



MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS

OFFICE OF THE PRESIDENT
Robert P. McCulloch

100 S. Central
Clayton, Missouri 63105

Office: 314-615-2610
Fax: 314-615-3895

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STATEMENT OF MAPA PRESIDENT BOB McCULLOCH IN RESPONSE TO SUPREME COURT OF MISSOURI OPINION IN PUBLIC DEFENDER CASE

Media Contacts: *Bob McCulloch, President, 314-615-2610*
Eric Zahnd, President-elect, 816-858-3476

Earlier this week, the Supreme Court of Missouri issued a 4-3 decision in a case involving the Public Defender Commission's management of its caseloads. Because the defendant in the underlying case had already pleaded guilty to his crimes, the case does not resolve any pending issues.

As the three dissenting judges observed, the majority opinion did not determine the validity of the Public Defender Commission's rule allowing public defenders to refuse to accept cases. The dissent also noted the opinion is advisory in nature, and seeks to place the burden of determining the proper appointment of public defenders on individual trial judges by requiring trial judges to hold hearings on the record regarding whether to appoint public defenders to indigent clients.

The consequence of the Court's ruling will be the increased financial burden on the judiciary, especially at the associate circuit court level. The majority opinion does not consider that public defender appointments are made at the associate circuit court level, not the circuit court level. The vast majority of associate circuit court judges do not have court reporters. For on-record hearings to be conducted and transcribed will require an army of new court reporters or transcription services for orally recorded hearings. This is not the best use of limited state resources.

"No one wants effective attorneys for criminal defendants more than Missouri's prosecutors. As ministers of justice, it is the duty of the prosecutor to ensure that the defendant's rights are protected, in addition to the rights of crime victims to a speedy disposition of trial and restitution, which are guaranteed under the Missouri Constitution" said Bob McCulloch, President of the Missouri Association of Prosecuting Attorneys and St. Louis County Prosecuting Attorney.

"While the public defender system certainly must deal with the same funding challenges faced by prosecutors, courts, crime labs and police, the reality is that Missouri's public defender system is not in a caseload crisis," McCulloch added. "In fact, [a study conducted by the U.S. Department of Justice](#) found that, even before the additional funding approved during this past legislative session, Missouri's public defenders have resources that are as good as or better than the majority of other state-funded systems."

Compared to the other 21 states with state-funded public defender systems, the U.S. Department of Justice study revealed that:

- Missouri has the most offices;
- Missouri ranks 4th in the total number of Assistant Public Defenders;
- Missouri ranks 8th in total number of full-time litigating attorneys;
- Missouri ranks 10th in total expenditures as a system; and
- Missouri ranks 9th in the total number of cases.

McCulloch said MAPA will continue to review the decision and will consider all legal and legislative options to ensure that the criminal justice system protects the constitutional rights of both crime victims and criminal defendants.

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