

Grand Jury Report RESPONSE FORM

RE: Report Titled: *Success Is a Plea Bargain, A Win Is a Lesser Charge*

Report Dated: June 7, 2011

Response Form Submitted By:

Linda Thompson
Public Defender, Mendocino County
199 S. School Street
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: September 23, 2011

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

I (we) agree with the Findings numbered:
1, 4-14, 16-20, 23-29

I (we) disagree wholly or partially with the Findings numbered below, and have attached, as required, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
2 + 3, 21 + 22, 30

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

The following Recommendation(s) have been implemented and attached, as required, is a summary describing the implemented actions:
5 + 6

The following Recommendation(s) have not yet been implemented, but will be implemented in the future, attached, as required is a time frame for implementation:

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The following Recommendation(s) require further analysis, and attached as required, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

4

The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, attached, as required is an explanation therefore:

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 2

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge c/o Sally Nevarez: sally.nevarez@mendocino.courts.ca.gov
- The County's Executive Office: angeloc@co.mendocino.ca.us

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: LINDA THOMPSON

Title: Public Defender

Signed: Linda A. Thompson

Date: 8/30/11

ATTACHMENT REGARDING FINDINGS OF THE GJ

Finding #2: The Public Defender only discusses the proposed budget with the ADO but has no control over that budget as to avoid any potential assertion of a conflict of interest.

Finding #3: The CEO receives a recommendation regarding the appointment of the Alternate Defender from the Public Defender and either approves or disapproves the staffing request. (For the Grand Jury's information the ADO has been approved for appointment and is in the position at this time).

Finding #21: The District Attorney is charging multiple co-defendants in a single accusatory pleading.

Finding #22: The unusual 2010 cases involving 19 defendants arrested on the same date, were in fact charged in separate pleadings, and were only joined after preliminary hearing on the motion of the Judge. (Not in a single pleading but approximately 3-4 defendants in an information).

Finding #30: I have no information upon which to agree or disagree as I am personally unaware of any assertions by the ADO or the District Attorney. I would dispute though that experienced law enforcement officers make fewer "technical" errors as that is a very broad and ambiguous statement.

ATTACHMENT REGARDING RECOMMENDATIONS OF THE GJ

Recommendations #5 and #6: Both the ADO and Public Defender have participated in several meetings with the Judges as well as the Collections Department to ensure that a protocol is put into place to ensure the consideration of assessing attorney's fees at the conclusion of both misdemeanor and felony cases. It involves, at present, an education of each visiting Judge in Department B to send potential clients to collections to first determine eligibility and get the \$50 registration fee as well as the clerk's reminding the Judge at the end to consider imposition of an amount of attorney fees. The Courts have greatly assisted in addressing our concerns about the orders for these fees both at the inception of our representation and at the conclusion of the proceedings.

Recommendation #4: There will be a need to review of information with collections as well as a discussion with the CEO's office as to whether or not there should be any modification or change to the present set figures for appropriate attorneys fees in felony versus misdemeanor cases. If it is determined that there needs to be a change either upward or downwards, the appropriate procedure will be followed to implement those changes.