210	61	778
Coweta	Appellate	0	8	2	2	0	6	2
	Deprivation	0	66	16	0	2	50	0
	Felony	0	2,749	1,209	263	215	1,544	222
	Felony Prob Revocation	0	669	394	29	3	274	14
	Juvenile	0	765	624	3	39	141	0
	Misd Prob Revocation	0	75	63	0	0	12	0
	Misdemeanor	0	278	201	9	2	78	0
Total for Coweta		0	4,610	2,509	306	261	2,105	238
Dougherty	Appellate	0	2	0	0	0	2	0
	Felony	0	1,378	647	27	84	744	10
	Felony Prob Revocation	0	394	291	0	5	104	0
	Juvenile	0	189	173	12	22	16	0
	Mental Health	0	1	0	0	0	1	0
	Misd Prob Revocation	0	115	94	0	2	21	0
	Misdemeanor	0	1,406	777	1	5	629	0
Total for Dougherty		0	3,485	1,982	40	118	1,517	10
Douglas	Appellate	0	1	0	0	0	1	0
	Felony	0	928	563	199	19	364	10
	Felony Prob Revocation	0	219	149	19	3	70	0
	Juvenile	0	321	236	17	8	85	3
	Mental Health	0	1	0	0	0	1	0
	Misd Prob Revocation	0	3	2	0	0	1	0
	Misdemeanor	0	84	28	18	1	56	3
Total for Douglas		0	1,557	978	253	31	578	16
Dublin	Felony	0	1,691	577	16	73	1,113	25
	Felony Prob Revocation	0	223	41	8	0	182	17
	Juvenile	0	277	21	0	1	256	6
	Misd Prob Revocation	0	22	2	0	0	20	2
	Misdemeanor	0	554	247	3	5	307	9
Total for Dublin		0	2,767	888	27	79	1,878	59
Eastern	Appellate	0	11	2	0	0	9	4
	Felony	0	908	362	12	20	546	25
	Felony Prob Revocation	0	265	170	0	0	93	1
	Juvenile	0	487	441	4	3	44	0
	Juvenile Prob Revocation	0	1	0	0	0	1	0
	Local Ordinance	0	1	1	0	0	0	0
	Misd Prob Revocation	0	4	3	0	0	1	0
	Misdemeanor	0	14	8	3	0	6	15
Total for Eastern		0	1,691	987	19	23	700	45

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
Enotah	Appellate	0	1	0	0	0	1	0
	Felony	0	414	128	110	47	290	94
	Felony Prob Revocation	0	89	59	10	2	30	3
	Juvenile	0	50	44	3	2	6	0
	Mental Health	0	0	0	1	0	0	0
	Misd Prob Revocation	0	62	36	4	1	26	3
	Misdemeanor	0	342	113	96	11	231	88
	Total for Enotah		0	958	380	224	63	584
Flint	Deprivation	0	3	3	0	0	0	0
	Felony	0	1,394	793	4	60	603	1
	Felony Prob Revocation	0	367	278	0	1	89	0
	Juvenile	0	950	692	0	45	261	2
	Misdemeanor	0	7	2	0	0	4	0
	Total for Flint		0	2,721	1,768	4	106	957
Griffin	Deprivation	0	19	5	0	14	14	0
	Felony	0	2,167	1,026	29	348	1,154	62
	Felony Prob Revocation	0	733	486	6	16	247	2
	Juvenile	0	552	424	1	135	131	2
	Local Ordinance	0	43	33	0	2	10	0
	Misd Prob Revocation	0	188	164	1	2	23	0
	Misdemeanor	0	901	580	9	68	322	16
	Total for Griffin		0	4,603	2,718	46	585	1,901
Gwinnett	Felony	0	970	924	1,136	0	45	26
	Felony Prob Revocation	0	249	248	46	0	0	0
	Juvenile	0	595	593	35	0	2	1
	Misdemeanor	0	14	14	6	0	0	0
Total for Gwinnett		0	1,828	1,779	1,223	0	47	27
Houston	Felony	0	976	514	1	7	463	0
	Felony Prob Revocation	0	513	443	0	2	70	0
	Misdemeanor	0	2	1	0	0	1	0
Total for Houston		0	1,491	958	1	9	534	0
Houston Juvenile	Juvenile	0	0	0	0	0	0	0
Total for Houston Juvenile		0	0	0	0	0	0	0
Lookout Mountain	Felony	0	1,246	440	1	102	816	0
	Felony Prob Revocation	0	616	539	1	5	76	0
	Juvenile	0	290	150	1	2	140	0
	Juvenile Prob Revocation	0	0	0	0	0	0	0
	Misd Prob Revocation	0	76	69	0	0	7	0
	Misdemeanor	0	368	221	0	2	148	0
Total for Lookout Mountain		0	2,596	1,419	3	111	1,187	0
Macon	Appellate	0	3	0	0	0	4	0
	Deprivation	0	26	0	0	0	26	0
	Felony	0	2,689	376	36	49	2,321	26
	Felony Prob Revocation	0	369	14	0	0	355	3
	Juvenile	0	818	229	19	13	589	2
	Mental Health	0	1	0	0	0	1	0
	Misd Prob Revocation	0	21	7	0	0	15	0
	Misdemeanor	0	173	58	4	5	115	4
Total for Macon		0	4,100	684	59	67	3,426	35
Middle	Deprivation	0	72	18	0	1	54	0
	Felony	0	1,154	444	18	62	715	11
	Felony Prob Revocation	0	44	22	1	0	22	0
	Juvenile	0	149	126	4	3	23	0
	Misd Prob Revocation	0	1	1	0	0	0	0
	Misdemeanor	0	3	0	0	0	3	0
Total for Middle		0	1,423	611	23	66	817	11

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
Mountain	Appellate	0	1	0	1	0	1	0
	Felony	0	890	433	84	38	459	168
	Felony Prob Revocation	0	236	206	8	2	30	3
	Juvenile	0	98	41	1	7	61	24
	Misd Prob Revocation	0	27	27	2	0	0	0
	Misdemeanor	0	282	259	68	2	20	13
Total for Mountain		0	1,534	966	164	49	571	208
Northeastern	Felony	0	1,953	573	3	70	1,378	20
	Felony Prob Revocation	0	608	361	0	2	247	0
	Juvenile	0	418	336	5	5	83	1
	Juvenile Prob Revocation	0	9	5	0	0	4	0
	Misd Prob Revocation	0	6	3	0	0	3	0
	Misdemeanor	0	148	51	1	5	97	1
Total for Northeastern		0	3,142	1,329	9	82	1,812	22
Northern	Appellate	0	0	0	0	0	0	1
	Deprivation	0	79	29	2	5	50	7
	Felony	0	914	177	147	74	744	213
	Felony Prob Revocation	0	188	86	0	4	102	4
	Juvenile	0	355	301	13	10	54	1
	Misd Prob Revocation	0	36	13	0	1	23	2
	Misdemeanor	0	389	147	27	9	242	48
Total for Northern		0	1,961	753	189	103	1,215	276
Ocmulgee	Appellate	0	1	0	0	0	1	0
	Felony	0	2,055	742	0	94	1,316	3
	Felony Prob Revocation	0	298	194	0	5	104	0
	Juvenile	0	529	115	0	1	414	1
	Mental Health	0	1	1	0	0	0	0
	Misd Prob Revocation	0	147	75	0	1	72	0
	Misdemeanor	0	1,094	417	2	33	680	3
Total for Ocmulgee		0	4,125	1,544	2	134	2,587	7
Oconee	Deprivation	0	31	18	0	0	13	0
	Felony	0	1,086	611	7	4	475	1
	Felony Prob Revocation	0	68	55	0	0	13	0
	Juvenile	0	52	29	0	0	23	0
	Misd Prob Revocation	0	4	3	0	0	1	0
	Misdemeanor	0	137	73	0	1	64	0
Total for Oconee		0	1,378	789	7	5	589	1
Ogeechee	Felony	0	755	527	0	29	228	1
	Felony Prob Revocation	0	303	289	0	1	14	0
	Juvenile	0	343	239	0	0	104	0
	Misd Prob Revocation	0	207	204	0	0	3	0
	Misdemeanor	0	1,150	887	5	5	263	2
Total for Ogeechee		0	2,758	2,146	5	35	612	3
Pataula	Felony	0	618	238	45	95	378	14
	Felony Prob Revocation	0	199	88	2	1	111	1
	Juvenile	0	130	57	2	14	73	2
	Local Ordinance	0	0	0	1	0	0	0
	Misd Prob Revocation	0	1	1	0	0	0	0
	Misdemeanor	0	217	78	11	14	139	1
Total for Pataula		0	1,165	462	61	124	701	18
Paulding	Appellate	0	0	0	0	0	0	0
	Felony	0	727	226	40	22	500	103
	Felony Prob Revocation	0	7	2	0	0	5	0
	Juvenile	0	92	55	1	0	38	1
	Misd Prob Revocation	0	2	0	0	0	2	0
	Misdemeanor	0	442	133	18	12	308	62
Total for Paulding		0	1,270	416	59	34	853	166

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
Piedmont	Appellate	0	0	0	0	0	0	0
	Deprivation	0	102	77	4	1	25	9
	Felony	0	1,362	504	221	32	863	157
	Felony Prob Revocation	0	818	678	30	5	141	17
	Juvenile	0	316	285	7	2	31	5
	Local Ordinance	0	2	1	0	0	1	0
	Misd Prob Revocation	0	85	59	0	0	26	1
	Misdemeanor	0	976	526	110	6	454	67
	Total for Piedmont		0	3,661	2,130	372	46	1,541
Rockdale	Deprivation	0	3	1	0	0	2	0
	Felony	0	566	204	3	27	361	2
	Felony Prob Revocation	0	115	113	7	0	2	0
	Juvenile	0	162	78	0	8	84	0
	Misd Prob Revocation	0	66	65	0	0	1	0
	Misdemeanor	0	675	455	2	10	220	0
Total for Rockdale		0	1,587	916	12	45	670	2
Rome	Appellate	0	1	1	0	0	1	0
	Deprivation	0	226	102	7	11	124	7
	Felony	0	1,424	655	60	42	776	4
	Felony Prob Revocation	0	442	253	6	2	188	0
	Juvenile	0	779	662	6	24	117	0
	Local Ordinance	0	19	13	0	0	6	0
	Misd Prob Revocation	0	141	90	0	1	51	0
	Misdemeanor	0	850	563	38	8	287	0
Total for Rome		0	3,882	2,339	117	88	1,550	11
South Georgia	Appellate	0	1	0	0	0	1	0
	Felony	0	756	420	75	28	341	8
	Felony Prob Revocation	0	201	178	3	0	23	0
	Juvenile	0	176	146	6	2	30	1
	Misd Prob Revocation	0	12	12	0	0	0	0
	Misdemeanor	0	30	17	6	2	13	1
Total for South Georgia		0	1,176	773	90	32	408	10
Southern	Appellate	0	1	0	0	0	1	0
	Felony	0	2,716	1,429	21	170	1,310	12
	Felony Prob Revocation	0	953	467	0	9	489	1
	Juvenile	0	423	310	0	9	112	0
	Misd Prob Revocation	0	8	4	0	0	4	0
	Misdemeanor	0	50	29	1	1	21	0
Total for Southern		0	4,151	2,239	22	189	1,937	13
Southwestern	Appellate	0	2	0	0	0	2	0
	Felony	0	1,130	424	61	38	701	83
	Felony Prob Revocation	0	118	53	2	2	64	1
	Juvenile	0	279	134	0	0	145	1
	Juvenile Prob Revocation	0	0	0	0	0	0	0
	Local Ordinance	0	23	16	0	0	7	0
	Mental Health	0	1	1	0	0	0	0
	Misd Prob Revocation	0	92	53	1	0	39	0
	Misdemeanor	0	1,106	571	26	19	535	25
Total for Southwestern		0	2,751	1,252	90	59	1,493	110
Stone Mountain	Appellate	0	22	4	16	13	18	23
	Deprivation	0	1	0	0	0	1	0
	Felony	0	6,092	3,005	1,405	260	3,112	262
	Felony Prob Revocation	0	2,026	1,675	121	8	347	1
	Juvenile	0	1,923	1,229	268	377	703	8
	Local Ordinance	0	95	94	0	0	1	0
	Misd Prob Revocation	0	1,996	1,896	14	0	100	0
	Misdemeanor	0	5,405	4,136	120	6	1,270	7
Total for Stone Mountain		0	17,560	12,039	1,944	664	5,552	301

Circuit	Case Type	Pending Open	New	Closed	Pipeline Closed	Conflict	Open	Pipeline Open
Tallapoosa	Appellate	0	2	0	0	0	2	2
	Felony	0	992	212	37	174	792	167
	Felony Prob Revocation	0	248	135	2	11	114	5
	Juvenile	0	171	85	0	8	86	1
	Misd Prob Revocation	0	27	19	0	2	8	0
	Misdemeanor	0	580	159	9	25	422	40
Total for Tallapoosa		0	2,020	610	48	220	1,424	215
Tifton	Appellate	0	1	0	0	0	1	0
	Felony	0	1,417	478	18	49	954	55
	Felony Prob Revocation	0	107	74	0	2	33	1
	Juvenile	0	90	68	0	13	22	0
	Local Ordinance	0	1	1	0	0	0	0
	Misd Prob Revocation	0	2	1	0	0	1	0
	Misdemeanor	0	43	18	0	0	25	1
Total for Tifton		0	1,661	640	18	64	1,036	57
Toombs	Felony	0	544	239	0	35	306	1
	Felony Prob Revocation	0	13	11	0	0	2	0
	Juvenile	0	183	100	0	7	83	0
	Local Ordinance	0	1	1	0	0	0	0
	Misd Prob Revocation	0	34	21	0	0	13	0
	Misdemeanor	0	269	108	0	6	161	2
Total for Toombs		0	1,044	480	0	48	565	3
Towaliga	Deprivation	0	31	5	0	0	27	0
	Felony	0	814	254	0	22	564	0
	Felony Prob Revocation	0	18	7	0	0	11	0
	Juvenile	0	21	6	0	1	15	1
	Misd Prob Revocation	0	6	1	0	0	5	0
	Misdemeanor	0	356	126	0	2	230	0
Total for Towaliga		0	1,246	399	0	25	852	1
Waycross	Appellate	0	2	0	0	0	2	0
	Felony	0	1,934	593	0	102	1,351	1
	Felony Prob Revocation	0	308	190	0	7	119	0
	Juvenile	0	53	30	0	0	23	0
	Misd Prob Revocation	0	6	4	0	0	2	0
	Misdemeanor	0	84	25	0	1	59	0
Total for Waycross		0	2,387	842	0	110	1,556	1
Western	Deprivation	0	65	6	4	5	59	0
	Felony	0	1,279	293	133	149	987	9
	Felony Prob Revocation	0	961	444	36	23	515	1
	Juvenile	0	338	125	16	13	212	0
	Local Ordinance	0	956	726	0	26	229	0
	Misd Prob Revocation	0	308	110	13	8	202	0
	Misdemeanor	0	1,334	664	115	50	679	3
Total for Western			5,241	2,368	317	274	2,883	

Conclusion

By the end of calendar year 2005, The Georgia Public Defender Standards Council had opened forty three (43) circuit public defender offices and nine (9) regional conflict defender offices. The circuit public defenders and the conflict defenders entered appearances in more than one hundred sixty thousand (160,000) cases during the calendar year of 2005. The Council's administrative staff spent countless hours processing personnel applications and creating payroll records for the more than seven hundred fifty (750) full time employees throughout the state. What an achievement! The circuit public defenders and the conflict defenders along with their staffs have proven that when people of good will are determined to succeed, success is the only alternative. Much has been accomplished during this first year of operation. Much remains to be done, but with the dedication of the circuit public defenders, conflict defenders and staff members there is no doubt that the Council's goals and objectives for this next year will be met.

A wise lady once said, "Leaders are expected to take people where they have asked to go. Great leaders are able to take people where they don't necessarily want to go, but should go." The eleven members of The Georgia Public Defender Standards Council are great leaders and it has been their vision which has led to the success of this first year. The Council members have tirelessly dedicated their time and considerable abilities to guiding this organization through its organizational year and now through the first full year of operation. The Council members have met at least once a month for the past twenty-four months without pay and at considerable expense to themselves. They have given up personal time and professional opportunities to ensure that the circuit public defenders and conflict defenders have been given the support necessary to accomplish the Council's mission. Georgia is indeed fortunate to have these men and women dedicating their time and expertise to the creation of a state wide public defender system. Georgia is indeed a better place this year than it was last year and that is because the vision, hard work tenacity, and yes, great leadership of the members of The Georgia Public Defender Standards Council.

Michael Mears, Director