

November 6, 2025

Alida Kass
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Submitted via Email to alida.kass@usdoj.gov

Re: Ohio's Request for Certification under 28 U.S.C. §2265

Dear Ms. Kass:

Consistent with Executive Order 14164, “Restoring the Death Penalty and Protecting Public Safety” (Jan. 20, 2025), and the Attorney General’s memorandum, “Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions” (Feb. 5, 2025)—and pursuant to 28 U.S.C. §§2261 and 2265 and 28 C.F.R. §§26.20, et seq.—the State of Ohio seeks Attorney General certification of its mechanism for appointing attorneys in post-conviction capital cases. Ohio satisfies all relevant statutory and regulatory criteria for certification. In view of Ohio’s robust state-court collateral review process for capital cases and its mechanism for providing counsel within it, I respectfully request certification of Ohio’s capital counsel mechanism.

A. Statutory certification criteria

Two statutes authorize Ohio’s request.

28 U.S.C. §2261’s relevant sections read:

- (a) This chapter [28 U.S.C. §§2261–2266] shall apply to cases arising under section 2254 [28 U.S.C. §2254] brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied
- (b) Counsel.—This chapter [28 U.S.C. §§2261–2266] is applicable if—

- (1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265 [28 U.S.C. §2265]; and
 - (2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.
- (c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—
- (1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;
 - (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or
 - (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.
- (d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

28 U.S.C. §2265(a)(1)’s relevant section directs that upon request “by an appropriate State official,” the Attorney General “shall determine—”

- (A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

...

(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

B. Ohio satisfies the criteria.

Ohio has long provided a state-court process for collateral review of a criminal conviction. *See Dayton v. Hill*, 21 Ohio St. 2d 125 (1970). For nearly as long, Ohio has required that counsel appointed in capital cases meet specific experience and educational standards established by rule and overseen by the State Public Defender's Commission. Ohio law mandates a state public defender's office for the handling of appellate and post-conviction cases. For over forty years, the Ohio Public Defender has maintained a special Death Penalty Department dedicated to capital cases. Attorneys from this specialized department have represented the majority of death-sentenced post-conviction petitioners. The salaries of the department's attorneys are comparable to the salaries of assistant county prosecutors who represent the state in post-conviction proceedings. In conjunction with the Death Penalty Department, the Ohio Public Defender has also maintained a mitigation and investigation department staffed by investigators available to assist post-conviction attorneys. In cases where private counsel are appointed, the rates of compensation are set under the supervision of the Ohio Public Defender Commission. In addition to the litigation resources available through the Ohio Public Defender, private counsel can also obtain court-ordered payment of extraordinary litigation expenses.

Ohio meets the statutory and requirements for certification in full.

1. Ohio Revised Code §2953.21(J)(1) and (2) satisfy the requirements to appoint counsel in all capital post-conviction proceedings.

The federal certification statute directs that upon request by an appropriate State official, the U.S. Attorney General “shall determine whether the State has established a mechanism for the appointment ... of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death.” 28 U.S.C. §2265(a)(1)(A). A companion statute explains that the “mechanism” for these appointments must “offer counsel to all State prisoners under capital sentence[s]” and requires findings by the state trial court that the prisoner is not indigent, or is indigent and accepted the offer, or is unable competently to decide whether to accept or reject the offer after a hearing if necessary—that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences. 28 U.S.C. §2261(c)(1)–(3). Another provision provides that no counsel shall

be appointed who represented the petitioner at trial unless expressly requested by the petitioner. 28 U.S.C. §2261(d).

Ohio's statutory mandates for appointing counsel in capital post-conviction proceedings satisfy the federal certification requirements. Ohio Revised Code §2953.21(J)(1) provides, "If a person sentenced to death intends to file a petition under this section, the court shall appoint counsel to represent the person upon a finding that the person is indigent and that the person either accepts the appointment of counsel or is unable to make a competent decision whether to accept or reject the appointment of counsel." These findings, required by Ohio law, mirror the findings required by 28 U.S.C. §2261(c)(1)–(3). Indeed, a subsection of Ohio law explicitly references the federal certification statutes. *See* Ohio Rev. Code §2953.21(J)(3). Finally, consistent with §2261(d)'s requirements, Ohio Revised Code §2953.21(J)(2) prohibits the appointment of counsel who represented the petitioner at trial unless specifically requested by the petitioner.

In sum, Ohio's statutory requirement for appointment of counsel in capital post-conviction proceedings satisfies the criteria for certification.

2. Ohio has established standards of competency for appointed counsel as required by 28 U.S.C. §2265(a)(1)(C).

28 U.S.C. §2265(a)(1)(C) provides that upon request by an appropriate State official, the Attorney General of the United States "shall determine ... whether the State provides standards of competency for the appointment of counsel" in State post-conviction proceedings brought by indigent prisoners who have been sentenced to death. Ohio meets this requirement as well. Ohio's post-conviction law restricts the appointment of counsel in capital post-conviction matters to attorneys certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio (the governing rule when the statute was enacted). In February 2015, Rule 20 was replaced by the Rules for Appointment of Counsel in Capital Cases. Appt. Coun. R. 1.01 (Feb. 1, 2015). These rule are administered by a commission appointed by the Chief Justice of the Ohio Supreme Court, consisting of members nominated by the Ohio Public Defender, the President of the Ohio Association of Criminal Defense Lawyers, the President of the Ohio Metropolitan Bar Association Consortium, and a judge of a court of common pleas with general jurisdiction, nominated by the President of the Ohio Common Pleas Judges Association. Appt. Coun. R. 2.03(A).

Ohio's current rules for counsel in capital cases are the culmination of the Ohio Supreme Court's longstanding recognition of the importance of competent counsel in

capital cases. In 1987, the Ohio Supreme Court adopted Common Pleas Superintendent Rule 65, a mandatory rule establishing standards for the appointment of counsel for indigents in death penalty cases. In announcing the rule, Chief Justice Moyer stated, “Ohio is the first state in the nation to adopt a mandatory rule establishing standards for the appointment of counsel for indigents in death penalty cases. This demonstrates the [Ohio] Supreme Court’s commitment to maintaining and enhancing the skills of lawyers who represent indigent clients in capital cases.” Comment, *The Ohio Supreme Court’s Move Toward Quality Control of Court-Appointed Counsel for Indigent Defendants Charged with Capital Crimes*, 21 AKRON L. REV. 503, 509 (1988). In 1997, Rule 65 was renumbered to Rule 20. In February 2015, Rule 20 was replaced by the Rules for Appointment of Counsel in Capital Cases referenced above.

In sum, Ohio has established standards of competency for appointed counsel which fully satisfy the criteria for certification.

3. The representation and assistance provided by the Ohio Public Defender’s special department for death penalty litigation satisfies the requirements of 28 U.S.C. §2265(a)(1)(A).

28 U.S.C. §2265(a)(1)(A) directs that, upon request, the Attorney General must determine “whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death.” Ohio law mandates that the Ohio Public Defender “shall” establish “an office for the handling of ... postconviction matters.” Ohio Rev. Code §120.04(B)(12). The core of Ohio’s “mechanism” is the Ohio Public Defender’s Death Penalty Department. Established in 1982, the Death Penalty Department has provided or facilitated competent, well-compensated, and funded post-conviction representation to capital sentenced prisoners. The representation, services, and assistance provided by the Department satisfy the requirements of 28 U.S.C. §2265(a)(1)(A).

a. The Ohio Public Defender’s Death Penalty Department provides or facilitates competent post-conviction representation of all capital sentenced prisoners.

For over forty years, the Office of the Ohio Public Defender has maintained a specialized unit for capital cases. This unit is currently denominated “The Death Penalty Department of the Office of the Ohio Public Defender.” The history, purpose, and functions of this unit are described by Assistant State Public Defender Randall

Porter in a February 2, 1998 affidavit attached to this request (Exhibit 1). The Ohio Public Defender’s Death Penalty Department is currently staffed by up to fourteen attorneys, all of whom are certified by the Commission on Appointment of Counsel in Capital Cases. *See Staff Directory of the Office of the Ohio Public Defender, available at <https://opd.ohio.gov/about-opd/staff-directory/staff-directory>* (last accessed October 8, 2025). The Department’s attorneys are experts in death penalty litigation who “regularly teach trial practice and appellate practice courses throughout the state on diverse topics such as Understanding DNA Evidence, Working with Experts, and Search and Seizure.” *See Ohio Public Defender, Advocating Fighting Helping, 2017 Annual Report* at 14 (attached as Exhibit 2). A 2023 survey of active capital cases indicated that Death Penalty Department attorneys provided representation in seventy-eight capital post-conviction proceedings. In seventy of the cases, the petitioner was represented by at least two attorneys from the Death Penalty Department. *See 2023, Post Conviction Counsel in Active Capital Cases in Which Petitions Filed Prior to Federal Habeas Proceedings* (attached as Exhibit 3).

Department attorneys cannot represent a prisoner if the representation poses a conflict, where the prisoner does not desire public-defender representation, or if the trial court elects to appoint private counsel. In such cases, the Department facilitates the appointment of qualified private counsel and offers litigation assistance. Appointed private attorneys typically have extensive experience in capital post-conviction litigation.

In sum, the Ohio Public Defender’s Death Penalty Department provides or facilitates competent post-conviction representation of all capitally sentenced prisoners.

b. Ohio provides reasonable compensation for counsel representing capitally sentenced prisoners in post-conviction proceedings.

As noted above, post-conviction representation of capitally sentenced prisoners is provided primarily by attorneys employed by the Ohio Public Defender’s Death Penalty Department. The Department Staff currently consists of fourteen attorneys, with salaries ranging from \$35.68 to \$65.65 an hour. The average salary translates to an hourly pay of \$47. *See List of Death Department Attorneys’ Hourly Rate of Compensation* (attached as Exhibit 4). Like the salaries of prosecuting attorneys, the rate of compensation of public defenders is based largely on their level of experience. Excluding the salaries of the three least-experienced attorneys, the average salary rate of the department’s attorneys is \$50 per hour. A federal regulation explains that a

State’s compensation for counsel is presumptively adequate if it is comparable to the compensation of attorneys representing the State in state capital postconviction proceedings. 28 C.F.R. §26.22(c)(1)(iv). The Death Penalty Department’s average rates are comparable to the \$47 average salary rate for an Ohio prosecutor. *See* Prosecutor Salary in Ohio, available at [https://www.salary.com/research/salary/recruiting/prosecutor-salary/oh#:~:text=Prosecutor%20Salary%20in%20Ohio%](https://www.salary.com/research/salary/recruiting/prosecutor-salary/oh#:~:text=Prosecutor%20Salary%20in%20Ohio%20) (last visited October 8, 2025); *see also, e.g.*, <https://openpayrolls.com/heaven-r-dimartino-153648857> (\$44.21 for an assistant prosecuting attorney in Summit County); <https://openpayrolls.com/darren-m-burgess-154710136> (\$46.97 for an assistant prosecuting attorney in Franklin County); <https://checkbook.ohio.gov/Salaries/State.aspx> (search Andrea Boyd) (\$50.42 for a special prosecutor in the Attorney General’s Office). Ohio’s compensation rates for Death Penalty Department attorneys meet the requirements of 28 U.S.C. §2265(a)(1)(A).

As noted above, in some cases qualified private attorneys are appointed to represent capitally sentenced prisoners in post-conviction proceedings. Ohio law generally provides that appointed counsel shall be paid for their legal services and expenses. Ohio Rev. Code §2941.51(B). The compensation rate is set by a committee appointed under Ohio Revised Code §120.33(D)(1). A federal regulation explains that a state’s provision for compensation is presumptively adequate if the authorized compensation is comparable to the compensation of appointed counsel in state appellate or trial proceedings in capital cases. 28 C.F.R. §26.22(c)(1)(iii). Ohio’s current rate is \$140 per hour for attorneys representing indigent defendants “at all stages of a capital case, including but not limited to trial, appeal, and post-conviction proceedings.” *See* Office of the Ohio Public Defender, *Memorandum: Indigent Defense Reimbursement Standards & Guidelines Update; Capital Rule* (June 24, 2024) (attached as Exhibit 5). Because the rates for private counsel are the same for trial or appellate work and post-conviction work, Ohio’s compensation rate for private attorneys satisfies the requirements of 28 U.S.C. §2265(a)(1)(A).

In sum, Ohio provides reasonable compensation for counsel representing capitally sentenced prisoners in post-conviction proceedings.

c. Ohio provides for reasonable litigation expenses incurred by counsel in capital post-conviction litigation.

In conjunction with its Death Penalty Department, the Office of the Ohio Public Defender has established a Mitigation and Investigation Department to provide investigative services to the agency and, frequently, to outside counsel. Ohio Public Defender, *Advocating Fighting Helping, 2017 Annual Report* at 20. Its current

eleven-person staff includes six Mitigation/Investigation Specialists and two Mitigation/Investigation Supervisors. See Staff Directory of the Office of the Ohio Public Defender, available at <https://opd.ohio.gov/about-opd/staff-directory/staff-directory> (last accessed October 8, 2025). The provided services include “record collection, locating and interviewing witnesses, locating and interviewing expert witnesses, review of gathered material, notary services, subpoena service, assisting in developing mitigation themes for trial, federal habeas and post-conviction cases, juror interviews and assisting in re-entry programs and placement for clients.” Ohio Public Defender, *Advocating Fighting Helping, 2017 Annual Report* at 20.

In addition to the services and assistance available through the Office of the Ohio Public Defender, it has long been the rule in Ohio that appointed counsel have a statutory right to the award of both reasonable attorney fees and expenses. *State ex rel. Martin v. Corrigan*, 25 Ohio St. 3d 29 (1986) (per curiam). As noted above, Ohio Revised Code §2941.51(B) generally provides that appointed attorneys must be paid for their expenses. The Office of the Ohio Public Defender generally reimburses appointed counsel for expenses “reasonably related and necessary to the defense of an indigent client,” including experts. See Office of the Ohio Public Defender, *Standards & Guidelines for Appointed Counsel Reimbursement*, at 12–14 (April 2024) (attached as Exhibit 6).

In short, Ohio provides for reasonable litigation expenses incurred by counsel in capital post-conviction litigation.

C. Effective Date

28 U.S.C. §2265(a)(2) provides that the date the state established its mechanism for appointing post-conviction counsel shall be the effective date of the certification of the state’s mechanism. Ohio’s mechanism was established by amendments to Ohio Revised Code §2953.21, which required appointment of counsel in post-conviction proceedings initiated by capital sentenced prisoners. Those amendments were effective July 1, 1996.

D. Conclusion

For these reasons, Ohio meets the requirements for certification of its mechanism for appointing, compensating, and paying expenses for, competent counsel in capital collateral-review proceedings. Pursuant to 28 C.F.R. §26.21, I am the appropriate State official to seek certification, and I request that the Attorney General certify this mechanism under 28 U.S.C. §2265. Please contact my office if you have any questions or need any additional information regarding this request.

Yours,

DAVE YOST
Attorney General
State of Ohio

Exhibit 1

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO, :
Respondent, :
v. : Case No. B-9600135
WALTER RAGLIN, : JUDGE O'CONNOR
Defendant, :

AFFIDAVIT OF RANDALL L. PORTER

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

I, Randall L. Porter, being duly sworn, deposes and states as follows:

1. I am an attorney and have been licensed to practice law in the State of Ohio since 1977, Atty. Reg. No. 0005835.
2. The Supreme Court of Ohio has certified me to be lead counsel at the trial, appellate and post-conviction stages of capital litigation.
3. I am also admitted to the following courts:
 - A. United States District Court, Southern District of Ohio - 1981.
 - B. United States District Court, Northern District of Ohio - 1985.
 - C. United States District Court, Southern District of Illinois - 1989.
 - D. United States Court of Appeals, Sixth Circuit - 1987.
 - E. United States Supreme Court - 1987.
4. Upon graduating from Ohio State University College of Law and being admitted to the Ohio Bar in 1977, I served four (4) years as Assistant County Prosecutor,

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EXHIBIT F

Washington County (Marietta), Ohio. During those four years I administered the County IV-D Program (including doing some of the initial HLA blood testing in the State of Ohio); was counsel of record in approximately two hundred (200) felony cases, and conducted numerous tax foreclosure actions.

5. In 1981 I commenced a private law practice with the firm of Bertram & Porter. I handled all the firm's trial litigation including criminal (from misdemeanor to death penalty cases), personal injury, and domestic relations.
6. In 1984 I entered employment with the Ohio State Public Defender Commission in the capital litigation section. I remain in that section today.
7. Since 1981, I have served as lead counsel in the following cases:
 - A. Thirteen (13) capital cases at the trial level;
 - B. Seven (7) capital cases on direct appeal;
 - C. Eighteen (18) capital cases on post-conviction;
 - D. Eight (8) federal capital habeas proceedings.
8. The Office of the Ohio Public Defender was originally designed to provide assistance to attorneys in capital cases as opposed to actually representing capital charged or capital convicted individuals. I estimate that I have provided advice in approximately two hundred (200) capital cases at all stages of the proceedings.
9. I have also provided direct representation, supervision and consultation in numerous cases involving indictments for Murder and Aggravated Murder that were not capital charged.
10. In 1987 I was appointed to the position of Chief Trial Counsel.

11. In 1990 I was appointed supervisor of the post-conviction/federal habeas capital section of the State Public Defender's Office. I supervised six (6) attorneys and two (2) law clerks that provide representation in approximately forty-six (46) capital cases mostly at the post-conviction/federal habeas stages. Many of the cases involve multi-levels of litigation including FOIA, public records and extraordinary writs.
12. In 1996, the federal habeas and post-conviction sections of the death penalty section of the office were subdivided. I have been appointed the supervisor of the federal habeas section of the Office and I currently supervise five attorneys and one paralegal. The attorneys maintain average caseloads of eleven capital cases.
13. I have authored or co-authored the following articles:
 - A. "Discovery of Favorable Evidence: The Brady Rule" Champion, June 1988 (co-authored with Jane Perry); reprinted Motions Manual for Capital Cases, Ohio Death Penalty Task Force (1988) and State Defender Report, Ohio Public Defender, June-July, 1988;
 - B. "May An Accomplice Receive The Death Penalty?" Champion, August 1987; reprinted Indiana Defender, November 1987, reprinted The Tennessee Association of Criminal Defense Lawyers Death Penalty Defense Manual, 2nd edition, 1987;
 - C. "Pretrial Discovery: Brady Material/Mitigation Material", Strategies For Death Penalty Defense, Ohio Public Defender Commission (1986);
 - D. "Lesser Included Offenses", Strategies for Death Penalty Defense (co-authored), Ohio Public Defender Commission (1986); and
 - E. "Eighth Amendment Principles: Felony-Murder, Intent to Kill, Accomplice Liability and Enmund v. Florida Issues", Strategies For Death Penalty Defense, Ohio Public Defender Commission (1986).

14. I have presented the following lectures concerning the practice of criminal law:

- A. Ohio Capital Post-Conviction Seminar, "Investigating and Preparing the Capital Post-Conviction Petition", November, 1988;
- B. Ohio Association of Criminal Defense Lawyers, "What To Do After Your Client is Convicted; Post-Conviction", June, 1989;
- C. Ohio Association of Criminal Defense Lawyers Death Penalty Conference, "Setting the Stage for the Capital Trial" July 1989;
- D. Ohio Death Penalty Seminar, "Finding and Preparing Mitigation", June, 1990;
- E. Ohio Death Penalty Seminar, "Advanced Mitigation Strategies", June, 1990;
- F. Ohio Death Penalty Seminar, "Reporting Lawyer Misconduct", September, 1990;
- G. Ohio Death Penalty Seminar, "Mental Health Issues in Mitigation", June 1991;
- H. Ohio Public Defender Seminar, "The Ethical Duty to Report Inculpatory Evidence", September, 1991;
- I. Ohio Association of Criminal Defense Lawyers, "Original and Extraordinary Litigation Made Ordinary", December, 1991;
- J. Ohio Association of Criminal Defense Lawyers, "Legal Ethics for the Beginning Criminal Practitioner", February, 1992;
- K. Ohio Death Penalty Seminar and Workshop, "The Necessity of Winning at or Before Trial", May 1992;
- L. Ohio Death Penalty Seminar and Workshop, "Voor Dire in Capital Cases", May, 1992;
- M. Indiana Public Defender Intra Office Seminar, "Litigating Public Records and FOIA", August, 1992;
- N. Ohio Association of Criminal Defense Lawyers, "Trial Practice and Procedures in Capital Cases", December, 1992;

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- O. Ohio Death Penalty Seminar and Workshop, "Extraordinary Litigation:", March, 1993;
- P. Ohio Death Penalty Seminar and Workshop, "Competency and Special Problems in Representing the Mentally Deficient Client", March, 1993;
- Q. Capital Law School, "Ethical Problems and Representation of the Mentally Deficient Client", April, 1993;
- R. Capital Law School, "Federal Habeas Corpus", May, 1993;
- S. Ohio Association of Criminal Defense Lawyers Death Penalty Conference, "Selected Legal and Ethical Issues as to Competency", December 1993;
- T. Ohio Association of Criminal Defense Lawyers Death Penalty Conference, "Obtaining the Appointment of Experts", December, 1993;
- U. Ohio Association of Criminal Defense Lawyers, "Hot Issues in Capital Litigation," July 1994;
- V. Criminal Justice Act Seminar "Habeas Training Seminar" August, 1994;
- W. Ohio Association of Criminal Defense Lawyers, "Procedural Default," July, 1994;
- X. Ohio Association of Criminal Defense Lawyers, "Federal Habeas, December, 1994;
- Y. Criminal Justice Act Seminar "Habeas Update", January, 1995;
- Z. Cuyahoga Criminal Defense Lawyers; Death Penalty Seminar, "Appellate Practice" and "Federal Habeas Corpus Practice in the 90's, June, 1995;
- AA. Ohio Association of Criminal Defense Lawyers, "Litigating Racial Issues", June, 1995;
- BB. Ohio Association of Criminal Defense Lawyers Death Penalty Seminar, "State Post Conviction and Federal Habeas Death Penalty Litigation", December 1995.

CC. Ohio Association of Criminal Defense Lawyers "Litigation Racial Issues", December 1995.

15. I have attended numerous criminal defense seminars for purposes of continuing legal education including, but not limited to the following:

- A. Death Penalty Defense Seminar, California Public Defender Association, 1987;
- B. Ohio State Bar Association College, 1985;
- C. Western Trial Advocacy Institute, 1985;
- D. Ohio Death Penalty Conference, 1985;
- E. Ohio Capital Post-Conviction Seminar, 1987;
- F. Defense of Controlled Substance Cases, 1989;
- G. Ohio Death Penalty Seminar, 1990;
- H. Ohio's Public Record & the Sunshine Law, 1989;
- I. Ohio Death Penalty Seminar, 1990;
- J. Federal Courts Capital Habeas Death Penalty, 1990;
- K. Ohio Public Defender Seminar, 1990;
- L. NAACP Legal Defense Death Penalty Conference, 1990;
- M. Federal Courts Capital Habeas Death Penalty Seminar, 1991;
- N. Ohio Death Penalty Seminar, 1991;
- O. Ohio's Public Record and Sunshine Law Seminar, 1991;
- P. Ohio Public Defender Conference, 1991;
- Q. Ohio Criminal Defense Lawyers Death Penalty Seminar, 1991;
- R. Ohio Death Penalty Seminar and Workshop, May, 1992;
- S. Federal Courts Federal Habeas Conference, June, 1992;

- T. Federal Courts Federal Habeas Conference, May, 1993;
- U. Ohio Association of Criminal Defense Lawyers Death Penalty Seminar, 1993;
- V. Federal Death Penalty Resource Center Directors' Meeting, 1994;
- W. Federal Courts Habeas Death Penalty Training Seminar, 1994;
- X. Ohio Association of Criminal Defense Lawyers Death Penalty Seminar, 1994;
- Y. Ohio State Bar Association "Ethics and Substance Abuse", January, 1995;
- Z. Federal Bar Association "Practice in the Sixth Circuit", October, 1995;
- AA. Ohio Association of Criminal Defense Lawyers Death Penalty Seminar, December 1995.
- BB. "Federal Defender and CJA Panel Attorneys" Capital Habeas Training Seminar, Sept. 5-8, 1996.
- CC. Ohio Association of Criminal Defense Lawyers "Capital Litigation", November 1996.

- 16. As a result of my legal education, attendance and teaching at continuing legal education seminars and my providing of direct representation, supervision, and consultation for cases at trial and on appeal, I am aware of the standard of practice of lawyers in appellate criminal cases, both capital and non-capital.
- 17. Among my duties as the supervisor of the federal habeas section of the Death Penalty Division of the Public Defender's Office is the review of the performance of trial and appellate counsel representing indigent criminal defendants.
- 18. Since the reintroduction of capital punishment by the United States Supreme Court in 1976, the area of capital litigation has become a recognized specialty.

19. Numerous substantive and procedural areas have been carved out by the United States Supreme Court with respect to capital cases.
20. An attorney who litigates in the area of capital punishment must be familiar with these issues in order to raise and preserve them for appellate and post-conviction review.
21. The preparation for a capital case requires the recognition that the case is likely to proceed to the penalty phase.
22. This recognition requires the simultaneous investigation of factual trial issues and potential mitigating factors.
23. Because the client himself is often a primary source of information, regular pre-filing visits and interviews with the client are an important part of the investigative process.
24. The Sixth Amendment to the United States Constitution guarantees a capital defendant the right to the effective assistance of counsel for his defense. *Powell v. Alabama*, 287 U.S. 45, 71-2 (1932); *Johnson v. Zerbst*, 304 U.S. 458, 462-3 (1938); *Gideon v. Wainwright*, 372 U.S. 335, 342-5 (1963). After several attempts, the United States Supreme Court in *Strickland v. Washington*, 466 U.S. 668 (1984)¹ set forth the modern standards for evaluating the effectiveness of an attorney's performance in a criminal proceeding. *McMann v. Richardson*, 397 U.S. 759, 771, n.14 (1970); *Cuyler v. Sullivan*, 446 U.S. 335, 344 (1980); *Engle v. Isaac*, 456 U.S. 107, 134 (1982).

¹ The United States Supreme Court established the rules governing "actual" ineffectiveness in *Strickland*, and distinguished them from "constructive" ineffectiveness which it expounded in *United States v. Cronin*, 466 U.S. 648 (1984).

25. In Strickland, the defendant pleaded guilty in a Florida trial court to an indictment that included three capital murder charges. While preparing for the sentencing hearing, the defense counsel spoke with the defendant about his background, but neither sought out character witnesses or requested a psychiatric examination, nor requested a pre-sentence report. The trial judge sentenced defendant to death on each of the murder counts. The Court in Strickland held that:

The benchmark for judging any claim of ineffectiveness must be whether **counsel's conduct** so undermined the proper functioning of the adversarial process that the **trial cannot be relied on as having produced a just result.**²

* * *

A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction of death sentence has two components. First, the defendant must show that **counsel's performance was deficient**.e.. Second, the defendant must show that the deficient performance **prejudiced the defense**. This requires showing that counsel's errors were so serious **as to deprive the defendant of a fair trial, a trial whose result is reliable.**³

* * *

The defendant must show that there is a **reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.** A reasonable probability is a probability **sufficient to undermine confidence in the outcome.**⁴

² 466 U.S. at 686. (Emphasis added.)

³ Id. at 687. (Emphasis added.)

⁴ Id. at 694. (Emphasis added.) Under this language the first sentence of the test appears to suggest that ineffectiveness can be proven only upon a show of counsel's unprofessional errors and that but for those the result of the trial would have been different. However, the test is incomplete until the second sentence is read. Said sentence clarifies that a "probability sufficient to undermine confidence in the outcome" is enough to substantiate ineffectiveness of counsel. Thus unreliability, not mere difference, in the trial outcome is the essence of the Sixth Amendment requirement.

26. Consequently, in evaluating claims of ineffective assistance of counsel a court will first determine if the performance of counsel was deficient (or unprofessional). The proper measure of attorney performance is simply reasonableness under prevailing professional norms. Strickland, 466 U.S. at 688. Second, a court must determine if the defendant was prejudiced because the outcome of the trial can not be relied on as just (or the defendant was deprived of a trial whose result was reliable, or there is a reasonable probability that undermines the confidence in the result of the trial). The essence of this prong is not whether the outcome of the trial was affected by counsel's performance. In fact, the Strickland Court rejected the strict outcome-determinative test employed by some courts when it stated:

[W]e believe that a defendant need not show that counsel's deficient conduct more likely than not altered the outcome in the case.

The result of a proceeding can be rendered unreliable, and hence the proceeding itself unfair, even if the errors of counsel cannot be shown by a preponderance of the evidence to have determined the outcome.

Id. at 693-4.(Emphasis added.) Thus, the second prong of Strickland requires only that *the trial outcome be shown unreliable* (not simply that it would have been different).⁵

27. In Glenn v. Tate, 71 F.3d 1204 (6th Cir. 1995), the United States Court of Appeals for the Sixth Circuit reviewed a claim of ineffective assistance of trial counsel brought by an Ohio capital defendant seeking habeas corpus relief. John Glenn was convicted

⁵ The ultimate focus must be on the reliability of the result being challenged in order to prevent a breakdown of the adversarial process that our system counts on to produce justice. Dillon v. Duckworth, 751 F.2d 895, 898 (7th Cir. 1984).

and sentenced to death for the aggravated murder of a part-time deputy sheriff. Id. at 1205. During the mitigation phase of the proceedings defense counsel failed to provide the petit jury with sufficient evidence of defendant's character, background and condition of mental retardation. Id. at 1208-9. The Glenn Court applied the Strickland standard by holding:

Under the Strickland test the petitioner must show a "reasonable probability" that, but for his counsel's unprofessional errors, the result would have been different. ... *The petitioner does not have to show that his counsel's deficient conduct 'more likely than not altered the outcome in the case.'* ... The 'reasonable probability' of which Strickland speaks of, rather, is 'a probability sufficient to undermine confidence in the outcome.' ... *The question, in other words, is whether counsel's errors were serious enough to deprive the petitioner of a proceeding the result of which was 'reliable'....*

Id. at 1210. (Emphasis added.) The United States Court of Appeals for the Sixth Circuit determined that trial counsel's performance had been deficient during mitigation, and that consequently it had produced an unreliable result. Id. at 1211. Hence, it instructed the federal district court to grant John Glenn habeas corpus relief for the death sentence but conditioned the relief on Ohio reconsidering and imposing a life sentence within a reasonable period of time. Id. 1211.

28. Upon review of the facts of the Walter Raglin case, it is my opinion that Mr. Raglin's counsel provided ineffective assistance of counsel during voir dire and at the trial and penalty phases of Raglin's capital trial. As a result of his counsel's ineffectiveness, Mr. Raglin was prejudiced.

VOIR DIRE

29. Voir dire in a capital case must be conducted in a manner that ensures that the jury that is ultimately seated will not only be fair and impartial regarding the determination of guilt and innocence but also that the jurors will consider and give effect to the mitigating evidence presented at the penalty or mitigation phase. A criminal defendant in a state court is guaranteed an “impartial jury” by the Sixth and the Fourteenth Amendments to the United States Constitution. *Duncan v. Louisiana*, 391 U.S. 145, 153-4 (1968). Furthermore, the principles of federal due process guarantee a defendant a trial by a “panel of impartial, indifferent jurors.” *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *Morgan v. Illinois*, 504 U.S. 719, 727 (1992)
30. Since “impartiality” is a state of mind, not a technical conception, a juror is impartial when he has not formed an opinion about the case to be heard. *Id.* at 722, 724-5. In the language of Lord Coke, a juror must be as “indifferent as he stands unsworn.” *Id.* In addition, the standard of “impartiality” is satisfied if a juror can lay aside an impression or opinion and render a verdict solely on the evidence presented in court. *Id.* at 723.
31. Voir dire assures impartiality by unmasking those potential jurors who will not follow the instructions of the court and evaluate the evidence - objectively, and by assisting the defendant in using his peremptory challenges as provided by statute and court rule. *Rosales-Lopez v. United States*, 451 U.S. 182, 188 (1981). In writing for the majority in *Morgan v. Illinois*, 504 U.S. 719, 733-4 (1992) Justice White stated that:

Were voir dire not available to lay bare the foundation of petitioner’s challenge for cause against those prospective jurors who would always impose death following

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conviction, his right not to be tried by such jurors would be rendered ... nugatory ... (Emphasis in original.)

32. Since all venirepersons are potentially biased, the process of voir dire guarantees that the eventual collective trier of fact will not hold extreme views, i.e., "those who, in spite of the evidence, would automatically vote to convict or impose the death penalty or automatically vote to acquit or impose a life sentence." *Smith v. Balkcom*, 660 F2d 573, 578-9 (5th Cir. 1981). At times venirepersons are unaware, even though they swear to uphold the law and follow the instructions of the judge, that they maintain beliefs about the death penalty that are contrary to due process. *Morgan* at 735-6. And, their assurances that such beliefs about the death penalty can be set aside, "cannot be dispositive of the accused's rights . . ." *Murphy v. Florida*, 421 U.S. 794, 800 (1975). Voir dire must be applied surgically to expose the layers of unconstitutional thought that cloud and poison the unaware mind of the prospective juror.

33. The recent history of selecting capital jurors commenced with the seminal case of *Witherspoon v. Illinois*, 391 U.S. 510 (1968). In *Witherspoon's* trial, Illinois improperly excluded all prospective jurors who expressed any concerns over the death penalty, which then resulted in a jury "uncommonly willing to condemn a man to die." *Id.* at 521. In the now infamous footnote 21, the Court suggested that the focus of questioning during voir dire should be to determine if jurors are willing to consider all penalties that may be applicable even if they have conscientious scruples against the death penalty. *Id.* at 522 fn. 21. The text of the footnote, however, created more controversy than it resolved.

34. Because the Witherspoon footnote spoke in terms of what a juror was willing to consider rather than what she was capable of considering, juries could be created with individuals who, despite their protestations to the contrary, were predisposed toward death. Jurors who would impose death in all cases could, nonetheless, profess a willingness to consider alternatives and qualify to sit on a capital jury. In *Adams v. Texas*, 448 U.S. 38 (1980), the Court attempted to resolve this dilemma by clarifying the Witherspoon standard. The Court emphasized that it is not the views of the individual juror that should determine his eligibility for capital jury service but, rather, his ability to follow the law with respect to sentencing. *Id.* at 589.
35. The *Adams* Court admonished that the Witherspoon inquiry is not a basis for a state to challenge any prospective juror because of her views. Instead, it is a means of determining whether a prospective juror is suitable to serve by concentrating solely on the juror's ability to apply the law to the facts of the case. *Adams*, 448 U.S. at 591. Removing a juror on any broader basis than the inability to abide by this oath and follow the law renders a capital jury invalid. *Id.*
36. The Court attempted to solidify the Witherspoon question in *Wainwright v. Witt*, 469 U.S. 412 (1985), by refining the scope of the inquiry. Because the concern over the composition of the jury stems from the Sixth Amendment right to a fair trial, the Court explained, the quest for an impartial jury is achieved by seating individuals who will conscientiously apply the law as instructed to them even if their personal beliefs would dictate a different result. *Id.* at 424-425. To that end, the Court abandoned the Witherspoon focus on knee-jerk decision-making and posed the question as whether a juror's personal views would "prevent or substantially impair

the performance of his duties as a juror in accordance with his instructions and his oath." *Id.* The Court cautioned, however, that such a debilitating bias need not be proved with unmistakable clarity but is subject to assessment in the course of voir dire. *Id.*

37. Ohio codified the Witherspoon-Witt inquiry as it pertains to individuals who are opposed to the death penalty. Ohio Revised Code Ann. § 2945.25(C) (Anderson 1993) states:

(C) In the trial of a capital offense, that he unequivocally states that under no circumstances will he follow the instructions of a trial judge and consider fairly the imposition of a sentence of death in a particular case. A prospective juror's conscientious or religious opposition to the death penalty in and of itself is not grounds for a challenge for cause. All parties shall be given wide latitude in voir dire questioning in this regard.

38. This codification of the Witt standard was adopted by the Ohio Supreme Court in *State v. Rogers*, 17 Ohio St. 3d 174, 178-179, 478 N.E.2d 984, 990 (1985), vacated on other grounds, 474 U.S. 1002 (1985). The inquiry is a basis for challenging prospective jurors. Ohio Rev. Code Ann. § 2945.25(O) (Anderson 1993); *State v. Buell*, 22 Ohio St. 3d 124, 139, 489 N.E.2d 795, 808 (1986); *State v. Beuke*, 38 Ohio St. 3d 29, 526 N.E.2d 274 (1988).

39. In *Morgan v. Illinois*, 504 U.S. 719 (1992), the United States Supreme Court supplemented the permissible scope of questioning in the death-qualifying of jurors. The guiding principle the Court has sought to apply is that no individual is properly seated on a capital jury if he would unwaveringly impose death after a finding of guilt, or would never impose a sentence of death under any circumstances. Identifying individuals who fall between these

polar extremes is the critical cog in the machinery of the capital voir dire because it is the only safeguard against the imposition of a sentence by a hanging jury. Justice White in *Morgan* identified at least three areas of inquiry in determining juror impartiality:

We have ... come to recognize that the principles first propounded in *Witherspoon v. Illinois* ... the reverse of which are at issue here, demand inquiry into whether the **views of prospective jurors on the death penalty** would disqualify them from sitting.

Id. at 731. (Emphasis added.)

* * *

Any juror who would impose death regardless of the **facts and circumstances of conviction** cannot follow the dictates of law.

Id. at 735. (Emphasis added.)

* * *

A juror who will automatically vote for the death penalty in every case will fail in good faith to consider the evidence of ... **mitigating circumstances** as the instructions require him to do. Indeed, because such a juror has already formed an opinion on the merits, the presence ...of... mitigating circumstances is entirely irrelevant to such a juror. Therefore, based on the requirement of impartiality embodied in the Due Process Clause of the Fourteenth Amendment, a capital defendant may challenge for cause any prospective juror who maintains such views. If even one such juror is empanelled and the death sentence is imposed, the State is disentitled to execute the sentence.

Id. at 729. (Emphasis added.)

40. In summary, the *Morgan* Court established that in order to identify biased venirepersons, a defendant on trial for his life “**must**” be permitted to voir dire prospective jurors about their views on capital punishment, facts and circumstances of conviction, and willingness to consider mitigating factors. *Id.* 729-36.

41. The United States Supreme Court in Morgan then established the form or structure that voir dire questions should take in capital cases. It held that a trial court's general questions to venire members about their ability to "follow the law" were not sufficient to detect those in the venire who automatically would vote for the death penalty. Id. at 734-5. "[D]eterminations of juror bias cannot be reduced to question-and-answer sessions which obtain results in the manner of a catechism." Morgan at ____, quoting Wainwright at 424. The Constitution of the United States does not guarantee a defendant a "catechism" of pre-rehearsed questions during voir dire but only that he be afforded an adequate voir dire in order to identify unqualified jurors. Morgan at 729.

42. Defense counsel in a capital case must be aware of these standards and must apply them in order to effectively pursue voir dire. Counsel in Mr. Raglin's case failed to follow these strictures, however.

43. The following persons were seated as jurors Mr. Raglin's capital trial:

1. Christopher Stenger
2. Tara Veasart
3. Brian Murrie
4. Debra Krabbe
5. Abby Schwartz
6. Kevin Moe
7. Donna Roschke
8. Diana Steel
9. Edward Marks
10. Mike Maggard
11. Thomas Robinson
12. Cheryl Stutson

44. Each of these jurors was advised, during group voir dire, that Mr. Raglin's counsel case would proceed to the penalty or mitigation phase. Tr. 391-392. Counsel thus conceded Mr. Raglin's guilt to the venire from which his jury would be drawn.

45. During the voir dire of Juror Stenger, defense counsel informed Stenger that the “critical issue here is capital punishment”. Tr. 433. During the voir dire of Juror Murrie defense counsel again projected Mr. Raglin “as in fact guilty as charged...” Tr. 493. During the voir dire of Juror Schwartz (the foreperson of the jury during both the trial and penalty phases) “if I were to assure you or indicate to you you’re going to be involved in a second phase or mitigation phase, if you will?” Tr. 545 During the voir dire of Juror Kevin Moe, Raglin’s counsel informed Moe that “We will probably get to a second phase in this trial.” Tr. 564
46. During the voir dire of Juror Edward Marks, defense counsel informed him “you understand now that there will be two separate trials?” Tr. 634 During the voir dire counsel stated to Juror Tara Veasart defense counsel stated “you obviously know at this point that there are two separate trials potentially that we’re talking about.” Tr. 777 During the voir dire of Juror Thomas Robinson he was informed by defense counsel , “We have to have the first phase to get to the second phase.” Tr. 801 “I guess what I’m trying to get at and make sure you follow is when we get to the second phase you’ve already found him guilty, okay.” Tr. 802 In the voir dire of Juror Donna Roschke, she was told by defense counsel, “you’ve been told now that they’re (sic) going to be or there very well may be two separate trials.” Tr. 822 During the voir dire of Juror Donna Steel, defense counsel opined, “You understand, and we’ve talked about these two separate trials. The first trial being on the merits, whether or not it was an aggravated robbery and a murder? ...And then you’ll be in that second phase which is the mitigation phase.” Tr. 866-867. In the voir dire of Juror Cheryl Stutson, defense counsel stated, “Neither Mr. Keller or I are here to lie to you. We

feel we will probably get to a second phase in this case...". Tr. 953 During the voir dire of Deborah Krabbe counsel stated, "And you understand we've been talking about the fact that there are going to be two separate trials here?" Tr. 969

47. The effect of the consistent and pervasive concession of his guilt by Mr. Raglin's counsel upon the jurors at his capital trial is best illustrated by the comments of Maureen Bedel, who was seated as an alternate juror at Raglin's capital trial. During her voir dire questioning by the prosecutor she made the following unsolicited comment: "This gentleman here, I thought I understood him to say that we would probably --if you're on this jury you would probably go to the second step of the trial which leads me to feel like this feels like his client is guilty and that's been in my mind." Tr.1070. "No. I felt that they feel he's guilty and therefore if they feel he's guilty, then he must be. I know because they're defending him. I have that question in my mind." Tr. 1072. During voir dire questioning by defense counsel, Ms. Bedel went on to state: "Because that really bothered me. I thought, well, if you know, if you think he's guilty, then why are we here." Tr. 1080. "Can I just ask one more question here? Now if he has said that he has done this, then why does he want a jury trial? I mean why doesn't he just-- if he's accepted the fact that he's done it and he's pleading guilty, why does he want a jury trial?" Tr. 1077

48. The comments by Ms. Bedel illustrate the prejudicial impact of defense counsel's repeated concessions of Mr. Raglin's guilt during the jury selection process. Ms. Bedel was a participant in the process and her comments are telling. The Ohio Supreme Court in reviewing the appeal of another capital case offered the following comment that is apposite to this issue:

The personal opinion of defense counsel of their client's guilt or innocence is no more relevant than the opinion of the prosecutor. Yet, if the jury believes that even the defendant's own advocates think him guilty, that belief will naturally carry great weight in their deliberations. The jury is also likely to resent defense counsel's perceived insincerity. *State v. Keenan*, 66 Ohio St. 3d 402,406 (1993).

49. Moreover, the prejudice resulting from defense counsel's concessions of guilt was greatly exacerbated when Raglin's counsel attempted abruptly shifted gears by presenting argument in closing during the trial phase that Mr. Raglin should not be convicted of Aggravated Murder because he did not have the specific intent to commit murder. Tr. 1433;1435;1443. Mr. Raglin's jury could only have resented defense counsel's "perceived insincerity" by making such an argument after repeatedly conceding Mr. Raglin's guilt to the Aggravated Murder charge. Moreover, the effect on Mr. Raglin's jurors could only have undermined their receptiveness to the defense penalty phase presentation. As the Ohio Supreme Court has noted: "We would be naive not to recognize that those matters which occur in the guilt phase carry over and become part and parcel of the entire proceeding as the penalty phase is entered." *State v. Thompson*, 33 Ohio St.3d 1, 15 (Ohio 1987)
50. Mr. Raglin is African-American. Mr. Bany was white. A defendant in a capital case is entitled under the Sixth and Fourteenth Amendments to The United States Constitution to have jurors informed of the race of the victim and questioned on issue of racial bias question. *Tumer v. Murray*, 476 U.S. 28 (1986). However, defense counsel failed to make such an inquiry during voir dire of the following jurors: Juror Stenger; Juror Murrie; Juror Marks; Juror Veasart; Juror Robinson; Juror Roschke; Juror Steel; Juror Krabbe; Juror Maggard. Defense counsel's failure to make such an inquiry prejudiced Mr. Raglin.

51. Mr. Raglin's counsel also failed to explore, in any meaningful manner, voir dire questioning on the nature and type of mitigating evidence that was to be presented on behalf of Mr. Raglin. Counsel's failure to determine if the jury would consider and give effect to the mitigating evidence of Mr. Raglin's age; his background; his psychological makeup and his remorse, through inquiry that dealt with the specifics of this mitigating evidence, through prejudiced Mr. Raglin. See, Penry v. Lynaugh, 492 U.S. 302 (1989).
52. Mr. Raglin's counsel refused to engage in meaningful voir dire questioning regarding the specifics of the mitigating evidence to be presented because counsel believed that the prosecutor would object and the judge would sustain the objection. Tr. 494. There is nothing in the record to indicate that defense counsel would be limited by the trial court.⁶
53. Further, counsel would have been absolutely correct in pursuing a course of questioning which dealt with the specifics of the type of mitigation to be presented in order to determine if the prospective jurors would consider and give effect to that mitigating evidence. See, Morgan v. Illinois, 504 U.S. 719 (1992). However, it is apparent from counsel's comment at Tr. 494 that counsel had failed to investigate the applicable law in effect at the time of Raglin's capital trial. Counsel's failures prejudiced Mr. Raglin.
54. For example, defense counsel argued during closing at the penalty phase that the jury was to consider and weigh Mr. Raglin's age (19) as a mitigating factor. Tr. 1868; Tr. 1876. However, counsel failed to ask any of the jurors who were seated if they would

consider and give effect to this mitigating factor. Had any of the potential jurors refused to consider such evidence then counsel could have challenged for cause or exercised a peremptory challenge. However, Counsel's refusal to explore the specifics of the mitigation that they intended to present foreclosed counsel's ability to remove any potential jurors who would not consider Mr. Raglin's mitigating evidence.

55. Finally, defense counsel failed to pursue a comprehensive voir dire of Juror Tara Veasart. Ms. Veasart stated that she was personally acquainted with a waitress who worked at Tommy's Bar, where Mr. Bany was performing the night of his murder. Tr. 765. Ms. Veasart stated that she frequented the bar and that she had left the bar ten minutes prior to Mr. Bany's murder. Tr 766. Ms. Veasart stated that her boyfriend's brother worked at Tommy's Bar. Tr. 766. Ms. Veasart stated that on the night of Mr. Bany's murder, her boyfriend's brother telephoned her to inquire about her safety. Tr. 766. She admitted that she had been following news accounts of Mr. Raglin's case. Tr. 767 She stated that she and her friends had "lots" of discussions about the fact that Mr. Bany's murder occurred outside a bar which they frequented. Tr. 777. Defense counsel, however, failed to explore in any depth Ms. Veasart's reasons or motive for wanting to sit as a juror in Mr. Raglin's capital trial or whether Ms Veasart had been affected by these factors or prejudiced against Mr. Raglin.

⁶ In fact, counsel did make specific inquiry regarding Mr. Raglin's abuse of drugs and alcohol during the voir dire of Juror Stenger (Tr. 436) and the prosecutor interposed no objection nor did the trial court limit the inquiry sua sponte.

TRIAL PHASE

56. At the trial phase of Mr. Raglin's capital trial his counsel rendered the ineffective assistance of counsel and as a result Mr. Raglin was prejudiced.
57. During the prosecutor's opening statement at the trial phase, the prosecutor presented argument pertaining to the character of Michael Bany. Tr. 1153. The was improper. See, State v. White, 239 N.E.2d 65 (1968) However, defense counsel failed to object. Defense counsel's explanation for failing to object indicates that counsel had not reviewed the applicable law. Tr.1192.
58. During defense counsel's opening, counsel again informed the jury that there would be two trials, thus continuing counsel's concession of Mr. Raglin's guilt. In an abrupt shift, however, defense counsel informed the jury that on the night of Mr. Bany's murder that Walter Raglin was drinking and doing drugs (Tr. 1165). Counsel also told the jury that the shooting of Mr. Bany was a result of Walter Raglin becoming panic stricken when Mr. Bany bent over to pick up his bag. Tr. 1166. Defense counsel then challenged the jury by arguing "It will be incumbent upon you to make the state prove its case, this purposeful killing and the aggravated robbery beyond a reasonable doubt." Tr. 1167. The upshot of counsel's argument seemed to be that Mr. Bany's shooting was in the nature of an accident resulting from Raglin's ingesting alcohol and drugs and becoming panic stricken.
59. Defense counsel's sudden departure from its repeated concessions of Mr. Raglin's guilt to the crimes charged against him could only have confused Raglin's jury and the jury's initial reaction would have been to perceive counsel as insincere. It was

therefore incumbent upon counsel to support their assertions with some type of evidence.

60. However, defense counsel prejudicially failed to obtain an expert toxicologist. An expert toxicologist could have provided testimony on the impact of Walter Raglin's drinking and drug use vis-à-vis his actions on the night of the shooting. An expert toxicologist could have testified to the likelihood that Raglin's drug and alcohol use contributed to the theory of an accidental shooting or were factors in Raglin's panic induced state. If counsel deemed it important to tell the jury that drugs and alcohol played a role in the events surrounding Mr. Bany's shooting then counsel could have and should have presented evidence in support of that theory. *Ake v. Oklahoma*, 470 U.S. 68 (1985); O.R.C. 2929.024.

61. Moreover, state's witness Dr. Carl Parrott testified that Mr. Bany's blood alcohol level at the time of the his autopsy was .10. Tr. 1335 An expert toxicologist could also have testified to the fact that Mr. Bany was thus legally intoxicated on the night of the shooting, thus adding credence to Raglin's claim that Bany's actions caused him to panic.

62. Defense counsel also was prejudicially ineffective for failing to obtain expert assistance to rebut or refute the testimony of Robert Lehnhoff, a firearms examiner with the Hamilton County Coroner's office. Mr. Lehnhoff described his expertise in the following manner : "... the primary function of a firearm's examiner is to determine if a specific fired bullet or discharged cartridge case came from a specific firearm. We also do range of fire determination and serial number restoration, gun predictions from fired bullets and so forth." Tr. 1279

63. Mr. Lehnhoff's self-proclaimed limits notwithstanding, the prosecutor pursued a line of questioning with Mr. Lehnhoff to establish that the trigger pull on the Jennings .380 semi-automatic pistol was such that it could not have been accidentally fired, i.e. the weapon did not have a "hair trigger". Tr. 1290 On cross-examination defense counsel failed to even question Mr. Lehnhoff on this issue. The prosecutor, in closing argument, however, repeatedly referred to Lehnhoff's testimony regarding the trigger pull of the weapon in order to emphasize that the shooting was purposeful and not accidental. Tr. 1427,1428,1429.

64. Defense counsel's theory, as enunciated in opening statement, was that Walter Raglin shot Mr. Bany in a panic and thus the shooting was not purposeful. The prosecutor's presentation of Mr. Lehnhoff's testimony provided evidence to undermine the defense theory. The prosecutor's closing argument emphasized Lehnhoff's testimony in order support the state's charge that this was a purposeful shooting. To reiterate, the lack of cross-examination by defense counsel ensured that Mr. Lehnhoff's credibility went unchallenged on an issue that he was not qualified to address.

65. Mr. Raglin was entitled to expert assistance to rebut the state's evidence. *Ake v. Oklahoma*, 470 U.S. 68 (1985); O.R.C. 2929.024.

66. Defense counsel could have and should have obtained expert assistance to challenge Lehnhoff's conclusions. This is especially so given the fact that Lehnhoff's testimony regarding the trigger pull of the semi-automatic pistol fell outside of his self described area of expertise. Tr. 1279.

67. Defense counsel again argued to the jury in closing that the shooting of Mr. Bany was not purposeful (Tr. 1433); that Mr. Raglin did not intend to kill Mr. Bany (Tr. 1435) and that the shooting was a product of Mr. Raglin's panic and fear. Tr. 1435.
68. The failure of defense counsel to obtain and present expert assistance to buttress its assertions to the jury prejudiced Walter Raglin.
69. Counsel ineffectively and prejudicially failed to object to the portion of the prosecutor's closing argument in which the prosecutor picked up the alleged murder weapon, a semi- automatic pistol, began waving it around; removed the clip; took the safety off; pulled the slide back and proceeded to reenact the shooting of Mr. Bany. (" Now that's all been done when we approach Michael Bany." Tr. 1428)("And what do we know when he fired it? Basically like this. Basically a level shot.") Tr. 1428-1429 **See, also Newsclipping of prosecutor Exh. B.**
70. The prosecutor's theatrics prompted the judge, no doubt out of concern for the safety of the jurors from this wild display, to inquire if the gun was loaded. Tr. 1428.
71. The prosecutor's theatrics constituted egregious misconductt, designed to inflame the jurors against Mr. Raglin. The prosecutor's charade was geared to frighten the jurors and to prejudice Mr. Raglin. This type of theatrical prosecutorial argumentt, in which the prosecutor improperly utilizes an exhibit offered as the purported murder weapon, has been condemned. See, State v. Keenan, 66 Ohio Stt. 3d 402, 408 (1993). Further, as the Ohio Supreme Court has noted: "We would be naive not to recognize that those matters which occur in the guilt phase carry over and become part and parcel of the entire proceeding as the penalty phase is entered." State v. Thompson, 33 Ohio St.3d 1, 15 (Ohio 1987).

PENALTY PHASE

72. At the penalty phase of Walter Raglin's trial his counsel provided ineffective assistance of counsel and Mr. Raglin was prejudiced.
73. During the penalty phase counsel presented evidence regarding the horrendous familial and cultural environment in Walter Raglin developed as a child. In effect, Walter was presented as a nomadic child of the streets,(Tr. 1559) who was forced to live in junked cars (Tr. 1569) and eat out of garbage cans (Tr. 1658). It was clear that the abuse and horrors visited upon him at home left him little choice.
74. There was testimony from defense witness John Hale, however, that Walter Raglin "succumbed to the lure of the streets". Tr. 1603,Tr. 1610. The prosecution in closing argument at the penalty phase referenced Walter Raglin's life on the street and transmogrified it into a negative factor to be held against him. Tr. 1899.
75. What defense counsel failed to do, however, was to provide Mr. Raglin's jury with the testimony of a cultural mitigation expert to explain how the influences present in Walter Raglin's familial and cultural environment could have affected his behavior relative to the crimes charged against him. The Eighth District Court of Appeals recognized as much in its recent decision in State v. Dixon, unreported, Case No. 68338,1997 WL 113756 (Cuyahoga C.A., March 13,1997). The Court of Appeals reversed a death sentence due to the trial court's refusal to allow testimony of a cultural mitigation expert at the penalty phase regarding the capital defendant's familial background, personal history and cultural experiences. As the Court stated:
- "In the case sub judice, a review of the proffered testimony of cultural mitigation expert Charles See demonstrates that Mr. See would have informed the jury about various factors present in the contemporary urban environment that contribute to and impact

upon the life style, life course and life direction of African-American children growing up in that particular setting. (Tr. 2741). Among the factors Mr. See would have emphasized were crime rate in the community, the drug culture, family background, extended family and institutions located in the community such as schools and churches. Mr. See stated that his proffered testimony was based upon twenty hours of interviews with defendant-appellant as well as defendant-appellant's family and friends. Mr. See has worked in this area for approximately thirty years, has been published on a number of occasions and has testified before the United States Senate Subcommittee on the Judiciary. (Tr. 2745). Viewing the proffered testimony of cultural mitigation expert Charles See and social worker Lisa Roth under the auspices of R.C. 2929.04(C), it is apparent that the excluded testimony was, in fact, relevant in the mitigation hearing regarding the imposition of a possible death sentence. Given the "great latitude" allowed a defendant in the presentation of evidence during the penalty phase of a capital proceeding, the trial court erred and abused its discretion by improperly limiting and excluding evidence relating to defendant-appellant's familial background, personal history and cultural experiences. See *Lockett v. Ohio* (1978), 438 U.S. 586; *Eddings v. Oklahoma* (1982), 455 U.S. 104. Had such information been provided to the jury, it is possible that the jury's decision regarding the ultimate sentence defendant-appellant was to receive could have been significantly affected. For the foregoing reasons, the trial court erred in excluding the relevant mitigation evidence proffered by defendant-appellant." *State v. Dixon*, Id.

76. This is not a novel concept. Walter Raglin's counsel could have and should have been aware of the law pertaining to this issue. See, e.g. *State v. Scott*, 63 Ohio App. 3d 304, 310-11 (1989).
77. Counsel's failure to present environmentally-based mitigation derived from a client's culture has been recognized as being an issue meritorious enough to warrant a post-conviction hearing. *State v. Scott*, 63 Ohio App. 3d 304, 310-11 (1989). Further, environmentally-based cultural mitigation has been recognized as mitigating evidence..
- Ineffective assistance of counsel has been found for failure to argue cultural mitigation.

Kwan Fai Mok v. Blodgett (W.D. Wash. 1991), 1791 W.L. 3746. Such mitigation has been successfully argued before a jury. People v. Patrick (Hooty) Croy, San Francisco Superior Court No. 131-832.

78. A review of the juror questionnaires of jurors Stenger, Veasart, Murrie, Krabbe, Schwartz, Moe, Roschke, Steel, Marks, Maggard and Robinson allows the very real inference that none of these jurors were raised in a cultural milieu akin to that of Walter Raglin. It was therefore imperative that an expert in cultural mitigation provide insights to these jurors as to how and why Walter Raglin operated as he did in the environment of his childhood and adolescence. (Exhibit A)

79. Counsel also ineffectively and prejudicially failed to utilize the psychological expert assisting counsel at the penalty phase of Walter Raglin's trial. Dr. Kathleen Burch conducted extensive interviews with Mr. Raglin and family members, engaged in a full battery of psychological (Tr. 1652-1653) and neuro-psychological testing (Tr. 1700) as well as record review pertaining to Walter Raglin's background. She concluded that Mr. Raglin's suffered from a mental disease and defect that impaired his capacity to conform his conduct to the requirements of the law (Tr. 1694; Tr.1701)

80. However, defense counsel failed to pursue questions and elicit responses from Dr. Burch that tied Walter Raglin's mental disease and defect to his conduct on the night of Mr. Bany's murder. See, e.g. Tr. 1704. The jury was therefore left with no guidance as to how Walter Raglin's psychological mitigating evidence was to be weighed against the aggravating circumstances charged and proven from the murder of Michael Bany.

81. Defense counsel was also prejudicially ineffective for failing to obtain the statement of Andra Buffington which the prosecutor used to impeach Dr. Burch's conclusion that

Walter Raglin was remorseful over the shooting and death of Mr. Bany. Tr. 1714-1715.

The statement depicts Walter Raglin as boastful and joking regarding the shooting of Mr. Bany. Tr. 1714-1715. The prosecutor had given Ms. Buffington's name to counsel in discovery but counsel simply failed investigate what she had to say and whether she was accurate. Tr. 1714-1715t. Walter Raglin was prejudiced by his counsel's omission.

82. Defense counsel failed to object when the prosecution characterized psychologist Dr. Kate Burch as a sort of hired gun during closing argument at the penalty phase. Tr.1844. See, State v. Keenan, 66 Ohio St. 3d 402,t406 (1993). The effect of this was exacerbated when the trial court instructed the jury that it was to consider the arguments of counsel in the jury's penalty phase deliberations. Tr. 1916

83. Further, Walter Raglin was not sufficiently prepared to make an unsworn statement to the jury in the sentencing phase of his trial. The fact that defense counsel remarked that Walter should "make it short, sweet, and simple", significantly reduced the length and content of Mr. Raglin's statement, which would have otherwise included Mr. Raglin's desire to make amends to the family of the victim, which he could not do if he were given the death penalty. Mr. Raglin, in a effort to follow counsel's direction, was not able to make a meaningful statement to the jury which would also have included Mr. Raglin's desire to remain an important influence in the lives of his children, in order to guide them as they mature. Without a more substantive statement, the jury was only able to hear that Mr. Raglin did not want the death penalty, (T.p.1643-1646), the jury did not know of Mr. Raglin's desire to remain alive in order to make amends to the victim's family. Further, Mr. Raglin was not able to express his true emotional

reaction to this crime before the jury, because he was acting expediently under the instruction of his counsel. (Exhibit C).

84. In the appropriate case, counsel should explore the issue of whether his client's confession was obtained in violation of the Miranda doctrine. Miranda and other decisions from the United States Supreme Court have firmly established that a custodial interrogation must cease when the interviewee requests an attorney. In light of this caselaw, it would be considered a minimum standard of practice, in view of prevailing professional norms, for counsel to raise this issue in an appropriate case.

85. In Mr. Raglin's case, the duty to explore the Miranda issue was heightened, as his taped confession was the major item of evidence against him at trial. There were no eyewitnesses to the murder, other than co-defendant Darnell Lowery, who could have identified the robbers. Counsel fell below a minimum standard of practice by failing to raise this issue at a suppression hearing.

86. In the appropriate case, counsel should explore the issue of whether his client was stopped and/or arrested in violation of the constitutional guarantee against unreasonable search and seizure. In light of caselaw such as White v. Alabama, 496 U.S. 325 (1990), and Illinois v. Gates, 462 U.S. 213(1983), it would be considered a minimum standard of practice, in view of prevailing professional norms, for counsel to raise this issue in an appropriate case.

87. In Mr. Raglin's case, the duty to explore the issue of an illegal seizure of Mr. Raglin was heightened, as his confession was the sole source of evidence against him at trial. There were no eyewitnesses to the murder, other than co-defendant Darnell Lowery, who could have identified the robbers. Counsel fell below a minimum standard of practice by failing to raise this issue at a suppression hearing.

88. Defense counsel failed to introduce expert witness testimony regarding street culture and its affect on Walter's decision-making processes, specifically his request for and what he viewed as his denial of an attorney, as a person of the streets. Counsel fell below a minimum standard of practice in so omitting such testimony, because the jury was composed of a majority of white, middle class or professional individuals, who do not share the mores of those who live on the street. Counsel did not introduce testimony which would have allowed the jury to understand the type of lifestyle and thought processes of Mr. Raglin, and how those are so divergent from the white middle-class norm.

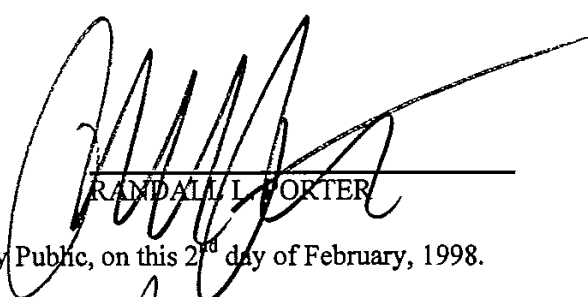
89. Defense counsel failed to adequately pursue a change of venue motion. Counsel did not attempt to show the extent of media exposure regarding the murder of Michael Bany, a well-known local musician on the potential venire. Counsel also fell below a minimum standard of practice when failing, after voir dire, to pursue further questioning concerning some jurors' pre-trial knowledge of the victim, musician Michael Bany.

90. Counsel fell below a minimum standard of practice for not adequately pursuing a motion for new trial when the trial court denied a change of venue to the defendant. During voir dire, jurors admitted knowledge of the crime through media sources. The jurors who had such exposure claimed that this exposure had no effect on their judgment. Under Morgan v. Illinois, 504 U.S. 719 (1992), the court cannot rely on the self-report of lack of bias on the part of the tainted juror.

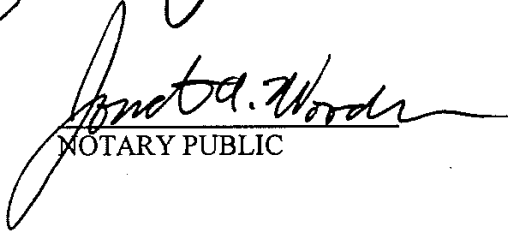
91. Based on Mr. Raglin's indictment as well as the facts of the offense, counsel fell below a minimum standard of practice for failure to request a lesser charge to be included under Beck v. Alabama, 447 U.S. 625 (1980) prior to resting their case.

92. In sum, the errors and omissions set out above reveal that Walter Raglin received the ineffective assistance of counsel in all phases of his capital trial. As a result he was prejudiced. Strickland v. Washington, 466 U.S. 668 (1984).

Further Affiant sayeth naught.


RANDALL L. PORTER

Sworn to and subscribed before me, a Notary Public, on this 2nd day of February, 1998.


NOTARY PUBLIC



JONATHAN A. WOODMAN, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

001600

Exhibit 2

ADVOCATING FIGHTING HELPING

2017 Annual Report





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ABOUT US

The Office of the Ohio Public Defender (OPD) was created in 1976 by Chapter 120 of the Ohio Revised Code. OPD is the state agency responsible for providing legal representation and other services to indigent people accused or convicted of a crime and who, otherwise, cannot afford to hire an attorney. The office, which is overseen by the Ohio Public Defender Commission, is divided into Administrative, Appellate Services, Policy & Outreach, and Trial Services divisions.

OPD provides representation on appeals and post-conviction actions in death penalty,

criminal, and juvenile delinquency cases; at trial when requested by local courts and in counties that contract with OPD for trial services; and at parole revocation hearings for more than 50,000 people in Ohio's prisons. The agency provides technical assistance, research services, educational programs, and investigation and mitigation services to local public defenders and court-appointed counsel throughout Ohio. OPD also reimburses counties for a portion of the cost of running local indigent defense systems, and enforces standards established by the OPD Commission.



OUR MISSION

Advocating. Fighting. Helping.

OUR VISION

A Fair Justice System.

OUR VALUES

Compassion

We will be mindful of the conditions and experiences that shape those who come to us for help and each other.

Dignity

We will treat all with respect.

Equity

Our work and our office will be free from bias or favoritism towards others and each other.

Integrity

We will act with sound moral character and a dedication to professional and ethical principles for our clients and each other.

Service

We will dedicate ourselves to protecting the rights of indigent individuals, and in doing so will protect the rights afforded to all citizens by the Constitution.

Community

We will foster a collaborative and supportive environment and empower each other in our work protecting the rights of our clients.

MESSAGE FROM THE CHAIR

“The opposite of poverty is not wealth. The opposite of poverty is justice.”

Bryan Stevenson



The Office of the Ohio Public Defender’s mission is “fighting, advocating, helping.” The vision is to achieve a fair justice system. The values the agency aspires to are compassion, dignity, equity, integrity, service, and community. This combination of mission, vision, and values drives the agency and its staff as they seek to change the lives of their clients, and improve Ohio’s criminal and juvenile justice systems.

Public defense provides significant value. A citizen’s most fundamental rights are at stake in criminal courtrooms. Public defenders provide balance against the government when it asserts its authority and seeks to take an individual’s freedom. Public defenders fight for the Bill of Rights every day. Their fight is not just for the indigent, but for all citizens.

For the public to have confidence and trust in the validity of our adversarial justice system, it is fundamental that the system be fair. Fairness is measured in funding, staffing, access, policy, laws, and outcome. The balance of all of these factors between the two sides is essential for our criminal justice system to be fair. If one side in an adversarial process is grossly underfunded and understaffed, the public cannot have confidence and trust in the system. The imbalance creates predetermined results. For decades, the government has increased funding for policing and prosecutions. And the number of criminal cases filed, and the corresponding number of convictions, has skyrocketed. In contrast, funding for public defense has lagged far behind, resulting in mass

incarceration. Today, the Office of the Ohio Public Defender operates in a system out of balance.

Despite the imbalance, the agency still sets the standard for quality representation in Ohio, providing training to hundreds of lawyers in juvenile law, forensics, trial skills, and death penalty practice. Additionally, the agency has developed OPD Online, a cutting-edge case management and document management system. OPD Online will soon be available to all county public defender offices across Ohio and in the near future it will be available to all appointed counsel in any courtroom, anywhere in the state.

These accomplishments and the exceptional level of quality representation happen despite large disparities in funding. Public defense in Ohio is estimated to be underfunded by over \$35 million dollars annually. Yet, in 2015, the agency’s budget lost one million dollars in funding that has yet to be restored. The agency remains dramatically underfunded and understaffed, given the number of clientele and the needs of the indigent defense system. At risk is the most fundamental principle of our justice system—fairness.

To restore balance to Ohio’s criminal justice system, to ensure confidence and trust that the system is fair for all citizens, and to protect our freedoms, Ohio must fully fund the delivery of constitutionally mandated indigent defense services, and must do so now.

MEMBERS OF THE COMMISSION

The Ohio Public Defender Commission is a nine-member board appointed by the Ohio governor and the Supreme Court of Ohio for the purpose of overseeing the Office of the Ohio Public Defender. Commission members are generally practicing attorneys with experience in providing representation in criminal matters to indigent persons. The Commission meets at least quarterly, and may meet at other times pursuant to the call of the chair or state public defender.

WILLIAM R. CREEDON

Chair
Attorney, Scott Scriven, LLP
Governor appointment
6/9/2016–1/12/2020

MARY A. AUGSBURGER

Executive Director
Ohio State Bar Association
Supreme Court appointment
6/24/2016–1/12/2020

M. GABRIELLA CELESTE

Policy Director & Adjunct Assistant Professor
Schubert Center for Child Studies
Case Western Reserve University
Governor appointment
1/15/2015–1/12/2019

JOHN P. CURP

Attorney
Blank Rome LLP
Governor appointment
2/2/2017–1/12/2021

DAVID DOUGHTEN

Attorney
David Doughten Attorney at Law
Supreme Court appointment
1/13/2013–1/12/2021

CARMEN ROBERTO

Attorney
Niekamp, Weisensell,
Mutersbaugh & Mastrantonio, LLP
Supreme Court appointment
1/13/2015–1/12/2019

ROGER M. SYNENBERG

Attorney
Synenberg, Coletta & Moran, LLC
Governor appointment
3/9/2016–1/12/2018

R. ROBERT UMHOLTZ

Attorney
Geauga County Public Defender Office
Supreme Court appointment
1/13/2014–1/12/2018

JENNIFER VERMILLION

Jennifer Vermillion
Crawford County Commissioner
Governor appointment
1/30/2014–01/12/2018
(resigned 10/27/2016)

MESSAGE FROM THE DIRECTOR

“Many states can no longer afford to support public education, public benefits, public services without doing something about the exorbitant costs that mass incarceration have created.”

Bryan Stevenson



Fighting. Advocating. Helping. This is our mission. The Office of the Ohio Public Defender (OPD) staff work tirelessly to change client lives by ensuring their rights are protected, and their voices heard. Through training, innovative systems, and exemplary litigation, OPD staff raises the bar and helps change lives.

The OPD has achieved a national reputation for its innovation and advocacy, setting the standard both in the courtroom and in the community. It seeks to raise the defense bar statewide by providing thousands of hours of training to Ohio lawyers. In FY 2017, we conducted multiple forensic trainings, hosted a two-day juvenile summit, sponsored a five-day skill-based trial school, and held an annual county public defender summit. OPD attorneys spoke at numerous conferences and CLE trainings throughout the state and country on topics from costs and fines collection, to the death penalty.

Calendar year 2016 ended with countless victorious appellate decisions and a plethora of groundbreaking Supreme Court of Ohio decisions in which OPD was involved. In *State v. Noling*, the Court unanimously agreed that a statute limiting DNA testing in death penalty cases was unconstitutional. In *State v. Moore*, the Court held that “a term-of-years prison sentence that exceeds a [juvenile] defendant’s life expectancy violates the Eighth Amendment when it is imposed on a juvenile non-homicide offender.” In *State v. Aalim*, the Court held that the mandatory bindover of juveniles violates the Ohio Constitution. Finally, the Court

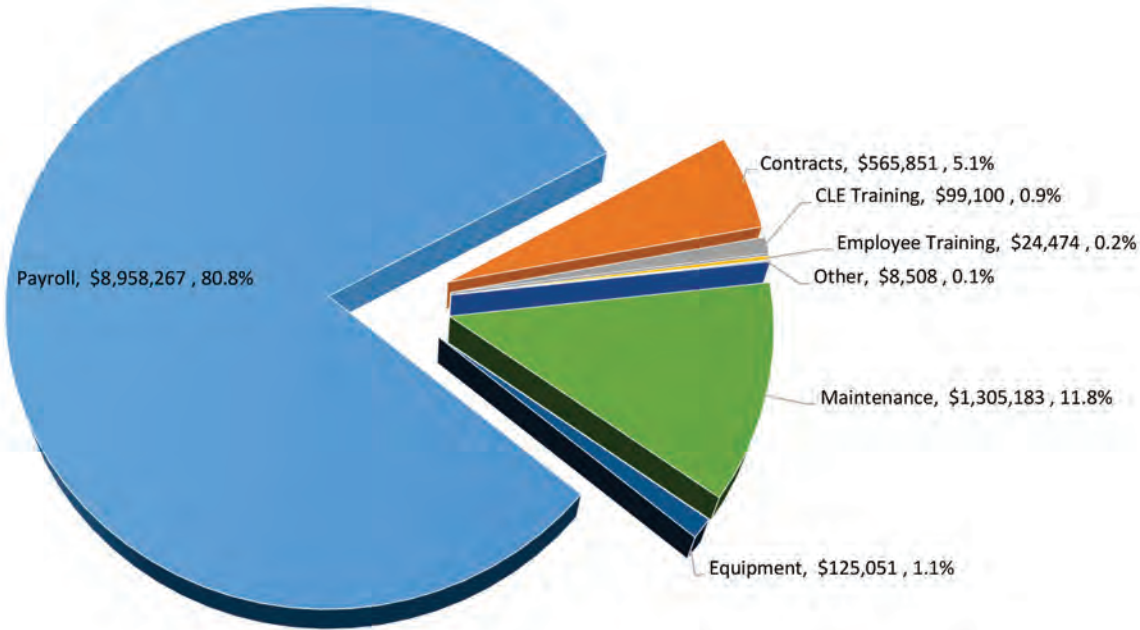
issued a decision that opened public records requests for post-conviction litigation in *State ex. rel v. Castor*. As a result, police files now become public records upon completion of trial. Regrettably, two of the decisions, *Aalim* and *Gonzales*, were reversed when two of the justices retired.

The OPD rolled out OPD Online, its innovative practice management software system. OPD Online provides one platform for Ohio public defense professionals to enter information about their cases. This service is free to county public defender offices and court appointed counsel. The system was implemented in all OPD offices. Ultimately, OPD will collect a detailed set of data about public defense in Ohio, enabling us to make more effective arguments about the need for reform, and helping us to better identify the degree and location of issues in Ohio.

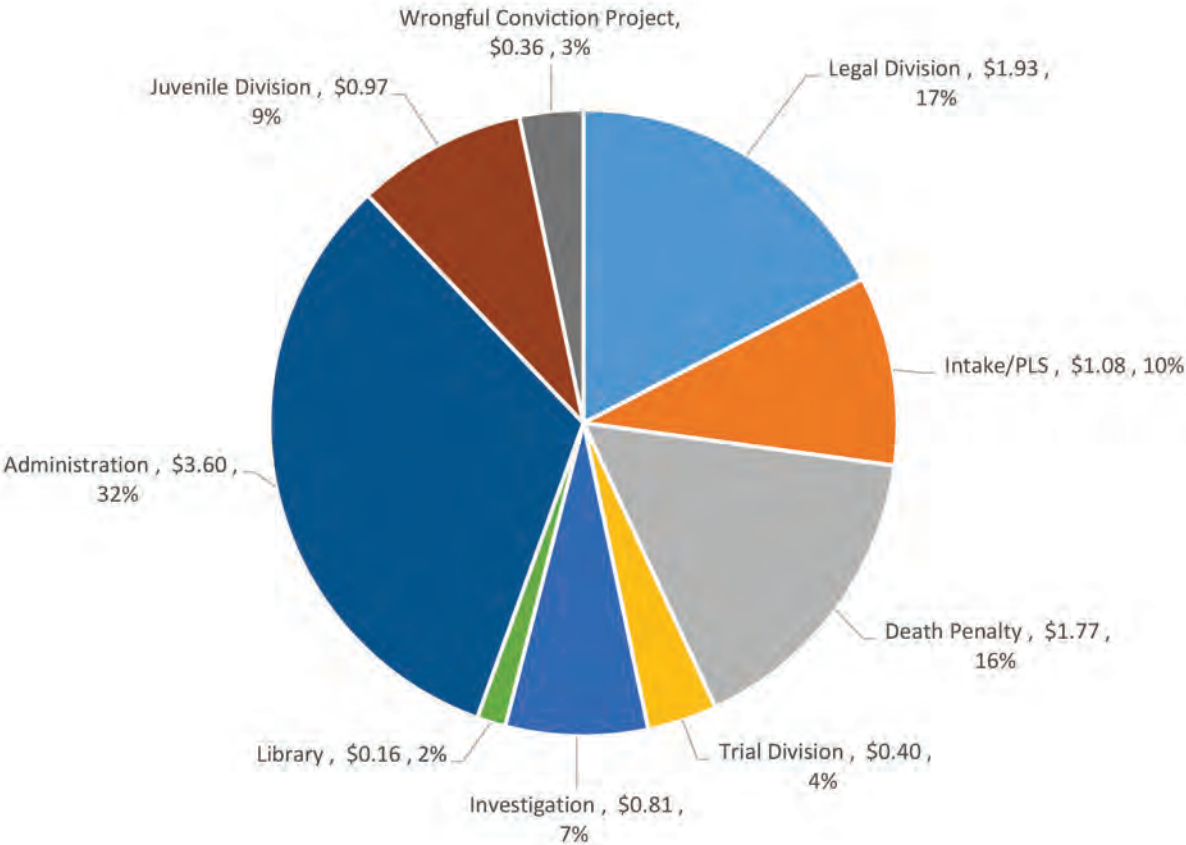
Despite OPD’s advancements and indigent defense victories, Ohio’s indigent defense funding is \$40 million below what is needed annually. Money alone will not solve our problems but the structure of our criminal justice system can only be fixed if it is properly funded.

Ohioans believe in fairness at a very fundamental level. The vision of the Office of the Ohio Public Defender is “A Fair Justice System.” Until we can tell Ohioans that our justice system is fair, the OPD will continue to shine a light on the pervasive inequity in our state, and fight for those who need our assistance, protection, and representation.

Ohio Public Defender
Operating Budget by Expense Category
FY 2017



Ohio Public Defender
Expenditures FY 2017 by Department
(Dollars in Millions)



MANAGEMENT TEAM

EXECUTIVE STAFF

TIMOTHY YOUNG
Ohio Public Defender

ELIZABETH R. MILLER
Assistant Director

JOHN D. ALGE/SHARON M. FLYNT
Deputy Director - Administrative Division

JILL BEELER
Deputy Director - Appellate Services Division

AMY M. BORROR/LAURA AUSTEN
Deputy Director - Policy & Outreach Division

TERRI L. WILSON
Program Administrator

ADMINISTRATIVE DIVISION

JOHN D. ALGE/ANDY PLAGENZ
Chief Financial Officer

LISA OSTROLENK CAUDILL
Legal Resource Center Manager

SHARON M. FLYNT
Human Resources Administrator/EEO Officer

KENNETH MCNEIL
Manager - Information Systems

BRENDA L. SWINGLE
Program Administrator - Contracts

DENNIS TAYLOR
Office Services Manager

APPELLATE SERVICES DIVISION

RICH CLINE
Chief Counsel, Death Penalty Department

KIMBERLY S. RIGBY
Supervising Attorney - Death Penalty Department

KATHRYN L. SANDFORD
Supervising Attorney - Death Penalty Department

RACHEL TROUTMAN
Supervising Attorney - Death Penalty Department

TERI SLACK
Program Administrator - Death Penalty Department

CRAIG M. JAQUITH
Chief Counsel - Legal Services Department

JAMES R. FOLEY
Supervising Attorney - Legal Services Department

KRISTOPHER A. HAINES
Supervising Attorney - Legal Services Department

JEREMY J. MASTERS
Supervising Attorney - Legal Services Department

ROBIN MESSMER-TAYLOR
Program Administrator - Legal Services Department

KATHERINE A. SZUDY
Supervising Attorney - Legal Services Department

BROOKE BURNS
Chief Counsel - Juvenile Department

LAURA AUSTEN
Supervising Attorney - Juvenile Department

DORIAN L. HALL
Chief Criminal Investigator & Mitigation Specialist

JOE BODENHAMER
Director - Wrongful Conviction Project

POLICY & OUTREACH DIVISION

M. KATHRYN SMITH
Reimbursement Administrator/Contracts Counsel

TRIAL SERVICES DIVISION

GREGORY W. MEYERS
Chief Counsel - Trial Services Department

HERMAN CARSON
Director - Multi-County Program Office

DOUGLAS FRANCIS
Supervising Attorney - Athens County Office

JOHN CORNELLY
Director - Ross County Office

RAYMOND SMITH
Director - Washington County Office

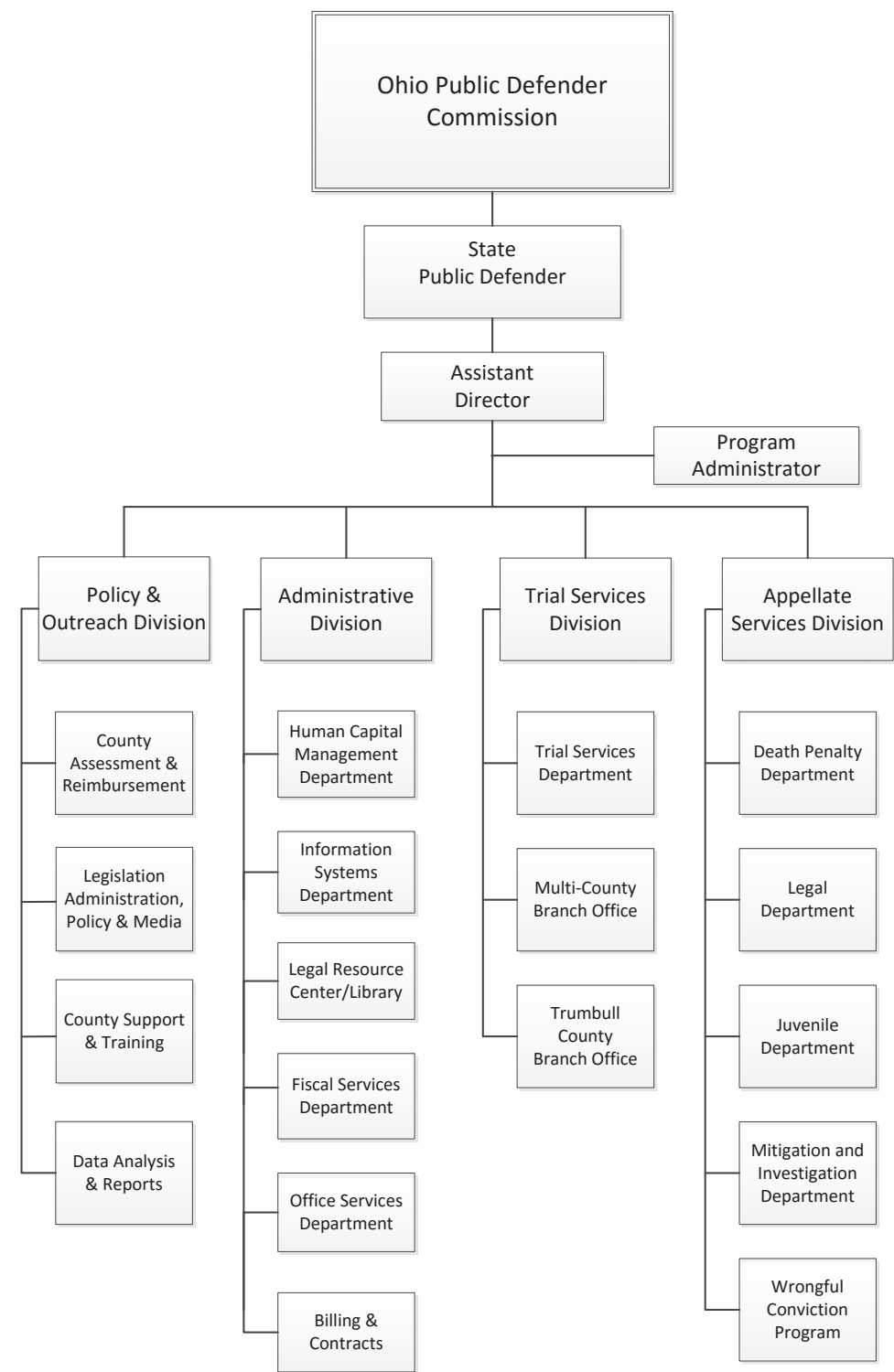
MATTHEW PENTZ
Director - Trumbull County Office

TARA SAYRE/CASEY GARAND
Program Administrator - Athens County Office

“ Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong. ”

Theodore Roosevelt

TABLE OF ORGANIZATION



ADMINISTRATIVE DIVISION

WHAT WE DO

The Administrative Division provides necessary business support services to the agency. This division is composed of six departments: Fiscal, Office Services, Human Capital Management, Information Systems, Billing & Contracts, and Legal Resource Center/Library.

The Administrative Division’s activities typically include accounting, budgeting, and contract services, IT systems and data management, selection and recruitment, benefits and payroll administration, financial accounting, budgeting, and procurement services.

Ohio Revised Code §120.04(B) (13) requires the State Public Defender to “provide technical aid and assistance to county public defender offices, joint county public defender offices, and other local counsel providing legal representation to indigent persons... .” In addition to the various administrative programs, the Legal Resource Center/Library maintains an expert witness list.

Attorneys in need of experts call the librarian, who provides them with the necessary information. The library also supplies case law to law librarians in state correctional institutions.

SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

Onboarding Working Group

Working group charged with creating a plan for orienting new employees, initiated February 2017

Reclassifications

OPD Office Assistants and Clerks reclassification, spring/summer 2017

Temporary service system

Transitioned to an automated temporary service system (Fieldglass), spring 2017



MANAGEMENT INFORMATION SYSTEMS DEPARTMENT

WHAT WE DO

The mission of the Management Information Systems department is to provide the highest quality technology-based services, in the most cost-effective manner, to facilitate the Office of the Ohio Public Defender’s vision for a fair justice system and mission of advocating, fighting and helping the indigent people of Ohio who are in need of legal services.



SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

OPD Online deployment

OPD Online deployments to Athens, Cuyahoga (Felony), Trumbull, and Washington counties

OPD Online Columbus Go Live

OPD Online Columbus Go Live deployment with subsequent PC Docs and Time Matters decommission and migration

OPD Online 3.0 and network upgrade

OPD Online version 3.0 and network upgrade, which improved the user interface, business processes, and overall performance

Consolidation

Full consolidation to DAS OIT (servers, network, domain, antivirus, encryption, Windows 10, firewall)

Refresh

Full equipment refresh (devices, monitors, peripherals)

Helpdesk processes

Instituted more efficient helpdesk processes to serve employees more efficiently and effectively

ESPECIALLY SIGNIFICANT

OPD Online Columbus Go Live deployment was a substantial project that required the involvement of the entire MIS team, as well as the cooperation of the entire agency.

APPELLATE DIVISION

DEATH PENALTY DEPARTMENT

WHAT WE DO

The Death Penalty Department represents inmates sentenced to death on direct appeal, in state post-conviction, in federal habeas, and in clemency proceedings. We also represent inmates sentenced to death in related litigation, such as the \$1983 lawsuit challenging the constitutionality of Ohio’s lethal injection protocol.

As subject-matter experts, death penalty attorneys teach at both the Ohio State Bar Association and Ohio Association for Criminal Defense Lawyer annual seminars to qualify counsel as eligible for appointment in capital cases. Death penalty attorneys regularly teach trial practice and appellate practice courses throughout the state on diverse topics such as Understanding DNA Evidence, Working with Experts, and Search and Seizure.

Death penalty staff are active in OPD working groups, including the Forensic Working Group, Kids in Adult Prisons, Wellness, Pay Equity, Workforce Diversity, Racial Justice Initiative, and Compassion Fatigue.

SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

Death penalty challenge

In FY 2017, the Death Penalty Department mounted an extensive challenge to Ohio’s death penalty statute based on the United States Supreme Court’s Jan. 12, 2016 decision in *Hurst v. Florida*. We filed *Hurst*-based pleadings (motions for new trial, successor post-conviction petitions)

in 32 cases. Those cases are now pending in common pleas courts, courts of appeal, and the Supreme Court of Ohio.

Compassion fatigue efforts

Compassion fatigue is a serious concern for public defenders, especially those who defend capital cases. In FY 2017 the Death Penalty Department, working with the Mitigation and Investigation Department, as well as OPD administration, initiated ground-breaking efforts to address compassion fatigue among OPD staff.

Staff changes

FY 2017 was a transition year for employees in the Death Penalty Department. We filled six vacancies, with new hires ranging from experienced attorneys who have practiced more than 20 years, to attorneys with one year of practice experience.

ESPECIALLY SIGNIFICANT

Injunction to prevent executions in Ohio

The Death Penalty Department, along with our colleagues in the CHU, won a federal district court preliminary injunction to prevent executions in Ohio. This was later overturned by an *en banc* decision at the Sixth Circuit, but halted executions for several months.

Important cases

Death penalty attorneys worked with the Trial Division to raise a *Hurst*-based challenge in a death-eligible trial case. After considering the *Hurst*-based challenge, the trial evidence, and the costs associated with a capital case, the



prosecutor agreed to allow our client to plead guilty to the stipulated lesser included offense of murder. Instead of facing a death sentence, our client is serving an 18 years-to-life sentence.

In another case, death penalty attorneys worked with local counsel to negotiate an agreed life sentence on remand after a client’s 1983 death sentence was vacated.

The First District reversed the dismissal of the post-conviction petition in one of our cases. The trial court accepted *ex parte* communications from the prosecutor and thus denied due process of law. The matter was remanded to the trial court to revisit the post-conviction petition.

The Death Penalty Department presented an evidentiary hearing in support of a post-

conviction petition during FY 2017. Initially, the trial court excluded half of the witnesses, but allowed us to brief the legal basis for the testimony. After reading our brief, the State withdrew its objection, the trial court reconvened the hearing, and we presented the witnesses.

The General Assembly amended the post-conviction statute to expand a petitioner’s right to amend after filing, authorizing the trial court to grant discovery in post-conviction cases for good cause shown, and requiring the trial court to state specific reasons for denial of each claim asserted in a post-conviction petition.

Statewide rate increase

The Capital Case Attorney Fee Council set the statewide rate for capital appointed work at \$125/hr.

JUVENILE DEPARTMENT

WHAT WE DO

The Juvenile Department is a team of professionals dedicated to providing excellent legal service and representation to children in Ohio’s juvenile and criminal justice systems. The department is comprised of eight attorneys, a program administrator, an administrative assistant, and a law clerk. The department provides direct representation to youth in trial level proceedings, post-disposition actions (appeals, post-conviction, collateral actions), administrative and conditions of confinement advocacy, post-release/reentry proceedings, including sex offender classification representation and sealing and expunging, and in federal court actions.

In addition to direct representation, the department members provide support to local defenders throughout the state, supplying sample motions, pleadings, and offering amicus support in the

Supreme Court of Ohio. Annually, the department coordinates and provides a delinquency-focused training to members of Ohio’s juvenile defense bar, training more than 200 attorneys in the 2017 fiscal year; and members of the department also serve as faculty at various seminars throughout the state and at national juvenile-defense trainings.

Members of the department also participate in policy and reform work on various state, regional, and national commissions and boards, including the Juvenile Detention Alternatives Initiative, the Criminal Sentencing Commission, the Governor’s Council on Juvenile Justice, the Ohio Fees Working Group, the JLC National Working Group on Juvenile Records, the Ohio State Bar Association’s Juvenile Law Committee, and the Shared Hope International JUST Response Council.



“ It would be absurd to limit confinement credit due to a juvenile under R.C. 2152.18(B) merely because the form of the charging instrument against him or her changes even though the allegations set forth therein remain the same. ”

In re D.S., Supreme Court of Ohio

SPECIAL PROJECTS/INITIATIVES
IN FISCAL YEAR 2017

In FY 2017, our department started its annual “Summer Series,” which is a series of internal trainings, open to any agency employee interested in learning more about a juvenile delinquency topic (e.g., serious youthful offender dispositions; transfer; court costs and fines; human trafficking; education issues for incarcerated youth, etc.). In our first year, we were joined by OPD staff members from other departments and branches. This was also the inaugural year for our department to become the primary host for the Ohio Juvenile Defender Leadership Summit, a training that we have partnered with other child advocate organizations since 2004.

ESPECIALLY SIGNIFICANT

One of our clients, a juvenile charged with aggravated murder and tampering with evidence, was facing a potential sentence of juvenile life without parole in adult prison. One of our attorneys co-counseled the case with a local defender office, and for more than a year, worked to ensure that he had the best possible chance of having his case viewed through the lens of his youth in Ohio’s justice system. This included multiple proceedings in juvenile and criminal court, enlisting the assistance of experts, and counseling the client for months concerning potential plea offers. After superb counseling, care, and advocacy—and in the eleventh hour, our client agreed with counsel’s advice to accept a plea which got him a life sentence rather than a sentence without the possibility of parole.



LEGAL DEPARTMENT

WHAT WE DO

The Legal Department’s client base is composed of adult men and women who have been convicted of a non-capital crime. Our department is comprised of three sections: Prison Legal Services, Intake, and Appeals and Post-Conviction.

The Prison Legal Services team works in the reception area of prisons and has the first contact with potential clients. They interview everyone who has gone to trial for post-conviction screening, hold orientations to make sure everyone understands his or her rights, and they represent clients in front of the parole authority.

Information collected by the Prison Legal Services team is given to the Intake staff, who also receive mail, faxes, emails, phone calls and other correspondence from potential clients and their families. They respond to inquiries and build files to determine if a case is viable, what records are needed, and create a potential plan to move forward.

Open cases end up in the Appeals and Post-Conviction section, where team members work on direct appeals, jail-time credit, postrelease control, and post-conviction petitions.

The Legal Department serves a wide variety of clients throughout the state in cases ranging from serious felony offenses and

sexual classifications, to motions to shorten a prison stay.

SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

We designed the Judicial Sanction Postrelease Control Project to sort through potential clients in DRC custody serving time on void sentences.

ESPECIALLY SIGNIFICANT

State v. Hand

In cooperation with the OPD Juvenile Department, Supreme Court of Ohio case regarding the use of prior juvenile adjudications to enhance the degree of adult charges

State v. Grimes

Supreme Court of Ohio case that ultimately defined the necessary steps to properly impose sentence, including postrelease control



MITIGATION AND INVESTIGATION DEPARTMENT

WHAT WE DO

The Mitigation and Investigation Department, currently consisting of eight investigators and one supervisor, is responsible for providing investigative services to the agency, and frequently to outside counsel. The investigators are capable of providing both criminal investigation and mitigation investigations. Criminal investigation involves researching the facts surrounding a crime, while mitigation investigation focuses on telling the life story of the client. These services are also offered to OPD county offices.

The range of services provided by the Mitigation and Investigation Department is rather varied. Both mitigators and criminal investigators are involved in record collection, locating and interviewing witnesses, locating and interviewing expert witnesses, review of gathered material, notary services, subpoena service, assisting in developing mitigation themes for trial, federal habeas and post-conviction cases, juror interviews and assisting in re-entry programs and placement for clients. The goal

in most investigations is to attempt to mitigate the punishment for the client. The criminal investigation looks at the facts of the crime in an effort to refute the state’s theory. The mitigation investigation centers on the defense team’s efforts to lessen the severity of a client’s sentence. In death-eligible cases, saving the life of the client is our focus.

SPECIAL PROJECTS/INITIATIVES
IN FISCAL YEAR 2017

**New OPD-specific mitigation
and criminal investigator classification**

The majority of the investigation/mitigation specialists at OPD have been in their positions for 20-plus years, and have not received an increase in compensation to reflect their expertise. OPD leaders worked with Mitigation and Investigation Department members to create a new classification that would better reflect those investigation/mitigation specialists’



“ There is a strength, a power even, in understanding brokenness, because embracing our brokenness creates a need for mercy, and perhaps a corresponding need to show mercy. When you experience mercy, you learn things that are hard to learn otherwise. You see things you can’t otherwise see; you hear things you can’t otherwise hear. You begin to recognize the humanity that resides in each of us. ”

Bryan Stevenson

experience and knowledge, as well as provide appropriate compensation.

Staff changes

Staff changes in FY17, left our department with two mitigator/investigator positions to fill. Two new additions joined the agency in spring 2017.

Justice for Incarcerated Battered Women

Members of the Mitigation and Investigation Department were involved in the Justice for Incarcerated Battered Women project, alongside several agency attorneys. Members of this department were assigned to assist the defense attorneys in investigating whether the client was a battered woman, locating evidence, conducting interviews, meeting with the women, and assisting with developing information to present to the parole board as part of a clemency application. Work on this initiative continues into FY 2018.

ESPECIALLY SIGNIFICANT

From the administrative perspective, our biggest win was gaining the new classification that allows for appropriate compensation and accurately reflects the experience of our mitigation specialists/fact investigators.

From a client perspective, our biggest wins were saving the lives of two clients facing potential death sentences. Our mitigation specialists/ investigators worked with both OPD attorneys and outside co-counsel to persuade these clients to accept plea bargains for life without parole, therefore, avoiding possible death sentences. Both OPD attorneys and outside co-counsel expressed their sincere appreciation for the dedication and hard work of our mitigation specialists/investigators in these cases. In fact, one of our team members did such an excellent job that the prosecutor acknowledged her during the plea hearing.

WRONGFUL CONVICTION PROJECT

WHAT WE DO

The Wrongful Conviction Project (WCP) investigates and litigates cases in which there is significant evidence that the person is actually innocent. Each year, the WCP screens hundreds of cases for actual innocence, conducts in-depth investigation in dozens of cases, and litigates innocence cases in state and federal court. The WCP's cases are varied, often involving perjury/false evidence, eyewitness identification, flawed forensic science, and official misconduct.

The WCP often collaborates with other OPD divisions. The WCP consults with the Policy Outreach Division on legislation and rule changes that could both prevent wrongful convictions and change how courts address specific post-conviction claims often seen in innocence cases. Further, because members of the WCP have developed expertise in a number of forensic disciplines, they often advise attorneys in OPD and throughout Ohio on how to address forensic issues in trial and postconviction.

The WCP is also OPD's connection to the larger innocence community by way of its membership in the Innocence Network and our director's elected position on the Innocence Network Executive Board.

SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

Lab examiner review

The WCP, the Ohio Innocence Project, and Bureau of Criminal Investigation entered into an agreement to review all cases involving a former BCI lab examiner. The review is ongoing.

Conference presentations

The WCP conducted in-depth research on race and misdemeanor wrongful convictions and presented on the topic at national conferences, including at the 2017 Innocence Network Conference in San Diego.

Media presence

The WCP worked diligently with the media to highlight the cases of two of its clients.

Delay in courts study

The WCP continued to work with other parties studying delay in courts considering post-conviction petitions and new trial motions in actual innocence cases. The work is ongoing.

ESPECIALLY SIGNIFICANT

The Wrongful Conviction Project's most significant win in FY 2017 involved a client we have represented since 2011. In 2016, the

Tenth District Court of Appeals ordered the trial court to hold a hearing on our client's post-conviction and permit him to file a motion for new trial. The WCP successfully defended against the prosecutor's subsequent appeal to the Supreme Court of Ohio, filed the client's new trial motion, and then prepared (along with another OPD attorney serving as co-counsel) for the evidentiary hearing. Just prior to the June 2017 hearing, the WCP negotiated a deal for the client (who was previously serving 23 years-to-life for aggravated murder), whereby he entered an *Alford* plea to involuntary manslaughter. Our client was released one month later, after being incarcerated for 10 years and seven months.



“ Thank you for all of your hard work and time spent! From the very beginning you were and to this day have been such a key part in my recovery. Also, thank you for being there for my mother. ”

OPD client

POLICY & OUTREACH DIVISION

WHAT WE DO

The Policy & Outreach Division was created in fiscal year 2015 to house the agency’s growing policy, public outreach, and oversight efforts. In addition to providing direct client representation, the agency is statutorily mandated to supervise the compliance of county indigent defense systems with the Commission’s standards and the agency’s guidelines, and to provide technical aid and assistance to local indigent defense service providers. The Division serves as the main point of contact for county indigent defense systems and oversees reimbursement to the counties. It is also responsible for the agency’s media and social media efforts, public records requests, and legislation.



the Department’s work. The OPD letterhead underwent a redesign, and portions of the OPD’s website were updated.

OPD’s MIS Department and the Policy & Outreach Division continued our joint project work with OPD Online, which included deployment to the OPD offices and preparation for development to the county public defender offices.

ESPECIALLY SIGNIFICANT

As fiscal year 2017 came to a close, the Policy & Outreach Division looked for ways to improve efficiencies in our reimbursement system, moving away from paper processing and toward electronic processing, with the use of OPD Online. We also began to explore the use of social media as a channel of communicating the good work of OPD’s dedicated team members.

SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

In fiscal year 2017, the OPD provided testimony on a number of legislative bills. The OPD advocated for legislation that provided expungement of records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity—and legislation that barred a death sentence for an individual that had a serious mental illness at the time of the offense.

The Policy and Outreach Division assisted OPD’s Wrongful Conviction Project with a social media campaign for Wrongful Conviction Day, and designed a brochure for the Mitigation and Investigation Department, highlighting

TRIAL SERVICES DIVISION

TRIAL SERVICES DEPARTMENT

WHAT WE DO

This division represents clients at the trial level in common pleas, municipal and juvenile courts. It consists of four branch offices (Athens, Ross, Trumbull, and Washington counties), contractors in Adams, Brown, Fayette, Jackson, Pickaway, and Pike counties, and the Trial Department in Columbus (which concentrates on death penalty trial work and represents clients in all Ohio counties, and the U.S. District Court for the Southern District of Ohio).

Trial Services lawyers regularly consult with outside counsel on trial matters, help keep the Death Penalty Motions Manual up-to-date, assist office colleagues with evidentiary hearings, in-state post-conviction and federal habeas corpus cases, and present at various death-penalty trial seminars.

SPECIAL PROJECTS/INITIATIVES IN FISCAL YEAR 2017

The division was formed in March of 2017, combining the Multi-County Office, Trumbull Branch, and the Trial Department.

ESPECIALLY SIGNIFICANT

The formation of the division was especially significant in fiscal year 2017.



“ In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same. ”

Albert Einstein

ATHENS COUNTY

WHAT WE DO

The Athens County office provides top-notch legal defense for any client who meets the financial qualifications of the Office of the Ohio Public Defender. We provide representation to juveniles charged with delinquency, adults charged with misdemeanors that carry potential jail time, and adults charged with felonies.

SPECIAL PROJECTS/INITIATIVES
IN FISCAL YEAR 2017

This year we participated in the Athens County Stand Down Program, which is geared toward helping veterans and other who may be homeless. We participated in the Ohio combined charitable campaign, raising \$1,410. As an office, we volunteered at the local food

pantry. We participated in an ALS walk for charity (raising \$2,500). One of our attorneys (formerly a social worker in our office before passing the bar exam) has been working with the State of Michigan to help them revamp their indigent defense system.

ESPECIALLY SIGNIFICANT

We had numerous successful cases, each one having been incredibly significant for the client that was impacted. The biggest victories were cases where there was no opinion or decision because, based on the hard work of our attorneys and staff, we were able to convince the prosecutor to dismiss the case without any risk of putting the decision into the hands of a judge or a jury.



ROSS COUNTY

WHAT WE DO

We handle trial level cases while providing client-centered representation in common pleas, municipal and juvenile courts. We represent indigent defendants accused of M-4 misdemeanors all the way to unclassified felonies. We also represent indigent juveniles in delinquency and unruly cases.

SPECIAL PROJECTS/INITIATIVES
IN FISCAL YEAR 2017

One special project we undertook was running an expungement clinic in which we were able

to guide people on how to apply for, and successfully achieve, getting their records sealed.

ESPECIALLY SIGNIFICANT

Three of our attorneys won multiple trials, and a fourth has had more victories in juvenile court than any of us thought possible.



TRUMBULL COUNTY

WHAT WE DO

OPD has maintained and operated a branch in Trumbull County since 1984. The office is located in Warren and provides indigent defense representation in Trumbull County courts. In addition to full-time attorneys and staff, the Trumbull office contracts with 17 local attorneys for additional representation.

Our attorneys provide representation at the common pleas level and in the juvenile division of the domestic relations division. At the municipal and county courts, representation is provided in Brookfield, Cortland, Girard, Newton Falls, Niles, and Warren. Attorneys also provide appellate and drug court representation.

The state and county jointly fund the operation of the Trumbull County office.

SPECIAL PROJECTS/INITIATIVES
IN FISCAL YEAR 2017

One of our attorneys was invited by the Trumbull County Bar Association to speak on DNA in criminal cases. As one who has studied DNA extensively, he is competent in reading and deciphering DNA results, and skilled at cross-examining DNA experts.



“ I got your name from someone at Girard Court as the attorney who handled my brother’s recent menacing case. Harold’s mental illness is severe to the point where he cannot function properly in society and needed to be remanded to a hospital instead of jail, and I appreciate all of your efforts to ensure that happened. ”

Client letter to contract attorney

WASHINGTON COUNTY

WHAT WE DO

Our office’s jurisdiction falls exclusively to Washington County, where we handle felonies except death penalty cases), misdemeanors, juvenile delinquency cases, and conduct all indigency interviews. There are four attorneys in our office and two independent contract attorneys. We handle a substantial majority of the criminal cases in Washington County, and juvenile cases that are referred to us from the court. We file for judicial release, driving rights, motions to return property, and any other motions during or after the initial case that may be in the best interest of our client.

ESPECIALLY SIGNIFICANT

One of our attorneys represented a mentally ill client deemed not restorable to competency. Law enforcement continued to charge him with crimes in the community. Our attorney filed a Suggestion of Incompetence, then she persuaded her client to attend his competency meeting. Almost instantly, the evaluator realized that the client was, in fact, not competent and, based on his records and prior one year commitment at a mental health facility. The Court wanted to try to restore the client anyway and ordered that he return to the mental health facility. Our attorney continued the hearing and called a physician about the lack of restorability. After the hearing, the Judge took the matter under advisement and within a week decided that the client was not restorable, and would not be returning to the mental health facility.

As a result of our attorney’s efforts, her client is currently out of incarceration.

Another one of our attorneys had a client who maintained his innocence in a case. The case involved a gentleman and his passenger in a vehicle in a store parking lot. The sheriff’s deputy approached the vehicle, knocked on the window and observed a gentleman, sketching, and a female passenger. The driver was asked



if he would consent to a search, but he did not consent. The deputy indicated that he believed the driver was acting nervous and his heart was palpitating, so he walked the drug dog around the vehicle, to which it hit on the passenger side. The defendant was removed and searched, and drug paraphernalia was located. A more thorough search of the vehicle found felony levels of drugs, and the defendant was charged with M4 Drug Paraphernalia with felony charges forthcoming.

Upon receiving the file, our attorney spoke to the client who advised that it was not him, but probably his brother, in the vehicle. Discovery revealed a video of the driver, with tattoos around his neck and on his hands. In fact, the individual was actually sketching tattoos when the officer approached his vehicle. The client did not come in for an office conference, although two were scheduled. He did appear at pretrial sentencing. Our attorney instantly observed

that there were no tattoos on his neck or hands; in fact, the client *was* innocent of the charges. Counsel asked the law director if the client could view the video. Upon viewing the video, the client advised that the individual in the video was, in fact, his brother. The law director’s secretary witnessed the fact that the client did not have tattoos on his neck and hands, while the individual in the video did. The State agreed to dismiss the case outright.

Another client had a long history of drug addiction, and was sent to prison July 2016 on several drug related charges, with credit for 270 days previously served. She was to serve an aggregate of four years in prison with no mandatory time. Our attorney filed for judicial release at the request of the client, and in August 2017, it was granted. Since her release, our client has been an advocate against drugs in the community, speaking at the High on Hope Movement in April 2018.

“ All the great things are simple, and can be expressed in a single word: freedom, justice, honor, duty, mercy, hope. ”

Winston Churchill



TABLE I
OHIO PUBLIC DEFENDER COMMISSION EXPENDITURES
FISCAL YEAR 2017
(Budgetary Basis)

FUND	ALI	ALI TITLE	FY 17 EXPENDITURES
GRF	019401	State Legal Defense Services	\$ 3,384,762.92
GRF	019403	Multi-County: State Share	1,851,734.33
GRF	019404	Trumbull County: State Share	517,411.49
GRF	019405	Training Account	34,215.00
GRF	019501	County Reimbursement	21,944,819.35
TOTAL GENERAL REVENUE FUND			\$27,732,943.09
1010	019607	Juvenile Legal Assistance	\$ 181,458.94
4060	019603	Training & Publications	26,655.00
4070	019604	County Representation	325,475.57
4080	019605	Client Payment Fund	855,758.81
5740	019606	Legal Services Corporation	16,178,342.92
4N90	019613	Gifts and Grants	8,815.14
4C70	019601	Multi-County: County Share	2,291,571.59
4X70	019610	Trumbull County Share	616,270.09
5CX0	019617	Civil Case Filing Fee	440,978.34
5DY0	019618	Indigent Defense Support: County Share	40,127,590.89
5DY0	019619	Indigent Defense Support: State Office	5,623,707.54
TOTAL NON-GRF/NON-FEDERAL FUNDS			\$66,676,624.83
3S80	019608	Federal Representation	\$ 165,801.55
3GJ0	019622	Byrne Memorial Grant	28,131.35
TOTAL FEDERAL FUNDS			\$ 193,932.90
TOTAL PUBLIC DEFENDER COMMISSION			\$94,603,500.82

NOTES TO TABLE I: OHIO PUBLIC DEFENDER COMMISSION EXPENDITURES

FY 17 Expenditures: Net expenditures of fiscal year 2017 budget appropriations using the budgetary basis of accounting. Under the budgetary basis, the agency matches or accrues all expenditures to the fiscal year for which they were appropriated. The figures include disbursements on open encumbrances of fiscal year 2017 appropriations made between July 1, 2017 and November 30, 2017.

The agency accounts for expenditures using the budgetary basis method for two reasons. First, it is common for the agency to have open encumbrances at year end that are ultimately not disbursed. Some encumbrances may lapse, meaning they go unspent. To include the full value of open encumbrances at year end would potentially overstate the amount of fiscal year 2017 appropriations actually expended. Second, and for a similar reason, the agency excludes disbursements of prior year encumbrances made in the current year. For example, the figures would exclude an equipment acquisition encumbered and received in fiscal year 2016, but not vouchered and disbursed until fiscal year 2017.

A full detailed report of the agency’s fiscal year 2017 financial statements including reconciliation to the modified accrual basis of accounting is available on the agency’s website at www.opd.ohio.gov.

019401: State Legal Defense Services: This line item is used for personal services, maintenance, and equipment for the Legal and Death Penalty Divisions.

019403: Multi-County: State Share: This line item is used to fund the state’s share of the Multi-County Branch Office.

019404: Trumbull County: State Share: This line item is used to fund the state’s share of the Trumbull County Branch Office.

019405 Training Account: This line item is to fund attorney training seminars under the *pro bono* qualification.

019501: County Reimbursement: This line item is used for state reimbursement to the counties for their indigent defense expenditures.

019607: Juvenile Legal Assistance: This line item is used to administer the Juvenile Legal Assistance Program. Under the program, the Office of the Ohio Public Defender (OPD) staff provides legal assistance to youths committed to the Department of Youth Services (DYS). Funding is provided by DHS through an interdepartmental agreement with OPD.

019603: Training & Publications: This line item is used to administer training programs sponsored or directly provided by OPD.

019604: County Representation: Revenues for this account come from funds paid to OPD by counties throughout the state where counties have requested the State Public Defender to provide counsel in local cases. Upon providing such representation, OPD bills the county for a portion of the costs.

019605: Client Payment Fund: This account receives revenues from the Indigent Application Fee per R.C. 120.36 and from Client Recoupment per R.C. 2941.51(D). Funds received are used for OPD operating expenses.

019606: Legal Services Corporation: This account is used for the Civil Legal Services Program. Revenues come from Interest on Lawyer’s Trust Accounts (IOLTA), civil case filing fees, and investment earnings. In fiscal year 1994, OPD created the Ohio Legal Assistance Foundation (OLAF), a non-profit organization to administer the Civil Legal Services Program. Funds from this account are now distributed to OLAF, who makes distributions and grants to Ohio’s civil legal aid societies.

019613: Gifts & Grants: This account is authorized under R.C. 120.04(C)(2), and is used to administer funds when the OPD receives money from private donors or from non-federal grants. Presently, the agency is using the account to accept and disburse grant funds related to the Wrongful Conviction Project.

019601: Multi-County: County Share: This account is used to administer funds received via contract from counties that participate in the agency’s Multi-County Branch Office Program. The program is authorized under R.C. 120.04(C)(7) and 120.33(B).

019610: Trumbull County: County Share: This account is used to administer funds received via contract from Trumbull County for their participation in the agency’s Trumbull County Branch Office Program. The program is authorized under R.C. 120.04(C)(7) and 120.33(B).

019617: Civil Case Filing Fee: This account is used to administer funds received from OPD’s portion of civil filing fee surcharge per R.C. 120.07, 1901.26, 1907.24 and 2303.201. The Office of the Ohio Public Defender receives four percent of the amount collected. The funds are used for operating expenses for OPD.

019618: Indigent Defense Support: County Share: This account is used to administer funds remitted to the State Treasurer to the credit of the Indigent Defense Support Fund. Funds come from court costs, bail bond fees, and license reinstatement fees collected by the Department of Public Safety, Bureau of Motor Vehicles. The funds are used to make reimbursement payments to the counties for their indigent defense costs per R.C. 120.18, 120.28, 120.33 and 120.35.

019619: Indigent Defense Support: State Office This account is used to administer funds remitted to the State Treasurer to the credit of the Indigent Defense Support Fund. Funds come from court costs, bail bond fees, and license reinstatement fees collected by the Department of Public Safety, Bureau of Motor Vehicles. The funds are used for OPD operating costs.

019608: Federal Representation: Revenues for this account come from reimbursement for representation on federal habeas cases by OPD employees.

019622: Byrne Memorial Grant: Revenues for this account come from a federal grant. This is a reimbursement grant, so expenditures may be used for any purpose, are currently being used for the Social Worker position in the Athens Branch Office.

TABLE II

OFFICE OF THE OHIO PUBLIC DEFENDER
FISCAL YEAR 2017 CASES (7/1/16 - 6/30/17)
Death Penalty, Trial & Juvenile

COURT	DEATH PENALTY DIVISION			TRIAL SECTION			JUVENILE DIVISION		
	PENDING	CLOSED	TOTAL	PENDING	CLOSED	TOTAL	PENDING	CLOSED	TOTAL
Juvenile Court	0	0	0	0	0	0	179	276	455
Common Pleas Court-Trial	0	1	1	63	29	92	1	1	2
Common Pleas Court	49	18	67	1	2	3	0	0	0
Court of Appeals	22	5	27	0	0	0	86	75	161
Supreme Court of OH	26	22	48	0	0	0	27	21	48
Federal District Court	33	6	39	0	0	0	0	0	0
6th Circuit Court of Appeals	6	4	10	0	0	0	0	0	0
US Supreme Court	5	5	10	0	0	0	2	0	2
Parole Board	4	0	4	0	0	0	8	20	28
Other**	6	8	14	10	1	11	152	134	286
Juvenile Interview Only	0	0	0	0	0	0	12	56	68
Total	151	69	220	74	32	106	448	648	1,096

**Other includes jail time, sentence issues (including Graham Class and SB 10), misdemeanors, and assistance to others.

TABLE II (cont’d)

FISCAL YEAR 2017 CASES (7/1/16 - 6/30/17)

COURT	LEGAL DIVISION STAFF			INTAKE ONLY			WRONGFUL CONVICTION		
	PENDING	CLOSED	TOTAL	PENDING	CLOSED	TOTAL	PENDING	CLOSED	TOTAL
Common Pleas Court-Trial	0	0	0	0	0	0	4	1	5
Common Pleas Court	283	129	412	366	1037	1103	326	70	396
Court of Appeals	25	139	164	8	121	129	1	2	3
Supreme Court of OH	62	138	200	10	88	98	1	1	2
Federal District Court	9	15	24	2	11	13	1	1	2
6th Circuit Court of Appeals	0	0	0	0	0	0	1	0	1
US Supreme Court	1	2	3	0	0	0	0	0	0
PB - Parole Revocation Hearings	0	677	677	1	2	3	0	0	0
PB - Full Board Hearings	5	127	132	0	0	0	0	0	0
PB - Other Inquires	0	0	0	0	7	8	0	1	1
Other**	1	1	2	0	1	1	0	0	0
Total	386	1,228	1,614	387	1,267	2,442	334	76	410

**Other includes jail time, sentence questions, misdemeanors, and assistance to others.

TABLE III DEATH PENALTY CASES IN OHIO FISCAL YEAR 2017 DEATH SENTENCES			
Sentence Date	Defendant	Race-Sex-Age	County
10-17-16	Glen Bates	B-M-34	Hamilton
11-15-16	Damantae Graham	B-M-19	Portage
6-22-17	Terry Froman	B-M-43	Warren

CUMULATIVE TO DATE DEATH SENTENCES BY COUNTY								
As of Fiscal Year 2017								
COUNTY	NO.	% of TOTAL	COUNTY	NO.	% of TOTAL	COUNTY	NO.	% of TOTAL
Adams	0	0.0%	**Hamilton	60	18.3%	Noble	1	0.3%
Allen	3	0.9%	Hancock	1	0.3%	Ottawa	0	0.0%
Ashland	1	0.3%	Hardin	0	0.0%	Paulding	0	0.0%
Ashtabula	1	0.3%	Harrison	0	0.0%	Perry	0	0.0%
Athens	0	0.0%	Henry	0	0.0%	Pickaway	0	0.0%
Auglaize	0	0.0%	Highland	0	0.0%	Pike	0	0.0%
Belmont	2	0.6%	Hocking	1	0.3%	Portage	4	1.2%
Brown	1	0.3%	Holmes	0	0.0%	Preble	1	0.3%
Butler	10	3.1%	Huron	0	0.0%	Putnam	1	0.3%
Carroll	0	0.0%	Jackson	0	0.0%	Richland	3	0.9%
Champaign	0	0.0%	Jefferson	3	0.9%	Ross	1	0.3%
Clark	7	2.2%	Knox	1	0.3%	Sandusky	1	0.3%
Clermont	3	0.9%	Lake	3	0.9%	Scioto	6	1.9%
Clinton	3	0.9%	Lawrence	0	0.0%	Seneca	0	0.0%
Columbiana	1	0.3%	Licking	5	1.6%	Shelby	2	0.6%
Coshocton	0	0.0%	Logan	0	0.0%	Stark	6	1.9%
Crawford	1	0.3%	Lorain	10	3.1%	***Summit	20	6.1%
Cuyahoga	63	19.2%	Lucas	23	7.2%	Trumbull	11	3.4%
Darke	0	0.0%	Madison	1	0.3%	Tuscarawas	0	0.0%
Defiance	0	0.0%	Mahoning	15	4.6%	Union	0	0.0%
Delaware	1	0.3%	Marion	2	0.6%	Van Wert	1	0.3%
Erie	1	0.3%	Medina	2	0.6%	Vinton	1	0.3%
Fairfield	0	0.0%	Meigs	0	0.0%	Warren	5	1.5%
Fayette	0	0.0%	Mercer	0	0.0%	Washington	0	0.0%
*Franklin	19	5.8%	Miami	0	0.0%	Wayne	1	0.3%
Fulton	0	0.0%	Monroe	0	0.0%	Williams	0	0.0%
Gallia	0	0.0%	Montgomery	8	2.5%	Wood	2	0.6%
Geauga	1	0.3%	Morgan	0	0.0%	Wyandot	0	0.0%
Greene	4	1.3%	Morrow	0	0.0%			
Guernsey	3	0.9%	Muskingum	1	0.3%	TOTAL	328	100%

*Reflects 2 death sentence cases for James Conway
 **Reflects 2 death sentence cases for Alton Coleman
 ***Reflects 2 death sentence cases for Donald Craig

TABLE IV TRUMBULL COUNTY BRANCH OFFICE CASES OPENED FISCAL YEAR 2017	
Type of Case	FY 2017
Capital Felony	0
Felony	1,180
Misdemeanor (Revised Code and Ordinance)	4,168
Probation Revocation	741
Juvenile Offender	205
Drug Court	58
Total	6,352

TABLE V MULTI-COUNTY BRANCH OFFICE CASES CLOSED FISCAL YEAR 2017									
County	Felony	Felony CCSV	Felony Preliminary Hearing	Misdemeanor	Misdemeanor CCSV	Juvenile Delinquency and Unruly	Juvenile Delinquency CCSV	Juvenile Abuse, Neglect, or Dependency	Total
Adams	146	9	73	167	2	88	8	29	522
Athens	246	305	104	937	11	52	8	44	1,707
Brown	225	132	156	553	147	64	4	61	1,342
Fayette	257	1	111	431	18	112	19	2	951
Jackson	132	40	100	1,051	203	18	0	5	1,549
Meigs	42	8	0	299	24	0	0	0	373
Pickaway	123	18	157	636	195	122	1	77	1,329
Pike	103	120	124	364	185	36	1	45	978
Ross	433	85	210	1,855	278	200	0	118	3,179
Washington	491	77	205	1,414	89	123	3	0	2,402
Total	2,198	795	1,240	7,707	1,152	815	44	381	14,332

TABLE VI
COUNTY PUBLIC DEFENDER TERMS AND OFFICES
(For recent changes please visit www.opd.ohio.gov/CountyPD/CountyPD.htm)

COUNTY	PUBLIC DEFENDER	TELEPHONE	FAX
Allen	Steve Chamberlain Allen County Public Defender 109 N. Union Street Lima, Ohio 45801 Re-appointed Jan. 25, 2015, for a four-year term	(419) 221-5220	(419) 998-5517
Ashtabula*	Marie Lane Ashtabula County Public Defender Office 4817 State Road, Suite 202 Ashtabula, Ohio 44004 Contract Services	(440) 998-2628	(440) 998-2972
Auglaize	Gerald F. Siesel Auglaize County Public Defender Office 15 Willipie Street, Suite 220 P.O. Box 180 Wapakoneta, Ohio 45895 Re-appointed Feb. 1, 2014, for a four-year term	(419) 739-6796	(419) 739-6797
Belmont	Frank Pierce Belmont County Public Defender Office 100 West Main Street St. Clairsville, Ohio 43950 Re-appointed Jan. 3, 2017, for a four-year term	(740) 695-5263	(740) 695-5639
Butler**	Mary Asbury Legal Aid Society of Greater Cincinnati 10 Journal Square Hamilton, Ohio 45011 Contract Services	(513) 241-9400	(513) 894-7669
	Michael P. Weisbrod Butler County Public Defender Office 315 High Street, 8th Floor Hamilton, Ohio 45011 Re-appointed Jan. 1, 2016, for a two-year term	(513) 887-3540	(513) 887-3545
Carroll	Stephen J. Kandel Carroll County Public Defender 20 Second Street SE Carrollton, Ohio 44615 Re-appointed Feb. 1, 2015, to Jan. 31, 2019	(330) 627-5595	
Clark	James D. Marshall Clark County Public Defender Office 50 East Columbia Street, 4th Floor Springfield, Ohio 45502 Appointed Aug. 26, 2015, for a four-year term	(937) 521-1725	(937) 328-2715

Clermont	Willard Haynes Clermont County Public Defender Office 302 E. Main Street Batavia, Ohio 45103 Appointed Oct. 5, 2015, for a three-year term	(513) 732-7223	(513) 732-5382
Clinton	Robert Baker Clinton County Public Defender Office 111 S. Nelson Avenue, Suite 4 Wilmington, Ohio 45177 Appointed Jan. 1, 2013, for a four-year term	(937) 382-1316	(937) 382-8670
Columbiana*	Frederic E. Naragon Columbiana County Criminal Defense Co. P.O. Box 61 Salem, Ohio 44460 Contract Services	(330) 337-9578	(330) 337-1223
Coshocton	Jeffrey A. Mullen Coshocton County Public Defender Office 239 North 4th Street Coshocton, Ohio 43812 Re-appointed March 1, 2014, for a four-year term	(740) 623-0800	(740) 623-0296
Cuyahoga	Mark Stanton Cuyahoga County Public Defender Office 310 Lakeside Avenue, Suite 400 Cleveland, Ohio 44113-1021 Appointed May 1, 2017, to Apr. 30, 2021	(216) 443-7223	(216) 443-3632
Darke*	Paul Wagner Indigent Legal Assistance Fund of West Central Ohio 111 North Bridge Street P.O. Box 315 Gettysburg, Ohio 45328 Contract Services	(937) 447-8181	(937) 841-0020
Erie	Jeffrey J. Whitacre Erie County Public Defender Office 220 Columbus Avenue Sandusky, Ohio 44870 Re-appointed Feb. 16, 2015, for a four-year term	(419) 627-6620	(419) 627-6633
Franklin	Yeura R. Venters Franklin County Public Defender Office 373 South High Street, 12th Floor Columbus, Ohio 43215 Re-appointed March 9, 2016, for a four-year term	(614) 525-3194	(614) 461-6470
Gallia*	Andrew J. Noe Gallia County Defense Attorneys Corp. 19 Locust Street P.O. Box 301 Gallipolis, OH 45631 Contract Services	(740) 446-0603	

Geauga	R. Robert Umholtz Geauga County Public Defender Office 211 Main Street Chardon, Ohio 44024 Re-appointed Dec. 1, 2015, for a four-year term	(440) 279-1890	(440) 286-4136	Medina	Jocelyn Stefancin Medina County Public Defender Office 120 West Washington Street, Suite 2D Medina, Ohio 44256 Appointed Feb. 18, 2015, for a four- year term	(330)-764-8437 (330) 225-7100-Brunswick office (330) 336-6657-Wadsworth office	(330) 764-8440
Greene	Arthur L. Sidell III Greene County Public Defender Office 90 East Main Street Xenia, Ohio 45385 Re-appointed March 13, 2017, for a four-year term	(937) 562-5041	(937) 562-5671	Miami	Steven R. Layman Miami County Public Defender Office Courthouse, 2nd Floor 201 West Main Street Troy, Ohio 45373 Appointed Jan. 3, 2015, for a four-year term	(937) 440-3950	(937) 440-3951
Hamilton	Raymond Faller Hamilton County Public Defender Office 230 East Ninth Street, 2nd Floor Cincinnati, Ohio 45202 Appointed Aug. 1, 2014, for a two-year term	(513) 946-3700	(513) 946-3707	Monroe	C. Mark Morrison Monroe County Public Defender Office 117 North Main Street Woodsfield, Ohio 43793 Re-appointed January 2017 for a one-year term	(740) 472-0703	(740) 472-9190
Hancock	Paul Maekask Hancock County Public Defender Office 100 E. Main Cross, Suite 200 Findlay, Ohio 45840 Appointed Dec. 31, 2015	(419) 424-7276	(419) 424-7274	Montgomery	Rudy Wehner Montgomery County Public Defender Office 117 S. Main Street, Suite 400 P.O. Box 972 Dayton, Ohio 45422 Re-appointed July 1, 2016, for a two-year term	(937) 225-4652	(937) 225-3449
Harrison	C. Adrian Pincola Harrison County Public Defender Office 112 North Main Street P.O. Box 427 Cadiz, Ohio 43907-0427 Re-appointed Jan. 1, 2016, for a four-year term	(740) 942-2080		Portage	John P. Laczko Portage County Public Defender Office 209 South Chestnut Street, Suite 400 Ravenna, Ohio 44266 Term expires March 5, 2020	(330) 297-3665	(330) 298-2064
Huron	David J. Longo Huron County Public Defender Office 16 E. Main Street, 2nd floor Norwalk, Ohio 44857 Re-appointed Oct. 5, 2016, for a two-year term	(419) 668-3702	(419) 668-3703	Shelby	Jonathan Richard Shelby County Public Defender Office 129 East Court Street Sidney, Ohio 45365 Re-appointed Jan. 17, 2017, for a four-year term	(937) 498-1714	(937) 658-6124
Knox	John S. Pyle Knox County Public Defender Office 11 E. High Street Mount Vernon, Ohio 43050 Re-appointed Jan. 1, 2017, for a four-year term	(740) 393-6734	(740) 397-6611	Stark	Tammi R. Johnson Stark County Public Defender Office 201 Cleveland Avenue SW, Suite 104 Canton, Ohio 44702 Re-appointed July 1, 2013, for a four-year term	(330) 451-7200	(330) 451-7227
Lake	Charles Grieshammer Lake County Public Defender Office 125 East Erie Street, Suite 50 Painesville, Ohio 44077 Appointed Jan. 22, 2014, for a four-year term	(440) 350-3200	(440) 350-5715	Summit*	Joseph S. Kodish Legal Defender Office of Summit County, Ohio, Inc. One Cascade Plaza, Suite 1940 Akron, Ohio 44308 Contract Services	(330) 434-3461	(330) 434-3371
Lucas*	M. Sean McNulty Toledo Legal Aid Society 555 N. Erie Street, Suite 248 Toledo, Ohio 43604 Contract Services	(419) 213-6911		Tuscarawas	Gerald A. Latanich Tuscarawas County Public Defender Office 153 North Broadway New Philadelphia, Ohio 44663 Re-appointed Jan. 1, 2015, for a four-year term	(330) 364-3523	(330) 364-7616

Union* Perry R. Parsons (937) 644-3144 (937) 644-3517
Union County Criminal Defense Lawyers
111 W. Sixth Street
Marysville, Ohio 43040
Contract Services

Van Wert* Scott R. Gordon (419) 238-5025 (419) 238-4705
Van Wert County Public Defender Office
124 East Main Street
Van Wert, Ohio 45891
Contract Services

Wayne Rodney A. Baca (330) 287-5490 (330) 287-5479
Wayne County Public Defender Program
113 West Liberty Street
Wooster, Ohio 44691
Re-appointed Jan. 1, 2016, for a four-year term

Wood Kathleen M. Hamm (419) 354-9244 (419) 353-9865
Wood County Public Defender Office
123 North Summit Street
Bowling Green, Ohio 43402
Re-appointed Aug. 16, 2014, for a four-year term

* Denotes counties using non-profit corporations for some or all public defender services.

** Denotes counties using non-profit corporations for Guardian Ad Litem services only.

TABLE VII
COUNTY PUBLIC DEFENDER OFFICE CASELOADS
FISCAL YEAR 2017

County	Felonies	Misdemeanors	Juvenile	Domestic Relations	Appeals	Post-Conviction	Parole/Prob. Revocation	Habeas Corpus	Extraditions	Other	Total Cases	Pending Cases
Allen	0	1,532	0	0	0	0	0	0	0	0	1,532	662
Ashtabula	891	2,092	435	168	5	81	229	0	3	0	3,904	813
Auglaize	123	431	155	5	4	83	86	0	1	0	888	197
Belmont	625	1,473	219	153	0	49	18	0	3	0	2,540	640
Butler	1,850	3,777	444	57	0	0	1,222	214	0	0	7,564	1,170
Carroll	34	147	12	21	0	0	0	0	0	0	214	0
Clark	1,258	2,390	248	23	0	0	130	0	0	1	4,050	256
Clermont	784	3,434	1,046	71	19	490	1,723	0	120	407	8,094	1,108
Clinton	226	801	101	10	0	0	137	0	1	0	1,276	449
Columbiana	335	1,222	619	275	0	254	357	0	0	1	3,063	1,170
Coshocton	106	566	351	8	8	38	63	0	4	0	1,144	255
Cuyahoga	3,135	32,723	8,064	21	221	980	924	0	0	17	46,085	7,844
Darke	177	352	136	16	1	5	52	1	0	0	739	222
Erie	680	1,037	460	2	3	122	254	0	12	2	2,572	1,729
Franklin	3,476	34,255	3,747	21	53	0	4,189	0	2	0	45,743	7,538
Gallia	200	1,147	263	75	2	3	40	0	3	0	1,733	517
Geauga	250	458	233	3	1	46	113	0	2	0	1,106	356
Greene	0	2,491	133	22	0	0	0	0	0	0	2,646	309
Hamilton	7,246	24,767	4,409	91	124	210	0	0	0	0	36,847	7,272
Hancock	269	1,469	437	24	0	61	521	0	0	0	2,781	723
Harrison	65	184	143	2	0	9	96	0	5	11	515	77
Huron	175	561	319	17	1	1	100	0	11	0	1,184	490
Knox	197	503	181	8	2	13	17	0	4	0	927	0
Lake	1,367	941	757	20	21	0	369	0	3	4	3,485	2,595
Lucas	216	12,352	2,963	0	0	22	254	0	42	0	15,849	4,446
Medina	123	1,343	320	0	0	0	117	0	0	109	2,012	583
Miami	546	1,358	301	98	0	59	29	0	0	0	2,402	705
Monroe	52	176	79	6	4	0	0	0	0	0	315	56
Montgomery	2,487	14,503	2,066	80	24	20	2,782	0	176	0	22,115	6,963
Portage	1,446	2,165	379	20	0	0	214	0	0	0	4,224	0
Shelby	280	1,100	252	2	2	3	126	0	4	76	1,845	236
Stark	978	3,556	1,390	258	9	1,053	523	0	45	0	7,812	625
Summit	0	8,817	2,273	0	0	88	0	0	0	47	11,225	1,274
Tuscarawas	193	1,604	234	17	5	2	203	0	8	0	2,266	605
Union	233	408	373	6	4	0	184	0	0	0	1,208	352
Van Wert	116	269	120	4	4	36	82	6	3	1	635	181
Wayne	251	924	559	9	0	7	391	0	0	3	2,144	496
Wood	405	1,273	173	0	1	1	437	0	8	4	2,302	1,629
TOTAL	30,795	168,601	34,394	1,613	506	3,736	15,982	214	460	683	256,984	54,543

TABLE VIII
COST OF COUNTY PUBLIC DEFENDER OFFICES
FISCAL YEARS 2016 & 2017

Table VIII shows the 100 percent cost the counties reported to OPD to operate public defender offices and the amount the state reimbursed the counties for fiscal year 2016 and 2017. The reimbursement rate was 48 percent in fiscal year 2016 and was annualized at 45 percent 2017.

COUNTY	FY 16 Amount Submitted	FY 16 Amount Reimbursed	FY 17 Amount Submitted	FY 17 Amount Reimbursed
Allen	\$192,760	\$92,525	\$192,976	\$86,911
Ashtabula	596,983	286,552	613,169	276,271
Auglaize	361,794	173,661	370,173	166,048
Belmont	373,842	179,444	406,343	183,024
Butler	2,418,642	1,160,948	2,521,264	1,135,655
Carroll	154,533	74,176	167,575	75,448
Clark	997,242	478,676	1,040,976	465,212
Clermont	1,492,675	716,484	1,609,812	721,654
Clinton	313,251	150,360	304,921	137,963
Columbiana	478,167	229,520	489,500	220,075
Coshocton	339,578	162,997	338,902	152,864
Cuyahoga	10,519,675	5,049,444	12,953,432	5,852,346
Darke	288,300	138,384	295,020	132,759
Erie	941,034	451,697	1,002,998	451,281
Franklin	13,373,673	6,419,363	13,557,936	6,092,278
Gallia	309,453	148,538	314,967	141,776
Geauga	543,734	260,992	579,063	260,274
Greene	589,075	282,756	638,762	285,806
Hamilton	12,991,044	6,235,701	12,176,005	5,473,310
Hancock	598,798	287,423	652,747	293,785
Harrison	199,961	95,982	212,690	95,081
Huron	466,585	223,961	333,934	151,795
Knox	437,983	210,232	486,299	217,483
Lake	1,580,700	758,736	1,553,094	699,125
Lucas	1,683,445	808,053	1,951,623	874,909
Medina	573,834	275,440	657,524	295,455
Miami	455,782	218,775	451,828	203,209
Monroe	142,766	68,528	182,287	82,003
Montgomery	5,305,270	2,546,530	5,482,188	2,458,840
Portage	818,403	392,833	850,442	382,900
Shelby	401,154	192,554	416,280	187,476
Stark	1,690,692	811,532	1,840,013	826,164
Summit	1,438,720	690,585	1,344,981	599,449
Tuscarawas	762,430	365,966	780,568	351,709
Union	401,662	192,798	418,306	187,571
Van Wert	175,161	84,077	185,151	83,318
Wayne	615,007	295,203	626,986	280,753
Wood	1,242,431	596,367	1,304,857	584,456
TOTAL	\$66,266,239	\$31,807,793	\$69,305,594	\$31,166,436

Note: In FY 2017, the reimbursement rate was 48% from July-December, 44% from January-March, and 40% from April-June. Therefore, an individual county's rate of reimbursement may vary slightly based on the timing of reimbursement request submissions.

TABLE IX
APPOINTED COUNSEL DEATH PENALTY REIMBURSEMENT
FISCAL YEARS 2016 & 2017

Table IX shows the 100 percent cost the counties reported to OPD for appointed counsel death penalty cases, post-audit, followed by the amount the state reimbursed the counties for fiscal years 2016 and 2017. The amounts shown below are not in addition to the amounts shown in Table X, but are the portion of the amounts shown in Table X that were for death penalty cases. The reimbursement rate was 50 percent in both fiscal years.

COUNTY	FY 16 Amount Submitted	FY 16 Amount Reimbursed	FY 17 Amount Submitted	FY 17 Amount Reimbursed
Allen	\$44,736	\$22,368	3,480	1,740
Ashtabula	97,487	48,744	582	291
Auglaize	6,823	3,411	44,768	22,384
Butler	54,641	27,320	10,653	5,227
Clinton	8,083	4,041	4,484	2,242
Coshocton	9,465	4,732	0	0
Cuyahoga	31,839	15,920	311,422	155,692
Erie	8,319	4,159	0	0
Franklin	33,928	16,964	155,717	77,858
Fulton	0	0	3,018	1,509
Guernsey	44,563	22,282	27,390	13,695
Hamilton	25,368	12,684	239,357	119,678
Knox	0	0	7,813	3,906
Lake	26,409	13,204	22,123	11,061
Logan	21,491	10,745	45,862	22,931
Lorain	51,281	25,641	21,178	10,589
Lucas	6,044	3,022	12,368	6,184
Mahoning	80,303	40,151	143,494	71,747
Marion	3,229	1,615	0	0
Medina	8,529	4,264	85,445	42,723
Mercer	0	0	5,489	2,745
Montgomery	4,512	2,256	136,141	68,071
Ottawa	17,607	8,803	0	0
Portage	0	0	55,672	27,836
Richland	98,948	49,474	0	0
Shelby	8,212	4,106	0	0
Stark	0	0	2,626	1,313
Summit	488,487	244,243	148,150	74,075
Trumbull	8,569	4,285	5,684	2,842
Union	0	0	7,096	3,548
Van Wert	0	0	4,028	2,014
Warren	29,664	14,832	43,830	21,915
Wood	14,860	7,430	0	0
TOTAL	\$1,233,397	\$616,696	\$1,547,869	\$773,815

Note: Column totals may not reflect the total amount because of rounding.

TABLE X

FY 17 Appointed Counsel Costs By Court
100% Costs Submitted By County
May 2016 Through April 2017 Processing Months

County	Appeals			Common Pleas			Municipal/County			Juvenile/DR			Supreme			Death Penalty Cases			TOTAL		
	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC
ADAMS	4	1,742.40	435.60	10	6,514.00	651.40	19	4,515.92	237.68	5	2,408.31	481.66	0	0.00	0.00	0	0.00	0.00	38	15,180.63	399.49
ALLEN	19	11,015.00	579.74	458	278,501.10	608.08	276	27,740.90	100.51	937	294,226.62	314.01	0	0.00	0.00	1	3,480.25	3,480.25	1,691	614,963.87	363.67
ASHLAND	14	13,730.66	980.76	215	134,297.38	624.64	386	59,801.42	154.93	235	79,487.10	338.24	0	0.00	0.00	0	0.00	0.00	850	287,316.56	338.02
ASHTABULA	16	13,760.73	860.05	431	333,993.16	774.93	307	68,893.71	224.41	746	305,346.59	409.31	0	0.00	0.00	1	582.00	582.00	1,501	722,576.19	481.40
ATHENS	5	2,129.48	425.90	73	68,694.61	941.02	60	15,203.00	253.38	231	103,453.18	447.85	0	0.00	0.00	0	0.00	0.00	369	189,480.27	513.50
AUGLAIZE	1	268.16	268.16	11	4,588.80	417.16	7	1,791.00	255.86	3	504.00	168.00	0	0.00	0.00	11	44,767.83	4,069.80	33	51,919.79	1,573.33
BELMONT	18	13,608.62	756.03	134	82,482.79	615.54	274	81,369.37	296.97	57	27,487.63	482.24	0	0.00	0.00	0	0.00	0.00	483	204,948.41	424.32
BROWN	0	0.00	0.00	15	9,532.80	635.52	0	0.00	0.00	94	53,463.46	568.76	0	0.00	0.00	0	0.00	0.00	109	62,996.26	577.95
BUTLER	88	51,519.40	585.45	113	94,267.38	834.22	543	77,033.15	141.87	2,689	451,544.37	167.92	0	0.00	0.00	4	10,453.42	2,613.36	3,437	684,817.72	199.25
CARROLL	0	0.00	0.00	12	6,340.00	528.33	4	930.00	232.50	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	16	7,270.00	454.38
CHAMPAIGN	21	17,862.97	850.62	338	157,708.84	466.59	644	80,773.57	125.42	238	66,773.87	280.56	0	0.00	0.00	0	0.00	0.00	1,241	323,119.25	260.37
CLARK	33	26,119.16	791.49	61	69,981.94	1,147.24	52	11,459.95	220.38	238	115,364.22	484.72	0	0.00	0.00	0	0.00	0.00	384	222,925.27	580.53
CLERMONT	7	5,193.37	741.91	137	102,701.17	749.64	222	47,049.30	211.93	556	200,631.47	360.85	0	0.00	0.00	0	0.00	0.00	922	355,575.31	385.66
CLINTON	1	325.00	325.00	12	5,295.50	441.29	0	0.00	0.00	129	17,906.48	138.81	0	0.00	0.00	2	4,484.05	2,242.03	144	28,011.03	194.52
COLUMBIANA	3	2,193.64	731.21	70	28,741.00	410.59	0	0.00	0.00	1	45.50	45.50	0	0.00	0.00	0	0.00	0.00	74	30,980.14	418.65
COSHOCTON	2	1,016.48	508.24	29	34,753.53	1,198.40	64	16,363.00	255.67	106	48,527.88	457.81	0	0.00	0.00	0	0.00	0.00	201	100,660.89	500.80
CRAWFORD	3	4,563.00	1,521.00	449	173,154.57	385.64	397	94,404.00	237.79	330	76,562.50	232.01	0	0.00	0.00	0	0.00	0.00	1,179	348,684.07	295.75
CUYAHOGA	304	330,683.69	1,087.78	9473	6,119,971.62	646.04	7,553	914,506.09	121.08	9,217	2,962,583.03	321.43	6	8,701.43	1,450.24	39	311,383.08	7,984.18	26,592	10,647,828.94	400.41
DARKE	2	2,130.00	1,065.00	11	3,020.77	274.62	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	13	5,150.77	396.21
DEFIANCE	4	6,633.00	1,658.25	360	139,568.90	387.69	263	59,507.58	226.26	236	102,682.95	435.10	0	0.00	0.00	0	0.00	0.00	863	308,392.43	357.35
DELAWARE	14	16,717.66	1,194.12	808	426,591.34	527.96	1,374	431,996.70	314.41	684	285,440.69	417.31	0	0.00	0.00	0	0.00	0.00	2,880	1,160,746.39	403.04
ERIE	7	6,379.83	911.40	4	27,868.50	6,967.13	0	0.00	0.00	20	11,667.50	583.38	0	0.00	0.00	0	0.00	0.00	31	45,915.83	1,481.16
FAIRFIELD	11	9,723.49	883.95	797	418,772.30	525.44	2,171	755,993.33	348.22	1,195	461,311.68	386.03	0	0.00	0.00	0	0.00	0.00	4,174	1,645,800.80	394.30
FAYETTE	6	4,170.40	695.07	51	8,041.00	157.67	0	0.00	0.00	77	23,236.00	301.77	0	0.00	0.00	0	0.00	0.00	134	35,447.40	264.53
FRANKLIN	62	78,295.31	1,262.83	2149	2,600,351.13	1,210.03	895	380,666.38	425.33	8,890	5,752,040.65	647.02	1	700.00	700.00	25	155,716.72	6,228.67	12,022	8,967,770.19	745.95
FULTON	1	1,000.00	1,000.00	127	81,460.51	641.42	222	52,290.87	235.54	90	19,134.50	212.61	0	0.00	0.00	1	3,018.00	3,018.00	441	156,903.88	355.79
GALLIA	4	2,780.80	695.20	4	5,577.00	1,394.25	3	2,578.50	859.50	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	11	10,936.30	994.21
GAUGA	3	3,916.00	1,305.33	10	18,993.82	1,899.38	46	10,547.00	229.28	162	43,152.75	266.38	0	0.00	0.00	0	0.00	0.00	221	76,609.57	346.65
GREENE	17	14,839.08	872.89	508	270,416.71	532.32	3	755.00	251.67	38	17,076.00	449.37	0	0.00	0.00	0	0.00	0.00	566	303,086.79	535.49
GUERNSEY	2	665.04	332.52	397	171,474.93	431.93	728	145,906.39	200.42	377	106,438.29	282.33	0	0.00	0.00	6	27,390.25	4,565.04	1,510	451,874.90	299.25
HAMILTON	96	84,381.75	878.98	4654	2,901,770.97	623.50	3,665	678,417.86	185.11	4,768	1,697,581.07	356.04	6	4,615.00	769.17	21	239,356.72	11,397.94	13,210	5,606,123.37	424.38
HANCOCK	3	862.60	287.53	95	66,640.12	701.47	65	20,629.39	317.38	97	35,704.19	368.08	0	0.00	0.00	0	0.00	0.00	260	123,836.30	476.29
HARDIN	4	2,117.40	529.35	139	84,587.82	608.55	165	30,723.98	186.21	126	40,007.50	317.52	0	0.00	0.00	0	0.00	0.00	434	157,436.70	362.76
HARRISON	1	595.52	595.52	15	14,851.87	990.12	7	1,349.25	192.75	25	10,146.68	405.87	0	0.00	0.00	0	0.00	0.00	48	26,943.32	561.32
HENRY	3	1,920.00	640.00	144	71,790.66	498.55	283	81,181.40	286.86	142	68,582.72	482.98	0	0.00	0.00	0	0.00	0.00	572	223,474.78	390.69
HIGHLAND	5	2,595.00	519.00	299	92,383.03	308.97	581	100,001.25	172.12	421	71,772.73	170.48	0	0.00	0.00	0	0.00	0.00	1,306	266,752.01	204.25
HOCKING	4	1,153.45	288.36	235	75,718.50	322.21	637	118,665.87	186.29	225	54,210.35	240.93	1	136.00	136.00	0	0.00	0.00	1,102	249,884.17	226.76
HOLMES	5	3,705.75	741.15	125	65,581.10	524.65	263	82,242.49	312.71	240	105,465.36	439.44	0	0.00	0.00	0	0.00	0.00	633	256,994.70	405.99
HURON	3	3,398.77	1,132.92	39	24,021.00	615.92	24	5,580.42	232.52	127	33,298.80	262.20	0	0.00	0.00	0	0.00	0.00	193	66,298.99	343.52
JACKSON	1	49.76	49.76	2	7,064.40	3,532.20	4	848.00	212.00	414	99,322.44	239.91	0	0.00	0.00	0	0.00	0.00	421	107,284.60	254.83
JEFFERSON	2	3,076.40	1,538.20	191	151,285.77	792.07	593	146,759.80	247.49	141	49,870.00	353.69	0	0.00	0.00	0	0.00	0.00	927	350,991.97	378.63
KNOX	0	0.00	0.00	19	7,143.00	375.95	10	3,380.50	338.05	18	4,807.89	267.11	0	0.00	0.00	1	7,812.50	7,812.50	48	23,143.89	482.16
LAKE	16	19,456.42	1,216.03	148	115,718.17	781.88	240	50,605.54	210.86	816	193,638.74	237.30	2	1,540.00	770.00	1	22,122.78	22,122.78	1,223	403,081.65	329.58
LAWRENCE	4	3,537.83	884.46	277	113,307.91	409.05	751	167,017.98	222.39	301	81,024.34	269.18	0	0.00	0.00	0	0.00	0.00	1,333	364,888.06	273.73
LICKING	22	14,023.72	637.44	977	503,795.83	515.66	1,584	435,200.34	274.75	1,665	470,964.35	282.86	1	198.95	198.95	0	0.00	0.00	4,249	1,424,183.19	335.18
LOGAN	1	1,715.00	1,715.00	390	154,134.02	395.22	600	87,193.44	145.32	460	118,606.84	257.84	0	0.00	0.00	11	45,861.61	4,169.24	1,462	407,510.91	278.74

TABLE X (cont'd)

FY 17 Appointed Counsel Costs By Court
100% Costs Submitted By County
May 2016 Through April 2017 Processing Months

	Appeals			Common Pleas			Municipal/County			Juvenile/DR			Supreme			Death Penalty Cases			TOTAL		
County	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC	Certs	Cost	CPC
LORAIN	32	32,004.44	1,000.14	1861	972,764.96	522.71	2,567	527,509.63	205.50	2,404	526,953.97	219.20	0	0.00	0.00	6	21,177.60	3,529.60	6,870	2,080,410.60	302.83
LUCAS	89	86,809.50	975.39	1514	1,028,990.42	679.65	89	19,636.55	220.64	4,027	1,246,762.42	309.60	0	0.00	0.00	7	12,367.55	1,766.79	5,726	2,394,566.44	418.19
MADISON	3	2,150.00	716.67	129	90,109.87	698.53	506	131,805.50	260.49	79	22,044.75	279.05	0	0.00	0.00	0	0.00	0.00	717	246,110.12	343.25
MAHONING	28	24,846.09	887.36	1549	898,520.35	580.06	2,723	679,716.39	249.62	751	301,173.57	401.03	1	1,000.00	1,000.00	24	143,494.02	5,978.92	5,076	2,048,750.42	403.62
MARION	9	10,613.00	1,179.22	829	307,207.73	370.58	598	94,343.50	157.77	1,034	209,919.27	203.02	0	0.00	0.00	0	0.00	0.00	2,470	622,083.50	251.86
MEDINA	19	15,852.44	834.34	665	392,720.45	590.56	141	24,708.89	175.24	472	185,520.18	393.05	0	0.00	0.00	7	85,444.99	12,206.43	1,304	704,246.95	540.07
MEIGS	7	3,296.52	470.93	117	93,844.41	802.09	2	406.00	203.00	22	13,503.72	613.81	0	0.00	0.00	0	0.00	0.00	148	111,050.65	750.34
MERCER	3	2,043.50	681.17	190	129,691.34	682.59	127	38,539.00	303.46	205	71,985.35	351.15	0	0.00	0.00	1	5,489.11	5,489.11	526	247,748.30	471.00
MIAMI	4	1,868.00	467.00	43	22,726.95	528.53	145	19,035.50	131.28	207	49,606.08	239.64	0	0.00	0.00	0	0.00	0.00	399	93,236.53	233.68
MONROE	1	790.00	790.00	15	28,907.21	1,927.15	19	6,558.75	345.20	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	35	36,255.96	1,035.88
MONTGOMERY	101	113,701.47	1,125.76	1396	1,069,755.81	766.30	601	154,143.82	256.48	3,050	1,438,965.22	471.79	1	385.00	385.00	15	136,141.15	9,076.08	5,164	2,913,092.47	564.12
MORGAN	1	444.00	444.00	43	25,198.03	586.00	108	14,266.08	132.09	32	8,593.28	268.54	0	0.00	0.00	0	0.00	0.00	184	48,501.39	263.59
MORROW	1	68.72	68.72	174	132,702.47	762.66	192	56,703.91	295.33	95	75,436.90	794.07	0	0.00	0.00	0	0.00	0.00	462	264,912.00	573.40
MUSKINGUM	13	8,596.93	661.30	437	396,141.78	906.50	435	121,587.70	279.51	906	308,255.39	340.24	0	0.00	0.00	0	0.00	0.00	1,791	834,581.80	465.99
NOBLE	1	930.00	930.00	111	32,658.09	294.22	91	13,549.00	148.89	30	13,443.00	448.10	0	0.00	0.00	0	0.00	0.00	233	60,580.09	260.00
OTTAWA	6	6,153.16	1,025.53	137	98,220.00	716.93	283	121,474.00	429.24	124	43,402.00	350.02	0	0.00	0.00	0	0.00	0.00	550	269,249.16	489.54
PAULDING	0	0.00	0.00	73	42,486.39	582.01	130	37,739.27	290.30	49	15,220.59	310.62	0	0.00	0.00	0	0.00	0.00	252	95,446.25	378.75
PERRY	2	1,720.00	860.00	139	55,036.09	395.94	328	53,498.87	163.11	73	16,804.60	230.20	0	0.00	0.00	0	0.00	0.00	542	127,059.56	234.43
PICKAWAY	2	1,060.00	530.00	7	5,621.50	803.07	0	0.00	0.00	22	3,974.00	180.64	0	0.00	0.00	0	0.00	0.00	31	10,655.50	343.73
PIKE	4	1,461.96	365.49	7	2,448.75	349.82	8	777.50	97.19	157	27,222.03	173.39	0	0.00	0.00	0	0.00	0.00	176	31,910.24	181.31
PORTAGE	14	14,309.66	1,022.12	315	177,324.28	562.93	136	35,620.00	261.91	786	243,352.40	309.61	0	0.00	0.00	9	55,671.50	6,185.72	1,260	526,277.84	417.68
PREBLE	3	1,567.35	522.45	273	125,200.88	458.61	294	70,199.98	238.78	110	42,575.00	387.05	0	0.00	0.00	0	0.00	0.00	680	239,543.21	352.27
PUTNAM	3	3,010.00	1,003.33	95	49,115.20	517.00	100	32,900.00	329.00	94	29,375.00	312.50	0	0.00	0.00	0	0.00	0.00	292	114,400.20	391.78
RICHLAND	35	38,427.94	1,097.94	954	780,315.22	817.94	1,195	389,660.78	326.08	730	401,377.04	549.83	0	0.00	0.00	0	0.00	0.00	2,914	1,609,780.98	552.43
ROSS	8	4,130.01	516.25	45	27,808.83	617.97	14	1,537.00	109.79	573	104,101.87	181.68	0	0.00	0.00	0	0.00	0.00	640	137,577.71	214.97
SANDUSKY	10	7,263.85	726.39	247	116,596.00	472.05	908	178,717.19	196.83	597	186,741.69	312.80	0	0.00	0.00	0	0.00	0.00	1,762	489,318.73	277.71
SCIOTO	12	13,614.65	1,134.55	695	319,079.77	459.11	1,381	239,570.37	173.48	552	176,124.56	319.07	0	0.00	0.00	0	0.00	0.00	2,640	748,389.35	283.48
SENECA	9	6,364.77	707.20	354	157,030.63	443.59	192	46,124.50	240.23	239	89,692.85	375.28	0	0.00	0.00	0	0.00	0.00	794	299,212.75	376.84
SHELBY	2	653.28	326.64	41	15,586.00	380.15	42	9,070.07	215.95	71	19,288.50	271.67	0	0.00	0.00	0	0.00	0.00	156	44,597.85	285.88
STARK	42	28,137.33	669.94	437	265,783.25	608.20	677	144,302.65	213.15	2,125	472,832.92	222.51	0	0.00	0.00	1	2,626.19	2,626.19	3,282	913,682.34	278.39
SUMMIT	123	136,547.40	1,110.14	4480	2,236,006.94	499.11	245	55,060.30	224.74	2,856	1,426,801.10	499.58	1	147.84	147.84	13	148,150.20	11,396.17	7,718	4,002,713.78	518.62
TRUMBULL	10	12,155.45	1,215.55	64	49,841.13	778.77	255	28,493.43	111.74	321	84,139.32	262.12	1	634.64	634.64	1	5,683.50	5,683.50	652	180,947.47	277.53
TUSCARAWAS	3	4,806.31	1,602.10	65	48,978.50	753.52	91	25,292.00	277.93	231	85,411.32	369.75	0	0.00	0.00	0	0.00	0.00	390	164,488.13	421.76
UNION	0	0.00	0.00	5	6,412.00	1,282.40	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	4	7,095.99	1,774.00	9	13,507.99	1,500.89
VAN WERT	2	678.00	339.00	11	5,914.40	537.67	0	0.00	0.00	11	3,801.40	345.58	0	0.00	0.00	1	4,028.00	4,028.00	25	14,421.80	576.87
VINTON	1	105.00	105.00	165	55,089.99	333.88	255	36,661.00	143.77	287	59,017.95	205.64	0	0.00	0.00	0	0.00	0.00	708	150,873.94	213.10
WARREN	20	19,206.86	960.34	907	356,274.53	392.81	914	124,717.50	136.45	1,607	526,971.76	327.92	1	900.00	900.00	4	43,830.16	10,957.54	3,453	1,071,900.81	310.43
WASHINGTON	8	6,785.52	848.19	13	8,899.63	684.59	10	1,464.25	146.43	215	90,577.67	421.29	0	0.00	0.00	0	0.00	0.00	246	107,727.07	437.91
WAYNE	15	11,598.00	773.20	71	41,269.95	581.27	159	28,816.39	181.24	379	171,959.77	453.72	0	0.00	0.00	0	0.00	0.00	624	253,644.11	406.48
WILLIAMS	1	797.50	797.50	252	92,915.04	368.71	0	0.00	0.00	168	41,861.39	249.17	0	0.00	0.00	0	0.00	0.00	421	135,573.93	322.03
WOOD	25	21,138.74	845.55	322	315,445.44	979.64	295	92,373.07	313.13	231	78,954.00	341.79	0	0.00	0.00	0	0.00	0.00	873	507,911.25	581.80
WYANDOT	2	1,600.00	800.00	108	49,686.00	460.06	115	31,786.96	276.41	44	17,938.00	407.68	0	0.00	0.00	0	0.00	0.00	269	101,010.96	375.51
TOTAL	1,516	1,432,879.09	945.17	44,371	27,459,777.48	618.87	42,356	9,040,240.94	213.43	63,533	23,695,183.05	372.96	22	18,958.86	861.77	217	1,547,629.17	7,131.93	152,015	63,194,668.59	415.71

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Human progress is neither automatic nor inevitable. Even a superficial look at history reveals that no social advance rolls in on the wheels of inevitability. Every step towards the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals. Without persistent effort, time itself becomes an ally of the insurgent and primitive forces of irrational emotionalism and social destruction. This is no time for apathy or complacency. This is a time for vigorous and positive action.

”

Dr. Martin Luther King, Jr.

OFFICE OF THE OHIO PUBLIC DEFENDER
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250 E. BROAD STREET
SUITE 1400
COLUMBUS, OHIO 43215

Exhibit 3

Post-Conviction Counsel in Active Capital Cases in Which Petitions Filed Prior to Federal Habeas Proceedings (Excludes Cases Pending Re-trial or Re-sentencing)

Name of Case	Case Number	County	Post-Conviction Attorney(s)	Notes
State v. Stanley Adams	2000 CR 00700	Trumbull County	John B. Juhasz Mary Jane Stephens	Extraordinary fees were authorized by court order
State v. Nawaz Ahmed	99 CR 0192	Belmont County	David H. Bodiker Ohio Public Defender William J. Mooney Ruth L. Tkacz Assistant State Public Defenders	
State v. David W. Allen	CR 91 264901 2A	Cuyahoga County	David H. Bodiker, Ohio Public Defender Michael J. Benza Assistant State Public Defender Joseph Bodine, Assistant State Public Defender	Mr. Benza currently represents in federal habeas corpus proceedings capitally sentenced inmates Jerronique Cunningham, Percy Hutton, John Stojetz, Edward Lang, Raymond Twyford, Calvin McKelton, and Denny Obermiller
State v. Anthony Apanovitch	CR 84 194156	Cuyahoga County	Randall M. Dana, Ohio Public Defender Scott Z. Jalen Assistant State Public Defender Jerry L. McHenry Assistant State Public Defender	
State v. Abdul Awkal	CR 92 276801	Cuyahoga County	Andrew J. Crites	
State v. Tyrone Ballew	B 9002669	Hamilton County	Gary W. Crim	
State v. Glen Bates	B 1501811	Hamilton County	Melissa Jackson, Assistant State Public Defender Michelle Umana Assistant State Public Defender	

State v. Richard Bays	1994 CR 0030	Greene County	Dennis A. Lieberman	Attorney Lieberman was requested to represent Mr. Bays by the Ohio Public Defender's Office
State v. Richard Beasley	CR 2012 01 0169 A	Summit County	Tyson Fleming Assistant State Public Defender Shawn Welch Assistant State Public Defender Allen Vender Assistant State Public Defender	
State v. Anthony Belton	CR 200802934 000	Lucas County	Pamela Prude-Smithers Assistant State Public Defender Kelle H. Andrews Assistant State Public Defender Allen Vender Assistant State Public Defender	
State v. Robert Bethel	CR 006600	Franklin County	David H. Bodiker Ohio Public Defender David Hanson Assistant State Public Defender Rachael Troutman Assistant State Public Defender T. Kenneth Lee Assistant State Public Defender	
State v. Melvin Bonnell	CR 87 223820	Cuyahoga County	Laurence E. Komp Assistant State Public Defender Randall L. Porter Assistant State Public Defender	

State v. Grady Brinkley	CR 20000826 000	Lucas County	David H. Bodiker Ohio Public Defender Susan M. Roche Assistant State Public Defender	
State v. Quisi Bryan	CR 00 393660 2A	Cuyahoga County	David H. Bodiker Ohio Public Defender William J. Mooney Assistant State Public Defender Laney J. Hawkins Assistant State Public Defender	
State v. Cedric Carter	B 9202977	Hamilton County	David J. Boyd	
State v. Sean Carter	1997 CR 00558	Trumbull County	John B. Juhasz Thomas E. Zena	
State v. Cepec	10 CR 0588	Medina County	Kathryn Sandford Assistant State Public Defender Elizabeth Arrick Assistant State Public Defender Adrienne M. Larimer Assistant State Public Defender	
State v. Davel Chinn	1989 CR 00708	Montgomery County	David H. Bodiker Ohio Public Defender Tanya J. Poteet Assistant State Public Defender Linda E. Prucha Assistant State Public Defender	

State v. Curtis Clinton	2012 CR 0383	Erie County	Kimberly S. Rigby Supervising Attorney Death Penalty Division State Public Defender Jessica Carrico Assistant State Public Defender Daniel P. Jones Assistant State Public Defender	
State v. Timothy Coleman	96 CR 0142	Clark County	David H. Bodiker Ohio Public Defender Luz V. Lopez-Ortiz Assistant State Public Defender Laney J. Hawkins Assistant State Public Defender	
State v. James Conway	02 CR 3117	Franklin County	David H. Bodiker Ohio Public Defender Randall Porter Assistant State Public Defender Kathryn Sanford Assistant State Public Defender	
State of Ohio v. James Conway	02 CR 001153	Franklin County	Marc S. Triplett Kort S. Gatterdam	Attorney Triplett currently represents Mr. Conway in his federal habeas corpus proceedings'. Attorney Gatterdam currently represents 1 in federal habeas corpus proceedings capitally sentenced inmate Marvin Johnson

State of Ohio v. Derrick Cook	B 9001379	Hamilton County	David H. Bodiker Ohio Public Defender Pamela J. Prude-Smithers Assistant State Public Defender John B. Heasley Assistant State Public Defender	
State v. Jerronique Cunningham	CR 20020010	Allen County	Richard J. Vickers Assistant State Public Defender	Mr. Cunningham is currently represented in federal habeas proceedings by Michael J. Benza
State of Ohio v. Roland Davis	2004 CR 00464	Licking County	David H. Bodiker Ohio Public Defender Joseph E. Wilhelm Chief Counsel Death Penalty Division State Public Defender T. Kenneth Lee Assistant State Public Defender	
State v. Von Clark Davis	R	Butler County	Kort Gatterdam Erik Henry	Attorneys Gatterdam and Henry represented Mr. Davis in his initial post-conviction proceedings. Mr. Davis's capital sentence was vacated in federal habeas corpus but he was subsequently re-sentenced to death.
State v. Archie Dixon	CR 199307212000	Lucas County	Gordon S. Friedman	
State v. Joel Drain	19 CR 035870	Warren County	Michelle Umana Assistant State Public Defender	
State v. John Drummond	2003 CR 00358	Mahoning County	David H. Bodiker Ohio Public Defender Ruth L. Tkacz Assistant State Public Defender	

State v. Timothy Dunlap	B 910746	Hamilton County	David Bodiker Ohio Public Defender Richard J. Vickers Post-conviction Section Supervisor State Public Defender Tracey A. Leonard Assistant State Public Defender	
State v. Phillip Elmore	2002 CR 00275	Lucas County	David H. Bodiker Ohio Public Defender Richard Vickers Supervising Attorney Death Penalty Division State Public Defender	
State v. Stanley Fitzpatrick	B 0104117	Hamilton County	David H. Bodiker Ohio Public Defender Kathryn Sandford Assistant State Public Defender Wendi Dotson Assistant State Public Defender	
State v. Shawn Ford	CR 2013041008 A	Summit County	Rachael Troutman Supervising Attorney Death Penalty Dept. State Public Defender Jessica L. Carrico Assistant State Public Defender Melissa Jackson Assistant State Public Defender	

State v. Antonio Franklin	1997 CR 01139	Montgomery County	David H. Bodiker Ohio Public Defender Jennifer Hite Assistant State Public Defender Susan A. Roche Assistant State Public Defender	
State v. Terry Froman	14 CR 30398	Warren County	Jessica Houston Assistant State Public Defender Kathryn Polonsky Assistant State Public Defender	
State v. Clarence Fry	CR 2005083007	Summit County	David H. Bodiker Ohio Public Defender Richard Vickers Supervising Attorney Death Penalty Division State Public Defender Justin Thompson Assistant State Public Defender	
State v. Larry Gapen	2000 CR 02945	Montgomery County	David H. Bodiker Ohio Public Defender Ruth L. Tkacz Assistant State Public Defender	
State v. Kristopher Garrett	18 CR 000168	Franklin County	Jessica Huston Assistant State Public Defender Alison Swain Assistant State Public Defender Randall Porter Assistant State Public Defender	
State v. James Goff	CR 1955008	Clinton County	Gary W. Crimm	

State v. Shawn Grate	16 CR1 187	Ashland County	Melissa Jackson Assistant State Public Defender Alison Swain Assistant State Public Defender	
State v. Scott Group	1997 CR 00066	Mahoning County	Anette Powers J.P. Laczko	
State v. Delano Hale	CR 04454857 A	Cuyahoga County	David H. Bodiker Ohio Public Defender T. Kenneth Lee Assistant State Public Defender Rachel Troutman Assistant State Public Defender	
State v. Gerald Hand	02 CR 1080366	Delaware County	David H. Bodiker Ohio Public Defender Susan M. Roche Assistant State Public Defender	
State v. James Hanna	98 CR 17677	Warren County	David H. Bodiker Ohio Public Defender Kathryn Sandford Assistant State Public Defender Susan M. Roche Assistant State Public Defender	
State v. Jerome Henderson	B 8500996	Hamilton County	Gerald G. Simmons	Attorney Simmons represented Mr. Henderson in his initial federal habeas proceedings before the district court.

State v. Warren Hennes	92 CR 002948	Franklin County	David J. Graeff	Attorney Graeff represented capitally sentenced inmates James Goff and Nawaz Ahmed in their initial federal habeas proceedings. In 2018, Attorney Graeff retired after 46 years of practice.
State v. Danny Lee Hill	1985 CR 00317	Trumbull County	Ken Murray	
State v. Timothy Hoffner	CR 1993070212	Lucas County	David K. Greer	
State v. Gary Hughbanks	B 9706761	Hamilton County	David H. Bodiker Ohio Public Defender Joseph Bodine Assistant State Pblic Defender	
State v. Lance Hundley	2015 CR 01132	Mahoning County	Rhys B. Cartwright- James	Appointed by trial court
State v. Lamont Hunter	B 0600596	Hamilton County	Pamela Prude- Smithers Supervisor, Death Penalty Division State Public Defender Kimberly S. Rigby Assistant State Public Defender Melissa J. Callais Assistant State Public Defender	
State v. Percy Hutton	CR 85 203416 B	Cuyahoga County	David L. Daughten	Attorney Doughten currently represents in federal habeas proceedings Ohio capitally sentenced inmates James Hanna and John Stumpf.
State v. Cleveland Jackson	CR 20020011	Allen County	David Stebbins	Attorney Stebbins currently represents in federal habeas proceedings capitally sentenced inmates Warren Hennes and John Stumpf.

State v. Jeremiah Jackson	CR 09532145 A	Cuyahoga County	Kathryn Sandford Assistant State Public Defender Tyson Fleming Assistant State Public Defender	
State v. Kareem Jackson	97 CR 001902	Franklin County	David H. Bodiker State Public Defender Richard J. Vickers Assistant State Public Defender	
State v. Nathaniel Jackson	2001 CR 00794	Trumbull County	David H. Bodiker Ohio Public Defender Randall Porter Assistant State Public Defender	
State of Ohio v. Stanley Jalowiec	95 CR 046840	Loraine County	Pro Se	Mr. Jalowiec chose to represent himself
State v. Marvin Johnson	03 CR 000116	Guernsey County	David H. Bodiker Ohio Public Defender Pamela Prude- Smithers Assistant State Public Defender Kimberly S. Rigby Assistant State Public Defender	
State v. Elwood Jones	B 9508578	Hamilton County	David H. Bodiker State Public Defender Gregory W. Myers Senior Assistant State Public Defender Jennifer P. Hite Assistant State Public Defender	
State v. Phillip Jones	CR 2007041294	Summit County	Ruth L. Tkack Assistant State Public Defender	

State v. Juan Kinley	89 CR 0065	Clark County	David H. Bodiker Ohio Public Defender Kevin L. Fahey Assistant State Public Defender Kathryn L. Sanford Assistant State Public Defender	
State v. Anthony Kirkland	B 0901629	Hamilton County	Timothy F. Sweeney Andrew P Avellano	Attorney Sweeney currently represents in federal habeas corpus proceedings capitally sentenced inmates Clarence Mack, Grady Brinkley, Timothy Coleman and Marvin Johnson. Attorney Avellano currently represents in federal habeas proceedings capitally sentenced inmates Jeffrey Wogenstahl, and Tyrone Ballew,
State v. Thomas Knuff	CR 17618285	Cuyahoga County	Jessica Houston Assistant State Public Defender Elise Grifka Wander Assistant State Public Defender Adam Vincent Assistant State Public Defender	
State v. Keith Lamar	94 CR 000136	Lawrence County	Randolph W. Alden Matthew W. Alden	
State v. Lawrence Landrum	85 CR 000107	Ross County	Ken Murray	

State v. Edward Lang	2000 CR 1824 A	Stark County	Richard Vickers Supervising Attorney Death Penalty Division State Public Defender Tyson Fleming Assistant State Public Defender	
State v. Arron Lawson	17 CR 000333	Lawrence County	S. Adelle Shank William Lazarow	Attorney Shank currently represents in federal habeas proceedings capitally sentenced inmates James O'Neal, Antonio Franklin, Jerome Henderson, and Nawaz Ahmed
State v. Carl Lindsey	CR 1972015	Brown County	David H. Bodiker State Public Defender Gregory Myers Senior Assistant Stae Public Defender Laney J. Hawkinsa Assistant State Public Defender	
State v. Charles Lorraine	1986 CR 00182	Trumbull County	Denis Day Lager	
State v. Gregory Lott	CR 862110022 A	Cuyahoga County	Randall M. Dana Ohio Public Defender Dale A. Baich Assistant State Public Defender	
State v. Jose Loza	CR 1991020104	Butler County	Laurence E. Komp Assistant State Public Defender	Attorney Komp currently represents in federal habeas proceedings capitally sentenced inmates Melvin Bonnell, Lee Moore, Jose Loza and John Stojetz.
State v. Clarence Mack	CR 91262888 A	Cuyahoga County	J. Dean Carro Appellate Review Office University of Akron School of Law	
State v. Michael Madison	CR 13579539 A	Cuyahoga County	Melissa J. Jackson Assistant State Public Defender	

State v. James Mammone	2009 CR 0859	Stark County	Robert Lowe Assistant State Public Defender	
State v. Martin	2012 CR 00735	Trumbull County	John B. Juhasz	
State v. Charles Maxwell	CR 05475400 A	Cuyahoga County	Timothy Young Ohio Public Defender Adrienne M. Larimer Assistant State Public Defender Rachael Troutman Assistant State Public Defender Natalie Presler Assistant State Public Defender	
State v. Joseph McAlpin	CR 176232243 A	Cuyahoga County	Melissa J. Jackson Assistant State Public Defender Erika LaHotte Assistant State Public Defender	
State v. Calvin McKelton	CR 2010020189	Butler County	Rachel Troutman Assistant State Public Defender Kelle Hinderer Assistant State Public Defender Shawn Welch Assistant State Public Defender	
State v. Gregory McKnight	01 CR 7230	Vinton County	David H. Bodiker Ohio Public Defender Ruth L. Tkacz Assistant State Public Defender Jennifer Prillo Assistant State Public Defender	

State v. Freddie McNeill	94 CR 045440	Lorain County	David H. Bodiker Ohio Public Defender Laurence E. Komp Assistant State Public Defender Kevin L. Fahey Assistant State Public Defender	
State v. Jonathon Monroe	01 CR 002118	Franklin County	David Stebbins	Attorney Stebbins currently represents in federal habeas proceedings capitally sentenced inmates Warren Henness and John Stumpf.
State v. Lee Moore	B 9400481	Hamilton County	Richard A. Cline	
State v. Samuel Moreland	1985 CR 02117	Montgomery County	David H. Bodiker Ohio Public Defender William S. Lazarow Assistant State Public Defender Tracey Leonard Assistant State Public Defender	
State v. Frederick Mundt	CR 12042002	Noble County	David H. Bodiker Ohio Public Defender Linda Prucha Assistant State Public Defender Jenifer A. Prillo Assistant State Public Defender	
State v. Austin Myers	14 CR 29826	Warren County	John P. Parker	
State v. David Myers	1993 CR 0066	Greene County	Carol Wright	Appointed due to a conflict with the Ohio Public Defender's Office. Attorney Wright subsequently served as an Assistant Federal Public Defender, Capital Habeas Unit, for the Southern District of Ohio.

State v. Calvin Neyland	2007 CR 0359	Wood County	David Klucas Michael Stahl	
State v. Matthew Nicholson	CR 18634069 A	Cuyahoga County	Michelle Umana Assistant State Public Defender	
State v. Tyrone Nolling	1995 CR 00220	Portage County	John J. Gideon	
State v. Denny Obermiller	CR 10542119 A	Cuyahoga County	Randall L. Porter Assistant State Public Defender Gregory A. Hoover Assistant State Public Defender	
State v. James O'Neal	B 9309022	Hamilton County	John J. Gideon	
State v. Gregory Ossie	CR 2009020302	Butler County	Kelle Hinderer Andrew King	
State v. Kerry Perez	03 CR 1010	Clark County	David H. Bodiker Ohio Public Defender Richard Vickers Supervising Attorney Death Penalty Division Justin Thompson Assistant State Public Defender	
State v. Mark Pickens	B 0905088	Hamilton County	Kathryn L. Sanford Assistant State Public Defender	
State v. Wayne Powell	CR 20060358100	Lucas County	Kathryn Sanford Assistant State Public Defender Jennifer A. Prillo Assistant State Public Defender	
State v. Walter Raglin	B 9600135	Hamilton County	David H. Bodiker Ohio Public Defender Laney J. Hawkins Assistant State Public Defender Jonathan A. Woodman Assistant State Public Defender	

State v. Jason Robb	94 CR 005658	Franklin County	David J. Graeff	Attorney Graeff represented capitally sentenced inmates James Goff and Nawaz Ahmed in their initial federal habeas proceedings. In 2018, Attorney Graeff retired after 46 years of practice.
State v. Donna Roberts	2001 CR 00793	Trumbull County	David L. Doughten	Attorney Doughten currently represents in federal habeas proceedings capitally sentenced inmates James Hanna and John Stumpf.
State of Ohio v. Martin Rojas	B 8702354	Hamilton County	Randy D. Ashburn Assistant State Public Defender Laurence E. Komp Assistant State Public Defender	
State v. Carlos Sanders	B 9503105	Hamilton County	Chuck R. Stidham	
State v. William Sapp	017 CR 0177	Clark County	David J. Graeff	Attorney Graeff represented capitally sentenced inmates James Goff and Nawaz Ahmed in their initial federal habeas proceedings. In 2018, Attorney Graeff retired after 46 years of practice.
State v. Michael Scott	1999 CR 1154	Stark County	David H. Bodiker State Public Defender Wendy Dotson Assistant State Public Defender Angela M. Greene Assistant State Public Defender	
State v. Bobby Sheppard	B 9405527	Hamilton County	Kevin Durkin	

State v. Duane Short	2004 CR 02635	Montgomery County	David H. Bodiker Ohio Public Defender Richard J. Vickers Supervising Attorney Death Penalty Division Ohio Public Defender Justin Thompson Assistant State Public Defender	
State v. George Skatzes	1994 CR 02891	Montgomery County	Thomas B. Wilner Neil H. Koslowe Heather Lamberg Kafele Leslie E. Haskell Shearman and Sterling, LLP Washington, D.C.	Counsel appeared pro hoc vice
State v. Kenneth Smith	CR 1995050471	Butler County	David H. Bodiker Ohio Public Defender Lori Ann McGinnis Assistant State Public Defender Stephen P. Hardwick Assistant State Public Defender	
State v. Dawad Spaulding	CR 2012051508	Summit County	Rachael Troutman Assistant State Public Defender Elizabeth Arrick Assistant State Public Defender Robert K. Lowe Assistant State Public Defender	
State v. John Stojetz	Cr 19960086	Madison County	Kelly L. Schneider Supervisor. Death Penalty Division Ohio Public Defender Joseph E. Wilhelm Assistant Public Defender	

State v. John Stumpf	9684	Guernsey County	Patricia M. Walsh David L. Doughten	Attorney Doughten continues to represent Mr. Stumpf in federal habeas corpus proceedings, Attorney Doughten also currently represents in federal habeas proceedings capitally sentenced inmate James Hanna'
State v. James Tench	14 CR 0547	Medina County	Kimberly Rigby Assistant State Public Defender Erika Lahote Assistant State Public Defender	
State v. Ashford Thompson	CR 2008072390	Summit County	Kimberly Rigby Assistant State Public Defender Robert Barnhart Assistant State Public Defender Allen Vendetr Assistant State Public Defender	
State v. James Trimble	2005 CR 00022	Portage County	Timothy Young Ohio Public Defender Kathryn Sandford, Assistant State Public Defender Justin Thompson Assistant State Public Defender	
State v. Michael Turner	01 CR 003615	Franklin County	David H. Bodiker Ohio Public Defender Richard J. Vickers Assistant State Public Defender David Hanson Assistant State Public Defender	

State v. Raymond Twyford	92 CR 00116	Jefferson County	David H. Bodiker State Public Defender Kevin L. Fahey Assistant State Public Defender Kathryn L. Sanford Assistant State Public Defender	
State v. Warren Waddy	86 CR 003182	Franklin County	Harry Reinhart Carol S. Wright	Attorney Wright subsequently served as an Assistant Federal Public Defender, Capital Habeas Unit, for the Southern District of Ohio.
State v. James Were	94 CR 000380	Hamilton County	Randall Porter Assistant State Public Defender	Petition filed after re-trial and re-sentencing
State v. Hersie Wesson	CR 2008030710	Summit County	Jennifer Prillo Assistant State Public Defender Benjamin Zober Assistant State Public Defender	
State v. Christopher Whitaker	CR 1761402 A	Cuyahoga County	Bethany O'Neal Assistant State Public Defender Michelle Umana Assistant State Public Defender Natalie Pressler Assistant State Public Defender	
State v. Willie Wilks	2013 CR 00540	Mahoning County	Rachael Troutman Supervising Attorney Death Penalty Division Adrienne M. Larimer Assistant State Public Defender Isa Mouch Assistant State Public Defender	

State v. Andre Williams	1988 CR 00365	Trumbull County	John B. Juhasz	
State v. Clifford Williams	CR 1990080665	Butler County	David H. Bodiker Ohio Public Defender Tracey A. Leonard Assistant State Public Defender Laurence Komp Assistant State Public Defender	
State v. Robert Williams	CR 199901366	Lucas County	David H. Bodiker Ohio Public Defender Angie Greene Assistant State Public Defender William J. Mooney Office of the Ohio Public Defender	
State v. Jeffrey Wogenstahl	B 9206287	Hamilton County	W. Joseph Edwards	Attorney Edwards currently represents in federal habeas proceedings capitally sentenced inmate Juan Kinley.
State v. James Worley	16 CR 000106	Fulton County	Jessica Houston Assistant State Public Defender Alison Swain Assistant State Public Defender Kimberlyn Seccuro Assistant State Public Defender	

Exhibit 4

List of Death Department Attorneys' Hourly Rate of Compensation

<u>Attorney</u>	<u>Position</u>	<u>Hourly Rate</u>
Rigby, Kim	Managing Counsel	\$65.65
Bebo, Christie	Assistant Public Defender	\$46.31
Cline, Richard	Assistant Public Defender	\$57.41
Comunale, Annabelle	Assistant Public Defender	\$37.62
Dineen, Morgan	Assistant Public Defender	\$35.68
Goodpaster, Cassandra	Supervising Attorney	\$46.05
Grifka Wander, Elise	Supervising Attorney	\$46.05
Kovacevic, Samantha	Assistant Public Defender	\$45.24
Porter, Randall	Assistant Public Defender	\$54.32
Ray, Andrew	Assistant Public Defender	\$35.68
Roth, Alison	Assistant Public Defender	\$44.17
Sandford, Kathryn	Assistant Public Defender	\$54.32
Severyn, Renee	Assistant Public Defender	\$44.17
Vincent, Adam	Supervising Attorney	\$48.80

Exhibit 5



Office of the Ohio Public Defender

Elizabeth R. Miller, *State Public Defender*

MEMORANDUM

DATE: June 24, 2024
TO: Indigent Defense System Stakeholders
FROM: State Public Defender Elizabeth Miller
RE: Indigent Defense Reimbursement Standards & Guidelines Update; Capital Rate

I write today to provide updates regarding the Office of the Ohio Public Defender's (OPD) Reimbursement Standards & Guidelines and the hourly rate for capital cases.

Reimbursement Standards & Guidelines

The OPD is pleased to share that we have updated our Reimbursement Standards & Guidelines — the latest version is available at this [link](#). Below is a summary of the major changes to the Reimbursement Standards & Guidelines but please refer to the Standards & Guidelines for a full text review of changes.

- The State Maximum Fee Schedule has been updated to remove two attorney maximums
- All OPD reimbursement forms have been updated
- There is no longer a separate form for Supreme Court Cases
- Attorney Supreme Court Registration numbers are now required on the Itemized time log
- Ohio Administrative Code 120-1-18(A) clarifies that to qualify for reimbursement, counsel may only be appointed to serve as counsel or as a guardian ad litem, but not in a dual capacity

The OPD respectfully requests all counties comply with the updated Standards and Guidelines beginning with their January 2025 reimbursement submissions.

Capital Rate

The Capital Case Attorney Fee Council has conducted their annual review of the compensation rate for attorneys who represent indigent defendants, pursuant to Ohio Revised Code 120.33(D), and the Council has shared the rate will remain at \$140 per hour. The \$140 per hour rate is to be paid to counsel representing indigent defendants in death penalty cases at all stages of a capital case, including but not limited to trial, appeal, and post-conviction proceedings.

Should you have any questions about either of these updates, please contact OPD's Policy & Outreach Department by emailing outreach@opd.ohio.gov or calling 614.466.5394. Thank you.



614.466.5394 | 800.686.1573
TTY 800.750.0750



250 E. Broad Street, Suite 1400
Columbus, OH 43215



OPD.Ohio.gov

Exhibit 6



Office of the Ohio Public Defender

Elizabeth R. Miller, *State Public Defender*

STANDARDS AND GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT

Revised April 2024

STATE MAXIMUM FEE SCHEDULE FOR APPOINTED COUNSEL REIMBURSEMENT

Revised April 2024

COUNTY PUBLIC DEFENDER OFFICE REIMBURSEMENT STANDARDS

Revised April 2024

STATE PUBLIC DEFENDER BILLING, PAYMENT, AND REIMBURSEMENT

Revised April 2024

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SECTION I: STANDARDS & GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT

A. General procedures and responsibilities

1. Office of the Ohio Public Defender

The Office of the Ohio Public Defender (OPD) offers reimbursement to counties for their indigent defense costs, including costs to provide appointed counsel. After a county pays their indigent defense costs, a county may request reimbursement by submitting the requisite forms and documentation to the OPD. Reimbursement requests are limited to a collective submission per county each month. The OPD then audits each submission for compliance with the OPD Standards and Guidelines and, calculates the allowable total cost for appointed counsel for a given monthly submission, and makes reimbursement for up to 100 percent of that amount pursuant to [R.C. 120.33](#) and [120.35](#).

2. County responsibilities

Counties are responsible for paying indigent defense costs, including the costs for appointed counsel and guardian ad litem. The county auditor issues payment to the attorney or guardian ad litem after they have submitted the appropriate forms to the court, and the court has approved payment of the requested fees and expenses. After paying these fees and expenses, the county may seek reimbursement of the same from the OPD.

To receive reimbursement, the county must ensure all necessary materials are correctly completed and submitted to the OPD within the allowable time limits. Each monthly submission must be accompanied by the completed and signed [Monthly Assigned Counsel Summary sheet](#). The amounts reported on this sheet should only include the county's appointed counsel services paid in that month, including expert and transcript expenses.

Because the county is responsible for obtaining reimbursement from the State, and must comply with these standards in doing so, the county may make local standards governing the appointed counsel fee billing and payment process. These local standards are intended to increase individual compliance with all State-imposed standards and to ensure that payments made by the county will qualify for reimbursement from the OPD.

3. Court responsibilities

Courts are responsible for determining indigency and appointing counsel and/or guardian ad litem on a case-by-case basis to represent indigent persons who qualify for representation. Courts are also responsible for approving fees and expenses requested by appointed counsel or guardian ad litem.

4. Attorney/guardian ad litem responsibilities

For a county to receive reimbursement, an attorney or guardian ad litem must correctly complete the form(s) prescribed pursuant to section (E) of these standards for each case for which they were appointed and submit the form(s) to the court for approval. The appendices to this document include instructions for completing the necessary forms.

B. Determination of indigency and the Financial Disclosure form (OPD-206R)

1. An applicant's indigency shall be determined by the court in accordance with [Ohio Adm.Code 120-1-03](#), [R.C. 120.05](#), and [120.33](#). An applicant shall complete a current Financial Disclosure form (OPD-206R) that the court will consider in determining indigency.
2. Pursuant to [Ohio Adm.Code 120-1-03](#), in determining indigency, the court shall use the form prescribed by the OPD: Financial Disclosure form (OPD-206R). See section (E). Pursuant to [R.C. 120.33\(A\)\(4\)](#), each request for reimbursement must be accompanied by this form, or a county version of the form developed by the county and approved by OPD pursuant to [Ohio Adm. Code 120-1-03](#), or the OPD may not pay the requested reimbursement.
3. In cases where the applicant is unable to complete and sign the financial disclosure form and the court finds the applicant is otherwise indigent and entitled to counsel, the judge or magistrate hearing the case may complete and sign the Court Certification section of the form, indicating the reason the applicant is unable to complete the form and finding the applicant indigent.
4. Information required on the form may also be obtained from the applicant via phone/video by court personnel, a public defender, or court appointed counsel. The person receiving the information must indicate on the form: "Information received via telephone/video by _____. The individual receiving the information from the applicant must then list their name followed by their title.
5. No applicant shall be denied counsel based on the financial status of a member of the applicant's household when that household member has no legal duty to support the applicant, or when that household member refuses to provide or pay for counsel.

C. Recoupment, contribution, partial payment, and marginally indigent programs

Pursuant to [Ohio Adm.Code 120-1-05](#), counties shall adopt a recoupment, contribution, partial payment, marginally indigent program. Counties may provide indigent defense counsel for persons with income between 125 percent and 187.5 percent of the poverty threshold. Pursuant to [R.C. 2941.51\(D\)](#), if a person who receives appointed counsel or a public defender has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount the person reasonably can be expected to pay. [Ohio Adm.Code 120-1-05](#) prescribes factors that should be considered when considering whether recoupment should be ordered.

When recoupment is ordered and a person who is marginally indigent makes a payment to the county toward recoupment, the county auditor must remit a portion of the funds received to the State Public Defender. [R.C. 120.33\(A\)\(4\)](#) states that the county shall pay to the State Public Defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to the county by the State Public Defender pursuant to this section. Therefore, it is the responsibility of the county auditor to remit to the State Public Defender a portion of the funds collected. The amount should be proportionate to the percentage of the costs of the cases which were reimbursed by the state. Such funds should be remitted to the Office of the Ohio Public Defender by check or warrant payable to "Treasurer, State of Ohio".

D. Persons becoming indigent during their case

Reimbursement may be made for persons who were initially determined to **not** be indigent, but during the course of their case, become indigent or eligible for the recoupment program subject to the provisions of section (B) (1-3) of these standards. Reimbursement is limited to those costs paid by the county for the period of time when the applicant was determined to be indigent.

E. Prescribed forms

1. To receive reimbursement, counties must properly complete and submit the prescribed form to the OPD. The prescribed forms are:

Activity/Case Type	Form
All common pleas, municipal, appeals, juvenile, domestic relations, county courts, probate courts, and the Ohio Supreme Court	Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R), if needed
Transcript expenses	Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205)
Experts' expenses	Request for Court-Paid Experts and/or Expenses form (OPD-209)
Financial disclosure	Financial Disclosure form (OPD-206R) (Required in all cases)
Assigned counsel	Monthly Assigned Counsel Summary Report

Copies of and instructions for completing each form are included in the appendices of these standards.

2. Forms submitted must be originals or photocopies of the forms prescribed by the OPD or be produced using the software issued by the OPD.

Photocopies submitted in lieu of original forms must meet the following requirements:

- a. All pages of the form must be included and must be in the proper order.
- b. Copies must be of good quality and be of original size.
- c. All forms for reimbursement must be fully and properly completed. Forms that are incomplete or are completed improperly will be denied for reimbursement in whole or in part, to the county.
- d. The OPD makes available free software that will produce the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) and Itemized Fee Statement Continuation sheet (OPD-1027R). A copy of the software, in addition to pdf fillable forms, are available on the OPD website at opd.ohio.gov, under the [Appointed Counsel tab](#).

F. Itemization of attorney hours/time logs

The itemization of hours spent in-court and out-of-court by the attorney is required on every Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted. Hours must be itemized on all forms in tenth-of an-hour (six-minute) increments. Billing for time worked by the attorney's support staff (secretary/administrative assistant/paralegal) should not be included and will not be reimbursed by the OPD.

Where the attorney submitting the bill has included time worked by other attorneys, the attorney submitting the bill must list the bar registration number of all other attorneys who performed work that is reflected on the itemized portion of the bill,

- **Example:** Mrs. Attorney is appointed to serve as indigent defense counsel on case number CR1234. Mrs. Attorney is in trial on another case one afternoon and requests that a member of her firm cover a pretrial hearing in case number CR1234. A member of the firm, Mr. Lawyer, then covers the pretrial hearing for Mrs. Attorney. Later, when submitting a bill for the case, if Mrs. Attorney includes on her bill the time worked by Mr. Lawyer, then Mrs. Attorney must list Mr. Lawyer's bar registration number next to the increment of time Mr. Lawyer worked.

Attorneys are also required to prepare and maintain time records for each appointed case showing the date of service, nature of services rendered, and hours worked. These records should not be submitted with the fee application but may be requested if the court or the OPD has questions about the billing. Such records should be kept by the attorney for a minimum of five years from the date the related Motion, Entry and Certification for Appointed Counsel Fees form (OPD-1026R) was submitted to the court.

G. Judge's signature

1. All Motion, Entry, and Certification for Appointed Counsel Fees forms (OPD-1026R) must be signed by the judge hearing the case for which the reimbursement request is being made. The OPD has discretion to allow the signing of the form by the administrative judge for a particular

case in the event the judge hearing the case is unavailable to sign, when the judge is a visiting judge, or for other acceptable reasons approved by the OPD.

2. In appellate proceedings, the signature of at least one Court of Appeals judge hearing the appeal must appear on the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).

H. Attorney fees

1. Maximum fees
 - a. Except in cases involving extraordinary fees, reimbursement for attorney fees is limited to the maximums established by the OPD pursuant to [R.C. 120.04\(B\)\(8\)](#). Such maximums are promulgated in the OPD State Maximum Fee Schedule for Appointed Counsel Reimbursement. See section (II). The actual fees paid to the attorney by the county are determined by each board of county commissioners pursuant to [R.C. 120.33](#). If maximum allowable fees under a county's fee schedule are lower than the State's maximum, reimbursement shall be made based on the county's maximum.
 - b. In cases involving extraordinary fees, the standards outlined in section (H)(2) must be followed before reimbursement will be made.
2. Extraordinary fees
 - a. Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds the maximums established by a county or the OPD. Reimbursement to the county for extraordinary fees is subject to the following requirements:
 - i. In order for extraordinary fees to qualify for reimbursement, counties must provide for extraordinary fees in their fee resolution adopted pursuant to [R.C. 120.33\(A\)\(3\)](#).
 - ii. If a court grants an extraordinary fee, a journal entry approving the extraordinary fee must be attached to the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) (see [Ohio Adm.Code 120-1-15\(B\)\(2\)](#)), and the Extraordinary Fees Granted box in the Judgment Entry section on the front of the form must be marked.
3. Reduced or Denied Fees
 - a. If a court reduces or denies a legal fee a journal entry stating the reason for the reduction or denial must be attached to the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD1026R) (see [Ohio Adm.Code 120-1-15\(B\)\(1\)](#)).

I. Multiple charges, counts, and co-defendants

1. An appointed counsel is entitled to one fee when one complete proceeding or trial is held in one court (e.g. municipal, common pleas, juvenile, etc.) for a single client on charges or counts arising out of a single incident or a series of related incidents.

2. In cases involving multiple charges where only one fee is payable, the fee maximum shall be based on the highest degree of offense charged.
3. An attorney representing multiple clients who are charged with conduct arising out of a single incident shall submit only one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) for the case. The attorney shall list all clients and their respective case numbers on one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).
4. Time billed on one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) cannot be billed on any other form for which payment or reimbursement is being requested.
5. When one client is charged with multiple offenses that are dealt with simultaneously, the attorney shall submit only one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R). The maximum fee shall be based on the highest degree of offense charged.
6. In juvenile court cases involving multiple parties, regardless of whether the attorney represented the children, parents, or other parties in an abuse, dependency, neglect, custody, non-support contempt, or visitation contempt action, the attorney shall list all children and their respective case numbers on one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).

J. Juvenile court

1. Reimbursement will be made for an attorney appointed to represent a juvenile or adult, or for an attorney appointed as guardian ad litem in juvenile court.
2. In abuse, dependency, and neglect cases, an attorney may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court. Such billings are not considered “periodic billings” pursuant to section (T) of these standards.
3. The OPD does not reimburse for the cost of providing Court Appointed Special Advocates (CASA) or non-attorneys as guardian ad litem.
4. Whenever the guardian ad litem determines that legal work needs to be done on behalf of the child, the guardian ad litem should ask the court to appoint an attorney to represent the child’s wishes and/or legal interests, and to file motions on the child’s behalf. An attorney appointed to represent the child is entitled to bill for the appointment in the same manner as for any other abuse, dependency, or neglect cases.
5. To qualify for reimbursement, counsel may only be appointed to serve as counsel or guardian ad litem in a delinquency case, but not in a dual role as both counsel and guardian ad litem in the same case. [Ohio Adm.Code 120-1-18\(A\)](#). Where an attorney is appointed to serve as both counsel and guardian ad litem in the same delinquency case, neither the fee for counsel services nor the fee for guardian ad litem services will qualify for reimbursement. [Ohio Adm.Code 120-1-18\(B\)](#). Reimbursement submissions for appointed counsel fees wherein an

appointment of counsel in Juvenile Court was made on or after July 1, 2022, must comply with [Ohio Adm.Code 120-1-18](#) in order to qualify for reimbursement. Reimbursement submissions for appointed counsel fees wherein an appointment of counsel in Juvenile Court was made before July 1, 2022, will not be required to comply with [Ohio Adm.Code 120-1-18](#) to qualify for reimbursement.

K. Probate court

The OPD will only reimburse for adoption cases where an indigent parent is facing the termination of their parental rights. [In re Adoption of Y.E.F., SC 2020-Ohio-6785](#). All requests for reimbursement must comply with all other applicable provisions of these standards.

L. Domestic relations court

The OPD will only reimburse for cases involving contempt, including purge hearings. All requests for reimbursement must comply with all other applicable provisions of these standards.

M. Municipal or county court

1. Reimbursement will be made for representation in municipal or county courts for any violations of the Ohio Revised Code, where such violations involve a potential loss of liberty. Reimbursement for violations of municipal or village ordinances will be made only when such violations involve a potential loss of liberty, and where the municipality or village has contracted with the county commissioners of that county for such representation pursuant to [R.C. 120.33\(A\)\(4\)](#).
2. Reimbursement for violations of municipal or village ordinances shall also apply to indigent defense representation provided by county or joint county public defender offices.
3. No reimbursement will be made for municipal or village ordinance cases unless the pertinent contract between the municipality or village and the county commissioners has been approved by the OPD pursuant to [Ohio Adm.Code 120-1-09](#). All contracts must be renewed annually and sent to the OPD within sixty days of execution. No retroactive payments on municipal contracts will be made by the OPD.

N. Capital offense cases

1. Reimbursement for capital offense cases will be made pursuant to [R.C. 120.33\(D\)](#).
2. Reimbursement in capital offense cases will not be made unless the attorneys appointed were certified as qualified by the [Supreme Court Rules for Appointment of Counsel in Capital Cases](#). This also applies to the role of the attorney and the level of the case for which reimbursement is being requested (e.g., lead counsel must be lead counsel certified, appellate counsel must be appellate counsel certified, etc.). If a waiver was granted, a copy of the waiver must accompany the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) form. Attorneys must qualify pursuant to [Ohio Adm.Code 120-1-10](#).

O. Minor misdemeanors and Unclassified misdemeanors

1. Reimbursement will be made for minor misdemeanors when the minor misdemeanor is among two or more charges tracking through court at the same time for which one of the other charges carries the possibility of jail time. Otherwise, there is no reimbursement for representation in minor misdemeanor cases without prior written approval from the OPD. Approval for reimbursement will only be granted when such a case involves a substantial constitutional question or area of public or great general interest.
2. When a child is charged with a minor misdemeanor, the OPD will reimburse for the legal representation of the child, the child's parents or custodian, or any other person in loco parentis of the child, at all stages of the proceedings under [R.C. Chapters 2151](#) or [2152](#).
3. Reimbursement will be made for unclassified misdemeanors when the charge carries the possibility of jail time. Otherwise, there is no reimbursement for representation in unclassified misdemeanor cases.

P. Change in appointed attorney(s)

In the event that one attorney withdraws or is removed from a case, the newly appointed attorney may bill up to the maximum for that particular proceeding.

Q. Reimbursement of expenses

1. General rules for reimbursement of expenses

The OPD shall reimburse up to 100 percent of certain expenses reasonably related and necessary to the defense of an indigent client. These expenses include travel, transcripts, expert services, and certain other miscellaneous expenses. All reimbursement for expenses is subject to the following general rules and shall not be applied to the maximum attorney fee allowed:

- a. Pursuant to [R.C. 120.33\(A\)\(4\)](#), expenses must be specifically allowed in the county's fee resolution.
- b. The appointing court must approve the expenses.
- c. All expenses must be itemized on the proper form(s). Unless otherwise provided for in these standards, pursuant to [Ohio Adm.Code 126-1-02](#), a receipt must accompany all expenses. If the identification of the payee or the nature of the expense raises questions of confidentiality or of attorney-client privilege, the applicant may make such an indication on the form and attach an appropriate entry of approval from the court. Transcript expenses are to be submitted on the Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-205) and expert expenses on the Request for Court-Paid Experts and/or Expenses form (OPD-209) (see [Ohio Adm.Code 120-1-17](#)).
- d. All requests for reimbursement of expenses are subject to final approval by the OPD. Unusual requests may be audited to determine if reimbursement will be made.

2. Travel time and expenses

Pursuant to [Ohio Adm.Code 126-1-02](#), travel time and expense reimbursement are subject to the following conditions:

- a. The attorney must itemize on the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) all travel expenses including mileage, airfare, lodging, meals, and other miscellaneous items. A receipt must accompany all travel expenses except for road tolls, bus, boat, ferry, subway service, and personal mileage. Personal mileage must be itemized (number of miles traveled and points of departure and destination).
- b. Expenses for lodging and meals are reimbursable only when the attorney travels more than 45 miles one way from the attorney's home or office for purposes of representing an indigent client, and when an overnight stay is required. If travel expenses are claimed, the dates traveled, and points of departure and destination must be specified in the expenses section of the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).
- c. Attorney fees for time spent in-transit and expenses for mileage and parking are reimbursable only when the attorney travels to a county outside of the county in which the attorney resides or maintains an office. Reimbursement will not be made for attorney fees and/or expenses incurred between the attorney's home and office, the attorney's home and a court in the same county, or the attorney's office and a court in the same county.
- d. Except as limited by this section, an attorney may bill for hours spent in-transit between a specified point of departure and destination. Once the destination has been reached, the attorney may not bill for hours spent at the destination as hours in-transit. Hours spent working on a case at the specified destination, however, may be billed accordingly.
- e. Lodging, meals, mileage, and travel by common carrier are eligible expenses for reimbursement subject to the current rates prescribed by [Ohio Adm.Code 126-1-02](#), or the applicable county rate, if lower. For a copy of the current rates, visit the Ohio Office of Budget and Management (OBM) website at <https://obm.ohio.gov/TravelRule/>. Mileage rates are updated on a quarterly basis. If travel expenses are claimed, the dates traveled, and points of departure and destination must be specified in the expenses section of the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).
 - i. Expenses for travel by commercial carrier will be reimbursed at the lowest fare available for the trip and only when the attorney travels outside of Ohio.
 - ii. Reimbursement for travel by personal auto shall be made at the current rate set by OBM (see above).
- f. No reimbursement shall be made for lodging, meals, mileage, and travel by common carrier for the client, the client's family, the client's friends, or for the attorney's employees.

3. Transcripts

Transcript expenses for one original and one copy of a transcript are reimbursable subject to the following provisions:

- a. The maximum amount subject to reimbursement for the original transcript is \$6.00 per page, and \$0.10 per page for a paper copy. Reimbursement will not be provided for electronic copies of transcripts (see [R.C. 2301.24](#)).
- b. Transcript expenses will be reimbursed only when the transcript is produced for use by defense counsel at trial, on appeal, or in post-conviction proceedings. Reimbursement will not be made if these costs are presented through the attorney's bill for services (see [Ohio Adm.Code 120-1-17](#)).
- c. In order to qualify for reimbursement, transcript expenses must be itemized and submitted using Clerk's/ Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205). Cost per page must be listed on the invoice.
- d. Requests for transcript expense reimbursement must be submitted to OPD within 90 days after the end of the month in which the case for which the transcript was prepared, was finally disposed of, or terminated by the court handling the case.
 - **Example:** A case is terminated in an appellate court on Jan. 5, 2024. The request is due to the OPD by April 30, 2024 (90 days from the last day in January).
- e. A Financial Disclosure form (OPD-206R) completed pursuant to section (B) of these standards must accompany the Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-E-205), or the appropriate box checked where the judge declares indigency.

4. Experts

- a. Reimbursement for expert expenses shall be limited to those where the expert services provided meet all the following requirements:
 - i. The expert is used **only for the defense** of the accused or party represented; and
 - ii. The expert is an independent expert **answerable solely to defense counsel**, not to the court or prosecution; and
 - iii. The expert's expenses adhere to the established guidelines as set forth herein.
- b. Expert expenses must be submitted using the Request for Court-Paid Experts and Expenses form (OPD-209) and meet all of the following requirements:
 - i. Either a receipt, or a copy of the expert's invoice or both must accompany the form. The number of hours worked, and the hourly rate charged must be included in the invoice.
 - ii. Expert expenses may not be submitted through the attorney fee application (see [Ohio Adm.Code 120-1-17](#)).

- iii. A Financial Disclosure form (OPD-206R) completed pursuant to section (B) of these standards must accompany the Request for Court-Paid Experts and/or Expenses form (OPD-209), or the appropriate box is checked where the judge declares indigency.
- c. Reimbursement will not be provided where a defense request for an independent expert is granted by a court, but in the order granting the request the court orders that the report of the expert be submitted to the court. Where a court orders an expert's report be submitted to the court, the expert is no longer answerable solely to defense counsel nor considered an independent expert for purposes of reimbursement.
- d. During representation, defense counsel will often file motions for an expert evaluation of a defendant regarding competency or sanity. Those expert expenses are not subject to reimbursement except where, as detailed in section (a) above, the expert services are at the sole discretion of defense counsel. The following are not subject to reimbursement as the expert is per se not an independent expert serving at the discretion of defense counsel:
 - i. Expert evaluations that are required by statute; or
 - ii. Expert evaluations where the court or prosecution decide which expert will be retained; or
 - iii. Expert evaluations where the court requires the expert to submit a copy of a report.
- e. Requests for reimbursement of expert expenses ordered for use by the court or the prosecution shall not be reimbursed.
 - Examples:
 - A defendant is not fluent in the English language and the court orders a defense counsel only interpreter be present during all court proceedings. The interpreter that provides translation services during court proceedings is not a permissible expense to submit for indigent defense reimbursement—as that service is used by the court and the prosecution. However, a separate interpreter will, in most cases, be necessary for defense counsel to communicate with the defendant. The cost of the interpreter that is used only by defense counsel is a permissible expense to submit for reimbursement.
 - Defense counsel files a motion raising the defendant's competency. An evaluation ordered by the court to determine whether the defendant is competent to stand trial is not a permissible expense to submit for indigent defense reimbursement where the expert's report is ordered submitted to the court. It is only where an expert is answerable solely to defense counsel that an expert expense may be submitted for reimbursement.

5. Miscellaneous other expenses

Reimbursement for certain miscellaneous other expenses will also be made pursuant to the provisions outlined in this section. These expenses include:

- a. Polygraph examinations (use the Request for Court-Paid Experts and/or Expenses form (OPD-209)).
- b. Phone calls.
- c. Photocopies at up to \$0.05 per page if made in-house (The number of copies must be listed.) or at actual cost (with receipt) if a service is used.
- d. Other expenses reasonably related and necessary to the defense of an indigent client, (e.g., clothing for the client, haircuts for the client, flash drive, CD etc.). Receipts must be submitted for all expenses.

R. Court fees, fines, costs, and items subject to waiver

No reimbursement will be made for any court fees, fines, or costs that are subject to waiver due to the indigency of the client (e.g., the \$40.00 Supreme Court of Ohio filing fee). The attorney is responsible for filing a motion to waive filing fees and a Financial Disclosure Form (OPD-206R) with the court. Some courts require their own affidavit to waive costs. The court in turn has the jurisdiction to ensure no fees or costs are assessed against the indigent client. In no case are subpoena fees, processor fees, jury fees, court costs, or fines reimbursable expenses.

S. Timely submission of forms

Pursuant to [R.C. 120.33\(A\)\(4\)](#), all requests for reimbursement are due to the OPD within 90 days after the end of the month in which the case was finally disposed of or terminated (last day in court or entry filed from the last day in court).

- **Example:** A case is terminated on Jan. 5, 2024. The request is due to the OPD by April 30, 2024 (90 days from the last day in January).

This standard is subject to the following exceptions:

1. Trial level - If the attorney intends to file a notice of appeal, a motion for a new trial, a motion for shock probation, or a motion for judicial release, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due to the OPD within 90 days after the end of the month in which the last hearing indicated on the form was held, or entry filed.
2. Appellate level - Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due to the OPD within 90 days after the end of the month in which either the oral argument was held or the appellate decision was issued, as indicated on the form.
3. Juvenile proceedings - In abuse, dependency, and neglect cases, where more than one hearing is held over an extended period of time, the attorney may submit individual Motion, Entry, and

Certification for Appointed Counsel Fees forms (OPD-1026R) for the initial dispositional hearing, each subsequent annual review hearing, and any semi-annual review hearing, and is entitled to fees and expenses as outlined in section (J) of these standards. Each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) submitted is due to the OPD within 90 days after the end of the month in which the latest hearing indicated on the form was held.

4. Attorney withdraws or is removed from a case - When an attorney either withdraws or is removed from a case, the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is due within 90 days from the end of the month in which the attorney withdrew or was removed from the case.

T. Periodic billings

1. In cases where proceedings are carried out over an extended period of time, or where multiple trials are held for one case, an attorney may submit more than one bill over the duration of the case.
2. To determine the maximum amount payable, the totals of all such billings will be added together. Once the maximum has been reached, no additional reimbursement will be paid unless the billing is accompanied by an order granting extraordinary fees.
3. Juvenile court - In abuse, dependency, and neglect cases, attorneys are entitled to bill the maximum fee for the initial dispositional hearing and for each subsequent in-court annual review hearing. These are not considered “periodic billings” unless two or more bills are submitted for services provided for a single cap.
4. Periodic billings are due to the OPD within 90 days after the end of the month in which the latest hearing indicated on the form was held.

U. Flat rate fee resolutions and guaranteed minimum fees

1. A county board of commissioners may adopt a fee schedule that compensates attorneys at a flat rate instead of an hourly rate for certain types of offenses. Reimbursement of flat rate fee schedules are subject to the following:
 - a. Schedules incorporating flat rate fees must be approved by the OPD to receive reimbursement.
 - b. Requests for reimbursement must include a completed Itemized Fee Statement section on the Motion, Entry, and Certification for Appointed Counsel Fee form (OPD-1026R) regardless of the use of flat rates. Incomplete forms will be denied reimbursement.
 - c. All fees paid to attorneys must be supported by the actual hours worked. Any fees in excess of hours billed multiplied by county hourly rate will not be approved.
2. The OPD will not provide reimbursement for guaranteed minimum fees. Counties that have fee schedules that include guaranteed minimum fees may still receive reimbursement. However,

reimbursement will be based on the number of hours worked multiplied by the applicable hourly rates, as well as approved expenses on each Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R).

V. State recoupment of fees or expenses paid by indigent clients

Ohio law contemplates that persons receiving appointed legal counsel may have to pay for all or a portion of the costs of such representation. Payments from clients for such representation are done through programs referred to as recoupment, contribution, partial payment, or marginally indigent programs. See [R.C. 2941.51\(D\)](#) and [120.33\(A\)\(4\)](#).

If a person who receives appointed counsel or a public defender has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount the person reasonably can be expected to pay. [R.C. 2941.51\(D\)](#).

When a client pays any money under a reimbursement, recoupment, contribution, or partial payment program for any case in which the county received reimbursement from the State, then the county must pay to the State a portion of the amount collected from the client. [R.C. 2941.51\(D\)](#) and [120.33\(A\)\(4\)](#).

When funds are collected from a client, usually by the Court Clerk, amounts should be identified as such when forwarded to the County Auditor. The County Auditor must remit a portion of the funds to the State Public Defender along with a Monthly Recoupment Report itemizing recoupment funds collected from indigent defendants

It is the responsibility of the county auditor to reimburse the state a portion of the funds collected. The amount should be proportionate to the percentage of the costs of the cases which were reimbursed by the state. Such funds should be remitted to the Office of the Ohio Public Defender by check or warrant payable to “Treasurer, State of Ohio”.

- **Example:** If a county collects \$100.00 from a client for an appointed counsel case that was reimbursed by the State at 85 percent, the county must pay the OPD \$85.00 of the \$100.00 collected.

There are several options for County recoupment plans. Any system that meets the statutory requirements is acceptable. A more detailed explanation of recoupment plans and examples are contained in OPD’s guide to [County Indigent Fee/Cost Recoupment Programs](#).

W. Underpayment/overpayment of reimbursement

If a county receives a reimbursement payment either less than or greater than the amount it should have received as a result of errors, omissions, or other factors, the OPD shall either make a supplemental payment or a recoupment of funds. This will be done by making an adjustment in the county’s reimbursement payment in the month following discovery and verification of the error.

For underpayments, at the request of the county, the OPD may issue a supplemental warrant prior to the following month's disbursement. The OPD reserves the right to verify whether an adjustment shall be made.

X. Specialty courts and other programs

A court that operates a specialty court docket (e.g. recovery court) or other program (e.g. diversion program) may contact the OPD to have a plan approved which would provide for reimbursement of an attorney to serve as appointed counsel for indigent defendants during the specialty court or other program proceedings.

A plan must include the following in order to be eligible for reimbursement:

1. The attorney(s) serving as appointed counsel must submit one Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) detailing the total in-court and out-of-court hours worked for each day.
2. Request for reimbursement is due to the OPD within 90 days after the end of the month in which a specialty court hearing or other program was held.
 - **Example:** A hearing is held on Jan. 5, 2024. The request is due to the OPD by April 30, 2024(90 days from the last day in January).
3. A designated code to be used in lieu of a case number on the fee applications for the specialty court or program.
4. If a participant in the specialty court or program is subject to a violation hearing, and is indigent, the participant must be appointed an individual attorney to serve as counsel for the violation proceedings. The participant may agree to be represented by the attorney that has provided general counsel in the specialty court or may elect to be appointed a different attorney. If the same attorney that serves as counsel in the specialty court is later appointed for a violation, for purposes of reimbursement, the previous time billed for drug court would not apply to the fee cap for the violation.
5. Attorneys providing limited representation should ensure compliance with the applicable Rules of Professional Conduct.
6. Any plan approved by the OPD must be renewed annually and sent to the OPD within sixty days of execution.

Y. Amendment of standards

The OPD may amend these standards at any time. Whenever the standards are amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county commissioners, auditors, judges, and clerks of courts.

SECTION II: STATE MAXIMUM FEE SCHEDULE FOR APPOINTED COUNSEL REIMBURSEMENT

A. General provisions

1. The Ohio Public Defender State Maximum Fee Schedule for Appointed Counsel Reimbursement contains the hourly rates and maximum amounts the OPD will reimburse counties for representation of indigent persons in criminal cases.
2. In fiscal year 24, HB33 included a limit on reimbursement to counties at a rate set by the General Assembly – which was specified in temporary law to be \$75 per hour. It is important to note the limit applies to all cases, except capital cases. It only limits reimbursement, and not the rates that counties can or must pay to counsel.
3. To receive reimbursement, a board of county commissioners must adopt a resolution to pay counsel appointed by the court and establish a fee schedule. [R.C. 120.33\(A\)\(3\)](#). The county is responsible for filing an up-to-date fee schedule with the OPD. Updated fee schedules may be emailed to outreach@opd.ohio.gov. OPD will reimburse the county based on the latest fee schedule filed with the OPD.
4. **Counties using OPD Online to process indigent defense reimbursement must transition from a current fee schedule to a new fee schedule by the date of a bill.** See [Memorandum From The State Public Defender. \(May 19, 2022\)](#).
5. Reimbursement to the counties shall be based on the most serious offense with which the defendant is charged and will be made at up to 100 percent. Reimbursement shall not exceed the established hourly or maximum rates unless otherwise provided for by statute.

B. Trial Level Proceedings

1. Reimbursement for representation in trial level cases not involving a death penalty specification will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Representation in trial level cases involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council - see [R.C. 120.33\(D\)](#).
3. The prescribed maximum fees permitted in trial level proceedings are:

Offense/Proceeding	Fee Maximum
Aggravated murder (w/capital specs) per R.C. 2929.04(A) and 2941.14(B)	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.

Aggravated murder (w/o capital specs)	\$15,000 per attorney
Murder	\$10,000
Felony with possible life sentence/ repeat violent offender/major drug offender	\$10,000
Felony (degrees 1-2)	\$8,000
Felony (degree 3)	\$5,000
Felony (degrees 4-5)	\$3,500
Misdemeanor (degrees 1-4)	\$2,000
Misdemeanor OVI/BAC	\$2,500
Contempt of court	\$500
Violation (Probation/Community Control)	\$750
Preliminary Hearings/Felony in Municipal or County Court	\$300
Sex Offender Classification	\$750
Other	\$750
Expungement	\$300
Judicial Release	\$500
Revocation	\$750
Driving Privileges	\$150
NGRI/Comp Review	\$750
Jail Time Credit	\$300
Resentencing	\$500
Sex Offender Reclassification	\$750
Withdrawal of Guilty Plea	\$1,000

C. Juvenile proceedings

1. Reimbursement for representation in juvenile proceedings will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Representation in juvenile proceedings that involving a death penalty specification will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council - see [R.C. 120.33\(D\)](#).
3. The OPD does not reimburse for the cost of providing Court Appointed Special Advocates (CASA) or non-attorneys as guardian ad litem.
4. In abuse, dependency, and neglect cases, both the attorney and the guardian ad litem may bill up to the maximum fee allowed by the county for the initial dispositional hearing and each subsequent annual review hearing before the court as noted in Section J above.

5. The prescribed maximum fees permitted in juvenile level proceedings are:

Offense/Proceeding	Fee Maximum
Aggravated murder (w/ capital specs) per R.C. 2929.04(A) and 2941.14(B)	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o capital specs)	\$7,500 per attorney
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000
Traffic	\$300
Objections	\$750
Unruly	\$1,000
Bindover – Mandatory	\$750
Bindover – Discretionary	\$2,000
Reverse Bindover Amenability	\$1,500
SYO	Adult Degree
SYO Invocation	\$2,000
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release)	\$750
Violation of Court Order	\$750
Abuse, Dependency and Neglect Initial Custody	\$1,500
Abuse, Dependency and Neglect Annual Review After Initial Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$500
Purge Hearing	\$150
Sex Offender Classification/Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

D. Probate proceedings

1. The prescribed maximum fees permitted in Probate proceedings are:

Offense/Proceeding	Fee Maximum
Termination of parental rights	\$2,500

E. Appellate level proceedings

1. Reimbursement for representation in appellate level proceedings not involving a death sentence shall be made based on the maximum rate of \$75.00 per hour for both in-court and out-of-court services.
2. Representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services, as set by Capital Fee Council - see [R.C. 120.33\(D\)](#).
3. The prescribed maximum fees permitted in appellate level proceedings are:

Offense/Proceeding	Fee Maximum
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.
Cumulative Minimum Sentence exceeds 25 years	\$8,000
Felony (degrees 1-2) Trial	\$5,000
Felony (degree 3) Trial	\$3,500
Felony (degrees 4-5) Trial	\$2,500
Misdemeanor Trial	\$2,000
Felony Plea	\$1,500
Misdemeanor Plea	\$1,000
Abuse, Dependency and Neglect	\$3,500
Permanent Custody	\$3,500
Probate- Termination of parental rights	\$3,500
Unruly	\$1,000
Other	\$1,000

26(B) Murnahan Felony (degrees 1-2) Trial	\$3,000
26(B) Murnahan Felony (degree 3) Trial	\$2,000
26(B) Murnahan Felony (degrees 4-5) Trial	\$1,000
OSC Jurisdiction Memorandum	\$1,500

F. Postconviction petitions and habeas corpus proceedings

1. Reimbursement for postconviction and State habeas corpus proceedings not involving a death sentence will be made based on the maximum rate of \$75.00 per hour for both in-court and out-of- court services.
2. Representation in appellate level proceedings involving a death sentence will be made based on the maximum rate of \$140.00 per hour for both in-court and out-of-court services.
3. The prescribed maximum fees permitted in postconviction petitions and habeas corpus proceedings are:

Offense/Proceeding	Fee Maximum
Death Sentence	As set by Capital Fee Council - see R.C. 120.33(D) . The Council has currently set a rate of \$140 with no fee maximum.
Felony (degrees 1-2) (R.C. 2953.21 Petition/New Trial Mtn)	\$4,000
Felony (degree 3) (R.C. 2953.21 Petition/New Trial Mtn)	\$2,500
Felony (degrees 4-5) (R.C. 2953.21 Petition/New Trial Mtn)	\$1,750
Misdemeanor (60(B))	\$1,500
Juvenile	\$2,500
State Habeas	\$1,500

G. Amendments to the Fee Schedule

The OPD may amend this fee schedule at any time. Whenever the schedule is amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county commissioners, auditors, judges, and clerks of courts.

SECTION III: COUNTY PUBLIC DEFENDER OFFICE REIMBURSEMENT STANDARDS

The following are the reimbursement standards applicable to county public defender offices, joint county public defender offices, and for counties that have contracted with non-profit organizations for indigent defense services:

A. Determination of indigency and the Financial Disclosure form (OPD-206R)

1. Pursuant to [R.C. 120.15\(D\)](#) and [120.25\(D\)](#), the county public defender shall determine indigency of persons, subject to review by the court, in the same manner as provided in [R.C. 120.05](#). Each monthly report submitted to the board of county commissioners and the OPD shall include a certification by the county public defender that all clients provided representation by the county public defender's office during the month indicated in the report were indigent under the standards of the Ohio Public Defender Commission.
2. In determining indigency, county public defenders shall use the Financial Disclosure form (OPD-206R) or a county version of the form developed and approved by the OPD pursuant to OAC 120-1-03. One form must be completed for each client who receives representation. The forms should not be forwarded to the OPD but should be kept on file by the county public defender for purposes of an audit. The Financial Disclosure form (OPD-206R) and instructions for completing the form are included in the Appendices of these standards.
3. In cases where the applicant is unable to complete or sign the Financial Disclosure form (OPD-206R), the form may be completed and signed by the parent, a person in loco parentis or the guardian ad litem, or the judge/ magistrate hearing the case may complete and sign the Court Certification section in lieu of a signature on the form. Magistrates who certify the form are to include their title under their signature. Information required on the form may also be obtained from the applicant via phone/video by court personnel, a public defender, or court appointed counsel. The person receiving the information must indicate on the form: "Information received via telephone/video by _____. The individual receiving the information from the applicant must then list their name followed by their title.
4. No applicant shall be denied counsel based on the financial status of a member of the applicant's household when that household member has no legal duty to support the applicant, or when that household member refuses to provide or pay for counsel.
5. No child shall be denied counsel solely because the child's parents or guardians are unwilling to disclose their financial status or to provide or pay for counsel.

B. Reimbursement, recoupment, contribution, partial payment, and marginally indigent programs

1. Counties shall adopt a recoupment, contribution, partial payment, marginally indigent program. [Ohio Adm.Code 120-1-05](#) Counties may provide indigent defense counsel (either

through appointed counsel or a public defender) for persons with income between 125 percent and 187.5 percent of the poverty threshold. When a person who is appointed counsel or a public defender is determined to have or is reasonably expected to have the means to pay part of the cost their representation, the person shall pay the county an amount the person reasonably can be expected to pay. [R.C. 2941.51\(D\)](#). [Ohio Adm.Code 120-1-05](#) prescribes factors to be considered when determining whether recoupment should be required.

When recoupment is ordered and a marginally indigent person makes a payment to the county toward recoupment, the county auditor must remit a portion of the funds received to the State Public Defender. [R.C. 120.33\(A\)\(4\)](#) states that the county shall pay to the State Public Defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case paid to the county by the State Public Defender pursuant to this section. Therefore, it is the responsibility of the county auditor to remit to the State Public Defender a portion of the funds collected. The amount should be proportionate to the percentage of the costs of the cases reimbursed by the state. Such funds should be remitted to the Office of the Ohio Public Defender by check or warrant payable to "Treasurer, State of Ohio."

2. The OPD will not provide reimbursement in cases where a public defender office serves as both guardian ad litem to a child and counsel to another party in the same case (e.g. parent).
3. To qualify for reimbursement, counsel may only be appointed to serve as counsel or guardian ad litem in a delinquency case. [Ohio Adm.Code 120-1-18\(A\)](#). Where an attorney is appointed to serve as both counsel and guardian ad litem in the same delinquency case, neither the fee for counsel services nor the fee for guardian ad litem services will qualify for reimbursement. [Ohio Adm.Code 120-1-18\(B\)](#). Reimbursement submissions for appointed counsel fees wherein an appointment of counsel in Juvenile Court was made on or after July 1, 2022, must comply with [Ohio Adm.Code 120-1-18](#) in order to qualify for reimbursement. Reimbursement submissions for appointed counsel fees wherein an appointment of counsel in Juvenile Court was made before July 1, 2022, will not be required to comply with [Ohio Adm.Code 120-1-18](#) to qualify for reimbursement.

C. Persons becoming indigent during their cases

Reimbursement will be made for persons who were initially determined not to be indigent, but become indigent or eligible for a reimbursement, recoupment, contribution, or partial payment program. Reimbursement is limited to the costs incurred by the county public defender office for the period of time when the applicant was determined to be indigent.

D. Prescribed forms

1. To receive reimbursement, counties must submit a Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501) via email at Reimbursement@OPD.Ohio.gov. A copy of the form and instructions for completing it are included in Appendix F of these standards.

2. The form must be an original or photocopy of the one prescribed by the OPD, or be produced using OPD Online, the case management system provided by OPD. No other reproductions will be accepted. Photocopies submitted in lieu of original forms must meet the following requirements:
 - d. All pages of the form must be included.
 - e. Copies must be of good quality, be of original size and be made on 8½" x 11" paper.
3. All forms for reimbursement must be properly completed in full. Forms that are incomplete or are improperly filled out will result in a denial of reimbursement to the county.
4. Public defender offices shall retain a copy of the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501) for a period of five years from the date the form was submitted to the OPD.

E. Definition of a case for purposes of completing the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501)

1. A single case includes all applicable proceedings when one defendant is charged or indicted for one offense or a series of offenses arising from a single event. A single case also includes one defendant charged or indicted with offenses resulting from a series of events that occur in the course of one scheme of conduct happening over a period of time, regardless of the number of counts or charges.
2. When there are multiple defendants charged with the same offense(s), whether tried separately or together, each defendant shall be counted as a separate case.
3. Whenever a public defender office represents an individual charged with a felony at the preliminary hearing stage in county or municipal court, the preliminary hearing stage shall not be counted as a case, but rather shall be counted in the category, "Felonies filed in Municipal Court," found on the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501). If the county public defender continues to represent the individual after the preliminary hearing stage, the common pleas court case shall be counted as a case.
4. Once a case is closed, if it is later re-opened, it shall be counted as a separate case.
5. When one defendant is charged with unrelated acts happening at separate times, each act or charge shall be counted as a separate case whether tried separately or together.
6. When one defendant is charged with different counts from different court jurisdictions, the number of cases counted shall be equal to the number of jurisdictions (e.g., municipal, county, common pleas, juvenile division) in which the defendant is being charged, or pursuant to paragraph one of this definition.
7. In abuse, dependency, neglect, non-support contempt, and visitation contempt court actions, a case shall be counted each time the court exercises its continuing jurisdiction. Unless there is

a conflict, all children in an abuse, dependency or neglect court action shall be counted as a single case.

F. Cost allocations

County and joint county public defender offices may recover a portion of their indirect costs associated with operating a county public defender office by including an amount for cost allocation in the appropriate space on the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501). To qualify, counties must prepare a cost allocation plan in accordance with [OMB Circular A-87](#), and email a copy to the OPD annually at Outreach@OPD.Ohio.gov. Upon receipt, the OPD will review the plan, determine the amount of recoverable indirect costs, and send an email letter to the county public defender verifying and approving the amount to be claimed.

G. Time limits for submission of the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501)

1. Pursuant to [R.C. 120.18](#) and [120.28](#), requests for reimbursement from county and joint county public defender offices are due to the OPD within 60 days after the end of the month in which the expenditures were incurred. OPD requests the cooperation of the public defender offices and county auditors in submitting on a 30-day schedule instead of a 60-day schedule.
 - **Example:** Expenditures were incurred in January 2024. The request is due to the OPD by March 31, 2024, however the OPD requests the submission by Feb. 28, 2024.
2. At OPD's discretion, the OPD may grant a county an extension of the deadline in section (G)(1) to correct any form that is incomplete, needs corrections, or is otherwise unacceptable.

H. Applicability of the Standards and Guidelines for Appointed Counsel Reimbursement

Where applicable, the Standards and Guidelines for Appointed Counsel Reimbursement, found in Section I above, shall also apply to indigent defense representation provided by county or joint county public defender offices. These include specifically, but are not limited to the standards regarding the following:

- Juvenile court
- Domestic relations court
- Minor misdemeanors
- Municipal ordinance violations
- Probate court
- Expenses

I. State recoupment of fees or expenses paid by indigent clients

Pursuant to [R.C. 120.15\(B\)\(3\)](#), the county public defender is responsible for collecting all moneys due for reimbursement of legal services provided under [R.C. Chapter 120](#). All money collected or received by the county public defender must be paid into the county treasury to the credit of the general revenue fund.

Pursuant to [R.C. 2941.51\(D\)](#), if a client has paid any money under a reimbursement, recoupment, contribution, or partial payment program for any case in which the county received reimbursement from the State, then the county must pay to the State a portion of the amount collected from the client. Of the funds collected, the county shall pay to the OPD an amount proportionate to the percentage of the costs of the case that were reimbursed by the State.

- **Example:** If a county collects \$100.00 from a client for which public defender services were provided, and the county was subsequently reimbursed by the State at 85 percent, the county must pay the OPD \$85.00 of the \$100.00 collected.

Such payments are to be remitted by the county auditor to the OPD by check or warrant payable to the order of “Treasurer, State of Ohio.”

J. Underpayment/Overpayment of Reimbursement

If a county receives a reimbursement payment either less than or greater than the amount it should have received as a result of errors, omissions, or other factors, the OPD shall either make a supplemental payment or a recoupment of funds. This will be done by making an adjustment in the county’s reimbursement payment in the month following discovery and verification of the error. For underpayments, at the request of the county, the OPD may issue a supplemental warrant prior to the following month’s disbursement. The OPD reserves the right to verify whether or not an adjustment shall be made.

K. Amendment of standards

The OPD may amend these standards at any time. Whenever the standards are amended or revised, the OPD will give notice to the appropriate county offices including, but not limited to county public defenders, county commissioners, auditors, common pleas judges, and clerks of courts.

SECTION IV: STATE PUBLIC DEFENDER BILLING, PAYMENT, AND REIMBURSEMENT

Billing, payment, and reimbursement in cases where the OPD provides attorney representation or investigation/mitigation services to appointed counsel or to a county public defender office is governed by [R.C. 120.06\(D\)](#).

When the OPD is designated by the court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in any case, other than pursuant to a contract entered into under authority of [R.C. 120.04\(C\)\(7\)](#), at the conclusion of the case the OPD shall send the county a bill detailing the actual cost of the representation that separately itemizes legal fees and expenses.

The OPD's legal fees will adhere to the State Fee Schedule, except in cases that are deemed extraordinary. Extraordinary cases are those that are unusually complex, involve numerous charges or co-defendants, include a large volume of discovery or evidence, or involve technical issues that require special expertise. Where the legal fees in an extraordinary case exceed the State Fee Schedule, the State Public Defender will determine on a case-by-case basis, whether to bill in excess of the State Fee Schedule. When the State Public Defender determines that an extraordinary case warrants a fee in excess of the State Fee Schedule, a written finding will be attached to the bill.

The county, upon receipt of an itemized bill from the OPD, pursuant to [R.C. 120.06\(D\)](#), shall pay the OPD one hundred percent of the amount identified as legal fees and expenses in the itemized bill.

Upon the county's payment of the itemized bill, the OPD will process the bill for reimbursement pursuant to [R.C. 120.33](#). **A county need not submit the paid bill for reimbursement.**

When the OPD provides investigation or mitigation services to private appointed counsel or to a county or joint county public defender as approved by the appointing court, other than pursuant to a contract entered into under authority of [R.C. 120.04\(C\)\(7\)](#), the OPD shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the OPD pursuant to this division, shall pay 100 percent of the amount as set forth in the itemized bill. Upon payment of the itemized bill, the OPD will process the bill for reimbursement pursuant to [R.C. 120.33](#). **A county need not submit the paid bill for reimbursement.**

APPENDICES

APPENDIX A: INSTRUCTIONS FOR COMPLETING MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES FORM (OPD-1026R)

The following instructions are for the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R). This form is to be used *only* for services rendered in appeals, common pleas, county, domestic relations, juvenile, probate, and municipal courts. For the purposes of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE ATTORNEY

- (1) Enter the name of the court in which the services are being rendered. Appropriate entries in this space are limited to the following:
 - Common Pleas
 - Juvenile
 - Probate
 - Municipal
 - Domestic Relations
 - County
 - Appeals
 - Supreme
- (2) Enter the name of the county or city in which services are being rendered. The following are examples of how the completed line might read:
 - In the Common Pleas Court of Montgomery County, Ohio
 - In the Juvenile Court of Cuyahoga County, Ohio
 - In the Municipal Court of Akron, Ohio
 - In the Appeals Court of Butler County, Ohio
 - In the Domestic Relations Court of Madison County, Ohio
- (3) Clearly identify the plaintiff. If the plaintiff is the State of Ohio, enter "State of Ohio" in this space. If the plaintiff is a municipality, village, etc., enter in the name of the city, village, etc. If there is no plaintiff, leave this space blank. The following are examples of how entries in this space might read:
 - State of Ohio
 - City of Akron
 - Village of Arlington
- (4) Enter the name of the defendant or the party being represented. In juvenile cases, complete the "In re:," if applicable
- (5) Enter the case number. If the case number is an appeal, be sure to enter the appellate case number rather than the lower court case number.

- (6) If the person is charged with a capital offense, check the box. Be sure to enter the co-counsel's name on the back of the form. See (33).
- (7) Check the box if the attorney was appointed as guardian ad litem (GAL).
- (8) Enter the name of the judge hearing the case.
- (9) Enter the date the attorney/GAL was appointed, both the day and month (9a) and the year (9b).
- (10) Enter the date the case was terminated and/or was disposed of by the court, both the day and month (10a) and the year (10b).
- (11) Enter the date the attorney submitted the form, both the day and month (11a) and the year (11b).
- (12) Enter the name of the defense attorney that provided services on this case.
- (13) The attorney appointed to this case must sign the form.
- (14) Enter the address of the attorney appointed in this case (include P.O. Box, Apt #, or Suite, if applicable).
- (15) Enter the attorney's Supreme Court of Ohio registration number.

Instructions (16-19) detail the completion of one line of the Offense/Charge/Matter grid. Please continue to enter information into the grid (if necessary) in the same manner for additional lines. If there are more than three charges against the defendant, list only the three most serious charges beginning with the one of greatest severity and continuing in descending order.

- (16) Enter the name of the offense with which the defendant was initially charged or for which the defendant was indicted.
- (17) Enter the R.C. section or Municipal Ordinance section.
- (18) Enter the degree of the offense (e.g., F1, M4, etc.).
- (19) Indicate how the charge was disposed: (e.g. below)

- | | |
|---|--|
| • Accepted Review | • Bench Trial - Not Guilty by Reason of Insanity |
| • Admit to Violation | • Bench Trial – Permanent Custody Denied |
| • Advice Only | • Bench Trial – Permanent Custody Granted |
| • Affirmed | • Bond forfeiture |
| • Attorney Withdrawn | • Bound Over |
| • Bench Trial - Adjudicated Delinquent | • Bypass/Waived Preliminary Hearing |
| • Bench Trial - Delinquent Less Than Charge | • Certified Back |
| • Bench Trial - Guilty | • Client Refused Offer |
| • Bench Trial - Guilty Less Than Charge | • Client Unavailable |
| • Bench Trial - Not Delinquent | • Client's Request |
| • Bench Trial - Not Guilty | |

- Complaint Withdrawn
- Conflict
- Counsel Appointed
- Deceased
- Declined Review
- Denied
- Dismissed
- Diversion
- Granted
- Hearing - Guilty - CBCF
- Hearing - Guilty - Prison
- Hearing - Not Guilty
- Hearing - Time Served
- Incompetent to Stand Trial
- Jury Trial - Guilty
- Jury Trial - Guilty Less Than Charge
- Jury Trial - Not Guilty
- Jury Trial - Not Guilty by Reason of Insanity
- Juvenile Admit to Charge
- Juvenile Admit to Less Than Charge
- Legal Custody to Other
- Mediation
- No Action Taken
- No Bill
- Nolle prosequi
- Not Indigent
- Plea - Alford
- Plea - No Contest
- Plea to Charge
- Plea to Charge - Negotiated Sentence
- Plea to Less Than Charge
- Policy
- Pro se
- Protective Supervision
- Purge Met
- Purge Not Met
- Reduced to Misdemeanor
- Referred To Other
- Remand
- Represented by Other
- Retained Counsel
- Reversed
- Stipulated - Not Guilty for Reason of Insanity
- Stipulated to Permanent Custody
- Supervision Continued
- Temporary Custody
- Transfer to original county
- Treatment in Lieu of Conviction
- Voluntarily Dismissed
- Waived Counsel
- Waived Extradition
- Waiver - Guilty - APA Rec. Prison Sanction
- Waiver - Guilty - CBCF
- Waiver - Guilty - Lesser Prison Sanction
- Waiver - Guilty - Prison Sanction
- Waiver - Not Guilty
- Warrant Issued

(20) Check the flat fee box (20a) if a flat fee is used. When a flat fee is used, the attorney must still record the number of hours of service. Check with OPD for pilot project fees for specialty courts. Check the extraordinary fees box (20b) if counsel is requesting extraordinary fees. Motion or statement in support of extraordinary fees may be attached.

(21) Enter the total number of in-court hours.

(22) Enter the county's in-court hourly rate.

(23) Enter the product of the total in-court hours and county hourly rate for in-court services.

(24) Enter the total number of out-of-court hours.

(25) Enter the county's out-of-court hourly rate.

- (26) Enter the product of the total out-of-court hours and the county hourly rate for services out-of-court.
- (27) Enter the sum of the in-court and out-of-court totals for legal fees (line 23 and 26).
- (28) Enter the total cost of all other (non-travel) expenses from the reverse side of the form. Note: For transcript expenses, use Clerk's/Auditor's Transcript Fee for an Indigent Defendant form (OPD-205), and for expert expenses, use the Request for Court-Paid Expert Expenses form (OPD-209).
- (29) Enter the total cost of all travel expenses.
- (30) Enter the grand total of legal fees plus expenses being requested (lines 27, 28 and 29).

The Judgment Entry and Certification sections are to be completed by the court and by the county respectively. If local practice permits, the attorney may complete (39) and (40) in the Judgment Entry section before submitting the form to the court.

- (31) Enter the case number. If the case is an appeal, be sure to enter the appellate case number rather than the lower court case number.
- (32) Enter the name of the attorney.
- (33) If the case is a capital offense case, enter the name of co-counsel for the case. Be sure the box on the front of the form is checked.
- (34) Complete the Itemized Fee Statement grid according to the following guidelines:
- Use only the Itemized Fee Statement to record hours worked in- and out-of-court. If additional space is needed, use the Itemized Fee Statement Continuation sheet (OPD-1027R). If the Itemized Fee Statement Continuation sheet (OPD-1027R) is used, put the grand total of all hours worked only on the last continuation sheet used. Per page totals are not necessary. Otherwise, put the grand total in the Grand Total row of the Itemized Fee Statement Continuation sheet (OPD-1027R) Grand totals must also be recorded in the "Grand Total Hours" row on the front of the form.
 - For each date services were performed, enter in the appropriate boxes the date of service, the number of hours spent performing each type of service, and the total hours. On the form, two sets of columns are provided. When the bottom of the first set of columns is reached, continue at the top of the second. Use continuation sheets in the same manner.
 - Record all out-of-court hours in the Out-of-Court Total column. There are no longer separate out- of-court categories.
 - Record all in-court hours in the In-Court Total column. There are no longer separate In-court categories.
 - List the OSC number for any time billed that was worked by an attorney other than yourself.
 - Add the out-of-court total and the in-court total and enter the sum in the Daily Total column.

- In the Grand Total row, enter the sum of each column.
- Be sure to enter a number for hours of service performed. Typing a check mark, an “X,” or other non-numerical markings is not allowed. Hours are to be itemized in tenths of an hour (six- minute increments).
- Attorneys are also required to prepare and maintain time records for each appointed case showing the date of service, nature of services rendered, and hours worked. These records should not be turned in with the billing but may be requested from the attorney in the event that the court or the OPD has questions about the billing. Records should be kept for five years after the date the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R) is submitted to the court for payment.

The following instructions detail the completion of one line (one expenditure) of the Itemized Expense grid. Please continue to enter information into the grid (if necessary) in the same manner for additional expenditures. If additional lines for recording expenses are necessary, use an additional sheet of paper. Do not record a per page total or grand total of expenses on the additional sheet. Per page totals are not necessary. The grand total must appear only in spaces (28 and 29) and (40) of the Itemized Expense grid on the Motion, Entry, and Certification for Appointed Counsel Fees form (OPD-1026R). Transcript and expert expenses are not to be entered on this form.

- (35) Assign a category using one of the four categories listed above the grid. Use only these categories.
- (36) Enter the name of the individual or organization to which the expense was paid.
- (37) Enter the total amount (include applicable taxes) of the expense.
- (38) After all expenses have been entered, enter in the grand total in this space. This is the total dollar amount of expenses that will be used in determining the total billing amount.

Be sure to attach a receipt for each expenditure when required. Please refer to section (Q) of the Ohio Public Defender Standards and Guidelines for Appointed Counsel Reimbursement for a detailed listing of reimbursable expenses.

TO BE COMPLETED BY THE COURT

- (39) Enter the name of the county.
- (40) Enter the dollar amount of fees and expenses approved by the court.
- (41) Check the box if the court has granted extraordinary fees for this case. Be sure to attach a copy of the relevant journal entry if extraordinary fees have been granted.
- (42) Check the box if the court has reduced/denied counsel fees that are at or below the county maximum cap. Be sure to attach a copy of the relevant journal entry detailing why counsel fees were reduced or denied.

- (43) Check the box if the court has reduced counsel fees to county maximum cap.
- (44) The judge hearing the case must print their name (44a), and then sign (44b) and date (44c) the form.

TO BE COMPLETED BY THE COUNTY

- (45) Enter the number of the warrant issued to the attorney.
- (46) Enter the date the warrant was issued.
- (47) Enter the total amount paid.
- (48) Enter the county number (1-88).
- (49) The county auditor must sign or stamp (49a) and date (49b) the form.

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the (1) Court of (2), Ohio

Plaintiff: (3) Case No. (5)

v. (4) (for which representation is being provided)

Defendant/Party Represented/In Re: (6) ☒ Capital Offense Case (check if Capital Offense case)

(7) ☒ Guardian Ad Litem (check if appointed as GAL)

Judge: (8)

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSE

I, the undersigned appointed counsel, move this Court for an order approving payment of fees and expenses as indicated in the itemized statement. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion.

As attorney/guardian ad litem of record, I was appointed on (9a) (9b). This case terminated and/or was disposed of on (10a) (10b). I am submitting this application on (11a) (11b).

Name (12) Signature (13)

Address (14) OSC # (15)
(No., street, city, state, zip)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLINGOFFENSE/CHARGE/MATTER *List only the three most serious charges*

ORC/CITY CODE

DEGREE

DISPOSITION

1.) <u>(16)</u>	<u>(17)</u>	<u>(18)</u>	<u>(19)</u>
2.)			
3.)			

Grand Total Hours and Expenses

Hrs: In (21) X Rate (22) = \$ (23)

Hrs: Out (24) X Rate (25) = \$ (26)

(20) ☒ Flat Fee

Counsel Fees \$ (27)

All Other Expenses \$ (28)

Travel Expenses \$ (29)

Grand Total \$ (30)

JUDGMENT ENTRY

The Court finds that counsel performed the legal services on the itemized statement and that the fees and expenses set forth on this statement are reasonable, are in accordance with the resolution of the Board of County Commissioners of (39) County, Ohio relating to payment of appointed counsel, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be approved in the amount of \$ (40) and be certified by the Court to the County Auditor for payment.

☒ Extraordinary fees granted (copy of journal entry attached)

(41)(42)

☒ Fees have been reduced/denied (copy of journal entry attached)

(43) ☒ Fees above cap automatically reduce to cap

Judge (44a)
Printed Name

Judge (44b)
Signature

(44c)
Date

CERTIFICATION

I, County Auditor, do hereby certify that payment has been made.

Warrant Number (45)

Warrant Date (46)

Amount Paid \$ (47)

County Number (48)

County Auditor (49a)

Signature

(49b)

Date

APPENDIX B: INSTRUCTIONS FOR COMPLETING CLERK’S/AUDITOR’S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT FORM (OPD-E-205)

The following instructions are for the Clerk’s/Auditor’s Transcript Fee for an Indigent Defendant form (OPD-E-205). For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE CLERK OF COURTS

- (1) Enter the name of the court in which the case was heard. Appropriate entries in this space are limited to the following:
 - Common Pleas
 - Juvenile
 - Municipal
 - County
 - Domestic Relations
 - Appeals
 - Supreme
 - Probate
- (2) Enter the name of the county or city in which services are being rendered.
- (3) Clearly identify the plaintiff. If the plaintiff is the State of Ohio, enter “State of Ohio” in this space. If the plaintiff is a municipality, village, etc., enter the name of the city, village, etc. in the space. If there is no plaintiff, leave this space blank. The following are examples of how entries in this space might read:
 - State of Ohio
 - City of Akron
 - Village of Arlington
- (4) Enter the name of the defendant or the party being represented. In juvenile cases, complete the “In re:”, if applicable.
- (5) Check the box to indicate if the defendant is the appellant or appellee.
- (6) Enter the case number.
- (7) Enter the name(s) of the attorney(s).
- (8) Check the box if the case is a Capital Offense Case.
- (9) Enter the name of the official court reporter/stenographer.
- (10) Enter the last four digits of the official court reporter/stenographer’s tax identification number.
- (11) Describe the nature of the work that was completed.

- (12) The court reporter/stenographer must sign the form in the space provided.
- (13) The court reporter/stenographer must date the form in the space provided.
- (14) Check the box if the Court Reporter is an employee of the Court.
- (15) Describe the type of proceeding in which the transcript ordered is being used.
- (16) Enter the date on which the proceeding indicated was terminated, or put a checkmark or "X" if the proceeding is still pending.
- (17) Enter the number of pages in the original transcript.
- (18) Enter the per-page rate for the original transcript.
- (19) Enter the cost of the original transcript (cost = number of pages x per page rate).
- (20) Enter the number of pages in the copy of the transcript.
- (21) Enter the per-page rate for the copy of the transcript.
- (22) Enter the cost of the copy of the transcript (cost = number of pages x per page rate).
- (23) Enter the total transcript fees being billed.
- (24) The judge must check one box declaring indigency.
- (25) Enter the total transcript fees approved by the court.
- (26) Enter the name of the judge hearing the case or proceeding for which the transcript is being ordered.
- (27) The judge must sign (27a) and date (27b) the form in this space.

TO BE COMPLETED BY THE COUNTY

- (28) Enter the number of the warrant issued to the official stenographer.
- (29) Enter the date the warrant was issued.
- (30) Enter the amount paid.
- (31) The county auditor must sign or stamp the form in this space.

CLERK'S/AUDITOR'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT

Revised Code 2301.24-25

In the (1) Court of (2), Ohio.

Plaintiff: (3)

Case No. (6)

v. (4)

Attorney(s) for the Defendant/Party Represented:

Defendant/Party Represented/In re

(7)

(5) Defendant is ☐ Appellant ☐ Appellee

(8) ☒ Capital Offense Case (check if Capital Offense Case)

COURT REPORTER CERTIFICATION

I, (9), (10), am hereby an official/acceptable
(Court Reporter Name) (Last 4 digits of Court Reporter's Tax ID)

stenographer of said court and hereby certify that the following work has been completed:

(11)

(12)

(13)

(14) ☒ Court Reporter's Signature
☐ Court Reporter is an employee of the Court

Date

The transcript is ordered by the court for use by the Defendant or the Defendant's attorney in the following type of proceeding:
Type of Proceeding (explain) (15)

Date which above proceeding terminated: (16) (16) Still Pending (check if pending)

Original transcript of (17) pages or folio at the rate of \$ (18) per page or folio = \$ (19)

Copy of transcript of (20) pages or folio at the rate of \$ (21) per page or folio = \$ (22)

NOTE: A COPY OF THE COURT REPORTER'S BILLING MUST BE ATTACHED TOTAL \$ (23)

JUDGMENT ENTRY & DECLARATION OF INDIGENCE

The court finds that the transcript was ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

Check one:

(24) ☒ A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached to this document.
OR
☒ I hereby certify that the Defendant/Party Represented has been found indigent for purposes of receiving this transcript at government expense.

IT IS THEREFORE ORDERED that the transcript fees be, and are hereby approved in the amount of \$ (25). It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment and the above named court reporter is an official/acceptable stenographer or employee of said court.

(26)
Judge's Name (type or print)

(27a)
Judge's Signature

(27b)
Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests that the transcript was a true and accurate expense of said county's court.

Warrant Number (28) Warrant Date (29) Amount Paid (30)

(31)

County Auditor's Signature

APPENDIX C: INSTRUCTIONS FOR COMPLETING REQUEST FOR COURT PAID EXPENSES AND/OR EXPENSES FORM (OPD-209)

The following instructions are for the Request for Court Paid Experts and/or Expenses form (OPD-209). For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE CLERK OF COURTS

- (1) Enter the name of the court in which the case was heard. Appropriate entries in this space are limited to the following:
 - Common Pleas
 - Juvenile
 - Municipal
 - County
 - Domestic Relations
 - Appeals
 - Probate
- (2) Enter the name of the county or city in which services are being rendered.
- (3) Clearly identify the plaintiff. If the plaintiff is the State of Ohio, enter “State of Ohio” in this space. If the plaintiff is a municipality, village, etc., enter the name of the city, village, etc. If there is no plaintiff, leave this space blank.
- (4) Enter the name of the defendant or the party being represented.
- (5) Enter the case number.
- (6) Enter the name(s) of the attorney(s) for the defendant or party represented.
- (7) Check the box if the case is a capital/death penalty case.
- (8) Check the box of the type of expert expense being billed.
- (9) Enter the name of the offense with which the defendant was initially charged or for which the defendant was indicted.
- (10) Enter the Ohio Revised Code Section or Municipal Ordinance Section.
- (11) Enter the degree of the offense (e.g., F1, M4, etc.).
- (12) Indicate how the offense was disposed:
 - Accepted Review
 - Admit to Violation
 - Advice Only
 - Affirmed
 - Attorney Withdrawn
 - Bench Trial - Adjudicated Delinquent

- Bench Trial - Delinquent Less Than Charge
- Bench Trial - Guilty
- Bench Trial - Guilty Less Than Charge
- Bench Trial - Not Delinquent
- Bench Trial - Not Guilty
- Bench Trial - Not Guilty by Reason of Insanity
- Bench Trial – Permanent Custody Denied
- Bench Trial – Permanent Custody Granted
- Bond forfeiture
- Bound Over
- Bypass/Waived Preliminary Hearing
- Certified Back
- Client Refused Offer
- Client Unavailable
- Client's Request
- Complaint Withdrawn
- Conflict
- Counsel Appointed
- Deceased
- Declined Review
- Denied
- Dismissed
- Diversion
- Granted
- Hearing - Guilty - CBCF
- Hearing - Guilty - Prison
- Hearing - Not Guilty
- Hearing - Time Served
- Incompetent to Stand Trial
- Jury Trial - Guilty
- Jury Trial - Guilty Less Than Charge
- Jury Trial - Not Guilty
- Jury Trial - Not Guilty by Reason of Insanity
- Juvenile Admit to Charge
- Juvenile Admit to Less Than Charge
- Legal Custody to Other
- Mediation
- No Action Taken
- No Bill
- Nolle prosequi
- Not Indigent
- Plea - Alford
- Plea - No Contest
- Plea to Charge
- Plea to Charge - Negotiated Sentence
- Plea to Less Than Charge
- Policy
- Pro se
- Protective Supervision
- Purge Met
- Purge Not Met
- Reduced to Misdemeanor
- Referred To Other
- Remand
- Represented by Other
- Retained Counsel
- Reversed
- Stipulated - Not Guilty for Reason of Insanity
- Stipulated to Permanent Custody
- Supervision Continued
- Temporary Custody
- Transfer to original county
- Treatment in Lieu of Conviction
- Voluntarily Dismissed
- Waived Counsel
- Waived Extradition
- Waiver - Guilty - APA Rec. Prison Sanction
- Waiver - Guilty - CBCF
- Waiver - Guilty - Lesser Prison Sanction
- Waiver - Guilty - Prison Sanction
- Waiver - Not Guilty
- Warrant Issued

(13) Name the attorney representing the defendant.

- (14) The attorney representing the defendant must sign (14a) and date (14b) the form.
- (15) The judge must check one box declaring indigency.
- (16) Enter the amount of the approved expert fees or expenses being paid directly by the court.
- (17) Enter the name of the judge presiding over the case.
- (18) The judge presiding over the case must sign (18a) and date (18b) the form.

TO BE COMPLETED BY THE COUNTY AUDITOR

- (19) Enter the name of the payee.
- (20) Enter the payee's tax identification number.
- (21) Enter the warrant number issued to the payee.
- (22) Enter the warrant date of the warrant issued to the payee.
- (23) Enter the amount paid to the payee.
- (24) Enter the total of all warrants paid.
- (25) The county auditor must sign or stamp the form (25a) and add the date (25b).

REQUEST FOR COURT-PAID EXPERT EXPENSESIn the **(1)** Court of **(2)**, Ohio.**(3)**
PlaintiffCase No.: **(5)**

Attorney(s) for the Defendant/Parties Represented:

(4)**(6)**

Defendant/Party Represented/In Re:

☐ Check if this is a capital/death penalty case
(7)**(8)****TYPE OF EXPENSE**☐ NGRI ☐ Competency ☐ Investigator ☐ Interpreter ☐ Other Expert**CHARGES**

Offense/Charge/Matter	ORC/City Code	Degree	Disposition
1. (9)	(10)	(11)	(12)
2.			
3.			

*List only the three most serious charges, beginning with the one of greatest severity and continuing in descending order.***ATTORNEY AFFIRMATION FOR COURT-PAID EXPENSES**

I hereby affirm that all services including any written reports, evaluative findings, recommendations, interpretations, or other services were solely used for the defense of the accused and all information obtained as a result of these services were furnished solely to defense counsel and only disclosed to the court or prosecution, at the discretion of defense counsel.

(13)

Name of Attorney

(14a)

Attorney Signature

(14b)

Date

DECLARATION OF INDIGENCE

The Court finds that the following expert expenses were ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met. Check one:

- (15)** ☒ A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached; or
- ☐ I hereby certify that the Defendant/Party Represented has been found indigent for purposes of these experts and/or expenses being provided at government expense.

IT IS THEREFORE ORDERED that the expert fees and/or expenses attached be, and are hereby approved in the amount of \$ **(16)**. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

(17)

Name of Judge

(18a)

Judge Signature

(18b)

Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of State that reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender.

Payee	Tax ID (last 4 digits)	Warrant No.	Warrant Date	Amount
(19)	(20)	(21)	(22)	(23)
TOTAL				(24)
(25a)		(25b)		
County Auditor Signature		Date		

APPENDIX D: INSTRUCTIONS FOR COMPLETING FINANCIAL DISCLOSURE FORM (OPD-206R)

The following instructions are for the Financial Disclosure form (OPD-206R). For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE APPLICANT

- (1) Enter the legal name of the applicant.
- (2) Enter applicant's preferred name and pronoun.
- (3) Enter the applicant's date of birth. Use the Month/Day/Year format.
- (4) Enter the applicant's mailing address (4a). Include P.O. Box number, street number, and apartment number where applicable. Enter the applicant's city (4b), state (4c), and zip code (4d).
- (5) Enter the applicant's email address.
- (6) Enter the case number for which representation is being provided.
- (7) Enter the home phone number of the applicant. If there is no home phone, write "none" in this space.
- (8) Enter the cell phone number of the applicant. If there is no cell phone, write "none" in this space.
- (9) Enter the last four digits of the applicant's Social Security Number.
- (10) Enter the applicant's gender.
- (11) Enter the applicant's race.
- (12) Enter the names of other persons living in the applicant's household. These other persons may include children and other dependents as well as other financially contributing members of the household.
- (13) Enter the dates of birth of the other persons living in the applicant's household.
- (14) Enter the relationship to the applicant of the other persons living in the household. For example, to indicate the relationship of a female child of the applicant, this space should read "daughter," not "father" or "mother." If there are more than four other persons living in the applicant's household, attach an additional sheet that provides the same information for those not listed on the form.
- (15) If the applicant is receiving assistance from any governmental agency listed here, place an "X" next to that type of assistance.

For each type of income, the applicant must enter his or her own earnings in the “Applicant” column and the spouse’s earnings in the “Spouse” column. In the “Total” column, enter the total income from each type by adding the amounts across each row.

- (16) Enter the gross monthly income of the applicant.
- (17) Enter any unemployment, Workers' Compensation, Child Support or any other type of income the applicant receives.
- (18) Enter the gross monthly income of the spouse (unless the spouse is the alleged victim).
- (19) Enter any unemployment, Workers' Compensation, Child Support or any other type of income the spouse receives.
- (20) Enter the sum of the employment income of both the applicant and the spouse by totaling (16) and (18).
- (21) Enter the sum of other types of income of both the applicant and the spouse by totaling (17) and (19).
- (22) Enter the total income for the household by adding together the amounts in the “Total Income” column.
- (23) Enter the name of the applicant’s employer.
- (24) Enter the address of the employer.
- (25) Enter the phone number of the employer(s).

For (26-29) the applicant must list the estimated value of each liquid asset.

- (26) Enter the estimated value of all checking, savings, and money market accounts.
- (27) Enter the estimated value of all stocks, bonds and CDs owned by the applicant.
- (28) Enter any other liquid assets or cash on hand owned by the applicant.
- (29) Enter the total liquid assets by adding together the amounts in the "Estimated Value" column.

List monthly household expenses for the following:

- (30) Enter the amount of monthly child support actually paid for children not residing in the applicant’s household.
- (31) Enter the amount of monthly child care costs. This expense may not be claimed if any adult member of the applicant’s household is unemployed.
- (32) Enter the monthly cost of all insurance (medical, dental, life, homeowners insurance, renter's insurance, automobile insurance, etc.) costs.
- (33) Enter the monthly cost of all health and dental care that is over and above the amount paid for medical and dental insurance (this may include prescription medications, co-payments, the

payment of deductibles, etc.) and all medical expenses and other expenses incurred in caring for sick or injured family members.

- (34) Enter the monthly payment made for rent or mortgage.
- (35) Enter the monthly amount spent on food by the applicant's household. The dollar value of food purchased with food stamps should be included in the amount entered.
- (36) Enter the total of expenses in this column.
- (37) Enter the monthly telephone expenses.
- (38) Enter the monthly transportation expenses. This may include bus fare or gasoline and parking expenses, but not auto insurance or repairs.
- (39) Enter the amount of taxes withheld or owed. This may include the monthly amount of federal, state, and local taxes owed by the applicant, including current taxes withheld by the employer as well as past tax debt that is currently being repaid.
- (40) Enter the monthly payment of all credit cards and loans. This includes the total of the minimum monthly payments currently owed on all major credit cards, department store cards, or independent credit cards held by the applicant. This also includes the total monthly payments on all loans including student loans, automobile loans, and loans for other purposes. Home mortgages are not to be included in this category.
- (41) Enter the monthly utility expenses, including gas, electric, water/sewer, and trash.
- (42) Enter any other monthly expenses and specify what those expenses are.
- (43) Enter total of expenses in this column.
- (44) Enter the name of the applicant.
- (45) If the form is completed by someone other than the applicant, enter the name and title of the authorized person(s) completing the form on behalf of the applicant.
- (46) The applicant must sign (46a) and date (46b) the form.

TO BE COMPLETED BY THE JUDGE or MAGISTRATE

This section of the form should only be completed if the applicant is unable to fill out the Financial Disclosure Form. In such a case, the judge or magistrate may indicate by his or her signature that the applicant is indeed indigent.

- (47) List the reason the client is unable to sign the form.
- (48) The judge or magistrate must sign (48a) and date (48b) any form that cannot be properly completed by the applicant.

TO BE COMPLETED IF THE DEFENDANT IS A JUVENILE

- (49) Enter the gross monthly income of the custodial parents.

- (50) Enter the total gross monthly income of both custodial parents.
- (51) Enter any unemployment, Worker's Compensation, Child Support or any other type of income the custodial parents receive.
- (52) Enter the total other income of both custodial parents.
- (53) Enter the total income of the both custodial parents by totaling (50) and (52).

FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Legal Name (1)		Applicant's Preferred Name and Pronoun (2)		Date of Birth (3)
Mailing Address (4a)		City (4b)	Email Address (5)	
State (4c)	Zip Code (4d)	Case No. (6)	Phone (7)	Cell Phone (8)
SSN Last 4 (9)	Gender (10)	Race (double-click to de-select) (11)		
☐ American Indian or Alaskan Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ Spanish or Latino ☐ White ☐ Other				

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name	DOB	Relationship	Name	DOB	Relationship
1) (12)	(13)	(14)	3)		
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an "X" if: (15)

Ohio Works First/TANF: ☐ SSI: ☐ SSD: ☐ Medicaid: ☐ Poverty Related Veteran's Benefits: ☐ Food Stamps: ☐

Refugee Settlement Benefits: ☐ Incarcerated in State Penitentiary: ☐ Committed to a Public Mental Health Facility: ☐

Other (please describe): Juvenile: ☐ (If juvenile, please continue at Section VIII)

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income	\$ (16)	\$ (18)	\$ (20)
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$ (17)	\$ (19)	\$ (21)
Employer's Name: (23)	Phone Number: ()	TOTAL INCOME (25)	
Employer's Address: (24)		\$ (22)	

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$ (26)
Stocks, Bonds, CDs	\$ (27)
Other Liquid Assets or Cash on Hand	\$ (28)
TOTAL LIQUID ASSETS	\$ (29)

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$ (30)	Telephone	\$ (37)
Child Care (if working only)	\$ (31)	Transportation/Fuel	\$ (38)
Insurance (medical, dental, auto, etc.)	\$ (32)	Taxes Withheld/Owed	\$ (39)
Mental/Dental Expenses or Associated Costs of caring for Infirm Family Member	\$ (33)	Credit Card/Other Loans	\$ (40)
Rent/Mortgage	\$ (34)	Utilities (gas, electric, water, sewer, trash)	\$ (41)
Food	\$ (35)	Other (specify)	\$ (42)
EXPENSES	\$ (36)	EXPENSES	\$ (43)

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed. For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI. If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets. If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, **(44)** (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

(45)
Name and title of authorized persons completing form on behalf of applicant. Information obtained via phone or video.

(46a) **(46b)**
Signature of applicant Date

X. COURT CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason:

(47) I have determined that the party represented meets the criteria for receiving court-appointed counsel.

(48a) **(48b)**
Judge or Magistrate's signature Date

XI. NOTICE OF RECOUPMENT

ORC §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D).

XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (gross)	\$ (49)	\$ (50)
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$ (51)	\$ (52)
	TOTAL INCOME	\$ (53)

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

APPENDIX E: INSTRUCTIONS FOR COMPLETING MONTHLY OPERATING EXPENSES AND CASELOAD REPORT FOR COUNTY PUBLIC DEFENDER OFFICES FORM (OPD-E-501)

The following instructions are for the Monthly Operating Expenses and Caseload Report for County Public Defender Offices form (OPD-E-501). For the purpose of these instructions, spaces requiring an entry have been numbered. These instructions also apply to Joint County Public Defender Offices and non-profit organizations with which counties have contracted to serve as the County Public Defender Office.

TO BE COMPLETED BY THE COUNTY AUDITOR

- (1) Enter the name of the county served by the public defender office.
- (2) Enter the month and year for which reimbursement is requested on this form.

For each type of expenditure indicated in spaces numbered (3) through (19), please enter expenditures for only the month and year indicated at number (2).

- (3) (thru 6) Enter total expenditures for salaries of each category of employee.
- (7) Enter total expenditures for employee benefits (fringes) for employees including PERS or other retirement benefits and healthcare benefits.
- (8) Enter total expenditures for supplies.
- (9) Enter total expenditures for the purchase of office equipment or non-contractual repair of office equipment.
- (10) Enter total expenditures for contract services with attorneys.
- (11) Enter total expenditures for contract services with experts.
- (12) Enter total expenditures for contract services with investigators.
- (13) Enter total expenditures for contract services for repairs (e.g. repairs of equipment).
- (14) Enter total expenditures for any other contract services not otherwise listed.
- (15) Enter total expenditures for travel costs.
- (16) Enter total expenditures for office space and facilities.
- (17) Enter approved monthly cost allocation.
- (18) Enter total expenditures for transcripts.
- (19) Enter total expenditures for Membership Dues.
- (20) Enter total expenditures for training, seminars, or CLE.
- (21) Enter total expenditures for publications and/or subscriptions.

- (22) Enter total expenditures for postage, mailroom, or PO Box.
- (23) Enter total expenditures for copies/printing.
- (24) Enter total expenditures for security costs.
- (25) Enter total expenditures for garage/parking expenses.
- (26) Enter total expenditures for Public Defender Commission.
- (27) Enter any other expenses not included in the above categories. **Please attach a separate sheet detailing these expenses.**
- (28) Enter the subtotal of expenses listed in spaces (3) through (27).
- (29) Enter the amount of federal funds expended during the month. This figure represents the amount of total expenditures listed in (28) above that were from federal funds. Federal funds are those which were received in either the current or a prior month, but which were expended in the current month. This adjustment to “total cost” is required pursuant to [R.C. 120.18\(A\)](#).
- (30) Enter the amount of non-governmental funds from other sources expended during the month. This figure represents the amount of total expenditures listed in (28) above which were either non-federal grants or gifts. This adjustment to “total cost” is required pursuant to [R.C. 120.18\(A\)](#).
- Note:** This does not include funds collected from clients. A portion of all funds collected from clients under reimbursement, recoupment, contribution, or partial payment programs must be paid directly to the Ohio Public Defender. See section (C) of the Ohio Public Defender County Public Defender Office Reimbursement Standards.
- (31) Enter the grand total of allowable expenditures. From space (28) subtract spaces (29) and (30) from the sum.
- (32) The county auditor must sign the form in this space.
- (33) Enter the date the form is signed by the county auditor.

TO BE COMPLETED BY THE COUNTY PUBLIC DEFENDER

- (34) Enter the name of the county being served by the public defender office.
- (35) Enter the month and year corresponding to the caseloads listed on the form.

For each type of case in spaces (36) through (62) please enter the number of cases opened for the month indicated at number (35) only.

- (36) Enter the number of felony non-capital cases.
- (37) Enter the number of felony capital cases.
- (38) Enter the number of felony revocation or community control violation cases.
- (39) Enter the number of felony charges/cases in Municipal Court.

- (40) Enter the number of all other felony cases or proceedings not already classified above.
- (41) Enter the total number of all felony cases.
- (42) Enter the number of new non-traffic misdemeanor cases.
- (43) Enter the number of new traffic misdemeanor cases.
- (44) Enter the number of misdemeanor revocation or community control violation cases.
- (45) Enter the number of all other misdemeanor cases not already classified above.
- (46) Enter the total number of all misdemeanor cases.
- (47) Enter number of juvenile delinquency cases.
- (48) Enter number of juvenile violation cases/proceedings.
- (49) Enter the number of juvenile abuse, dependency, or neglect cases.
- (50) Enter the number of juvenile Guardian ad Litem cases.
- (51) Enter the number of all other juvenile cases not already classified above.
- (52) Enter the total number of all juvenile cases.
- (53) Enter the total number of probate cases.
- (54) Enter the number of capital appeal cases.
- (55) Enter the number of all other appeal cases.
- (56) Enter the number of capital Supreme Court of Ohio cases.
- (57) Enter the number of all other Supreme Court of Ohio cases.
- (58) Enter the number of non-capital post conviction petition cases in any court, brought pursuant to [R.C. 2953.21](#) through [2953.23](#).
- (59) Enter the number of habeas corpus cases in any court.
- (60) Enter the number extradition cases in any court.
- (61) Enter the number of contempt cases (all types of contempt) in any court.
- (62) Enter the number of all other cases not already classified above in any court.
- (63) Enter the number of cases in all courts.
- (64) Enter the name of the county public defender or designee.
- (65) The county public defender, or his or her designee, must sign the form.
- (66) Enter the date the form was signed by the county public defender, or his or her designee.

Monthly Operating Expenses and Caseload Report
for County Public Defender Office

Operating Expenses Report for: County	(1)	Month/Year	(2)
Salaries:	Attorneys		(3)
	Investigators		(4)
	Social Workers		(5)
	Support Staff		(6)
Fringes (All Employees)			(7)
Supplies			(8)
Equipment			(9)
Contract Services:	Attorneys		(10)
	Experts		(11)
	Investigators		(12)
	Repairs		(13)
	All Other		(14)
Travel			(15)
Rental & Facilities			(16)
Cost Allocation			(17)
Transcripts			(18)
Membership Dues			(19)
Training/Seminars/CLE			(20)
Publications/Subscriptions			(21)
Postage/Mailroom/PO Box			(22)
Copies/Printing			(23)
Security			(24)
Garage Expenses			(25)
Commission			(26)
Other Expenses (Please Specify)			(27)
SUB TOTAL			(28)
*Less Federal Funds Expended			(29)
* Less Other Funds Expended			(30)
(*Insert minus sign before these numbers)			
GRAND TOTAL			(31)

AUDITOR'S CERTIFICATION

The County Auditor in executing this certification attests to the accuracy of the figures contained herein and further certifies that the County Commissioners have approved this sum for payment.

Signature of Auditor: _____ (32) Date: _____ (33)

TRIAL COURTS

Felony	(36)
New Charge (Non-Capital)	(37)
New Charge (Capital)	(38)
Revocation/Community Control Violation	(39)
Felony Preliminary Hearing in Municipal	(40)
All Other Felony Cases/Proceedings	(41)
Total Felony Cases	
Misdemeanor	(42)
New Charge (Non-Traffic)	(43)
New Charge (Traffic)	(44)
Revocation/Community Control Violation	(45)
All Other Misdemeanor Cases/Proceedings	(46)
Total Misdemeanor Cases	
Juvenile	(47)
New Charge	(48)
Violation Proceeding ¹	(49)
Abuse, Dependency or Neglect	(50)
Guardian ad Litem	(51)
All Other Juvenile Cases/Proceedings	(52)
Total Juvenile Cases	

PROBATE COURT

Termination of Parental Rights **(53)**

APPELLATE COURT

Capital **(54)**

All Other Offenses or Proceedings **(55)**

SUPREME COURT

Capital **(56)**

All Other Offenses or Proceedings **(57)**

MISCELLANEOUS — ALL COURTS

Non-Capital Post Conviction Petitions
(RC 2953.21 – RC 2953.23) **(58)**

Habeas Corpus **(59)**

Extraditions **(60)**

All Contempt Proceedings **(61)**

Any Other Cases/Proceedings **(62)**

Not Otherwise Specified

TOTAL NUMBER — ALL CASES OPENED **(63)**

CERTIFICATION

I, **(64)**, hereby certify that all persons provided representation by this office during the month covered by this report were indigent under the standards of the Ohio Public Defender Commission, R.C. 120.15(D) or 120.25(D), and that all information contained in this report is accurate.

(65)

Signature of Public Defender

(66)

Date

¹ For purposes of this form, violation proceeding refers to community control violations, violations of a court order and supervised release.

APPENDIX F: INSTRUCTIONS FOR COMPLETING MONTHLY ASSIGNED COUNSEL SUMMARY REPORT

The following instructions are for the Monthly Assigned Counsel Summary Report. For the purpose of these instructions, spaces requiring an entry have been numbered.

- (1) Enter the name of the county.
- (2) Enter the process month being submitted.
- (3) Enter the process year being submitted.

CAPITAL

- (4) Count and enter the total number of all Capital Attorney certifications.
- (5) Count and enter the total number of all Capital Expert certifications.
- (6) Count and enter the total number of all Capital Transcript certifications.
- (7) Count and enter the total number of all Capital Investigator certifications.
- (8) Count and enter the total number of all other Capital certifications.
- (9) Enter the total dollar amount of Capital certifications represented in line (4-8).

FELONY

- (10) Count and enter the total number of Felony certifications.
- (11) Count and enter the total number of Felony Revocation and/or Community Control Violations.
- (12) Count and enter the total number of Felony charges in Municipal Court.
- (13) Count and enter the total number of all other Felony certifications not already classified above.
- (14) Enter the sum of lines (10-13).
- (15) Enter the total dollar amount of all Felony certifications classified above in lines (10-13).

MISDEMEANOR

- (16) Count and enter the total number of traffic misdemeanor certifications.
- (17) Count and enter the total number of non-traffic misdemeanor certifications.
- (18) Count and enter the total number of misdemeanor revocation and/or community control violations.
- (19) Count and enter the total number of all other misdemeanor certifications not already classified above.
- (20) Enter the sum of lines (16-19).

- (21) Enter the total dollar amount of all traffic misdemeanor certifications classified above in line (16).
- (22) Enter the total dollar amount of all criminal misdemeanor certifications classified above in lines (17-19).

JUVENILE

- (23) Count and enter the total number of delinquency certifications (Non-GAL).
- (24) Count and enter all violations of court orders, probation violations, community control violations, early release violations, etc. (Non-GAL).
- (25) Count and enter the total number of abuse, neglect, and dependency certifications (Non-GAL).
- (26) Count and enter the total number of all Guardian ad Litem certifications (GAL).
- (27) Count and enter the total number of all other juvenile certifications not already classified above.
- (28) Enter the sum of lines (23-27).
- (29) Enter the total dollar amount of all juvenile certifications classified above in lines (23-27).
- (30) Count and enter the total number of all Probate certifications.
- (31) Enter the total dollar amount of all Probate certifications.

APPELLATE COURT

- (32) Count and enter the total number of all (Non-Capital) Appellate Court certifications.
- (33) Enter the total dollar amount of all Appellate Court certifications.

SUPREME COURT

- (34) Count and enter the total number of all (Non-Capital) Supreme Court certifications.
- (35) Enter the total dollar amount of all other Supreme Court certifications classified above in line (34).

MISCELLANEOUS—ALL COURTS

- (36) Count and enter the total number of all contempt actions in all courts.
- (37) Count and enter the total number of all other attorney certifications not classified elsewhere.
- (38) Enter the total dollar amount of all miscellaneous certifications classified above in lines (36 and 37).

EXPENSES—ALL COURTS

- (39) Count and enter the total number of all (Non-Capital) Expert certifications for all courts.
- (40) Enter the total dollar amount of all Experts certifications for all courts classified above in line (39).

- (41) Count and enter the total number of (Non-Capital) Transcript certifications for all courts.
- (42) Enter the total dollar amount of all Transcript certifications for all courts classified above in line (41).
- (43) Count and enter the total number of all (Non-Capital) Investigator certifications for all courts.
- (44) Enter the total dollar amount of all Investigator certifications for all courts classified above in line (43).
- (45) Enter the amount submitted for appointed counsel travel expenses.
- (46) Count and enter the total number of all certifications (sum of lines 4, 5, 6, 7, 8, 14, 20, 28, 30, 32, 34, 36, 37, 39, 41, 43).
- (47) Enter the total amount of all certifications submitted for reimbursement (sum of lines 9, 15, 21, 22, 29, 31, 33, 35, 38, 40, 42, 44).

CERTIFICATION

- (48) Auditor must sign.
- (49) Date of Auditor's signature.

Office of the Ohio Public Defender
MONTHLY ASSIGNED COUNSEL SUMMARY REPORT

County **(1)** Month **(2)** Year **(3)**

TRIAL COURTS

Capital Certifications	Count
All Capital Attorney Certifications	(4)
All Capital Expert Certifications	(5)
All Capital Transcript Certifications	(6)
All Capital Investigator Certifications	(7)
All Other Capital Certifications	(8)
Amount submitted in Capital Certifications	\$ (9)
Felony Certifications	Count
New Charge (Non-Capital)	(10)
Revocation/Community Control Violation	(11)
Felony Preliminary Hearing in Municipal	(12)
All Other Felony Cases or Proceedings	(13)
Total Felony Certifications	(14)
Amount submitted in Felony Certifications	\$ (15)
Misdemeanor Certifications	Count
New Charge (Traffic)	(16)
New Charge (Non-Traffic)	(17)
Revocation/Community Control Violation	(18)
All Other Misdemeanor Cases or Proceedings	(19)
Total Misdemeanor Certifications	(20)
All Misdemeanor (Traffic) Certifications	\$ (21)
All Other Misdemeanor Certifications	\$ (22)
Juvenile Certifications	Count
New Charge (Delinquency)	(23)
*Violation Proceeding ¹	(24)
Abuse, Dependency or Neglect	(25)
Guardian ad Litem	(26)
All Other Juvenile Offenses	(27)
Total Juvenile Certifications	(28)
Amount submitted in Juvenile Certifications	\$ (29)
Probate Certifications	Count
All Probate Court Certifications	(30)
Amount submitted in Probate Court Certifications	\$ (31)

¹For purposes of this form, revocation refers to community control violations, violations of a court order and supervised release.

APPELLATE COURT

Appellate Certifications	Count
All (Non-Capital) Appellate Court Certifications	(32)
Amount submitted in Appellate Court Certifications	\$ (33)

SUPREME COURT

Supreme Court Certifications	Count
All (Non-Capital) Supreme Court Certifications	(34)
Amount Submitted in Supreme Court Certifications	\$ (35)

MISCELLANEOUS—ALL COURTS

Number of Miscellaneous Certifications—All Courts	Count
All Contempt Charges or Proceedings	(36)
Any Other Offenses or Proceedings not elsewhere specified	(37)
Amount submitted in Miscellaneous Certifications	\$ (38)

EXPENSES—ALL COURTS

	Count
All (Non-Capital) Expert Certifications	(39)
Amount submitted for Expert Expenses	\$ (40)
All (Non-Capital) Transcript Certifications	(41)
Amount submitted for Transcript Certifications	\$ (42)
All (Non-Capital) Investigator Certifications	(43)
Amount submitted for Investigator Certifications	\$ (44)

Total Amount submitted for travel expenses	\$ (45)
Total Number of certifications (All Courts - All Expenses)	(46)
Total Amount submitted	\$ (47)

Auditor Certification

The County Auditor in executing this certification attests to the accuracy of this report.

(48)

Signature of Auditor

(49)

Date

BLANK FORMS

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____ Court of _____, Ohio

Plaintiff: _____ Case No. _____

(for which representation is being provided)

v.

☐ Capital Offense Case (check if Capital Offense case)

☐ Guardian Ad Litem (check if appointed as GAL)

Defendant/Party Represented/In Re: _____

Judge: _____

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSE

I, the undersigned appointed counsel, move this Court for an order approving payment of fees and expenses as indicated in the itemized statement. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion.

As attorney/guardian ad litem of record, I was appointed on _____, _____. This case terminated and/or was disposed of on _____, _____. I am submitting this application on _____, _____.

Name _____ Signature _____

Address _____ OSC # _____
(No., street, city, state, zip)

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER *List only the three most serious charges* ORC/CITY CODE DEGREE DISPOSITION

1.)			
2.)			
3.)			

Grand Total Hours and Expenses

Hrs: In _____ X Rate _____ = \$ 0.00

Hrs: Out _____ X Rate _____ = \$ 0.00

☐ Flat Fee

Counsel Fees \$ _____

All Other Expenses \$ _____

Travel Expenses \$ _____

Grand Total \$ 0.00

JUDGMENT ENTRY

The Court finds that counsel performed the legal services on the itemized statement and that the fees and expenses set forth on this statement are reasonable, are in accordance with the resolution of the Board of County Commissioners of _____ County, Ohio relating to payment of appointed counsel, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be approved in the amount of \$ _____ and be certified by the Court to the County Auditor for payment.

☐ Extraordinary fees granted (copy of journal entry attached)

☐ Fees have been reduced/denied (copy of journal entry attached)

☐ Fees above cap automatically reduce to cap

Judge _____

Printed Name

Judge _____

Signature

Date

CERTIFICATION

I, County Auditor, do hereby certify that payment has been made.

Warrant Number _____

Warrant Date _____

Amount Paid \$ _____

County Number _____

County Auditor _____

Signature

Date

IF CAPITAL OFFENSE CASE, LIST CO-COUNSEL'S NAME HERE: _____

(OSC# may be entered once if only one attorney incurred fees. Otherwise, list OSC# of all attorneys incurring fees.)

I hereby certify that the following time was expended in representation of the defendant/party represented:

[illegible]

Continue at top of next column.

DATE OF SERVICE <i>(continued)</i>	ATTORNEY OSC#	OUT-OF-COURT TOTAL	IN-COURT TOTAL	DAILY TOTAL
GRAND TOTAL		0.0	0.0	0.0

Time is to be reported in tenth of an hour (6 minute) increments.

I hereby certify that the following expenses were incurred:

Use the following categories for Type: (1) Postage/Phone (2) Records/Reports (3) Travel (4) Other

TYPE	PAYEE	AMOUNT
		TOTAL \$ 0.00

Clearly identify each expense and include a receipt for any expense. See Section (P)(1)(c) for privileged information.

ATTORNEY/GAL _____

ITEMIZED FEE STATEMENT CONTINUATION SHEET

I hereby certify that the following time was expended in representation of the defendant/party represented:

[illegible][illegible]

CLERK'S/AUDITOR'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT

Revised Code 2301.24-25

In the _____ Court of _____, Ohio.

Plaintiff: _____

Case No. _____

v. _____

Attorney(s) for the Defendant/Party Represented: _____

Defendant/Party Represented/in re

Defendant is ☐ Appellant ☐ Appellee

☐ Capital Offense Case (check if Capital Offense Case)

COURT REPORTER CERTIFICATION

I, _____, _____, am hereby an official/acceptable
(Court Reporter Name) (Last 4 digits of Court Reporter's Tax ID)
stenographer of said court and hereby certify that the following work has been completed:

_____ Court Reporter's Signature

_____ Date

☐ Court Reporter is an employee of the Court

The transcript is ordered by the court for use by the Defendant or the Defendant's attorney in the following type of proceeding:
Type of Proceeding (explain) _____

Date which above proceeding terminated: _____ Still Pending (check if pending)

Original transcript of _____ pages or folio at the rate of \$ _____ per page or folio = \$ \$ 0.00

Copy of transcript of _____ pages or folio at the rate of \$ _____ per page or folio = \$ \$ 0.00

NOTE: A COPY OF THE COURT REPORTER'S BILLING MUST BE ATTACHED

TOTAL \$ \$ 0.00

JUDGMENT ENTRY & DECLARATION OF INDIGENCE

The court finds that the transcript was ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

Check one:

☐ A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached to this document.

OR

☐ I hereby certify that the Defendant/Party Represented has been found indigent for purposes of receiving this transcript at government expense.

IT IS THEREFORE ORDERED that the transcript fees be, and are hereby approved in the amount of \$ \$ 0.00. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment and the above named court reporter is an official/acceptable stenographer or employee of said court.

_____ Judge's Name (type or print)

_____ Judge's Signature

_____ Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests that the transcript was a true and accurate expense of said county's court.

Warrant Number _____ Warrant Date _____ Amount Paid _____

_____ County Auditor's Signature

REQUEST FOR COURT-PAID EXPERT EXPENSES

In the _____ Court of _____, Ohio.

Plaintiff

Case No.: _____

Attorney(s) for the Defendant/Parties Represented:

Defendant/Party Represented/In Re:

☐ Check if this is a capital/death penalty case

TYPE OF EXPENSE

☐ NGRI ☐ Competency ☐ Investigator ☐ Interpreter ☐ Other Expert

CHARGES

Offense/Charge/Matter	ORC/City Code	Degree	Disposition
1.			
2.			
3.			

List only the three most serious charges, beginning with the one of greatest severity and continuing in descending order.

ATTORNEY AFFIRMATION FOR COURT-PAID EXPENSES

I hereby affirm that all services including any written reports, evaluative findings, recommendations, interpretations, or other services were solely used for the defense of the accused and all information obtained as a result of these services were furnished solely to defense counsel and only disclosed to the court or prosecution, at the discretion of defense counsel.

Name of Attorney

Attorney Signature

Date

DECLARATION OF INDIGENCE

The Court finds that the following expert expenses were ordered for use in the case of an indigent person, and that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met. Check one:

- ☐ A Financial Disclosure form (OPD-206R) for the Defendant/Party Represented is attached; or
- ☐ I hereby certify that the Defendant/Party Represented has been found indigent for purposes of these experts and/or expenses being provided at government expense.

IT IS THEREFORE ORDERED that the expert fees and/or expenses attached be, and are hereby approved in the amount of \$ _____. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

Name of Judge

Judge Signature

Date

AUDITOR'S CERTIFICATION

The County Auditor in executing this certificate attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of State that reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender.

Payee	Tax ID (last 4 digits)	Warrant No.	Warrant Date	Amount
TOTAL				

County Auditor Signature

Date

FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Legal Name		Applicant's Preferred Name and Pronoun		Date of Birth
Mailing Address		City	Email Address	
State	Zip Code	Case No.	Phone	Cell Phone
SSN Last 4	Gender	Race (double-click to de-select) ☐ American Indian or Alaskan Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ Spanish or Latino ☐ White ☐ Other		
SSSS				

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	DOB	Relationship	Name 3)	DOB	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an "X" if:

Ohio Works First/TANF: ____ SSI: ____ SSD: ____ Medicaid: ____ Poverty Related Veteran's Benefits: ____ Food Stamps: ____

Refugee Settlement Benefits: ____ Incarcerated in State Penitentiary: ____ Committed to a Public Mental Health Facility: ____

Other (please describe): _____ Juvenile: ____ (If juvenile, please continue at Section VIII)

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income	\$	\$	\$ 0.00
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$ 0
Employer's Name: _____ Phone Number: () _____			TOTAL INCOME
Employer's Address: _____			\$ 0

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
TOTAL LIQUID ASSETS	\$ 0.00

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation/Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld/Owed	\$
Mental/Dental Expenses or Associated Costs of caring for Infirm Family Member	\$	Credit Card/Other Loans	\$
Rent/Mortgage	\$	Utilities (gas, electric, water, sewer, trash)	\$
Food	\$	Other (specify)	\$
EXPENSES	\$ 0.00	EXPENSES	\$ 0.00

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed. For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI. If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets. If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Name and title of authorized persons completing form on
behalf of applicant. Information obtained via phone or video.

Signature of applicant

Date

X. COURT CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason:

_____. I have determined that the
party represented meets the criteria for receiving court-appointed counsel.

Judge or Magistrate's signature

Date

XI. NOTICE OF RECOUPMENT

ORC §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D).

XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (gross)	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$
	TOTAL INCOME	\$ 0.00

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

Monthly Operating Expenses and Caseload Report
for County Public Defender Office

Operating Expenses Report for: County _____ **Month/Year** _____

Salaries:	Attorneys	_____
	Investigators	_____
	Social Workers	_____
	Support Staff	_____
Fringes (All Employees)		_____
Supplies		_____
Equipment		_____
Contract Services:	Attorneys	_____
	Experts	_____
	Investigators	_____
	Repairs	_____
	All Other	_____
Travel		_____
Rental & Facilities		_____
Cost Allocation		_____
Transcripts		_____
Membership Dues		_____
Training/Seminars/CLE		_____
Publications/Subscriptions		_____
Postage/Mailroom/PO Box		_____
Copies/Printing		_____
Security		_____
Garage Expenses		_____
Commission		_____
Other Expenses (Please Specify)		_____

SUB TOTAL \$ 0.00 _____

*Less Federal Funds Expended _____

* Less Other Funds Expended _____

(*Insert minus sign before these numbers)

GRAND TOTAL \$ 0.00 _____

AUDITOR'S CERTIFICATION

The County Auditor in executing this certification attests to the accuracy of the figures contained herein
and further certifies that the County Commissioners have approved this sum for payment.

Signature of Auditor: _____ Date: _____

TRIAL COURTS

Felony

New Charge (Non-Capital) _____
 New Charge (Capital) _____
 Revocation/Community Control Violation _____
 Felony Preliminary Hearing in Municipal _____
 All Other Felony Cases/Proceedings _____
Total Felony Cases 0

Misdemeanor

New Charge (Non-Traffic) _____
 New Charge (Traffic) _____
 Revocation/Community Control Violation _____
 All Other Misdemeanor Cases/Proceedings _____
Total Misdemeanor Cases 0

Juvenile

New Charge _____
 *Violation Proceeding*¹ _____
 Abuse, Dependency or Neglect _____
 Guardian ad Litem _____
 All Other Juvenile Cases/Proceedings _____
Total Juvenile Cases 0

PROBATE COURT

Termination of Parental Rights _____

APPELLATE COURT

Capital _____
 All Other Offenses or Proceedings _____

SUPREME COURT

Capital _____
 All Other Offenses or Proceedings _____

MISCELLANEOUS — ALL COURTS

Non-Capital Post Conviction Petitions
 (RC 2953.21 – RC 2953.23) _____
 Habeas Corpus _____
 Extraditions _____
 All Contempt Proceedings _____
 Any Other Cases/Proceedings _____
 Not Otherwise Specified _____

TOTAL NUMBER – ALL CASES OPENED 0

CERTIFICATION

I, _____, hereby certify that all persons provided representation by this office during the month covered by this report were indigent under the standards of the Ohio Public Defender Commission, R.C. 120.15(D) or 120.25(D), and that all information contained in this report is accurate.

 Signature of Public Defender

 Date

¹ For purposes of this form, violation proceeding refers to community control violations, violations of a court order and supervised release.

Office of the Ohio Public Defender
MONTHLY ASSIGNED COUNSEL SUMMARY REPORT

County _____ Month _____ Year _____

TRIAL COURTS

Capital Certifications

Count

All Capital Attorney Certifications

All Capital Expert Certifications

All Capital Transcript Certifications

All Capital Investigator Certifications

All Other Capital Certifications

Amount submitted in Capital Certifications

\$ _____

Felony Certifications

Count

New Charge (Non-Capital)

Revocation/Community Control Violation

Felony Preliminary Hearing in Municipal

All Other Felony Cases or Proceedings

Total Felony Certifications

_____ 0

Amount submitted in Felony Certifications

\$ _____

Misdemeanor Certifications

Count

New Charge (Traffic)

New Charge (Non-Traffic)

Revocation/Community Control Violation

All Other Misdemeanor Cases or Proceedings

Total Misdemeanor Certifications

_____ 0

All Misdemeanor (Traffic) Certifications

\$ _____

All Other Misdemeanor Certifications

\$ _____

Juvenile Certifications

Count

New Charge (Delinquency)

*Violation Proceeding¹

Abuse, Dependency or Neglect

Guardian ad Litem

All Other Juvenile Offenses

Total Juvenile Certifications

_____ 0

Amount submitted in Juvenile Certifications

\$ _____

Probate Certifications

Count

All Probate Court Certifications

Amount submitted in Probate Court Certifications

\$ _____

¹For purposes of this form, revocation refers to community control violations, violations of a court order and supervised release.

APPELLATE COURT**Appellate Certifications****Count**

All (Non-Capital) Appellate Court Certifications

Amount submitted in Appellate Court Certifications

\$ _____

SUPREME COURT**Supreme Court Certifications****Count**

All (Non-Capital) Supreme Court Certifications

Amount Submitted in Supreme Court Certifications

\$ _____

MISCELLANEOUS—ALL COURTS**Number of Miscellaneous Certifications—All Courts****Count**

All Contempt Charges or Proceedings

Any Other Offenses or Proceedings not elsewhere specified

Amount submitted in Miscellaneous Certifications

\$ _____

EXPENSES—ALL COURTS**Count**

All (Non-Capital) Expert Certifications

Amount submitted for Expert Expenses

\$ _____

All (Non-Capital) Transcript Certifications

Amount submitted for Transcript Certifications

\$ _____

All (Non-Capital) Investigator Certifications

Amount submitted for Investigator Certifications

\$ _____

Total Amount submitted for travel expenses

\$ _____ 0.00

Total Number of certifications (All Courts - All Expenses)

_____ 0

Total Amount submitted

\$ _____ 0.00

Auditor Certification

The County Auditor in executing this certification attests to the accuracy of this report.

Signature of Auditor_____
Date