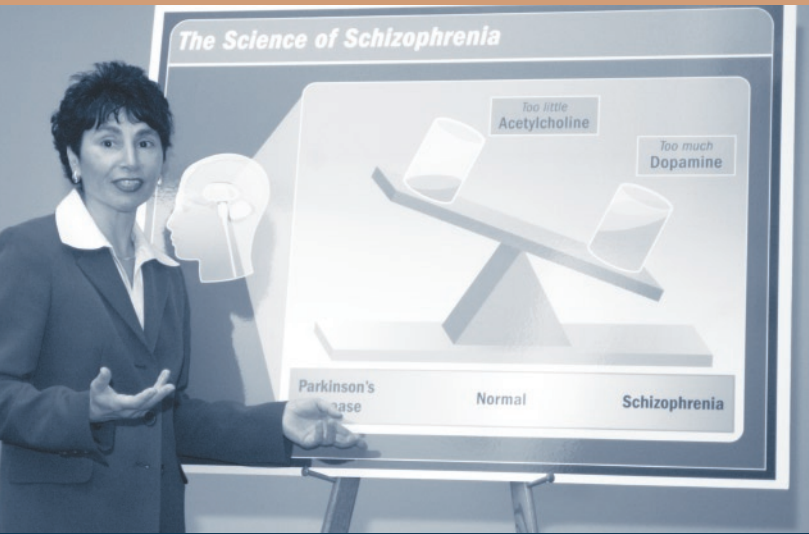


# Making



# Justice



# Happen



## San Francisco Public Defender's 2006 Annual Report

# Making Justice Happen

The Public Defender's office was established in 1921 and is the largest criminal defense law firm in our city. Yet, it wasn't until the last few years that we have had the necessary support staff to achieve our core mission of providing the highest quality legal representation to over 25,000 people each year. Now, supported by paralegals, investigators, clerks and social workers, the highly skilled attorneys of the office have come a long way since 1963 when the Supreme Court first ruled that an indigent defendant has a right to a lawyer.

The Public Defender's office of today is much more than its counterpart of yesteryear. In the past, most defender offices barely subsisted, staffed by attorneys carrying overwhelming caseloads with little oversight. Today, our office employs caseload standards, coaching, and performance evaluations to ensure we provide the very best representation. We respond promptly to problems, and pay close attention to details. From the time that a phone call is answered by our operators, the staff works together as a team to provide each case with the attention it deserves.

Our juvenile division, with its staff of social workers, provides wrap-around support to our youthful clients to help them avoid entering the adult criminal justice system. Our community youth program, Bayview MAGIC (Mobilization for Adolescent Growth in our Communities), is a model of community involvement and support which takes a preventative approach to juvenile justice by reaching young people before they find themselves in trouble.

2006 has been a year of many exciting achievements. We tried more cases than ever before, and the attorneys and staff have done an incredible job of handling even the most challenging and difficult cases. The office has created a model re-entry unit, with social workers who assist former prisoners in housing, mental health, education and employment services.

The department will launch *Gideon*, its new computer case management system, in 2007. The office obtained support from Mayor Gavin Newsom to expand the use of technology in the courtroom.

This year, we brought our award-winning Clean Slate program to a fourth neighborhood — the Mission District — and helped some 2,400 rehabilitated persons citywide clear

their criminal records so they can become productive citizens and enter the workforce. Through the support of Supervisor Ross Mirkarimi, we also introduced the MAGIC program to the Western Addition.

The highlight of the year occurred in November when our office received the American Bar Association's 2006 Dorsey Award. Named after the late Charles H. Dorsey, the long-time director of Maryland's Legal Aid Bureau, Inc. and a champion of the poor and underprivileged, the award is given to a public defense office that has demonstrated exceptional work and an outstanding commitment to justice. We humbly accept this award on behalf of our past, present and future clients.

In this spirit, we will continue to fight for justice for all — both in the courtroom and in the community. Thank you.

Sincerely,



Jeff Adachi  
Public Defender



Jeff Adachi and Chief Attorney Teresa Caffese with American Bar Association Dorsey Award.

## In the words of our clients

The daily work that our deputy public defenders, investigators, and staff do rarely makes headlines. This year, we have chosen to share excerpts from the many letters and notes our office received from clients and family members who received our services.

❧

“I was privileged to witness your attorneys in action. Contrary to popular opinion, which holds public defenders in low esteem, I was throughout impressed by your attorneys’ zeal on behalf of their clients and the aggressive defense they provided to their clients. In my opinion, your attorneys personify the highest standards of legal representation.”

— JD, January 2007

❧

“I am writing this letter in regards to a very good public defender on your staff. Not only is she very professional in the work she performs daily, but she has been a mentor as well. This attorney is not just there for the paycheck, or letting the best for her client slip away to end a case. This lawyer fought hard for me and my best interests. I feel and know in my heart that my defender went to many lengths along with her investigator. I am truly grateful.”

— RWD, November 2006

❧

“I write to express my appreciation for the professional services provided by your office. I observed the dedication, integrity and professionalism of the public defenders in your office during my case. I was thoroughly faithful in the justice system making the right decision and they did. Thank you.”

— WJ, April 2006



Client with Defender Mel Santos.

❧

“This letter is to express to you my very deep and sincere appreciation to my deputy public defender, who represented me thoroughly, competently and successfully. He combined a high moral attitude with a true sense and love for justice, and was professional and zealous in his defense. He has unquestionably solidified my trust in the public defender system.”

— JNW, October 2006

❧

“I am indebted to you and your wonderful staff. Your attorneys are a force to be reckoned with. Thank you for all of your efforts on my behalf.”

— TS, October 2006

❧

“I am an inmate in the County Jail. I am writing you this letter thanking your department for their help and support that they gave me during my most needed time. My Attorney is a very caring person. She told me she would do everything that she could to get me the help I needed with my substance abuse problem—and she did. When I complete my drug treatment program, I will be able to be a better father for my two daughters.”

— MW, December 2006

❧

“I would like to take this opportunity to thank you for the Clean Slate program, and for helping me reduce my felony conviction to a misdemeanor. This was an old case and I did not think it would come up when my wife applied for child care licensing. The Clean Slate program did fantastic work, and my family is greatly appreciative for this.”

— MS, December 2006

❧

“I would like to tell you how much I appreciate the assistance I received from one of your employees. I was trying to get my grandchildren out of the foster care system, and had called the public defender’s office to get an expungement letter and was under time constraints to get this letter. From the very first phone call, your staff member helped me. He was always so helpful and showed insurmountable patience. It is not everyday that you get someone who shows he really cares about the public.”

— CW, July 2006

❧

“I commend your attorneys for their exemplary work on behalf of my client, a severely disabled veteran. Thanks to the work of the defenders, my client will once again receive the full amount of his monthly veteran’s disability benefits, which will greatly improve the quality of his life.”

— L.N. Divinsky, Senior Staff Attorney  
Swords to Plowshares

## Training the Workforce to Enhance Quality of Representation

All attorneys and staff participate in regular training sessions designed to improve our legal representation. In 2006, the office provided 64 in-house seminars for attorneys and staff.

When they are hired, all employees undergo mandatory training. Employees receive extensive training through our office's Manual of Policy and Procedures, mission statement and core values. For example, the Manual requires that our attorneys meet with clients within 48 hours of arraignment if they are in jail and within 5 days of their arraignment if they are not in jail. This policy ensures that all clients are seen in a timely manner, and that all clients are interviewed by their attorneys prior to their next court appearance.

In addition, the office conducts annual performance evaluations for each employee. The evaluation process provides staff with feedback from their managers on their performance and monitors the employee's progress towards reaching their goals. In 2006, the office completed a total of 155 evaluations. In addition, written 90-day and 180-day evaluations were performed for all new employees.

## Improving Public Safety by Implementing Re-Entry Programs for Returning Prisoners

In the past year, the Public Defender's office has helped lead a new initiative known as the *Safe Communities Re-entry Council*. The Council was formed in 2005 by Supervisor Ross Mirkarimi to enhance public safety by providing coordinated, efficient and effective services to prisoners re-entering society from county jail or prison. The Council has grown to include over 35 community-based re-entry organizations and government agencies.

In 2006, the Public Defender's office also formed a re-entry unit. The unit is comprised of a trained team of social workers who provide clients re-entering their communities assistance in the areas of housing, employment, education, health, mental health, substance abuse, family counseling and other needed support services.

The Public Defender also worked closely with the Board of Supervisors and the SF Safe Communities Council to expand the No Violence Alliance (NOVA), a program of the Sheriff, to provide community-based re-entry services to former parolees released to the community. This innovative program, known as NOVA II, provides housing, education and employment services to persons recently released from

prison. Outcomes and progress of participants are carefully tracked, and community-based service providers collaborate with each other to provide intensive wrap-around services. This initiative is funded by the city and a \$750,000 grant awarded by the California Department of Corrections and Rehabilitation.

The Safe Communities Re-entry Council's first Re-entry Summit, focusing on issues and solutions for persons returning to the community after a period of incarceration, occurred in September of 2006. To view the summit on streaming video, please visit [www.sfgov.org/pd](http://www.sfgov.org/pd).

## Expanding Behavioral Health Court

The Behavioral Health Court is a collaborative mental health court which provides treatment assistance to individuals charged with crimes stemming from their mental illness. The court works with service providers and mental health advocates to provide support for these clients, and tries to keep them in therapy—and out of jail. The Public Defender's office has played a key role in both the design and implementation of the Behavioral Health Court. This year, the Court will receive over \$1 million dollars to expand services to add more clients.

## Implementing a Case Tracking/Management System

In mid-2007, the Public Defender's office will begin using its new computer management system known as *Gideon*. The system will allow defenders and managers to track their cases. Motions, forms, and other repetitive paper-intensive tasks such as requests for expert witnesses will be automated. The system will allow the Public Defender to compile statistics on attorney workloads, overall office performance measures, and types of cases assigned to the office.



Defender Diana Rosenstein with Deputy District Attorney Marc Guillory and Judge Marla Miller.

## Making Justice Happen

### Felony Unit

The felony unit is comprised of 48 lawyers who staff five preliminary hearing courtrooms, ten trial courtrooms and three specialty courts: Drug Court, Prop 36 and Behavioral Health. Felony lawyers have an average caseload of 50 cases, and together, our office handles over 9,200 felony cases per year.

The felony unit's goal is to provide compassionate and highly competent vertical representation of all clients, meaning that the same lawyer is assigned to represent the client from arrest to disposition of charges. To achieve that goal, felony trial attorneys meet clients at their first appearance in court, and immediately begin developing a relationship of trust and confidence. Paralegals, investigators and interns team with attorneys to prepare cases for preliminary hearings and trials. Felony trial attorneys obtain discovery from the prosecutor, develop investigation plans, assign paralegal tasks, perform legal research and make all court appearances in the case.

In 2006, the unit conducted 66 jury trials, compared to 64 trials last year. In 2006, the office conducted 12 homicide trials. The office had 50 homicide cases, an increase from 2005, when the office had 38 homicide cases. The felony unit won acquittals in 55% of its jury trials.

The office recently created a felony probations violation unit. This unit, comprised of five experienced felony attorneys, has decreased delays in handling these important cases. The unit collaborates with the Research unit which updates them on new sentencing laws.



*Client and Defender Sangeeta Sinha.*

### Misdemeanor Unit

The goal of the misdemeanor unit is to have well-prepared attorneys who litigate and advocate effectively on behalf of indigent clients charged with misdemeanor offenses. The unit consists of 15 attorneys who staff five courtrooms and handle over 10,000 cases per year. Each courtroom has three attorneys who represent clients from arraignment to the conclusion of the case. The unit conducts an average of 10 trials per month and handles hundreds of cases which are diverted out of the criminal justice system into the pretrial diversion program. In 2006, lawyers conducted 130 jury trials, 57% of which resulted in acquittals, partial acquittals or hung juries. The unit wrote 923 motions, and achieved 370 non-diversion dismissals after arraignment.

### Training Unit



*Guest lecturer Chris Ritter speaking at a training session.*

The office training program provides our lawyers and staff with the skills necessary to insure our clients receive the highest level of professional representation.

In 2006, the office held 64 in-house workshops and lectures on subjects as varied as jury selection, evidentiary objections to mental health defenses, eyewitness identification issues, and combating negative impressions of the defense in the media. Featured guest speakers included journalist Jamie Floyd of Court TV, attorneys John Philipsborn, Tim Hallahan and Dr. Sunwolf, psychiatrist Dr. Jeff Gould, toxicologist Dr. Nikolas Lemos, reporter Jeff Chorney, Judge Harold E. Kahn and communications expert Joshua Karton.

The Director of Training also holds regular case conferences with attorneys and conducts orientation programs for new misdemeanor lawyers and lawyers transitioning from the misdemeanor unit to the felony unit.

### A Year of Continued Growth in Advocacy, Services, and Leadership

#### *Attorneys and Social Workers Defend and Advocate for the Best Interests of the Youth*

The juvenile unit's nine attorneys work closely with the office's social workers to ensure that the 1,400 youth the office represents each year "receive care, treatment, and guidance consistent with his or her best interest" as required by California Trial Court Rule 1479. The juvenile unit includes an education/placement specialist, five social workers, two investigators, one paralegal and two support staff.

To successfully defend youth charged with delinquent offenses, the work of the juvenile unit's attorneys begins in the courtroom and extends into the community. The attorneys and social workers implement individualized plans that include case monitoring, educational advocacy, and services. In 2006, we added two additional social workers to our staff, bringing the total to five social workers. As a result of the unit's intensive case management, the number of youth removed from their homes has been reduced by 25% since 2005.

This year, the juvenile trial attorneys experienced daunting challenges because of an increase in robbery and assault cases. Also, there were more *fitness hearings* to determine if youths should be tried as adults. This year, the juvenile unit was successful in preventing the transfer of four youth into the adult criminal justice system. The attorneys also tried 55 court trials.



*Attorneys and staff of the Juvenile Unit of the San Francisco Public Defender's Office.*

*Margie was a 17 year-old African-American girl facing two theft related incidents in juvenile court. In the process of her assessment, the Public Defender advocate discovered that Margie was committing these crimes for a 43-year old man that she had been sexually abused by since she was 14 years old. Unfortunately, Margie developed an unhealthy attachment with this older man, and she began stealing in order to support his crack and heroin addictions.*

*The juvenile probation officer recommended that Margie be prosecuted. However, the Public Defender's office developed a comprehensive treatment plan, which included a vocational training through the San Francisco Job Corps, and a special education program to address her needs.*

*The Public Defender's attorney/social worker team was able to convince the judge to dismiss the case. He agreed that Margie was a victim of exploitation.*

*Margie is now successfully participating in the Job Corps and is obtaining a high school diploma while pursuing a career in culinary arts.*

### Leadership in the Community and in the Law

#### *CYA Moratorium*

In 2004, a moratorium against commitments to the California Youth Authority (CYA), [now the Department of Juvenile Justice (DJJ)], was issued by the San Francisco Board of Supervisors. This action was taken in response to numerous independent expert reports of severe neglect and unconscionable abuses suffered by youth housed at DJJ. In November 2006, the Public Defender convened the Third Annual CYA/DJJ Roundtable. Widely attended by public defenders from throughout California, attendees debated legal strategies to prevent DJJ commitments and to promote the use of safe and rehabilitative alternatives to DJJ.

This office continues to vigorously oppose sending youths to DJJ. In 2006 only one youth was committed to DJJ, but one month later, the youth's commitment was modified to an out-of-home treatment facility.

## Leading Juvenile Justice

### Juvenile Justice Summit

On May 9, 2006, the Public Defender's Third Annual Juvenile Justice Summit — Multi-Cultural Youth Empowerment in Juvenile Justice, was held at the Civic Center Main Library. Over 200 youth, families, youth agencies and community partners participated in the summit. Expert panelists discussed difficult questions on the cultural barriers that youth and families face in the juvenile justice system. This includes the plight of immigrant and undocumented youth, the disproportionate confinement of minorities, and the disparate treatment of minority youth.

A highlight of the summit was a performance by five teenagers from the Youth Treatment and Education Court who related their experiences with the juvenile justice system.

(Please visit [www.sfgov.org/pd](http://www.sfgov.org/pd) to view the summit on streaming video.)



### MAGIC in the Bayview and the Western Addition

The Public Defender's office continues to build strong alliances with community agencies and advocates serving youth. Today, over 35 agencies and partners participate in MAGIC (Mobilization for Adolescent Growth in our Communities), a community-led/based collaboration of youth and family agencies dedicated to creating positive outcomes for youth. General MAGIC community meetings are held twice a month.

In August, MAGIC's annual children and youth backpack giveaway in San Francisco's Bayview Hunter's Point was a huge success as more than 2000 backpacks were given to kids to jump start the school year. The MAGIC Juvenile Justice Program has helped teenagers detained at the Youth Guidance Center, linking them with training programs, jobs



and counseling services. MAGIC's Computer Technology Center at the Bayview YMCA provides daily computer classes to youth. MAGIC's literary programs, including its annual Book & Technology fair, stress the importance of learning and education.

MAGIC has been so successful in the Bayview that the Public Defender's office, at the request of Supervisor Ross Mirkarimi, has brought the MAGIC program to the Western Addition neighborhood. The Western Addition initiative is known as *Mo Magic*.

For information about Bayview MAGIC, please call (415) 558-2428. The Bayview MAGIC meets every other Tuesday, at Martin Luther King Community Room at 3:00pm.

For information about the Western Addition MAGIC (known as *Mo Magic*), please call (415) 558-2487. *Mo Magic* meetings are held every other Wednesday, at the African American Cultural Center, at 11:00 a.m. The public is invited.



Getting ready for school, kids at MAGIC's backpack giveaway.

### Research Unit

The Research unit, comprised of four attorneys and a post-bar fellow, assists the felony attorneys with all legal issues and supports other units with complicated issues and writs. In 2006, the unit wrote 117 motions, 60 memorandums of law and 79 writs and appeals. The unit also provides training on immigration, legal writing and new laws. Several important issues were successfully litigated in the misdemeanor unit supporting indigent persons rights: to appear through counsel, to effectively use a peremptory challenge, and speedy trials.

### Investigation



*Public Defender investigator Ricardo Lopez.*

The 18-person Investigation unit provides the foundation for the attorney's vigorous defense of our clients. Each investigator is assigned to work with a team of lawyers. Investigators locate, interview and subpoena witnesses, canvas areas to document activity there, photograph, measure crime scenes, conduct record searches and even transport defense witnesses to court. 14 investigators are teamed with felony and misdemeanor lawyers in our main office and, in 2006, responded to 2,400 requests for investigation. Four investigators work in the Mental Health and Juvenile units.

### Clerical

The Public Defender Clerical unit supports attorneys and clients through processing the paperwork that comprise some 10,000 client files. The unit also maintains records of court proceedings, updates the computer system, answers phone calls from clients, their relatives and the general public, distributes mail, and processes attorney requests for information and court action.

### Word Processing

In 2006, the Word Processing unit produced transcripts of taped recordings in three different languages—English, Spanish, and Cantonese—for a total of 3,578 pages. The unit also assists with special courts and programs, such as Drug Court, Proposition 36, and Clean Slate. In addition, the unit also provides translation services and assists clients at the front desk.

### Information Technology

Our Information Technology Department (IT unit) guarantees reliable and consistent access to computer technology to over 200 end-users. Consisting of three people, the IT unit designs, implements and maintains the computer network, and the desktop computers in our main office and two satellite offices. The unit also assists attorneys in court presentations and technological emergencies, and also answers diverse technical questions.

### Paralegal Unit

The Paralegal unit of the Public Defender's Office provides valuable support to the attorneys by writing motions, reviewing and summarizing records, and maintaining contact with witnesses and family members. They also assist attorneys during trial by making trial binders, preparing jury instructions and creating exhibits and presentations. Paralegals also translate and interpret for Spanish and Cantonese-speaking clients, and dress clients for trial using clothing from the office's donated clothing room.

During 2006, paralegals were added to the felony and Clean Slate Unit, bringing the total number of paralegals to 12.



*Defender Roberto Evangelista and paralegal Brendan Loftus.*



# Treating, Not Punishing, Mental Illness & Drug Addiction

## The Mental Health Unit

The number of mentally ill clients being incarcerated is growing, but adequate resources for treatment are lacking. To assist these clients, the Mental Health unit advocates for improved access to treatment and to services in the community and in the jails and prisons.

In 2006, the unit, which consists of two attorneys and two investigators, represented over 3,500 clients in competency, civil commitment and conservatorship proceedings. The unit also represented 100 clients in criminal court. The unit's goals are to provide transition for these clients from the criminal justice system into the mental health system, and to reduce recidivism.

This unit also helps conserved clients obtain social security benefits.

## Behavioral Health Court

*"I am writing to express my support for the Behavioral Health Court of San Francisco. Those who are involved with this court are fulfilling a very special mission. They help those individuals who suffer from a severe mental illness, who find themselves in trouble with the law. Instead of locking them up in jail, they are offered mental health services, medication and counseling. It is a win-win situation: the individual wins because they get the treatment that they need and they avoid serving time in jail. The county wins because money is saved and because this is the right and humane thing to do. In the three years that the Court has existed, with their low recidivism rates, the court has worked. We at NAMI San Francisco applaud you for your work."*

*– Pamela Fischer, President  
National Alliance for the Mentally Ill,  
San Francisco*

The Behavioral Health Court offers intensive, court supervised mental health treatment to persons charged with crimes related to mental illness. A unique collaboration between the Trial Courts, the Public Defender, the District Attorney and the Department of Public Health, the court is now in its third year. Once a week, a judge meets with attorneys, treatment providers, social workers and psychologists to develop a comprehensive mental health treatment plan for each participant. Plans may include residential or outpatient treatment, housing and medication. Upon successful completion of the treatment plan, the participant graduates from the court, earning a dismissal of the charges or a reduction in sentence.

## Proposition 36

Proposition 36 was passed by voters in 2000 and is a special court that allows clients convicted of drug possession crimes to participate in treatment rather than being imprisoned. In 2006, our office represented 411 clients in Proposition 36 court. In 2006, 95 clients completed the program and participated in a graduation ceremony at city hall.

## Drug Assessment (Substance Abuse Treatment Placement)

In 2006, our office performed 463 substance abuse assessments and helped place most of these clients in residential or outpatient treatment. This year, the unit expanded its services to include youth previously committed to the California Youth Authority, who were placed in long term residential treatment facilities at Delancey Street or Walden House.

## Drug Court

Drug Court is a proven solution to the devastating cycle of drug addiction, homelessness, and criminal activity that plague San Francisco. Drug Court looks beyond the surface of criminal charges to the source of criminal conduct. The Court is designed to treat addicts who engage in drug sales, theft and prostitution to support their addiction. Participants agree to enter and complete an intensive one-year outpatient treatment program, and come to court regularly to report on their progress.

In 2006, over 335 felony and misdemeanor cases were dismissed and/or probations were successfully terminated because clients graduated from Drug Court.



Client with Defender Carmen Aguirre.

## Re-Entry Unit

In October 2006, the Public Defender's office started a re-entry unit consisting of three social workers. They evaluate clients for drug treatment programs and other services such as housing, job skills and vocational training, community mental health and education programs. The unit prepares and presents re-entry plans for incarcerated clients. The plan outlines services and life skills that clients need. The re-entry unit also facilitate substance abuse treatment placements for clients.

In its first three months, the unit helped over 160 clients obtain re-entry services. 59 clients have been successfully referred to outpatient/residential treatment.

## Clean Slate



*Defender Demarris Evans at Clean Slate Anniversary Celebration in Bayview/Hunters Point.*

Clean Slate is a program where former offenders can wipe their records clean, thus allowing them to get jobs and qualify for federal benefits if they have taken steps to turn their lives around. Once a week, the main office holds "walk-in" hours where clients can consult with the attorney and staff who comprise the Clean Slate team. In addition to the main office, Clean Slate holds office hours at Bayview Hunters Point and the Western Addition.

In 2006, the Clean Slate Program opened new satellite offices in the Mission District and Visitacion Valley.

The Clean Slate Program application is now available online through the Public Defender website at: [www.sfgov.org/cleanslate](http://www.sfgov.org/cleanslate).

## Children of Incarcerated Parents Program

When a parent is arrested, the question of what happens to the children is one of the most emotionally difficult issues facing society. The arrest of a parent can have a devastating effect on children and can result in the loss of parental rights.

Our Children of Incarcerated Parents (CIP) unit was developed to assist the incarcerated parent in maintaining a meaningful relationship with his or her children in appropriate cases. The caseworker performs an assessment to determine the needs of the parent and child, and assists in arranging parenting classes and child visits. The caseworker also assists the clients in family law proceedings, and in other matters affecting their children. Initiated with the support of the Zellerbach Family Fund in 2004, the program has now been fully integrated into the office's re-entry services unit.

*"My experience this summer has been nothing short of amazing. By far, the single most important factor in making this summer so special is that my assigned attorney was an incredible mentor. He asked my thoughts, shared his own, explained the actions he took and continually challenged me to find other solutions that might have worked. Thanks for such a rewarding summer."*

*— Van Swearingen, Intern, August 2006*

## Volunteer Intern Program

The San Francisco Public Defender's Volunteer Internship Program (VIP) provides internship opportunities for law students, paralegals, investigators, college students and volunteers who are interested in receiving hands-on experience meeting with clients, writing motions, conducting investigations and assisting attorneys in trial. Students apply to participate in the office's fall, spring or summer internship programs.

In 2006, 215 volunteers representing ten colleges and universities, 29 law schools from across the United States, and two foreign law schools, provided support to the attorneys, paralegals, investigators and support staff.

To apply, or for more information, please call (415) 553-9630.

## Volunteer Attorney Program

The Volunteer Attorney Program offers both recently-graduated lawyers and attorneys from private law firms full-time work experience handling misdemeanor cases. In addition, the program benefits law firms who want their associates to gain experience trying cases before juries. The attorneys receive extensive training in trial skills, evidence and courtroom protocol. The highly competitive program requires a full-time four month commitment.

In 2006, seven attorneys participated in the Volunteer Attorney Program. Participating firms included Fenwick & West and Howard Rice. The volunteer attorneys tried a total of 14 jury trials.

## Public Defender 2006 Case Statistics

**Total Cases Handled by the Public Defender's Office:**  
25,000

### Felony Unit:

Total cases: 9,230  
Arraignments: 4,011  
Cases dismissed: 1,108  
Cases resolved by plea bargain before preliminary hearing: 1,493  
Number of cases held to answer: 721  
Total guilty pleas: 1,240  
Jury trials: 66  
Ave. caseload per attorney (At any given time): 50  
Ave. cases per attorney (Annual): 152

### Type of Cases:

Homicides: 50  
Sex offenses: 48  
Violent or serious felonies: 638  
Burglary, Theft, Receiving Stolen Property: 670  
Drug offenses: 2,197  
DUI/Vehicular Homicides: 24  
Weapons: 46  
Miscellaneous: 302  
Probation violations: 2,241

### Misdemeanor Unit:

Total cases: 9,085  
Arraignments: 4,496  
Cases dismissed: 2,055  
Trials: 130  
Ave. cases per attorney (Annual): 600  
Ave. caseload per attorney (At any given time): 150

### Juvenile Unit:

Total cases: 1,486  
Court appearances: 3,455  
Court trials: 55  
Contested dispositions: 66  
Ave. cases per attorney (Annual): 186  
Ave. caseload per attorney (At any given time): 64  
Total educational placements: 156  
Total Youth Authority (CYA) Commitments: 1\*

\*This commitment was modified to an out-of-home placement treatment facility after one month.

### Research Unit:

Memoranda: 60  
Motions to Dismiss/Suppress Evidence: 69  
Other motions: 48  
Writs and appeals: 79

### Mental Health Unit:

Total cases: 3,533

#### Civil:

Certification review hearings: 2,605  
Conservatorship: 213  
Renewal of conservatorship: 498  
Writs: 64

#### Criminal:

Maximum term extensions: 9  
Writ of conditional release: 5  
Restoration of sanity: 3  
Conditional release/out-patient parole: 1  
Revocation of out-patient: 5  
In-patient progress reports: 68  
Out-patient status reports/renewals: 42  
1370 Top-Out: 12  
Miscellaneous: 8

### Behavioral Health Court:

Total cases: 302  
Total number of graduates: 40

### Drug Court:

Total cases: 1167

### Proposition 36:

Total cases: 411

### Substance Abuse Unit:

Clients evaluated: 463  
Clients placed into treatment programs: 142

### Clean Slate:

Open Cases: 3,882  
Motions: 1,064  
Number of Walk-in/Drop-in Clients: 1198

### Investigation Unit

Attorney investigation requests: 2,400  
Subpoenas served: 4,500  
Interviews: 2363

### Reentry Unit:

167 clients referred to unit.  
59 clients referred to outpatient/residential treatment.

### Recruitment/Volunteer Intern Program:

Interns: 215

**Public Defender:** Jeff Adachi  
**Chief Attorney:** Teresa Caffese  
**Executive Assistant to the Public Defender:** Angela Auyong  
**Felony Managing Attorneys:** Will Maas and Rebecca Young  
**Misdemeanor Managing Attorney:** Niki Solis  
**Juvenile Managing Attorney:** Patricia Lee  
**Mental Health Managing Attorney:** Kara Chien  
**Research Managing Attorney:** Chris Gauger  
**Director of Training:** Craig Peters  
**Director of Investigations and Support Services:** Kathy Bull  
**Director of Interns and Recruitment:** Kathy Asada

**Felony Unit:**

Carmen Aguirre	Christopher Hite	Articia Moore
Bicka Barlow	Daro Inouye	Steve Olmo
Gabriel Bassan	Katherine Isa	Brian Pearlman
Linda Colfax	Mark Iverson	Eric Quandt
Henry Doering	Mark Jacobs	Aleem Raja
Roberto Evangelista	Susan Kaplan	Manohar Raju
Sandy Feinland	Lisa Katz	Matthew Rosen
Peter Fitzpatrick	Sujung Kim	Stephen Rosen
Michael Fox	Tal Klement	Mel Santos
Steve Gayle	Jennifer Levin	Sangeeta Sinha
Azita Ghafourpour	Alex Lilien	Phoenix Streets
Greg Goldman	Adam Lipson	Rafael Trujillo
Carla Gomez	Eric Luce	Tyler Vu
Danielle Harris	Mary Mallen	Phong Wang
Kleigh Hathaway	Kwixuan Maloof	Doug Welch
Elizabeth Hilton	Randall Martin	Jacque Wilson
Chris Hipps	Seth Meisels	Charmaine Yu
		Marla Zamora

**Misdemeanor Unit:**

Cindy Elias	Leah McLean	Peter Santina
Lori Flowers	Paul Myslin	Tiffany Tisen
Stephanie Lacambra	Vilaska Nguyen	Michelle Tong
Justyn Lezin	Hadi Razzaq	Stephanie Wargo
Maria Lopez	Diana Rosenstein	

**Juvenile Unit:**

Jean Amabile	Emily Goldman	Rebecca Marcus
Roger Chan	Debra Hoffman	Stephen Zollman
Greg Feldman	Jan Lecklikner	

**Research Unit:**

Dorothy Bischoff	Norene Lew	Armando Miranda
------------------	------------	-----------------

**CONTACT INFORMATION**

Office & Directory	(415) 553-1671	Investigation Fax	(415) 553-9646	Clean Slate	(415) 553-9337
Main Fax	(415) 553-9810	Juvenile Division	(415) 753-7600	Intern Program	(415) 553-9630
Front Desk	(415) 553-8128	Juvenile Fax	(415) 566-3030		

*Photos by Christine Jegan - [www.christinejegan.com](http://www.christinejegan.com), Benjamin La - [www.benjaminla.com](http://www.benjaminla.com), and Kathy Asada.*

**Drug Court:**  
 Simin Shamji  
**Proposition 36:**  
 Jami Tillotson  
**Mental Health Unit:**  
 Jennifer Johnson

**Clean Slate Program:**

Demarris Evans	Belle La	Louise Winterstein
----------------	----------	--------------------

**Children of Incarcerated Parents:**

Yolanda Robinson

**Investigation Unit:**

Carolyn Hanna	Jose Mendoza	Jill Shaw
Jennifer Jennings	Christina Pena	Sandra Smutz
Greg Jowdy	Nigel Phillips	Gary Sourifman
Pat Leary	Lawrence Porchia	Everson Thompson
Ricardo Lopez	Alexis Routh	Debora Warren
Karen Masi	Jill Schroeder	

**Reentry Unit**

Shannon Bennett	Jessica Flintoft
Christina Dominguez	Michael Kinoshita

**Administrative Support Unit:**

Eunice Kaneko	Larry Roberts
---------------	---------------

**Clerical Unit:**

Thelma Flores-Arroyo	Angela Mathews	John Tennison
Ana Guevara	Lynn Mechanic	Joanna Volz
Virginia Libiran	Mary Muao	Wynona Winterstein
Judy Liu	Luz Rodriguez	

**Word Processing Unit:**

Rosario Carbajal	Emily Ng	Sandra Reyna
------------------	----------	--------------

**Paralegal Unit:**

Noah Barish	Heather Kelly	Kenneth Olivencia
Amy Bevan	Andrew Koltuniak	Ilona Solomon
Julia Deutsch	Joan Kruckewitt	Anthony Sosa
Tamar Eggers	Brendan Loftus	Sydney Spector
		Liliana Vera

**Juvenile Social Workers:**

Alfredo Bojorquez	DuShan Henderson	Marynella Woods
Erin Brown	Marcelina Sandoval	

**MAGIC Programs**

Sheryl Davis	Robin Earle	Yvette Robles
--------------	-------------	---------------

**Information/Technology Unit:**

Thomas Brown	Richard Bui	Rene Manzo
--------------	-------------	------------

**Research Fellows:**

Matthew Cuthbertson  
 Gunnar Rosenquist

The Public Defender would like to thank the following individuals, law firms and organizations for their sponsorship of the EQUAL JUSTICE CAMPAIGN:

Scott Seo & Navigant Consulting	Jones Day	Sedgwick, Detert, LLP
Family of Robert Nicco	Cris Arguedas	Cooley Godward LLP
Heller Ehrman LLP	Jeff Bleich	Bar Association of San Francisco
O'Melveny & Myers LLP	James Collins	Shook, Hardy & Bacon LLP
Pillsbury Winthrop LLP	Douglas Young	Farella Braun + Martel LLP

## A Story of Innocence: Wrong Place at the Wrong Time

In May 2005, M.G. was a 43 year-old man living in West Oakland. He worked in San Francisco as a parking attendant. M.G. owned a car and used it to drive to San Francisco. One night, three acquaintances (two women and a man) offered him twenty dollars to give them a ride from Oakland to the Tenderloin in San Francisco. He agreed. In the Tenderloin, they got out of the car and asked M.G. to wait for them. He waited in the car while the others walked away, out of his view. Approximately a half hour later, they returned and told him to drive away. As he pulled away from the curb, M.G. noticed a police car coming up behind him with lights flashing and siren going. He immediately pulled over.

M.G. and his three passengers were detained. Witnesses had told police that two men had shot and robbed a man around the corner from where M.G. had been parked. Two other men happened upon the scene, and told the police that they too had been robbed by “those guys,” pointing to M.G. and his acquaintances, who the police had all handcuffed and detained.

M.G. and his three passengers were charged with three counts of robbery and one count of felony murder. M.G. was charged on aiding and abetting, and conspiracy.

Public Defender Kleigh Hathaway was appointed to represent M.G. Bail was set at \$1 million.

### *Eyewitness Testimony*

At the preliminary hearing, M.G. and his attorney were optimistic about the possibility that he would be released, as there was no evidence that he was at the scene of the crimes. Rather, the evidence showed that M.G. was the driver of the car in which the other defendants were found when they were arrested. However, one of the eyewitnesses to the shooting testified that M.G. was standing next to the shooter and went through the pockets of the person who was shot.

**Then, on the last day of the preliminary hearing, the District Attorney came to court with photographs taken from a video camera less than 1/3 of a block away from the crime.**

Then, on the last day of the preliminary hearing, the District Attorney came to court with photographs taken from a video camera less than 1/3 of a block away from the crime. The photographs showed two of the defendants

walking toward the shooting minutes before the man was shot, and walking away from the shooting seconds after the fatal shot was fired. These photos appeared to be that of the male passenger and one of the female passengers who was dressed like a man. M.G. was not in the photographs.

The defense requested more time in order to obtain the video tape and to use it to cross examine the single “rogue” witness who placed M.G. at the scene of the shooting. The court denied this request and held M.G. for trial on all charges. M.G. remained in jail until five months later, when the trial began.



*Deputy Public Defender Kleigh Hathaway.*

At trial, no one identified M.G. as being at the scene of the shooting, or at the two other robberies. It was established that the other “man” at the scene was actually one of M.G.’s female passengers. The “rogue” eyewitness who had initially identified M.G. at the preliminary hearing testified that, after watching the video, she was sure that it was *not* M.G. at the scene of the

shooting. The witness testified that she identified M.G. during the preliminary hearing because he had been the only other African American male dressed in jail clothing in the courtroom that day.

Even after this, the judge again denied a motion to dismiss the case due to lack of evidence, and he allowed the case to proceed to the jury.

M.G. presented positive character evidence, including his boss, who told the jury that he would hire M.G. back even if he was sent to jail.

**The witness testified that she identified M.G. during the preliminary hearing because he had been the only other African American male dressed in jail clothing in the courtroom that day.**

### *The Verdict*

The jury deliberated for three weeks and returned with guilty verdicts for all three of M.G.’s co-defendants. They announced they had acquitted M.G. on some accusations but were still undecided on the homicide charge. The judge asked the jury to return to the jury room and deliberate further.

Five hours later, the jury returned with *not guilty verdicts* on all charges against M.G. After nearly fifteen months in jail, M.G. was set free. He currently lives with a niece in West Oakland and is working at his old job.

