

# TULARE COUNTY PUBLIC DEFENDER

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## Mission Statement

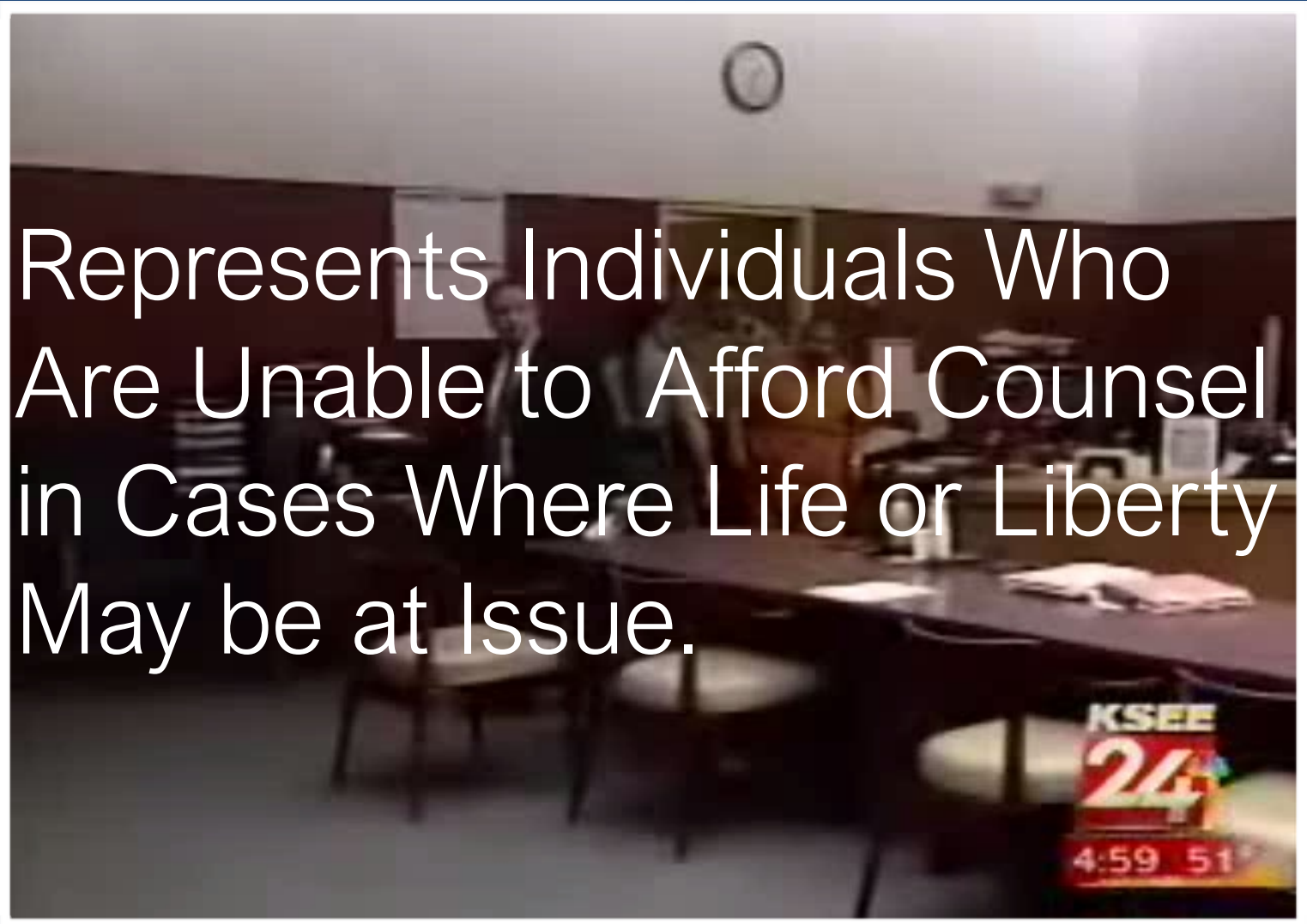
The Tulare County Public Defender is mandated by state law and the Constitution to provide competent, effective and ethical legal representation to people unable to afford private counsel in certain kinds of cases where life or liberty issues are at stake. Attorneys from the..

[Read More](#)



# What Does A Public Defender Do?

Represents Individuals Who Are Unable to Afford Counsel in Cases Where Life or Liberty May be at Issue.

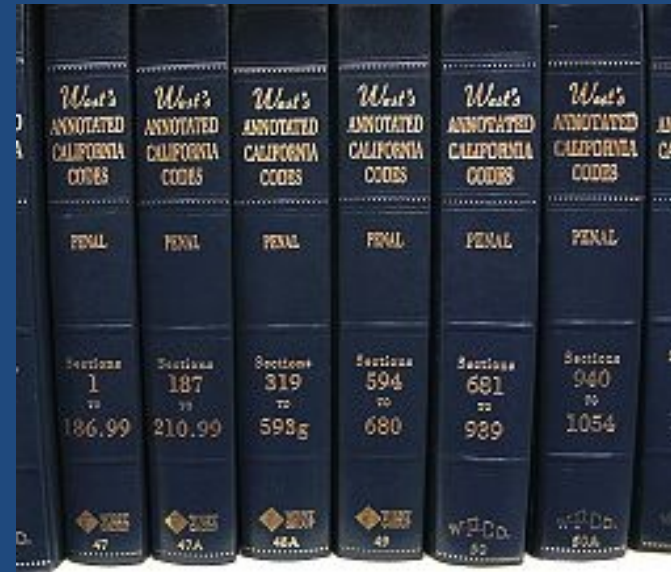




# Our services are Mandated by



United States Constitution



State Statutes

# What Kinds of Cases Do We Handle?

- Adults Charged with:



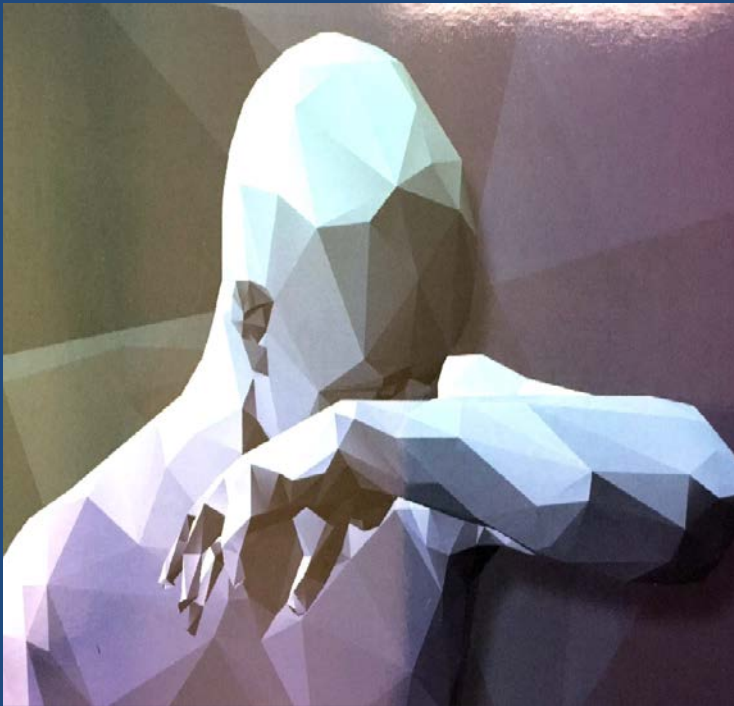
Crimes



Contempt of Court

# What Kinds of Cases Do We Handle?

- Adults Involuntarily Committed:



Mentally Ill



Conservatees

Developmentally Disabled

# What Kinds of Cases Do We Handle?

- Juveniles Charged with Crimes:



Juvenile Justice Center





Our  
Caseload is  
determined  
by

**Court filings made by  
our professional  
adversaries:**

- District Attorney**
- County Counsel**
- DCSS**

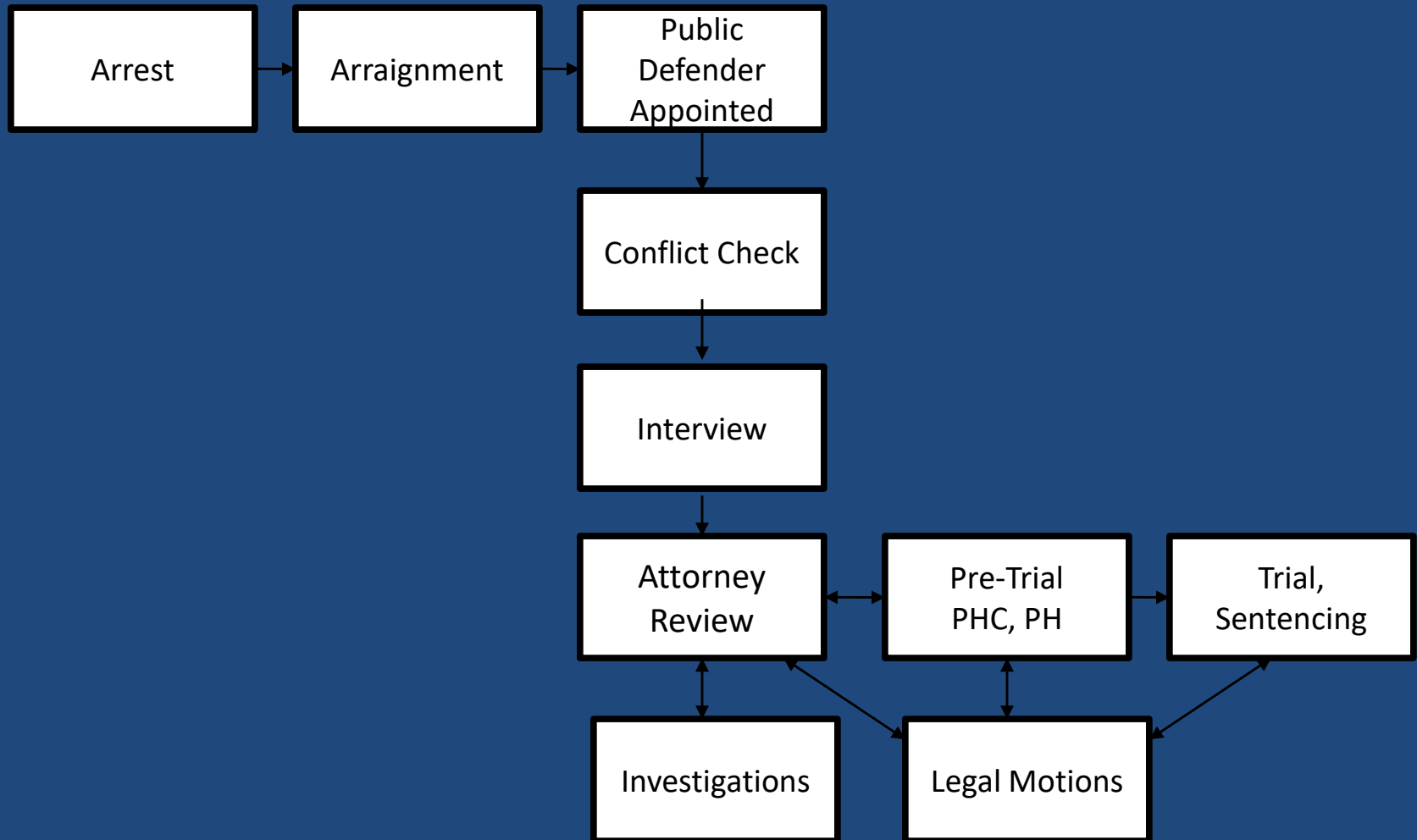
**New Cases are by Court  
Appointment Only**

**We do not create the  
cases we handle**

**We do not solicit clients**

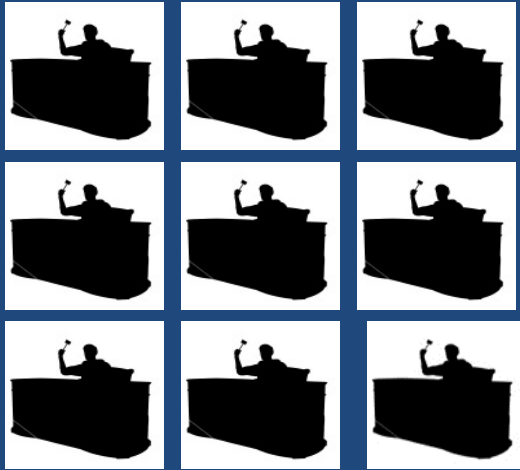
# How Do Our Clients Find Us?

(a simplified view—and then what?)

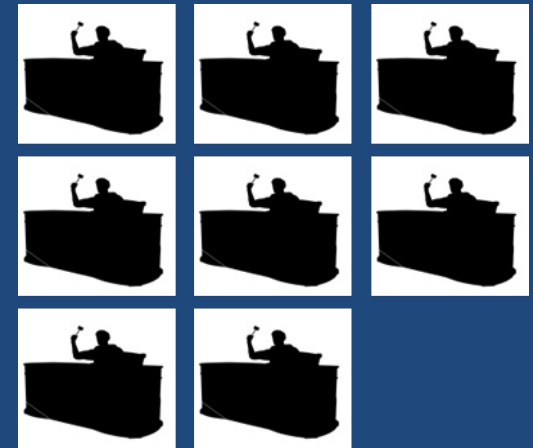
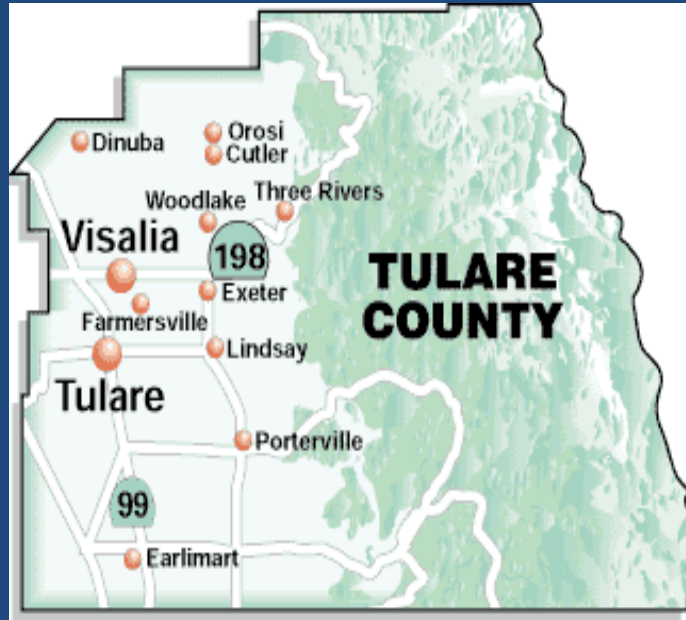




# Where Do We Work?



Visalia



Porterville

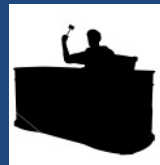


Juvenile

# 21 Courtrooms



Pretrial Facility



Dinuba

**In Addition  
to Criminal  
Cases we  
Also Handle**

Specialty Courts

- Mental Health
- Veterans
- Recovery Court
- Drug Court

Civil Proceedings

- OCS/Contempt Proceedings
- Conservatorships
- Developmentally Disabled
- Adoption
- Guardianship

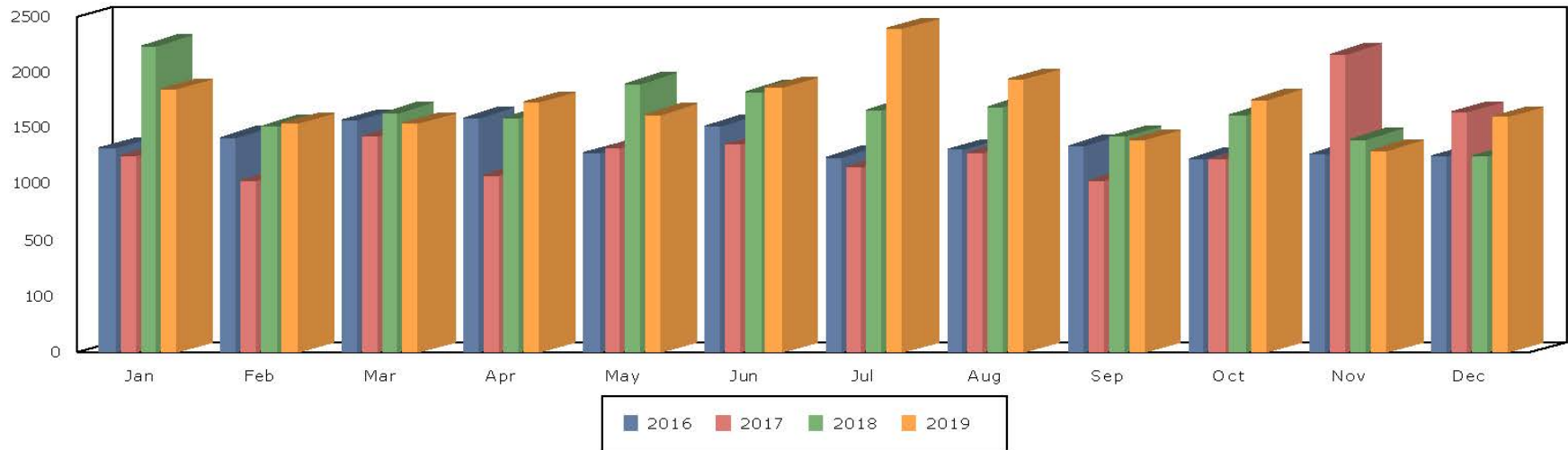
## Case Summary - Year and Month (by Case Type)

**Start Date** 01/01/2016  
**End Date** 12/31/2019  
**Use Case Type Grouping** Yes



All Types

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	+/-
2016	1463	1543	1662	1683	1428	1623	1400	1454	1481	1390	1426	1404	17957	
2017	1413	1229	1549	1273	1468	1489	1329	1435	1235	1383	2140	1719	17662	-1.64%
2018	2195	1620	1715	1679	1928	1867	1741	1765	1544	1707	1527	1404	20692	17.16%
2019	1886	1639	1640	1792	1704	1896	2317	1958	1525	1810	1446	1685	21298	2.93%



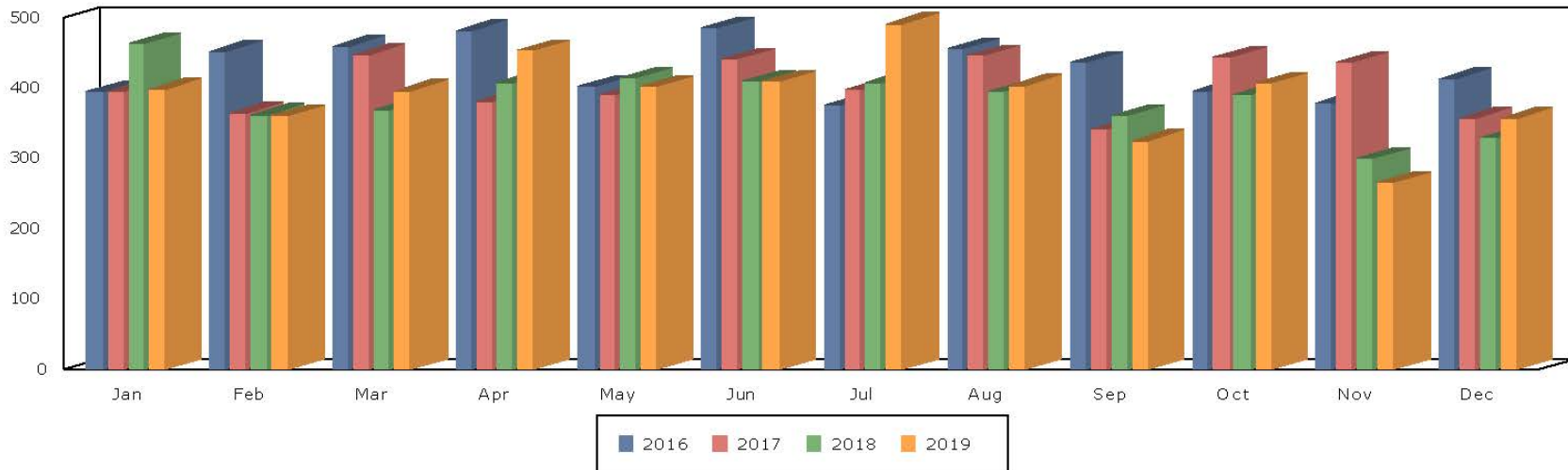
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**Use Case Type Grouping** Yes



### Felony

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	+/-
2016	395	453	460	482	403	485	376	456	437	396	380	414	5137	
2017	397	365	448	382	390	442	398	447	342	444	437	357	4849	-5.61%
2018	464	362	370	409	415	410	409	395	361	391	300	329	4615	-4.83%
2019	399	361	396	454	403	410	492	404	326	407	266	358	4676	1.32%





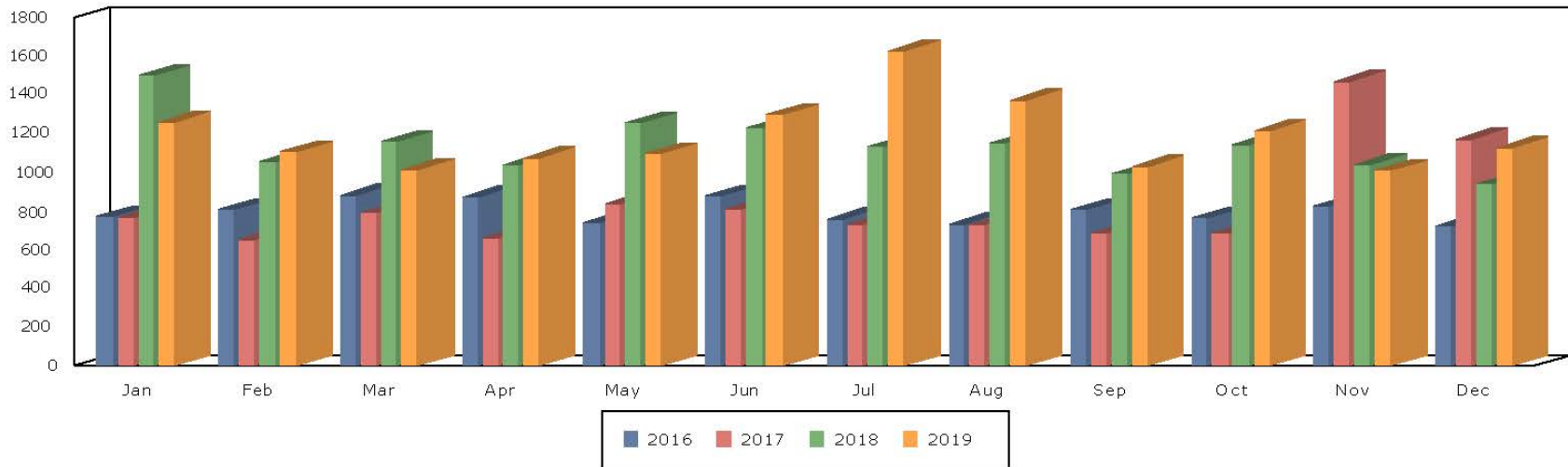
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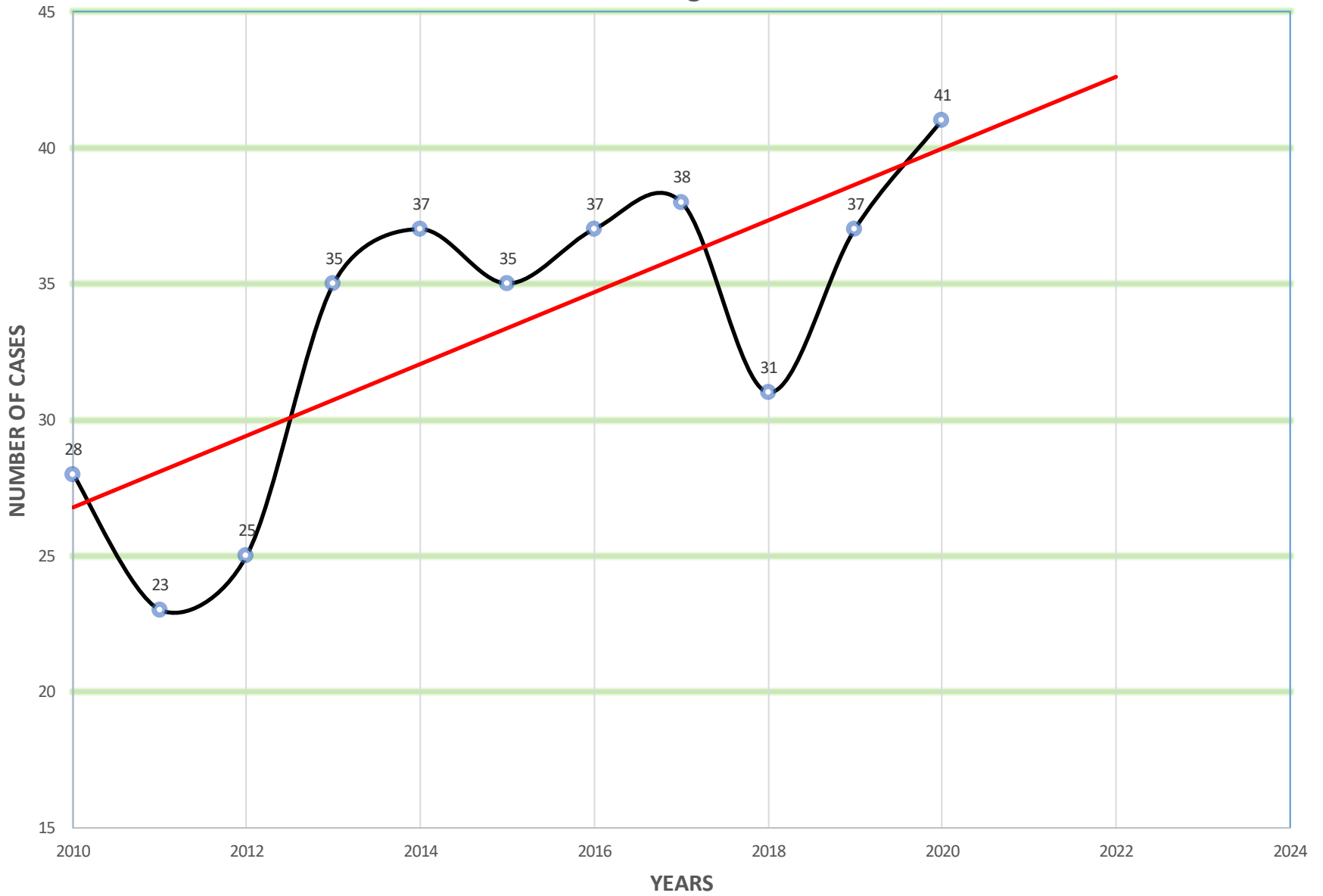


#### Misdemeanor

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	+/-
2016	775	807	883	876	741	879	762	734	809	763	828	724	9581	
2017	768	655	793	665	838	812	735	728	686	688	1471	1175	10014	4.52%
2018	1502	1058	1159	1043	1258	1228	1135	1153	995	1145	1043	942	13661	36.42%
2019	1259	1107	1017	1076	1098	1301	1627	1376	1031	1215	1012	1130	14249	4.30%



# 187 Caseload Throughout the Years



**The upward trend continues. This year, the average number of active homicide cases per month has been 41, with 3 of those being Death Penalty cases and 8 others being Potential Death Penalty cases.**

2020

# American Bar Association Guidelines for Capital Cases

- Defense Teams are assembled and include
  - No fewer than two “qualified” attorneys
  - An investigator
  - A mitigation specialist
  - A member qualified to screen individuals for the presence of mental or psychological disorders or impairments
- National standards on defense services have consistently recognized that quality representation cannot be rendered unless assigned counsel have access to adequate “supporting services [including] secretaries[,] investigators[, and] . . . expert witnesses, as well as personnel skilled in social work and related disciplines to provide assistance at pretrial release hearings and at sentencings.” See ABA STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES Standard 5-1.4 cmt. (3d ed. 1992).



## Attorneys

Our Attorneys are the most visible members of our Public Defender Office. They are passionate, they are dedicated, and committed to achieving the best results for our clients. Their ability to handle the large caseload, to achieve the positive results that they achieve is also due to the support they receive from other members of the office.






TEAMWORK



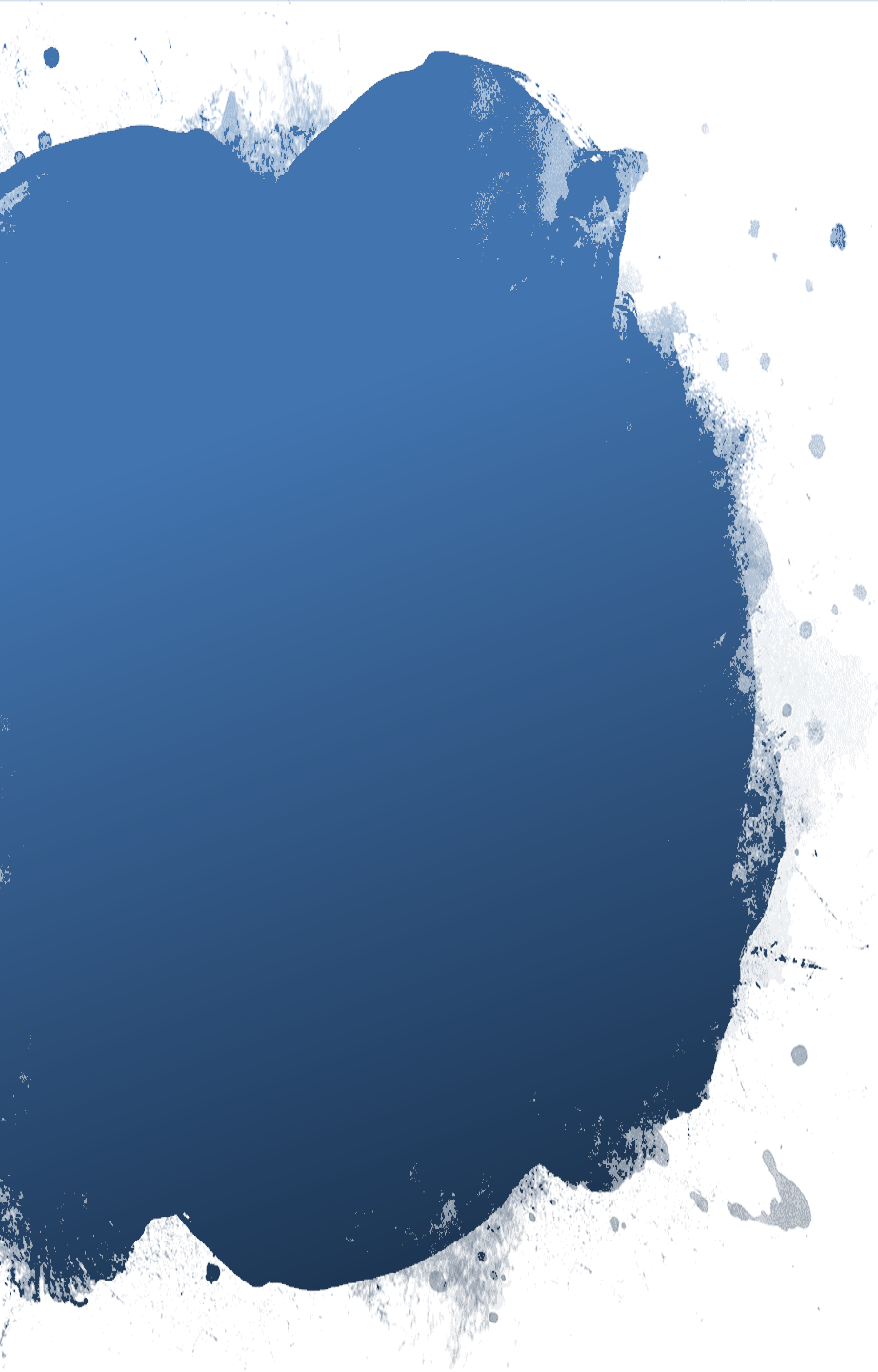
## Interviewers

- 
- Check Case For a Conflict
  - If No Conflict Perform Interview
  - Enter Information Into Our Case Management System





## Clerical Staff

- 
- Pull Electronic Calendar For Each Attorney
  - File Electronic Paperwork For Each File
  - Enter New Cases Into Case Management
  - Calendar Cases When Returned From Court
  - Close Out Cases
  - Answer Phones



# Paralegals and Law Clerks

# Civil/Criminal Functions

- Assist Attorneys in Court
- Interview Clients In Office and In Field
- Draft Comprehensive Reports
- Draft Motions
- Perform Legal Research
- Prepare Summaries of Cases
- Assemble Electronic Trial Binders
- Review Legal Documents
- Act as Liaison Between Other Agencies and Client

### *Special Note on Law Clerks*

Our Paralegal Staff is supplemented by Law Students who assist with legal research and motion preparation. These students receive law school credit for performing these tasks and frequently become Public Defenders.





# Student Interns

Management Attorneys have served on Advisory Boards for Law & Justice Programs throughout the County

Last year alone, 11 student interns were mentored, earning an Outstanding Partner in Education award from the Visalia Unified School District



## Outstanding Partner in Education


This certificate is presented to

**Lisa Bertolin-Muetting**

by the Visalia Unified School District and Visalia Partners in Education, this 20th day of May 2019 in appreciation for your support and partnership in advancing Linked Learning and Career Technical Education in Visalia Unified. Your dedication to the staff and students of Visalia Unified is greatly appreciated.

  
Matt Seals  
VPIE Chairman

**Visalia**  
UNIFIED SCHOOL  
DISTRICT  
"We Create Futures"

  
Todd Otto, Ed.D.  
Superintendent




## Investigations



## Investigators and Investigator Assistants

- Investigate The Most Serious Cases Including Death Penalty Cases
- Interview Witnesses
- Locate Witnesses
- Serve Subpoenas
- Write Interview Summaries
- Work With Experts Retained To Assist With Cases
- Investigate Misdemeanor and Low-Level Felony Cases (Investigator Assistants.)
- Assist in Obtaining Legal Documents
- Assist in the Civil Compromise Process
- Perform Forensic Extractions
- Testify in Court



# Public Defender Social Worker

- Provide needs assessments before sentencing where creative alternatives or placements can be explored.
- Develop re-entry plans prior to release from custody.
- Address medical care and mental health needs of incarcerated clients.
- Assist clients to obtain housing, employment and education.
- Assist clients to access medical, mental health, and substance abuse services.
- Assist attorneys in death penalty cases to develop a comprehensive historical picture of the client.

# TULARE COUNTY PUBLIC DEFENDER

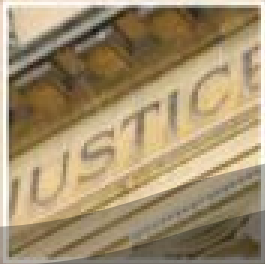
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## Mission Statement



The Tulare County Public Defender's Office is committed to providing competent, effective and efficient legal representation to all indigent defendants in Tulare County.

# Public Defender Web Presence



# With Informative Videos like “Never Talk To The Police”

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# New Laws That Impact The Office

## ❑ AB 1810 - Mental Health Diversion - PC 1001.36

- ❑ Effective June 27, 2018
- ❑ Provides for the diversion of individuals with Mental Disorders.
- ❑ Very vague
- ❑ No State Funding provided for Tulare County

## ❑ SB 1437 – New Felony Murder – PC 1170.95

- ❑ Effective January 1, 2019 & Fully Retroactive
- ❑ Limits 1<sup>st</sup> Degree Felony Murder liability for any aider and abettor who is not the actual killer
- ❑ Abolishes Non-Statutory 2<sup>nd</sup> Degree Felony Murder doctrine and the natural and probable consequences theory of aider/abettor liability for 2<sup>nd</sup> degree murder.
- ❑ Established a statutory mechanism [PC 1170.95] for previously convicted inmates to seek relief from prior convictions.
- ❑ No additional State Funding was provided to Tulare County to deal with the increased caseload caused by these cases

## ❑ SB 395 – Mandatory Attorney Consultation before a Youth may waive *Miranda* Rights

- ❑ Effective January 1, 2018
- ❑ Created ***Miranda Phone*** - Twenty-four hours a day, seven days a week an attorney from the Public Defender's office is available to receive calls from these youth who have been taken into custody by law enforcement.



# Continuing Laws That Impact The Office

## ☐ Proposition 57 -The Public Safety and Rehabilitation Act of 2016

- ☐ Effective date is November 9,2016, and case law has established retroactive application
- ☐ For juvenile cases it eliminated direct filing by the prosecutor, and created a "Judicial Transfer Process" by which prosecutors can file a motion for transfer to adult criminal court in the case of a juvenile age 16 or 17 accused of any felony

## ☐ Proposition 64 -The Control, Regulation and Tax Use of Marijuana Act

- ☐ Effective November 9, 2016
- ☐ The Act has a resentencing provision which permits persons convicted of designated marijuana offenses to obtain a reduced conviction or sentence, if they would have received the benefits of the Act had it been in place when the crime was committed
- ☐ If the crime was for conduct now legal under the Act, there is a provision requiring the court to "dismiss and seal" the record of conviction

## ☐ Proposition 66 -The Death Penalty Procedures Initiative

- ☐ The effect of this proposition on this Public Defender's office is unknown
- ☐ if a trial court attempts to appoint this office to represent a defendant on Appeal, we have no personnel or funding to provide this representation
- ☐ This kind of representation is extremely difficult, costly and time-consuming



## ❑ AB Proposition 47 -The Safe Neighborhoods & Schools Act.

- ❑ Effective date is November 5, 2014, and it is fully retroactive
- ❑ The initiative created one new crime [PC459a shoplifting], reduces from felony to misdemeanor eight others, and set up a fully retroactive review and resentencing mechanism for those who are entitled to relief under its provisions
- ❑ sunset clause of, November 4, 2022, but Petitions for Resentencing may still be filed after the sunset date, upon a showing of good cause
- ❑ Caused increase in number of misdemeanors the DA files

## ❑ SB 261 -Penal Code section 3051 - Youth Offender Parole Hearings

- ❑ Effective January 1, 2016
- ❑ A youth offender parole hearing is a hearing by the Board of Parole Hearings for the purpose of reviewing the parole suitability of any prisoner who was 25 years of age or younger at the time of his or her controlling offense
- ❑ Adds to the attorney duties, as much of the evidence which would be useful and relevant for these hearings must be obtained at the time of the original state prison sentencing in the trial court.
- ❑ Statements and evidence from family members, friends, school personnel, faith leaders, and representatives from community-based organizations with knowledge about the individual before the crime should be preserved for review by the Parole board



Thank You