

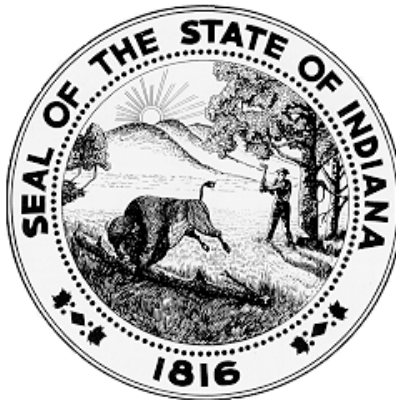
ANNUAL REPORT

INDIANA

PUBLIC DEFENDER

COMMISSION

2010-2011



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**ANNUAL REPORT OF THE  
INDIANA PUBLIC DEFENDER COMMISSION**

**2010-2011**

**I. STATUTORY DUTIES**

The Indiana Public Defender Commission was created by the General Assembly in 1989 by P.L. 284-1989. The Commission's primary purposes are to: (1) make recommendations concerning standards for indigent defense services provided for defendants against whom the State has sought the death sentence under I.C. 35-50-2-9; (2) adopt guidelines and salary and fee schedules pursuant to which Indiana counties are eligible for reimbursement under I.C. 33-40-6; and (3) review and approve requests from county auditors for state reimbursement from the Public Defense Fund in capital cases.

In 1993, the General Assembly amended the Commission's statute in P.L. 283-1993 and authorized reimbursement from the Public Defense Fund of 25% of a county's net expenditures in non-capital cases.

Effective July 1, 1997, the reimbursement level in non-capital cases was amended to provide 40% reimbursement of defense services in non-capital cases, except misdemeanors.

Under I.C. 33-40-5-4, the Commission is currently mandated to do the following:

- (1) Make recommendations to the Indiana Supreme Court concerning standards for indigent defense services provided for defendants against whom the State has sought the death sentence under IC 35-50-2-9, including the following subjects:
  - (A) Determining indigency and eligibility for legal representation.
  - (B) Selection and qualifications of attorneys to represent indigent defendants at public expense.
  - (C) Determining conflicts of interest.
  - (D) Investigative, clerical, and other support services necessary to provide adequate legal representation.
- (2) Adopt guidelines and standards for indigent defense services under which counties are eligible for reimbursement under IC 33-40-6, including the following:

- (A) Determining indigency and the eligibility for legal representation.
  - (B) The issuance and enforcement of orders requiring defendants to pay for the costs of court appointed legal representation under IC 33-40-3.
  - (C) The use and expenditure of funds in the county supplemental public defender services fund established by IC 33-40-3-1.
  - (D) Qualifications of attorneys to represent indigent defendants at public expense.
  - (F) Minimum and maximum caseloads of public defender offices and contract attorneys.
- (3) Make recommendations concerning the delivery of indigent defense services in Indiana.
  - (4) Make an annual report to the Governor, the General Assembly, and the Supreme Court on the operation of the Public Defense Fund.

The report to the General Assembly under subsection (4) must be in an electronic format under IC 5-14-6.

## **II. COMMISSION MEMBERS**

Under its original enabling legislation, the commission had seven members: three appointed by the Governor; three appointed by the Chief Justice of the Indiana Supreme Court; and one appointed by the Board of Trustees of the Indiana Criminal Justice Institute. In P.L. 283-1993, the General Assembly added four legislators to the Commission. The following is a list of the Commission members as of the date of this report and their cities of residence:

### **Appointments by the Governor**

<u>Name</u>	<u>City</u>
David J. Hensel	Indianapolis
Peter D. Nugent	Indianapolis
Mark W. Rutherford, Chairman	Indianapolis

### **Appointments by the Chief Justice**

<u>Name</u>	<u>City</u>
Hon. James R. Ahler	Rensselaer
Hon. Diane Ross Boswell	Crown Point
Hon. Mary Ellen Diekhoff	Bloomington

**Appointment by the Indiana Criminal Justice Institute**

<u>Name</u>	<u>City</u>
Larry Landis	Indianapolis

**Appointments by the Speaker of the House**

<u>Name</u>	<u>City</u>
Rep. Vernon Smith	Gary
Rep. Greg Steuerwald	Danville

**Appointments by the Senate President Pro Tempore**

<u>Name</u>	<u>City</u>
Sen. Timothy Lanane	Anderson
Sen. Brent Steele	Bedford

Two veteran members of the Commission retired this year: Betty Lou Jerrel of Evansville, served on the Commission for seventeen years as the appointment of the Chief Justice of the Indiana Supreme Court; and Susan Carpenter of Indianapolis, one of the original members and only appointment of the Indiana Criminal Justice Institute, retired from the Commission after serving as a member for twenty-two years.

**III. COMMISSION MEETINGS**

During FY 2010-2011, the Commission met on September 22, 2010, December 15, 2010, March 23, 2011 and June 15, 2011.

**IV. HISTORICAL SUMMARY OF COMMISSION ACTIVITIES**

**A. Capital Cases**

The Commission held its initial meeting on January 29, 1990. The Commission's primary focus during its first year was the preparation of a proposed new court rule concerning the appointment and compensation of counsel to represent defendants in capital cases. In November 1990, the Commission submitted to the Supreme Court a proposed new court rule concerning these subjects. In June 1991, the Supreme Court issued a draft of a proposed amendment to Criminal Rule 24 regarding the appointment and compensation of counsel in capital cases, which incorporated many of the Commission's recommendations. Subsequently, the Commission submitted to the Supreme Court a written response to the Court's proposed draft rule. On October 25, 1991, the Supreme Court adopted amendments to Criminal Rule 24, effective January 1, 1992.

In 1991, the Commission adopted guidelines under which Indiana counties are eligible for reimbursement for indigent defense services in capital cases from the Public Defense Fund under IC 33-9-14 (recodified as IC 33-40-6). These guidelines, effective January 1, 1992, require compliance with Criminal Rule 24. (The history of Criminal Rule 24 is recounted in Lefstein, *Reform of Defense Representation in Capital Cases: The Indiana Experience and Its Implications for the Nation*, 29 Ind. L. Rev. 495 (1996)).

In 1992, as a service to the trial courts and after consultation with Chief Justice Randall T. Shepard, the Commission began maintaining a roster of attorneys who qualify for appointment in capital cases as either lead counsel, co-counsel, or appellate counsel based on their experience and their compliance with training requirements specified in Criminal Rule 24. The roster is intended to aid trial judges in seeking qualified counsel when a death penalty charge is filed against an indigent defendant, although trial judges may appoint attorneys who are not on the roster if they meet the qualifications specified in Criminal Rule 24. The roster was revised in the spring of 1998, with attorneys being requested to update their information. The revised roster was placed in a computer database for distribution to trial judges. In March 1999, the roster became available via the Internet, now located at <http://www.courts.in.gov/pdc/roster.html>.

Also during FY 1998-1999, the Commission studied and reported to the Chief Justice regarding defense costs in several capital cases. The Commission offered to be involved, through staff, in assisting courts in budgeting for capital cases. At the request of trial court judges, the Commission also revised the form used by counties to submit claims for reimbursement in capital cases.

The Commission also amended the capital guidelines to provide for reimbursement in situations where standby counsel has been appointed for a defendant who has waived the right to counsel. The Commission requires such counsel to meet the requirements for lead counsel under Criminal Rule 24.

In FY 1999-2000, the Commission began studying the use of salaried public defenders as counsel in death penalty cases. The Marion County Public Defender Agency proposed using a full-time salaried public defender rather than an hourly paid attorney to handle death penalty cases. Subsequently, a full-time salaried public defender provision was added to Criminal Rule 24 by the Supreme Court effective January 1, 2001.

During FY 2000-2001, the Commission amended its Guidelines in capital cases to provide that requests for reimbursement be submitted within 120 days of the date the county paid the underlying invoice. This amendment resulted in timelier filing of claims and more accurate budgeting.

In FY 2004-2005, the compilation of current *Commission Guidelines Related to Capital Cases* was updated. Additionally, this publication was distributed to Indiana counties and placed on the website at <http://www.courts.in.gov/pdc/docs/standards/cap.pdf>. The latest Guideline was added in September 2010, approving a death penalty seminar as a qualifying training course in capital defense for Criminal Rule 24 eligibility.

## **B. Non-Capital Cases**

### **Standards and Guidelines**

This section recounts some of the more important developments concerning the Commission's history pertaining to non-capital indigent defense representation.

The Commission began its work on the adoption of standards for non-capital cases immediately after the enactment of P.L. 283-1993 (codified now as IC 33-40-5-4). Thus, on June 29, 1994, the Commission approved a draft of standards and authorized their distribution for comment to county auditors, commissioners, council members, judges, and public defenders. On September 1, 1994, the Commission reviewed the comments, made revisions, and adopted standards for non-capital cases, effective January 1, 1995.

On December 2, 1994, the Commission adopted a policy authorizing counties to phase in compliance with the non-capital standards on a court-by-court basis so long as the County committed itself to bringing all indigent defense services into full compliance with the standards within a reasonable period of time.

Effective July 1, 1997, the Legislature enacted P.L. 202-1997, which increased reimbursements in non-capital cases from 25% to 40% of a county's indigent defense expenses in all non-capital cases, except misdemeanors.

In February 1998, the Commission added a full time staff attorney through the Supreme Court's Division of State Court Administration. Since then at least one staff attorney has assisted the Commission in a pro-active approach to reimbursements in non-capital cases and has otherwise aided the Commission in the discharge of its duties.

On September 1, 1999, the Commission adopted a revision to Commission Standard E (4) regarding qualifications of counsel in juvenile delinquency matters. This revision gave consideration to juvenile court experience in qualifying counsel to handle juvenile delinquency matters. Previously, only adult felony experience was considered. The qualifications of counsel in juvenile cases were further defined by amendment to Standard E in December of 2008.

In FY 2003-2004, the Commission amended its Standards for Indigent Defense Services in Non-Capital Cases, Standard J, providing new juvenile caseload standards. This was done to reflect more realistically the different demands in time and resources necessary to provide diligent representation in the various types of juvenile cases in which lawyers provide representation.

During FY 2005-2006, the compilation of the *Commission Guidelines Related to Non-Capital Cases* was updated, distributed to participating counties, and placed on the Commission's website at <http://www.courts.in.gov/pdc/docs/standards/non-cap.pdf>. The Commission also determined that it needed to improve its information gathering for reimbursement requests and to monitor attorney caseloads more effectively. Accordingly, standardized forms were developed for counties to use when requesting quarterly reimbursements and certifying caseload compliance. During the prior fiscal year, the Commission began a study to determine the extent of misdemeanor caseloads in counties with Chief Public Defenders. To effectuate these and other efforts, the Commission retained a second full-time staff attorney.

In addition, during FY 2005-2006, eliminating two categories on the Commission's caseload tracking form, "Non-Capital Murder and all felonies" and "Class D felonies and misdemeanors," amended Standard J. The category of "All Felonies (for use in CR24 compliance only)" was added. The purpose of this amendment was to provide a more accurate and uniform tracking system for new cases assigned to county indigent defense attorneys. The Commission's standards are available at <http://www.courts.in.gov/pdc/docs/standards/indigent-defense-non-cap.pdf>.

The Commission also adopted a guideline for the submission of non-capital claims pursuant to which financial penalties were established for claims that are filed late. The new guideline requires counties to submit non-capital claims not later than forty-five days after the end of the calendar quarter in which they were incurred. This change has provided a more orderly and predictable reporting schedule.

On July 13, 2006, the Commission approved a guideline that authorizes counties to explain and justify their accounting for non-reimbursable expenses in lieu of the Commission computing such expenses pursuant to a static mathematical formula. Non-reimbursable expenses include, for example, those incurred by a county for the appointment of a defense attorney for misdemeanor offenses and contempt charges in civil cases. Use of the prior formula penalized some counties by weighing more heavily their non-reimbursable cases than would be justified based upon examination of their actual non-reimbursable expenditures; and, conversely, the formula awarded some counties additional funds to which they would not be entitled if only *actual* non-reimbursable expenses were considered.

On April 11, 2007, a guideline for defining a 12-month period (referred to in Standard J) was adopted by the Commission. The 12-month period is not a calendar year, but a continuous, or rolling 12-month, period for purposes of tracking compliance to Standard J's maximum caseloads being handled by public defense attorneys.

In September 2008, the Commission submitted a guideline for counting Children-In-Need of Services (“CHINS”) and Termination of Parental Rights (“TPR”) cases that changed from counting cases by cause number to counting cases by defendant. The same defendant may be involved in several CHINS or TPR cases due to multiple children.

In 2008, the Marion County Public Defender Agency performed a study on its Class D felony attorneys regarding caseloads and quality of representation. The results of the study were presented at the December meeting, wherein the Indiana Public Defender Commission amended Standard J to allow a higher maximum caseload for counties with Class D felony only courts. The Standard was raised from 150 cases for full-time and 75 cases for part-time inadequately staffed attorneys to 225 cases for full-time and 110 cases for part-time. The Standard J change affected only Marion County, however, the Commission invited other counties to perform time and quality studies to see if they also qualified for higher maximum caseloads.

At the March 2009 meeting of the Commission, a guideline was adopted concerning counties that opt out of the reimbursement program. The guideline states, “If a county decides not to submit a request for reimbursement for non-capital expenditures in a particular quarter or quarters, the Commission will still consider the county eligible to participate in the public defense program. When the county decides to begin requesting reimbursements for non-capital expenditures, it must provide the public defender caseloads for all quarters in which it did not request reimbursement unless more than twelve months have passed since the county’s last request for reimbursement.”

### **County Participation**

From 1999 to 2011, the General Assembly has approved increases in the general fund appropriation for the Public Defense Fund from \$2.4 million per year to \$12.85 million. As the funding for reimbursements increased, so did the number of counties participating in the reimbursement program.

In 1995, five counties joined the program and promised to abide by the Commission’s Standards when the legislature allowed for reimbursement on felony public defense cases. Today, there are 60 counties that have created comprehensive plans for delivering public defense services.

Due to rapid growth in the number of participating counties, by 2001 the total dollar amount of claims began to exceed the amount available in the Fund to pay them. This lowered the reimbursements returned to the counties. By 2009, lower returns and economic conditions forced several counties to cut their defense budgets making them unable to meet the Standards set by the Commission and ineligible to participate in the reimbursements. At FY10-11 closing, 52 counties were eligible for reimbursement of up to 40% of their felony public defense costs. These 52 counties comprise over 67% of the state’s population.



<b><u>Year County Approved for Reimbursement</u></b>					
<b><u>1995</u></b>	<b><u>1996</u></b>	<b><u>1997</u></b>	<b><u>1998</u></b>		<b><u>1999</u></b>
Marion	Parke	Floyd	Benton	Blackford	Pulaski
Clark	Warren	Vermillion	Fulton	Fayette	Union
LaPorte			Madison	Henry	Newton
Miami				Jasper	Crawford
Montgomery				Jennings	Decatur
Orange				Scott	Lake
				Shelby	Spencer
<b><u>2000</u></b>	<b><u>2001</u></b>	<b><u>2003</u></b>	<b><u>2004</u></b>	Vigo	Sullivan
Greene	Steuben	Wells	Tippecanoe	Fountain	Switzerland
Vanderburgh	Carroll	Grant	Allen	Hancock	Ohio
Adams	Noble		Perry	Martin	Knox
Jay	Rush		Howard		Whitley
White	Pike				
Kosciusko		<b><u>2006</u></b>	<b><u>2007</u></b>	<b><u>2010</u></b>	
Monroe		Howard	Wabash	LaGrange	
Washington			St. Joseph		

**V. PUBLIC DEFENSE FUND (IC 33-40-6)**

State reimbursement to the counties is paid from the Public Defense Fund, which is a dedicated, non-reverting state fund created in 1989 pursuant to I.C. 33-9-14. There are two sources of money for the Public Defense Fund: The State Auditor distributes yearly to the Fund from court fees, under IC 33-37-7-9(c)(2), and appropriated money from the state general fund. The Legislature appropriated \$12.85 million for FY10-11, and the Auditor distributed \$5.4 million to the Fund. Combining the two sources of money, the Public Defense Fund received \$18.25 million to distribute to the counties for a portion of their public defense costs. (For the fund balance as of June 30, 2011, see “Fiscal Report,” Appendix B.)

The state reimbursement to the counties from the Public Defense Fund is the only state assistance given to the counties for their expenditures in providing indigent defense services. In contrast, the state contributes approximately \$57.1 million for judges’ salaries and \$24.7 million for prosecutors’ salaries.

A request from an eligible county for state reimbursement is initiated by a written request from the county auditor to the Commission for reimbursement for the certified expenditures paid by the county for indigent defense services in capital and non-capital cases. Upon determination by the Commission that the county auditor's capital defense request is in compliance with Commission Standards, the state court administrator certifies to the state auditor that the county should receive 50% of its approved expenditures for indigent defense services in the capital case. The state auditor then issues a warrant to the state treasurer for payment from the Public Defense Fund to the county for the amount certified. This same procedure is used for reimbursing counties up to 40% of their expenditures in non-capital cases.

In FY 10-11, the Commission reimbursed Indiana counties 40% of the amount requested for non-capital expenses in all four quarters. This was the second time in eight years that the Commission did not have to prorate the non-capital reimbursement to the eligible counties due to the additional \$3 million appropriated by the State Legislature in 2009. Requests for reimbursement of public defense expenses in capital cases are the first to be considered for payment, and are always reimbursed by the Public Defense Fund at 50% of a county's capital claims. Below is a history of appropriations and reimbursements:

<b>INDIANA PUBLIC DEFENDER COMMISSION</b>							
<b>Funding and Reimbursement History</b>							
<b>FISCAL YEAR</b>	<b># OF COUNTIES ELIGIBLE FOR REIMB.</b>	<b>ANNUAL APPROP. TO PD FUND</b>	<b>REIMB PAID IN CAPITAL CASES</b>	<b>REIMB. PAID IN NON-CAPITAL CASES</b>	<b>TOTAL REIMB. PAID</b>	<b>LOSS DUE TO PRORATG REIMB.</b>	<b>% OF REIMB. REC'D</b>
1989-90		\$650,000					
1990-91		\$650,000	\$27,277		\$27,277		
1991-92		\$650,000	\$316,297		\$316,297		
1992-93		\$650,000	\$435,752		\$435,752		
1993-94		\$650,000	\$382,328		\$382,328		
1994-95		\$650,000	\$261,945		\$261,945		
1995-96	5	\$650,000	\$505,165	\$668,747	\$1,173,912		
1996-97	7	\$650,000	\$371,047	\$628,841	\$999,888		
1997-98	9	\$3,000,000	\$799,450	\$1,031,467	\$1,830,917		
1998-99	17	\$3,000,000	\$526,512	\$2,188,699	\$2,715,211		
1999-00	30	\$2,400,000	\$378,209	\$3,302,471	\$3,680,680		
2000-01	38	\$2,400,000	\$712,055	\$3,669,318	\$4,381,373		
2001-02	50	\$6,000,000	\$473,317	\$4,869,314	\$5,342,631	\$2,036,380	28.2%
2002-03	50	\$7,000,000	\$413,805	\$5,371,364	\$5,785,169	\$1,619,285	30.7%
2003-04	52	\$7,000,000	\$570,473	\$6,030,992	\$6,601,465	\$1,403,053	25.1%
2004-05	53	\$8,000,000	\$571,498	\$8,524,652	\$9,096,150	\$771,538	36.9%
2005-06	53	\$9,000,000	\$633,448	\$7,305,318	\$7,938,766	\$895,476	35.6%
2006-07	54	\$10,000,000	\$663,311	\$10,175,448	\$10,838,759	\$2,674,834	30.9%
2007-08	53	\$14,500,000	\$419,211	\$13,586,669	\$14,005,880	\$825,367	38.4%
2008-09	48	\$15,250,000	\$662,801	\$14,411,615	\$15,074,416	\$1,262,700	37.0%
2009-10	50	\$18,250,000	\$618,253	\$15,376,845	\$15,995,098	\$0	40.0%
2010-11	52	\$18,250,000	\$370,709	\$15,707,861	\$16,078,570	\$0	40.0%
<b>TOTALS</b>		<b>\$129,250,000</b>	<b>\$10,534,113</b>	<b>\$112,849,621</b>	<b>\$123,370,216</b>	<b>\$11,488,633</b>	

To assist the counties with state funds in FY 10-11 to cover the costs of death penalty cases, the Commission approved reimbursements totaling \$370,709 for public defense expenditures in capital cases. (Appendix C shows reimbursements to counties in capital cases, FY10-11.)

Also in FY 10-11, the Commission returned \$15,707,861 to the counties in the public defense program for expenditures in non-capital cases. (Appendix D shows reimbursements to counties in non-capital cases.)

## APPENDIX A

County Eligibility Status for Reimbursement in Non-capital Cases as of June 30, 2010:

County	Ordinance Adopted	P.D. Board Established	Comprehensive Plan Adopted	Plan Approved By Commission	In Compliance with Standards
1 ADAMS	X	X	X	X	X
2 ALLEN	X	X	X	X	X
3 BENTON	*	*	X	X	X
4 BLACKFORD	X	X	X	X	X
5 CARROLL	X	X	X	X	X
6 CLARK	X	X	X	X	X
7 CRAWFORD	*	*	X	X	
8 DECATUR	X	X	X	X	X
9 DELAWARE	X	X	X	X	X
10 FAYETTE	X	X	X	X	X
11 FLOYD	X	X	X	X	X
12 FOUNTAIN	X	X	X	X	X
13 FULTON	X	X	X	X	X
14 GRANT	X	X	X	X	X
15 GREENE	X	X	X	X	X
16 HANCOCK	X	X	X	X	X
17 HENRY	X	X	X	X	
18 HOWARD	X	X	X	X	X
19 JASPER	X	X	X	X	X
20 JAY	X	X	X	X	X
21 JENNINGS	X	X	X	X	X
22 KNOX	X	X	X	X	X
23 KOSCIUSKO	X	X	X	X	X
24 LAGRANGE	X	X	X	X	X
25 LAKE	X	X	X	X	X
26 LAPORTE	X	X	X	X	X
27 LAWRENCE	X	X	X	X	X
28 MADISON	X	X	X	X	X
29 MARION	X	X	X	X	X
30 MARTIN	*	*	X	X	X
31 MIAMI	X	X	X	X	
32 MONROE	X	X	X	X	X

33 MONTGOMERY	X	X	X	X	X
34 NEWTON	X	X	X	X	
35 NOBLE	X	X	X	X	X
36 OHIO	*	*	X	X	X
37 ORANGE	X	X	X	X	X
38 PARKE	X	X	X	X	X
39 PERRY	X	X	X	X	X
40 PIKE	X	X	X	X	X
41 PULASKI	X	X	X	X	X
42 RUSH	X	X	X	X	X
43 ST. JOSEPH	X	X	X	X	X
44 SCOTT	X	X	X	X	
45 SHELBY	X	X	X	X	X
46 SPENCER	X	X	X	X	X
47 STEUBEN	X	X	X	X	X
48 SULLIVAN	X	X	X	X	X
49 SWITZERLAND	*	*	X	X	X
50 TIPPECANOE	X	X	X	X	X
51 UNION	*	*	X	X	X
52 VANDERBRGH	X	X	X	X	X
53 VERMILLION	X	X	X	X	X
54 VIGO	X	X	X	X	X
55 WABASH	X	X	X	X	X
56 WARREN	*	*	X	X	X
57 WASHINGTON	X	X	X	X	X
58 WELLS	X				
59 WHITE	X	X	X	X	
60 WHITLEY	X	X	X	X	

\* Board not required for counties with populations fewer than 12,000.

## APPENDIX B

### FISCAL REPORT 2010-2011 INDIANA PUBLIC DEFENDER COMMISSION

2010-2011 Budget: \$18,250,000.00	Appropriations	Expenditures	Balance
Balance in Fund from 6/30/10	\$2,079,726.68		\$ 2,079,726.68
July 2010 Appropriation Received	\$ 9,125,000.00		\$11,204,726.68
6/23/10 approved claims paid after 7/1/10 distribution: 1st Qtr. 2010			
Non-Capital Expenses - 40%		\$ 3,748,211.96	
Capital Expenses		\$ 157,154.52	
Payroll/Expenses - 7/1/10 to 9/30/10		\$ 36,939.26	
		<u>\$ 3,942,305.74</u>	\$ 7,262,420.94
Sept. Reimbursements: 2nd Qtr. 2010			
Non-Capital Expenses - 40%		\$ 3,913,056.22	
Capital Expenses		\$ 130,324.52	
Est. Payroll/Expenses-9/30-12/31/10		\$ 36,939.25	
		<u>\$ 4,080,319.99</u>	\$ 3,182,100.95
Dec. Reimbursements: 3rd Qtr 2010			
Non-Capital Expenses - 40%		\$ 3,856,391.57	
Capital Expenses		\$ 97,073.45	
		<u>\$ 3,953,465.02</u>	\$ (771,364.07)
Jan.2011 Appropriation Received	\$ 9,125,000.00		\$ 8,353,635.93
Mar. Reimbursements: 4th Qtr 2010			
Non-Capital Expenses - 40%		\$ 4,190,201.30	
Capital Expenses		\$ 143,311.22	
Est. Payroll/Expenses 1/1/11 - 6/30/11		\$ 10,401.94	
		<u>\$ 4,343,914.46</u>	\$ 4,009,721.47
Purchase Orders 1 <sup>st</sup> Qtr 2011 claims		\$ 3,997,163.00	\$ 12,558.47
Balance of Payroll and Expenses		<u>\$ 12,558.47</u>	\$ (0.00)
		\$ 4,009,721.47	
<b>Appropriation FY10-11 + balance of FY09-10</b>	<u>\$ 20,329,726.68</u>	<u>\$ 20,329,726.68</u>	<u>\$ -</u>
<b>To be paid after 7/1/11 disbursement to Fund:</b>			
June Reimbursements: 1st Qtr 2011			
Non-Capital Expenses - 40%		\$ 4,038,543.04	
Capital Expenses		\$ 74,556.61	
Cost Allocation Taken By State		\$ 0	
<b>TOTALS:</b>		<u>\$ 4,113,099.65</u>	

## APPENDIX C

<b>INDIANA PUBLIC DEFENDER COMMISSION</b>		
<b>Reimbursement Requests in Capital Cases</b>		
<b>2010-2011</b>		
<b>COUNTY</b>	<b>DEFENDANT</b>	<b>TOTAL REIMBURSED</b>
Boone	Chamorro	\$36,729.66
Lake	Flores	\$12,211.38
Madison	Wisehart	\$41,015.00
Marion	Allen	\$7,909.99
	Davis	\$196,194.87
Spencer	Ward	\$216
Vanderburgh	Weisheit	\$72,067.45
	Wilkes	\$4,364.84
<b>TOTAL</b>		<b>\$370,709.19</b>

Includes reimbursements for 9/22/10, 12/15/10, and 3/23/11.

## APPENDIX D

### INDIANA PUBLIC DEFENDER COMMISSION NON-CAPITAL REIMBURSEMENTS FISCAL YEAR 2010-2011

COUNTY	REIMBURSEMENT	COUNTY	REIMBURSEMENT
ADAMS	\$108,513	MARTIN	\$22,375
ALLEN	\$1,131,549	MONROE	\$526,134
BENTON	\$2,224	MONTGOMERY	\$113,711
BLACKFORD	\$47,900	NOBLE	\$129,375
CARROLL	\$45,159	OHIO	\$49,600
CLARK	\$206,164	ORANGE	\$62,775
DECATUR	\$50,839	PARKE	\$39,457
FAYETTE	\$105,270	PERRY	\$114,519
FLOYD	\$195,960	PIKE	\$59,329
FOUNTAIN	\$33,278	PULASKI	\$34,200
FULTON	\$65,097	RUSH	\$62,633
GRANT	\$337,447	ST. JOSEPH	\$663,537
GREENE	\$114,011	SHELBY	\$130,033
HANCOCK	\$129,261	SPENCER	\$35,165
HOWARD	\$452,431	STEUBEN	\$91,149
JASPER	\$84,750	SULLIVAN	\$48,641
JAY	\$99,404	SWITZERLAND	\$57,155
JENNINGS	\$72,574	TIPPECANOE	\$598,399
KNOX	\$175,863	UNION	\$20,398
KOSCIUSKO	\$137,567	VANDEBURGH	\$803,446
LAGRANGE	\$52,291	VERMILLION	\$25,412
LAKE	\$1,316,661	VIGO	\$580,061
LaPORTE	\$197,909	WABASH	\$72,512
LAWRENCE	\$69,200	WARREN	\$8,281
MADISON	\$542,667	WASHINGTON	\$119,281
MARION	\$5,466,293		
<b>TOTAL:</b>			<b>\$15,707,861</b>

Includes reimbursements for 6/23/10, 9/22/10, 12/15/10, and 3/23/11.