

**ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY
PUBLIC DEFENDER FOR THE YEAR ENDING 2015**

In 2015, the Greene County Public Defender's Office (hereinafter referred to as "the Office") opened an additional 1,747 new cases for a total of 1,985 cases. There were 432 cases dealing with family court matters and 1,482 dealing with criminal matters. The Office had a total of 449 felonies and 825 misdemeanors. The remaining cases were comprised of violations and other miscellaneous matters. **See Figure 1 annexed hereto below.**

The Office represented clients in support violation proceedings, parole hearings and appeals, Habeas Corpus petitions, Article 81 guardianship cases, and SORA hearings. In addition, the Office advocated on behalf of clients who have been sentenced to prison, and whose cases are technically closed, but who have discovered errors in their criminal record or who have not been given credit for time served in local jail.

The number of cases handled by the Office in the year 2015 decreased from the previous year by almost 8%. In 2014, the Office had a total of 2,173. It is believed that this decrease was a correction to the rather large increase in cases in 2014 which saw a growth approximating 16%. The total number of family court cases decreased from 478 cases in 2014 to a total of 432 cases in 2015. The number of criminal cases also decreased with felony cases constituting a total of 478 in 2014 and misdemeanors totaling 867 cases to 432 felony cases and misdemeanor cases of 825 in 2015. **See Figure 2 annexed hereto below.**

Despite the lesser number of criminal cases, 2015 saw more criminal jury and bench trials than in prior years. This may be attributed to cases that are more complex and/or more difficult for guilt to be proven. In fact, one of the felony jury trials was a total success for our Office in that the jury acquitted our client of all charges.

The Greene Public Defender's Office is also a member of Greene County's Drug Court where the Office continues to appear on a weekly basis as a community stakeholder whether or not the Office has a client on the calendar for that day. The Office provides valuable insight throughout the drug court process and protects the rights of drug court participants. Additionally, many of the Office's clients are not appropriate or selected for Drug Court, but have a desire to begin the process of recovery. When these clients are incarcerated or facing exposure to significant incarceration, the Office provides hands-on assistance that in other counties is handled by social workers. The Office initiates contact with treatment facilities and insurance companies and the Office arranges for the transfer of medical records. The Office sets

up treatment screening interviews at the Greene County Jail and makes application to courts for clients to be released to treatment, both of which require a Judicial Order written by the Office for those clients that are incarcerated. The Office remains the liaison between the facility, the Court, and the client for the duration of the case.

As a result of ongoing funding from the New York State Office of Indigent Legal Services, the Office continues to improve both office operations and client representation. The Upstate Quality Improvement and Caseload Reduction Grant enabled the Office to add another part-time public defender to our staff. The money also permitted the Office to increase the position of First Assistant Public Defender from part-time to full time. This staffing change supports New York State's initiative for lower caseloads per staff attorney in an effort to provide enhanced client representation. There are a total number two full-time and 4 part-time attorneys working for the Office. Further, the Office added a part-time secretary to support the one full-time confidential secretary in the Office. However, the additional part-time support staff still does not restore the Public Defender's Office to its position of two full-time secretaries.

The grant monies were also used to obtain a refurbished multifunction machine. All employees in the Office now have access to printing from this machine which has a reduced cost per page compared to an individual printer. This machine allows the Office to scan documents so that email may be used, further reducing the costs associated with faxing. Scanning capabilities also move the Office toward a paperless system.

The Office asked local court justices to sign an order allowing the Office to obtain presentence investigation reports from probation at the same time that it is sent to the court for review. This was done in an effort to streamline work processes. The implementation of this procedure has two significant benefits. It moves the court calendar faster, because the Office does not need to request an adjournment at sentencing in order to review the presentence investigation report, which was common practice in the past. It also improves advocacy on behalf of the Office's clients, since the Office now has the time to review the report and request redactions or changes in advance. This is important because presentence reports follow defendants through the criminal justice system and can have a measureable impact on a defendant's future.

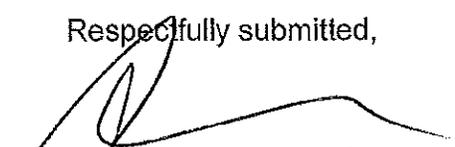
Assigned Counsel costs continue to be an issue for the Office. This expense is difficult to project or to limit. Ethics rules that govern all attorneys require outside assignment whenever a conflict of interest arises and we have no way of predicting how many clients who present a conflict will seek our services. The Office has explored sharing of services with other counties, but to no avail.

The courts continue to order the Public Defender's Office to represent clients that the Office has already deemed financially ineligible for our services. Last year the Office denied representation to 73 applicants, determining the applicant to be financially ineligible by Office guidelines. Courts overruled the Office's determination and assigned the Office to represent 51 out of the 73 cases. However, in response to the Office's objections, the courts are beginning to be more supportive of the Office's determinations of financial ineligibility. In fact, one court is in the process of ordering a defendant to reimburse the Office for the cost of representation where it appeared that the defendant was dishonest on his application.

A recent Supreme Court decision concerning immigration has altered the manner in which this Office represents clients that are facing immigration consequences as a result of a criminal charge. The Supreme Court ruled that the Office must advise clients of the possible consequences a conviction would have upon a person's immigration status in the United States. This area of the law is a very specialized field of law and requires much research to properly advise clients. In order to help minimize the impact this additional research has upon the Office, the Office of Indigent Legal Services has begun to establish regional resource centers to assist in providing advice to counsel. The failure to properly advise a client not only could result in deportation but could require a conviction to be overturned and a new proceeding commenced severely impacting the client.

The Office's attorneys are continually receiving training on the latest caselaw and the effect it has upon the Office's clients. This allows the Office to provide the most effective services and representation. With the changes that have occurred in 2015, the Public Defender's Office expects to continue to improve client representation with increased staffing and services.

Respectfully submitted,



Angelo F. Scaturro, Esq.
Greene County Public Defender

Figure 1:

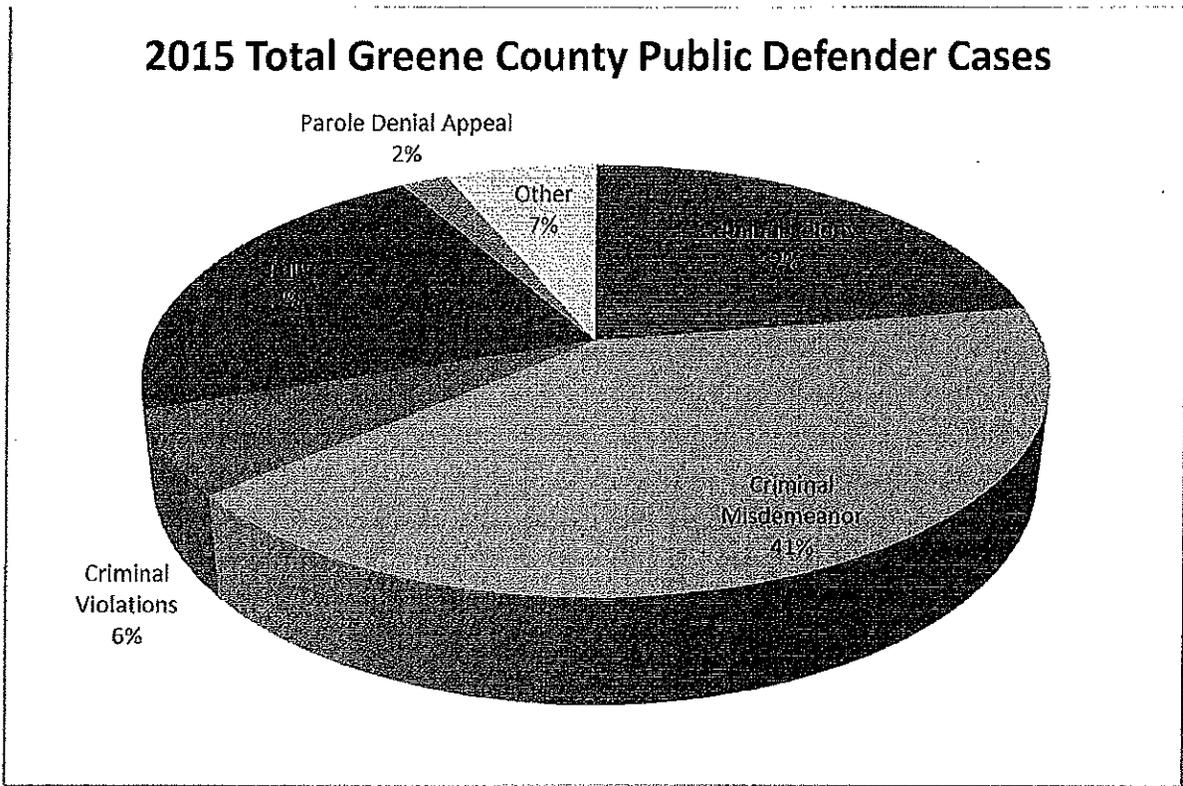


Figure 2:

