

IN THE SUPREME COURT OF THE STATE OF NEVADA

1 IN THE MATTER OF THE REVIEW OF  
2 ISSUES CONCERNING  
3 REPRESENTATION OF INDIGENT  
4 DEFENDANTS IN CRIMINAL AND  
5 JUVENILE DELINQUENCY CASES.

ADKT NO. 411

**FILED**

MAR 17 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

6 **PERSHING COUNTY**  
7 **ADDITIONAL EXHIBITS**  
8 **DEMONSTRATING COSTS**

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**RECEIVED**  
MAR 17 2008  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

08-33165

## Pershing County Budget 2007-08

1	Item	Budget
2	County Public Defender Budget	\$45,000.00
3	Other Court Attorney Appointed Budget	\$62,000.00
4	County Public Def. Investigations Budget	\$20,000.00
5	<b>TOTALS</b>	<b>\$127,000.00</b>

## Pershing County Budget Projected Budget for 2007-08 With State Public Defender

8	State Public Defender Budget	\$125,895.00
9	Other Ct. Appointed Budget	\$62,000.00
10	<b>TOTALS</b>	<b>\$187,895.00</b>
11	<b>Difference Between State and County PD</b>	<b>\$60,895.00</b>

## Pershing County Budget 2006-07

14	State Public Defender Budget	\$78,425.00
15	Other Ct. Appointed Budget	\$44,068.00
16	<b>TOTALS</b>	<b>\$122,493.00</b>

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Rec'd 12-4-06  
from Donna

# NEVADA STATE PUBLIC DEFENDER

STEVEN G. MCGUIRE  
STATE PUBLIC DEFENDER

December 1, 2006

511 E. ROBINSON STREET SUITE 1  
CARSON CITY, NEVADA 89701-4020  
TELEPHONE (775) 687-4880  
FAX (775) 687-4993

MS DONNA GILES  
PERSHING CO CLERK AND THE  
PERSHING CO COMMISSIONERS  
P O BOX 820  
LOVELOCK NV 89419

Dear Ms. Giles

I am writing pursuant to NRS 108.080.1(b) to advise you of the projected number of cases and the projected costs of services attributed to your county for the next biennium.

The projected cost of services is based on the Nevada State Public Defender budget request and the Nevada Legislature's letter of intent dated September 15, 2005 advising that the legislative money committees intend that the counties who use the services of the State Public Defender fully fund the cost of non post-conviction services.

The allocation is based on a five year average of hours of service provided in each county.

<u>Budget Request</u>	<u>Projected Pershing Cost of Service</u>
<u>FY 2008</u>	<u>FY 2008</u>
\$2,616,765	\$125,895
<u>FY 2009</u>	<u>FY 2009</u>
\$2,624,194	\$126,253

The service this agency provides includes representation from arrest through trial, sentencing, appeal, and includes the services of our staff investigators. The office has attorneys qualified to handle death penalty cases when required.

I would be happy to meet with you to discuss our fees or the service we provide if you have questions.

Sincerely,

Steven G. McGuire  
Nevada State Public Defender

SGM/pbs  
Enclosures as noted



## NEVADA STATE PUBLIC DEFENDER

STEVEN G. MCGUIRE  
STATE PUBLIC DEFENDER

511 E. ROBINSON STREET SUITE 1  
CARSON CITY, NEVADA 89701-4020  
TELEPHONE (775) 687-4880  
FAX (775) 687-4993

April 26, 2006

MS DONNA GILES  
PERSHING CO CLERK AND THE  
PERSHING CO COMMISSIONERS  
PO BOX 820  
LOVELOCK NV 89419

Dear Ms. Giles:

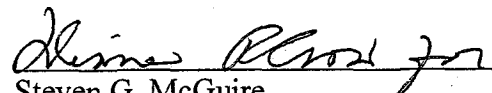
Pursuant to NRS 180.110, I am submitting the cost of indigent criminal defense and juvenile representation from this office to Pershing County for fiscal year 2007.

\$79,918

The service this office provides includes representation from arrest through trial, sentencing and appeal, and includes the services of our staff investigators. The office has attorneys qualified to handle death penalty cases when required.

I would be happy to meet with you to discuss our fees or the service we provide if you have questions.

Sincerely,

  
Steven G. McGuire  
Nevada State Public Defender

SGM/kd  
cc: Judge Wagner  
Judge Iroz

h:FY07feesCC



REC'D MAY 02 2005

## NEVADA STATE PUBLIC DEFENDER

STEVEN G. MCGUIRE  
STATE PUBLIC DEFENDER

April 29, 2005

511 E. ROBINSON STREET SUITE 1  
CARSON CITY, NEVADA 89701-4020  
TELEPHONE (775) 687-4880  
FAX (775) 687-4993

MS DONNA GILES  
PERSHING CO CLERK AND THE  
PERSHING CO COMMISSIONERS  
PO BOX 820  
LOVELOCK NV 89419

Dear Ms. Giles:

Pursuant to NRS 180.110.2, I am providing my estimate of your county's fees for state public defender service for Fiscal Year 2006 and Fiscal Year 2007.

FY 2006	\$63,868
FY 2007	79,823

These figures are based on revenue for the agency in FY 2006 of 47% from the state general fund and 53% from the counties which has been the historical division over the past decade or more.

The estimate for FY 2007 is based on revenue of 35% from the state general fund and 65% from the counties. This is based on hourly statistics for the past five years which show that state cases have generated 20% of the agency caseload while county cases have generated 80% of the agency caseload.

I would be happy to meet with you to discuss our fees or the service we provide if you have questions.

Sincerely,

Steven G. McGuire  
Nevada State Public Defender

SGM/kd  
cc: Judge Wagner  
Judge Iroz  
Recorder



Rec'd from  
Donna 12-3-04

# NEVADA STATE PUBLIC DEFENDER

STEVEN G. MCGUIRE  
STATE PUBLIC DEFENDER

511 E. ROBINSON STREET SUITE 1  
CARSON CITY, NEVADA 89701-4020  
TELEPHONE (775) 687-4880  
FAX (775) 687-4993

November 30, 2004

MS DONNA GILES  
PERSHING CO CLERK AND THE  
PERSHING CO COMMISSIONERS  
PO BOX 820  
LOVELOCK NV 89419

Dear Ms. Giles:

Pursuant to NRS 180.110.2, I am submitting the projected cost of services attributed to your county for the next biennium. This projection is based on the agency's proposed FY 06 - 07 budget and your county's share of the agency's caseload in the most recent two years:

FY 2006	\$63,947
FY 2007	\$63,834

The service this office provides includes representation from arrest through trial, sentencing and appeal to the Nevada Supreme Court, and includes the services of our staff investigators. The office has attorneys qualified to handle capital cases when that is required.

Based on the Nevada State Public Defender's proposed FY 06-07 budget and the most recent two years of hourly caseload records, I expect to provide service at a cost to your county of approximately \$56 per attorney hour, which includes investigation and other support services. This is a substantial savings compared to the cost of \$100 per hour set for appointed counsel under NRS 7.125 for cases other than death penalty cases and \$125 in death penalty cases.

I would be happy to meet with you to discuss our budget and the service we provide.

Sincerely,

Steven G. McGuire  
Nevada State Public Defender

SGM/kd  
cc: Judge Wagner  
Judge Iroz

Friday, February 15, 2008

1  
2 John Mosher  
3 NLADA  
4 Via E-mail

5 Dear Mr. Mosher,

6 You have requested that we provide you with the following items:

- 7 1) The total general fund expenditures for each county;
- 8 2) The number of dollars currently spent by each county on criminal justice (DA's office, county jail, Sheriff's Dept, the courts, etc.), and what percentage of the county's total fiscal year budget that amounts to; and
- 9 3) The number of dollars currently spent by each county on indigent defense representation, and what percentage of the county's criminal justice line-item that amounts to.

10 We have gone through the numbers and are providing you with the following so that you can know what we are spending on criminal justice and what the percentage of the county's total fiscal year budget for "criminal justice" is attributable to the cases in which counsel is appointed. At the outset, we would note that the County's General Fund includes many expenditures that some counties do not have in the general fund (i.e. four fire departments—many counties have fire districts—Pershing County does not). Any comparison of general funds would have to take into account these differences.

11 In determining how much of the counties budget is expended in criminal justice pursuits from each department, we have extrapolated that in excess of fifty percent (50%+) of the functions of the various offices (District Attorney, Justice's Court, District Court, and Sheriff's Office) do not deal with criminal matters. For example, approximately sixty-five (65%) of the District Attorney's time is spent on matters that do not involve criminal issues (the Pershing County District Attorney's Office advises most of the boards in the county, the different departments within the county, administers a child support program, administers a check restitution program (which is prior to a criminal case being filed), serves as the ex officio public guardian, serves as legal counsel on 432B (abuse/neglect) cases, and meets with citizens routinely about other matters). The Sheriff's Office does many more things than just investigating criminal activity, so approximately 50% of his budget is dedicated to doing functions other than investigation of crimes (i.e. services of subpoenas, service of summons, service of civil papers, service of other papers, protective orders service, business licenses, public safety (not involving criminal behavior), and other similar activities that do not result in any criminal charges). The other offices are similar in nature. Therefore, their respective budgets must be reduced by at least 50% to get an accurate picture.

12 Furthermore, of all the criminal cases filed, the appointment of attorneys only occurred in twelve and one-half percent (12.5%) of the cases. Accordingly, any numbers must reflect the percentage of cases involving appointed counsel. Since appointed counsel cases represent only twelve and one-half percent of the cases, the budget for each of the respective offices should be broken down to reflect this issue.

13 We have also broken down how much of the total criminal justice budget is represented by cases involving the appointment of indigent defense, thereby allowing you to know what the percentage of the county's expenditure on criminal justice is in relation to the overall criminal justice expenditures.

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2006-07

Item	Actual Expenditures	Fifty Percent (50%)	Amount For All Indigent Cases
Total General Fund Budget	\$5,990,149.00	N/A	N/A
Sheriff's Office (Jail Included)	\$1,151,800.00	\$575,900.00	\$71,987.50
District Attorney	\$415,404.00	\$207,702.00	\$25,962.75
Justice's Court	\$207,710.00	\$103,855.00	\$12,981.88
District Court	\$239,891.00	\$119,946.00	\$14,993.25
Contract Reporters	\$23,111.00	\$23,111.00	\$2,888.88
Witness Fees and Jury Fees	\$19,696.00	\$19,696.00	\$2,462.00
<b>TOTALS (Excl. Gen. Fund)</b>	<b>\$2,057,612.00</b>	<b>\$1,050,210.00</b>	<b>\$131,276.25</b>
State Public Defender Budget	\$78,425.00	\$78,425.00	\$78,425.00
Other Ct. Appointed Budget	\$44,068.00	\$44,068.00	\$44,068.00
<b>TOTALS</b>	<b>\$122,493.00</b>	<b>\$122,493.00</b>	<b>\$122,493.00</b>
<b>INDIGENT COUNSEL APPOINTMENT TOTAL IN RELATION TO CRIMINAL JUSTICE AGENCIES*</b>	N/A	N/A	48.27%

2007-08

Item	Budget	Fifty Percent (50%)	Amount For All Indigent Cases
Total General Fund Budget	\$5,793,933.00	N/A	N/A
Sheriff's Office (Jail Included)	\$1,195,968.00	\$597,984.00	\$74,748.00
District Attorney	\$428,510.00	\$207,702.00	\$26,781.88
Justice's Court	\$219,136.00	\$103,855.00	\$13,696.00
District Court	\$229,321.00	\$119,946.00	\$14,332.56
Contract Reporters	\$23,000.00	\$23,000.00	\$2,875.00
Witness Fees and Jury Fees	\$20,000.00	\$20,000.00	\$2,500.00
<b>TOTALS (Excl. Gen. Fund)</b>	<b>\$2,115,935.00</b>	<b>\$1,057,967.50</b>	<b>\$132,245.94</b>
County Public Defender Budget	\$45,000.00	\$45,000.00	\$45,000.00
Other Ct. Appointed Budget	\$62,000.00	\$62,000.00	\$62,000.00
County Public Def. Investigations Budget	\$20,000.00	\$20,000.00	\$20,000.00
<b>TOTALS</b>	<b>\$127,000.00</b>	<b>\$127,000.00</b>	<b>\$127,000.00</b>
<b>INDIGENT COUNSEL APPOINTMENT TOTAL IN RELATION TO CRIMINAL JUSTICE AGENCIES*</b>	N/A	N/A	48.49%

\* CALCULATED BY DIVIDING THE TOTAL FOR APPOINTED COUNSEL BY (THE TOTAL EXPENDED IN CRIMINAL JUSTICE AGENCIES PLUS APPOINTED COUNSEL BUDGET).

These numbers should assist you in your research. They show that the county spends about the same amount through the other agencies on each case as the county spends for legal representation for the accused. Thank you for your inquiry.

Sincerely,

Donna Giles