

## Commissioners seek to save on public defense

By Kristi Pihl, Herald staff writer

PASCO -- Franklin County is trying to find a way to juggle rising public defense costs from five pending murder trials and a summer of increased gang activity.

Eric Hsu, coordinator for the bicounty Office of Public Defense, updated Franklin County commissioners Wednesday on the problem and offered some cost-saving options.

The county is expected to spend more than \$500,000 this year in professional services because of five pending murder trials. The services include nonroutine attorney fees, investigative services, expert witnesses, medical records and transcriptions.

The cost is five times what the county budgeted.

The county spent \$197,500 alone on the second trial of Vicente Ruiz, who is charged with five counts of aggravated first-degree murder and one count of attempted first-degree murder in the 1987 Medina's Body Shop murders. The trial ended in a mistrial in late June and a third trial is scheduled in November.

Hsu also cited the summer spike in gang activity for increased costs for the defense lawyers.

The most recent case is the Aug. 1 gang-related shooting in Chiawana Park, he said. Eight young men have been charged, and the investigation continues.

Because of Superior Court's heavy caseload, Hsu suggested some changes to avoid going even further over budget. Contracts with defense attorneys include a cap on the number of cases, and they get paid more if they go over that number.

Hsu said he will ask District Court defense attorneys to reclassify some cases to count as only half a case when calculating their caseload number. There is an increasing number of those cases, where the intent is to resolve the case with a guilty plea to a misdemeanor charge before it advances to Superior Court as a felony charge.

That could save the county \$11,000 this year and \$37,500 annually, according to the mid-year report.

Hsu also plans to separately contract defense services for the relatively new legal financial obligations docket, which includes child support.

He estimates the contract would cost about \$7,200 a year but save about \$15,000 overall because contracted lawyers would be paid less than what Superior Court defense attorneys would get paid if they go above their caseload ceiling and get premium pay.

The county already has saved money by contracting with investigators who agree to be paid a set fee for certain services and starting a pre-approval process, Hsu said.

And the state Department of Human Services now is paying for mental competency evaluations that the county used to cover, Hsu said. That may save the county up to \$40,000 a year.

District Court also likely will save about \$17,000 in contract attorney services, he said.

Hsu also plans to start having a defense attorney at in-custody arraignments starting Jan. 1, which could cost \$39,000 a year but could save the county in liability costs, he said.

Although it has not been required, Hsu said having a defense attorney at those initial court hearings is considered a best practice in the state, and most jurisdictions are implementing it. Pasco and Benton County have lawyers present during those cases.

"Having counsel early has resolved cases early," he said.

The full defense cost of the five murder trials still is unknown.

Superior Court Judge Cameron Mitchell approved a change of venue for the third Ruiz trial. Jurors could be bused in from another county or the trial could be held in another county.

Either way, that trial could end up costing more than the \$197,500 mistrial, Hsu said.

Hsu said he will need the commissioners to approve more money for professional services as the year continues.

"We know it's going to be expensive," said Commission Chairman Brad Peck.

As of the end of June, the county had spent \$131,251, with more than \$73,000 going to the Ruiz trial, and more than \$16,000 for attorneys on homicide and other cases, according to the mid-year report.

And it expects additional bills this year for about \$390,000. That includes \$110,000 for outstanding bills on the Ruiz mistrial, \$35,000 in routine investigation and expert costs and \$170,000 for the next Ruiz trial.

Those costs also include:

-- The two trials of brothers Jose and Ramon Garcia-Morales, who are accused of killing a man and seriously wounding his wife in 2008. Jose Garcia-Morales' trial is expected to cost \$35,000 this year, while his brother's could cost \$10,000.

-- About \$15,000 for the trial of Kurtis Robert Chapman, who was charged with strangling 19-year-old Shenay Greenough and killing her and her unborn baby. His trial is set for October.

-- About \$15,000 for the trial of Gregorio Luna Luna, who is accused of stabbing and killing his ex-girlfriend, Griselda Ocampo Meza. His trial begins Jan. 24.

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