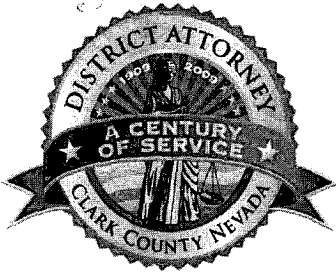# OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

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October 19, 2009

Chief Justice James W. Hardesty
Nevada Supreme Court
201 S. Carson Street
Carson City, Nevada 89701

Re: Caseload Statistics

Dear Justice Hardesty:

At the October 6th administrative hearing on ADKT 411, you asked if this Office could provide some additional statistical information on Justice Court calendars and dispositions for a six month period. In reviewing the data we normally collect versus the data you requested, some of the information is routinely tracked and poses no personnel issues to meet the Court's request. However, the remaining of the data is not collected and would require significant personnel hours to gather as we would need to pull back calendars and do hand counts together with computer disposition checks.

The Office tracks preliminary hearing information for each of our track deputies. This includes: 1) hearings held; 2) cases waived by negotiation divided into felony, mixed (could be either felony or gross-misdemeanor), gross misdemeanor or misdemeanor; 3) cases continued; and 4) other (warrants or dismissals). The information is kept on a quarterly timeframe. We also track the number of pending murder cases and prepare an annual memorandum reflecting the status of the case for each defendant and whether representation is provided by the public defender, special public defender, contract counsel or private counsel.

For the hearing, we reviewed the calendars for Las Vegas Justice Court over a one week period. The average number of preliminary hearings set in that week was nine. Our

Deputies inform us that the number of cases set on calendar per day varies depending on the Justice of the Peace. Some judges only set preliminary hearings three or four days a week and schedule none in the afternoons. This can cause the calendars to go into the upper teens or low twenty numbers Judge Dahl referred to in his remarks. When this occurs, our Office and the Public Defender assign more than one deputy to those calendars so that the case to deputy ratio remains consistent, although we did not track that specific number.

County management also routinely collects data. This includes the information that Assistant County Manager Jeff Wells has provided to you as well as information on the number of cases handled by the Special Public Defender, private and conflict counsel.

It is my understanding the Court is interested in obtaining additional data from the Justice Court calendars to include: 1) the specific original charges versus dispositions; 2) misdemeanor trials conducted; 3) number of cases handled by private or contract counsel, public defender and special public defender; 4) number of preliminary hearings set; 5) number of other matters set by type (misdemeanor trials, bail hearings, etc.); 6) number of deputy(s) who handled the calendars; and 7) by department, any restrictions on calendaring.

Gathering the additional information for a six month period would place a considerable burden upon this Office. As a result of the current economic downfall, the Criminal Division is unable to fill 15 positions and consequently remaining staff are already overburdened. Similarly overtime is no longer permitted. It would be helpful if the Court narrowed the time period, but we will provide whatever data the Court requests. Perhaps the Court could ask for data from particular windows. For example a week or two weeks of data prior to the weighted case study, a similar period during the study and a third period either after the study or from a current date forward.

Please let us know if there is anything else you need. We stand ready to assist the Court in any way possible.

Sincerely,

Nancy A. Becker
Deputy District Attorney

NAB:mmm