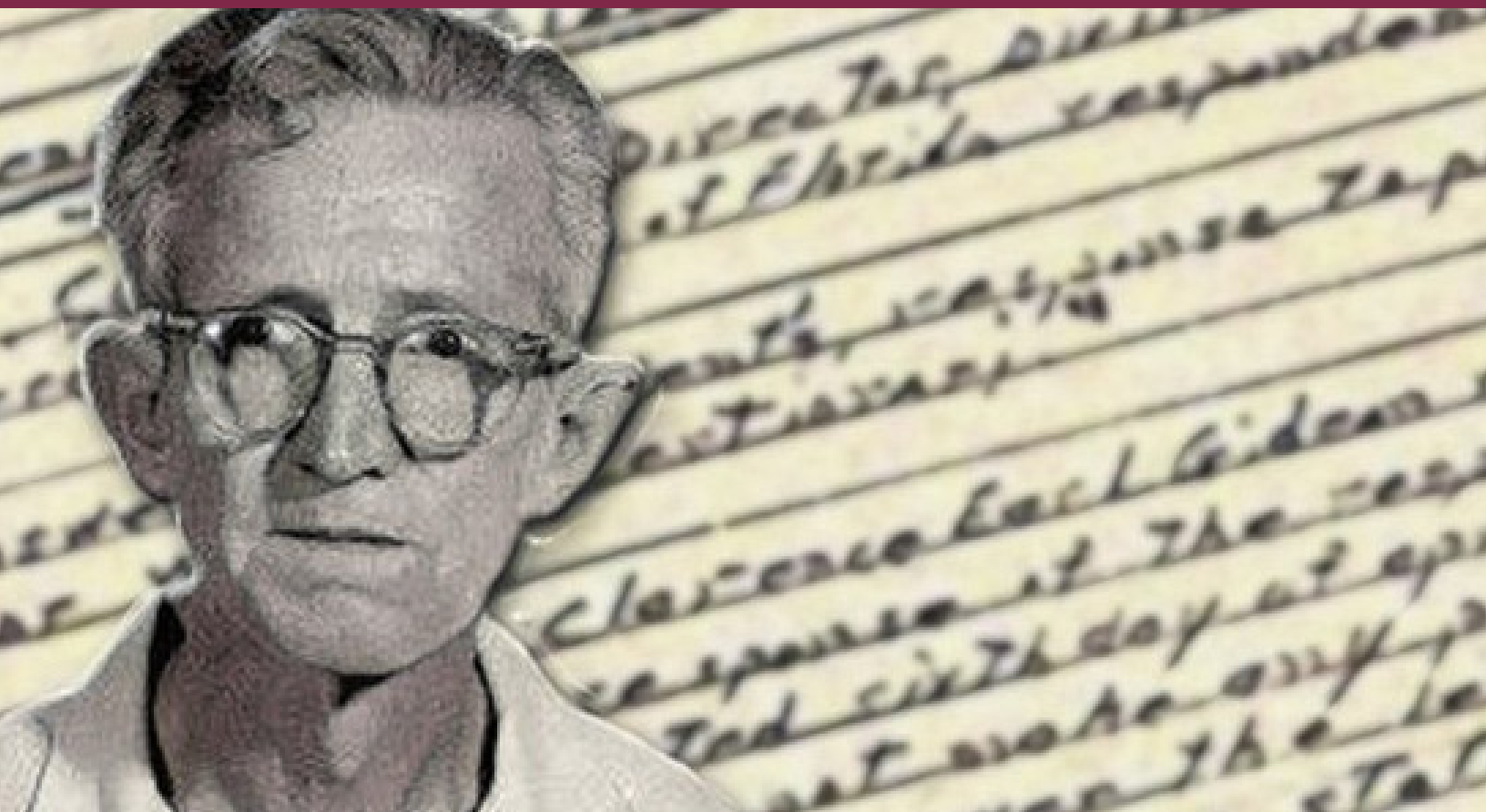


# MSPD

ANNUAL REPORT 2023



## *The Right to Counsel*

Celebrating 60 years of *Gideon v. Wainwright*

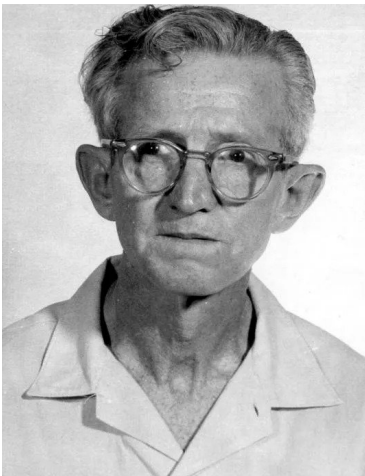
# CELEBRATING 60 YEARS OF *GIDEON V. WAINWRIGHT*

372 U.S. 335 (1963)

## What is *Gideon v. Wainwright*?

Clarence Earl Gideon was accused of breaking into a bar in Panama City, Florida. The police arrested Gideon and put him in jail. At his trial, Gideon could not afford a lawyer and asked the judge to appoint one for him. The judge refused, and he had to represent himself in court. Gideon was found guilty and sentenced to five years in a Florida state prison. In the prison library, he studied law and sent a petition to the Florida Supreme Court claiming his Sixth Amendment right to legal counsel was violated. The court denied his petition, so Gideon wrote a letter to the United States Supreme Court, which agreed to hear his case and determine whether poor defendants should be appointed a lawyer in state criminal trials.

In 1963, the Supreme Court ruled unanimously in favor of Gideon, guaranteeing the right to legal counsel for criminal defendants in federal and state courts. Following the decision, Gideon was given another trial with an appointed lawyer and was acquitted of the charges.



DIVISION OF CORRECTIONS  
CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 -- All letters must be addressed to the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only. In the inmate's complete prison name and prison number.

INSTITUTION \_\_\_\_\_ CELL NUMBER \_\_\_\_\_

NAME \_\_\_\_\_ NUMBER \_\_\_\_\_

In The Supreme Court of The United States  
Washington D.C.  
Clarence Earl Gideon  
Petitioner  
vs.  
G. Cochran, Jr. as Secretary, Division of Corrections State of Florida  
No. 890 Misc.  
CCT. TERM 1961  
U. S. Supreme Court  
The Honorable Earl Warren, Chief Justice of the United States  
Comes now the petitioner, Clarence Earl Gideon, a citizen of the United States of America, in proper person, and appearing in his own counsel, who petitions this honorable Court for a Writ of Certiorari directed to the Supreme Court of the State of Florida, to review the order and judgment of the court below denying the petitioner a writ of Habeas Corpus.  
Petitioner submits that the Supreme Court of the United States has the authority

## Why is *Gideon v. Wainwright* important?

*Gideon v. Wainwright* was the landmark decision that determined that defendants facing serious criminal charges have a right to counsel at state's expense if they cannot afford one. Since *Gideon*, the right to appointed counsel has been extended to misdemeanor and juvenile proceedings. *Gideon v. Wainwright* has demonstrated that effective legal assistance for all persons charged with crimes is critical to safeguarding justice and fairness in the criminal process.

## Sources and Further Reading on *Gideon v. Wainwright*:

[The Legacy of Gideon v. Wainwright - US Department of Justice](#)

# A LETTER FROM THE **CHAIR**

Governor Michael L. Parson  
Chief Justice Mary R. Russell  
Members of the General Assembly

October 1, 2023

Dear Governor Parson, Chief Justice Russell, and Members of the General Assembly,

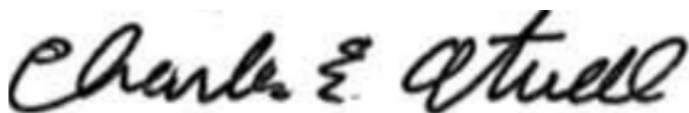
Attached is the Annual Report of the Missouri State Public Defender (MSPD) for fiscal year 2023. As Chair of the Public Defender Commission, it is my obligation to provide this report to the Governor and Chief Justice, as well as to the members of the General Assembly to report on the work of Missouri State Public Defender.

Once again, I join with the other members of the Commission to thank the Governor and the General Assembly for their support of Missouri State Public Defender. MSPD continues to work towards fulfilling the constitutional obligation of providing effective assistance of counsel for all eligible indigent accused. Towards that goal, MSPD has successfully concluded the litigation in *David v. Missouri* concerning the use of wait lists.

Also, towards that goal, MSPD continues to work on fully staffing the agency. Like most state agencies, MSPD has struggled in the post Covid years with recruitment and retention of employees. The increased salaries for all our staff members, coupled with the benefits provided to State employees, has had a positive effect on those efforts. We remain hopeful that we will continue to improve our retention of our experienced staff members and recruit new staff eager to join MSPD in its mission.

It is my pleasure to provide you with this Annual Report documenting the excellent work done by the members of Missouri State Public Defender.

Sincerely,



**Charles E. Atwell**  
Chair, Missouri State Public Defender Commission

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# A MESSAGE FROM THE DIRECTOR

In September 2023, the Missouri Behavioral Health Council hosted its tenth annual conference for behavioral health practitioners. Missouri State Public Defender was proud to be part of the conference and to share information with the behavioral health community on MSPD's new holistic defense initiative. MSPD's Holistic Defense Services (HDS) initiative, the largest initiative of its kind in the country, focuses on understanding and addressing the root causes of our clients criminal legal system involvement to reduce incarceration and recidivism, with the ultimate goal of providing our clients, their families, and their communities with a healthier and safer environment.

For decades MSPD has talked about the need for sufficient resources to have the capacity to handle the cases of all those eligible for MSPD representation. MSPD has been a leader in identifying the parameters of effective representation and in advocating for those additional resources. After a delay, the National Public Defense Workload Standards, a joint report of the American Bar Association Standing Committee on Legal Aid and Indigent Defense, the National Center for State Courts, the Rand Corporation and Lawyer Hanlon, will be released in September 2023. The report uses the best methodology to provide guidance on reasonable caseload capacity for public defender systems. MSPD will continue to work towards meeting those standards of constitutional representation. Part of that work is in identifying ways MSPD can reduce the number of clients who find themselves system involved. MSPD has obtained funding to evaluate the success of the holistic defense initiative. That success, however, is best measured in the transformed lives of the clients served by HDS. This report includes the story of one of the many lives already positively impacted by this initiative. Funded in large part through grants, MSPD hopes to grow this initiative to be a national success story for Missouri and its commitment to indigent defense.

I am pleased to report that in FY 2023 MSPD attorneys and staff continued their important and honorable work, handling over 80,000 cases throughout the year. The increase in compensation provided by the Legislature and Governor have been helpful in retaining our experienced attorneys, recruiting new members of the profession, and encouraging former public defenders to return to our mission. The combination of increased compensation and decreased caseloads will allow MSPD to better fulfill its constitutional obligation of providing high quality, zealous defense to the indigent accused. During this sixtieth anniversary year of *Gideon v. Wainwright*, I am honored every day to continue this work in Missouri and to work alongside the almost seven hundred members of Missouri State Public Defender.

- Mary Fox, Director, MSPD

# PUBLIC DEFENDER COMMISSION

**Charles E. Atwell - Chair** • Kansas City • Lawyer Member • Democrat

---

**Larry H. Ferrell - Vice Chair** • Cape Girardeau • Lawyer Member • Republican

---

**Gary B. Fuhr - Secretary** • Imperial • Public Member • Republican

---

**Gloria C. Reno** • University City • Lawyer Member • Democrat

---

**Roy Richter** • Ozark • Lawyer Member • Republican

---

**Rodney Schad** • Versailles • Public Member • Republican

---

**Mary Fox - Director** • Columbia • Ex-Officio Member

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The governing body of Missouri State Public Defender is a Commission appointed by the Governor. The term of office of each commissioner is six years or until a successor is selected. Commissioners may succeed themselves. The Public Defender Commission is responsible for the hiring of the State Public Defender Director. They review the budget request prepared by the Director and provide support of the request before the Legislature. They make any rules needed for the administration of the State Public Defender.

## DIVISION DIRECTORS

**Mary Fox, Director**

mary.fox@mspd.mo.gov

**Greg Mermelstein, Deputy Director  
and General Counsel**

greg.mermelstein@mspd.mo.gov

**Jane Duncan, Operations Director**

jane.duncan@mspd.mo.gov

**Gina Hall, Human Resources Manager**

gina.hall@mspd.mo.gov

**Janthony Johnson, IT Manager**

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**Heather Tilman, Budget Manager**

heather.tilman@mspd.mo.gov

**Maggie Johnston, Case Contracting Director**

maggie.johnston@mspd.mo.gov

**Sue Rinne, Specialty Practices Division Director**

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**Melinda Pendergraph, Training Director**

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**Gina Savoie, Northern Region**

**Trial Division Director**

gina.savoie@mspd.mo.gov

**Matthew Crowell, Southern Region**

**Trial Division Director**

matthew.crowell@mspd.mo.gov

# WHO WE ARE & WHAT WE DO

## What is Missouri State Public Defender?

Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor people who are accused or convicted of state crimes or juvenile delinquency offenses in Missouri's trial and appellate courts. MSPD is an independent department of state government, located within, but not supervised by, the judicial branch. Instead, it is governed by a seven-member Public Defender Commission, each of whom is appointed by the Governor. Commissioners serve six-year terms and no more than four may be of the same political party. At least four of the Commissioners are required to be attorneys. The Director of the State Public Defender, Mary Fox, is appointed by the Public Defender Commission.

## Who qualifies for a public defender?

A person is eligible for public defender services if they are poor and are charged with an offense that is eligible for legal representation at public expense. The determination of whether a person is eligible for legal services is made by MSPD and is based on Federal Poverty Guidelines and other factors. If MSPD determines a person is not eligible, the applicant may appeal that decision to the Court.

## Who works for MSPD?

MSPD is divided into nine divisions: a Trial Division, an Appellate/Post-Conviction Division, a Capital Division, a Commitment Defense Team, a Children's Defense Team, a Training Division, a Case Contracting Division, a Parole Revocation Defense Team, and an Operations Division. The operations staff provides centralized information technology support, fiscal, and human resources services to the 47 offices located around the state.

## MISSION STATEMENT:

The mission of Missouri State Public Defender is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri. The lawyers, administrative staff, and support staff of the Public Defender will ensure that this advocacy is not compromised. To provide this uncompromised advocacy, the Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

# TRIAL DIVISION

In 2023, the Trial Division held 218 jury trials, resulting in 76 not guilty verdicts on at least one count! Numerous other trials resulted in hung juries or guilty verdicts on lesser charges. Just as impressive were the number of dismissals obtained – 8,436, which represents 15% of all cases initiated by the Trial Division. These amazing results were obtained despite every office being understaffed and overworked. Each year, the Trial Division opens more cases than they can close. In Fiscal Year 2023, Missouri State Public Defender's thirty-three trial offices initiated 56,486 new cases and continued representation in 30,316 cases that were pending at the beginning of the fiscal year. At the end of the fiscal year, 28,936 were pending and carried over into the next fiscal year.

Missouri State Public Defender tracks those cases assigned and the number of cases resolved each fiscal year. Many cases take more than a year from assignment to disposition and many more do not fall neatly within a single fiscal year. No assistant public defender starts the fiscal year with an empty file drawer.

## New Opportunities for New Lawyers

By building a pipeline of new attorneys through more robust internship programs and the Missouri Justice Fellowship Program, MSPD is marshaling limited resources to better serve our clients.

In the summer of 2022, we welcomed our largest class of summer interns, in part by using the lessons learned during the Covid-19 pandemic on efficient ways to work remotely. We have already started to see the fruits of this effort, as many of those who interned in 2022 returned to MSPD in some capacity, either as a second-term intern or as a newly minted attorney placed through our Early Hire program. In 2023 we have taken one step further by offering some limited paid internship opportunities. This allows students who might otherwise not have been able to afford an unpaid summer internship to gain MSPD experience.

The Missouri Justice Fellowship program

was created to attract new lawyers from around the country interested in being social justice-oriented change makers. This program asks interested lawyers to commit to two years in under-served communities predominantly in rural out-state Missouri. In addition to handling a caseload, the Fellows also receive specialized CLE opportunities to help them learn the litigation skills they will need to be successful attorneys. The first year of the program attracted four amazing attorneys who have already made a difference in the communities they are serving, and the program will continue to grow in FY 2024. But simply adding attorneys is not enough.

## Breaking the Cycle

Many behaviors that are so often criminalized in Missouri are driven by social issues, including mental illness, substance use disorders, and poverty. Unfortunately, the criminal system is not well-designed to address these pervasive societal problems. For example, data shows that incarcerated individuals are five times more likely than the general population to suffer a serious mental illness. *Source: [Steadman HJ, Osher FC, Robbins PC, Case B, Samuels S, Prevalence of serious mental illness among jail inmates \(2009\)](#).*

Currently, if a person in the criminal system is suffering from a mental health disease and needs to be in a therapeutic setting, they are put on a waiting list for an available bed in the Department of Mental Health (DMH). The DMH, like many State agencies, is struggling to provide full staffing to be able to meet the needs across the state. This often means that people languish for weeks or months in the local jail, not receiving treatment, and with their condition often worsening. This delay is detrimental to the individual, taxing on the jail staff, and costly to taxpayers. Once a person finally does get transferred to a DMH facility, they are treated and released as quickly as possible to make room for the next person on the list. When that person is transferred back to the jail, they often are unable to sustain the progress they have made, slipping quickly back into incompetency and starting the process all over again.

MSPD also has an initiative to include social

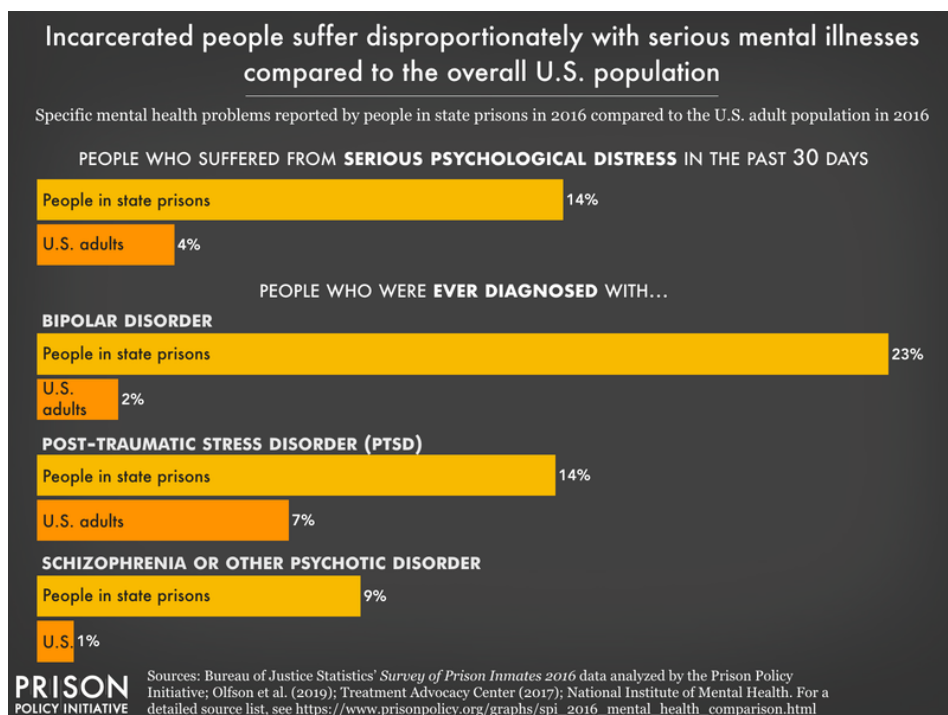


workers as part of the defense team to break the cycle of criminal system involvement. The Holistic Defense Services unit, which is discussed further on pages 15-22, is working to connect individuals to community-based services. MSPD's goal is for Holistic Defense to work towards true justice for the accused and for the community, by returning the citizen to their community healthy and productive.

## Staff Well-Being

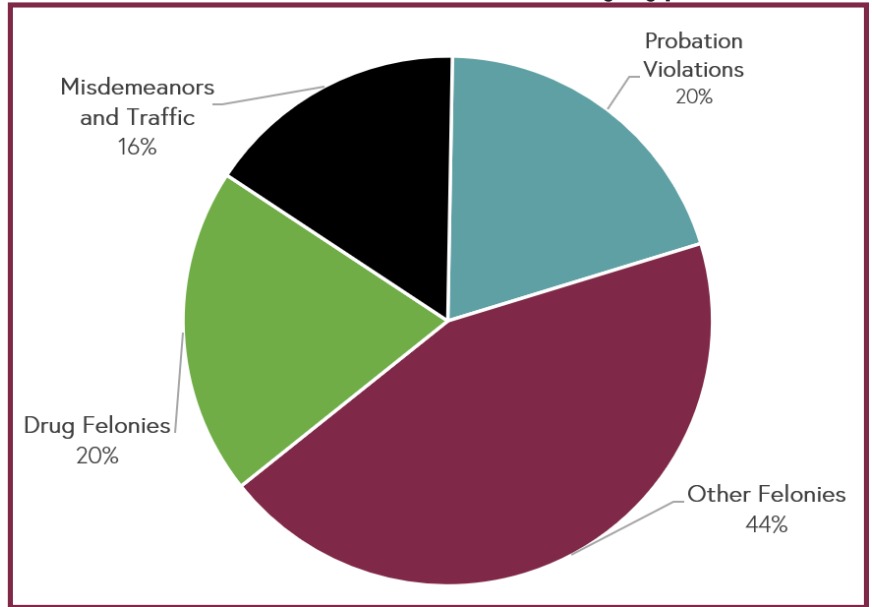
As we look for ways to improve access to mental health services for our clients, we would be remiss if we did not also carefully consider the wellness of our own staff. Like so many employers across the country, MSPD has struggled over the last two years with recruitment and retention issues. One of the most cited reasons for leaving employment is burnout from the emotional and mental demands of the job. In response, MSPD has increased our offering of wellness training and events throughout the year. We are also searching for grant funded opportunities to provide more immediate access to mental health care for employees in acute stress situations. We have given our employees more flexibility to work remotely on occasion. And, in several counties where our physical offices were inadequate to meet the needs of the staff, we have worked with the local county government to acquire and move into new spaces.

With improved staffing and decreased intake, MSPD hopes to continue and improve its representation.

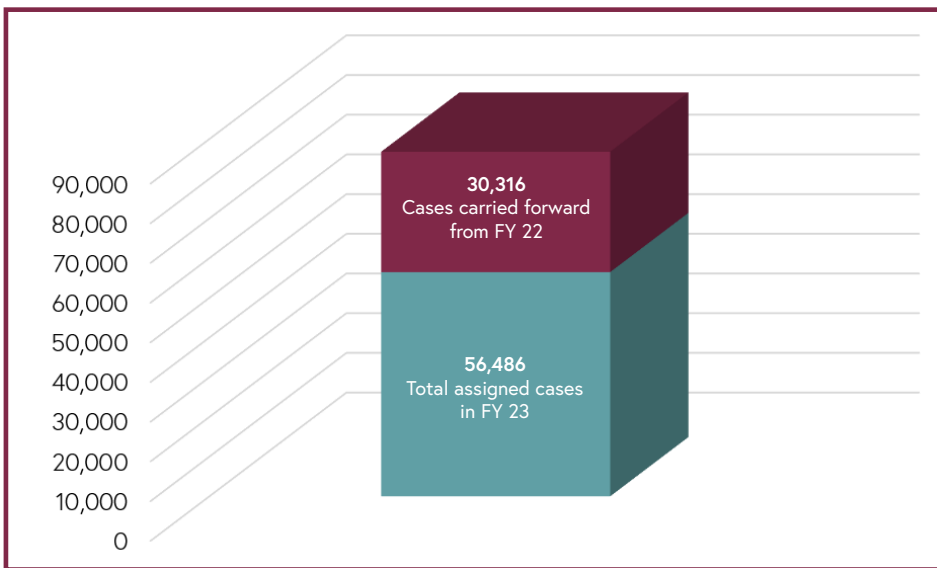


The cases initiated in Fiscal Year 23 were predominantly felonies, with 20% being drug charge felonies and 44% being other felonies. Less than 1% of those felonies were homicide charges. Sixteen percent of initiated cases were misdemeanors, twenty percent were probation violation cases.

Fiscal Year 2023 MSPD Cases by Type



Trial Division Workload

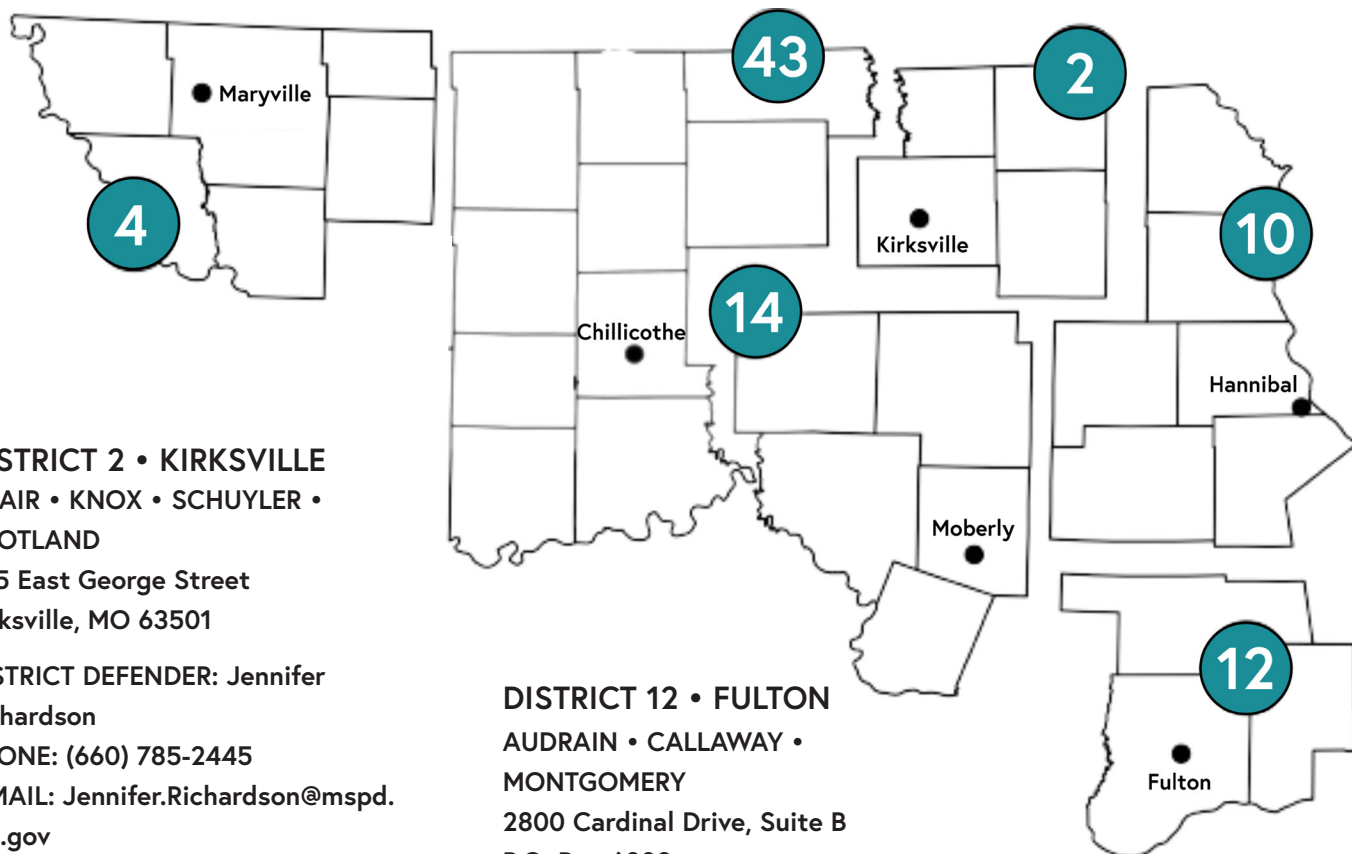


MSPD started FY 23 with 30,316 cases pending resolution in the Trial Division. Additionally, there were another 56,486 new cases assigned during FY 23.

FOR FURTHER READING AND INFORMATION:

- [The Appeal](#)
- [The Vera Institute](#)
- [Prevalence of Serious Mental Illness Among Jail Inmates](#)

# NORTHERN MISSOURI



## DISTRICT 2 • KIRKSVILLE

ADAIR • KNOX • SCHUYLER • SCOTLAND

905 East George Street  
Kirksville, MO 63501

DISTRICT DEFENDER: Jennifer Richardson

PHONE: (660) 785-2445

E-MAIL: Jennifer.Richardson@mspd.mo.gov

## DISTRICT 4 • MARYVILLE

ANDREW • ATCHISON • GENTRY • HOLT • NODAWAY • WORTH

305 North Market Street  
Maryville, MO 64468

DISTRICT DEFENDER: Ryan Williams

PHONE: (660) 582-3545

E-MAIL: Ryan.Williams@mspd.mo.gov

## DISTRICT 10 • HANNIBAL

CLARK • LEWIS • MARION • MONROE • RALLS • SHELBY

201 N. Third Street, Suite 301  
Hannibal, MO 63401

DISTRICT DEFENDER: Todd Schulze

PHONE: (573) 248-2430

E-MAIL: Todd.Schulze@mspd.mo.gov

## DISTRICT 12 • FULTON

AUDRAIN • CALLAWAY • MONTGOMERY

2800 Cardinal Drive, Suite B  
P.O. Box 6303

Fulton, MO 65251

DISTRICT DEFENDER: Kathryn Benson

PHONE: (573) 592-4155

E-MAIL: Kathryn.Benson@mspd.mo.gov

## DISTRICT 14 • MOBERLY

CHARITON • HOWARD • LINN • MACON • RANDOLPH

3029 County Road 1325  
Moberly, MO 65270

DISTRICT DEFENDER: Aaron Rowley

PHONE: (660) 263-7665

E-MAIL: Aaron.Rowley@mspd.mo.gov

## DISTRICT 43 • CHILLICOTHE

CALDWELL • CARROLL • DAVIESS • DEKALB • GRUNDY • HARRISON • LIVINGSTON • MERCER • PUTNAM • SULLIVAN

500 Youssef

Chillicothe, MO 64601

DISTRICT DEFENDER: Kelly Miller

PHONE: (660) 646-3343

E-MAIL: Kelly.Miller@mspd.mo.gov

# EASTERN MISSOURI

## DISTRICT 11 • ST. CHARLES

ST. CHARLES • WARREN  
300 N. Second Street, Suite 200  
St. Charles, MO 63301

DISTRICT DEFENDER: Stephen Ranz  
PHONE: (636) 949-7300  
E-MAIL: Stephen.Ranz@mspd.mo.gov

## DISTRICT 23 • HILLSBORO

JEFFERSON  
305 3rd St.  
Hillsboro, MO 63050

DISTRICT DEFENDER: Patrick Austermann  
PHONE: (636) 789-5254  
E-MAIL: Patrick.Austermann@mspd.mo.gov

## DISTRICT 21 • CLAYTON

ST. LOUIS COUNTY  
100 S. Central, 2nd Floor  
Clayton, MO 63105

DISTRICT DEFENDER: Beverly Hauber  
PHONE: (314) 615-4778  
E-MAIL: Beverly.Hauber@mspd.mo.gov

## DISTRICT 45 • TROY

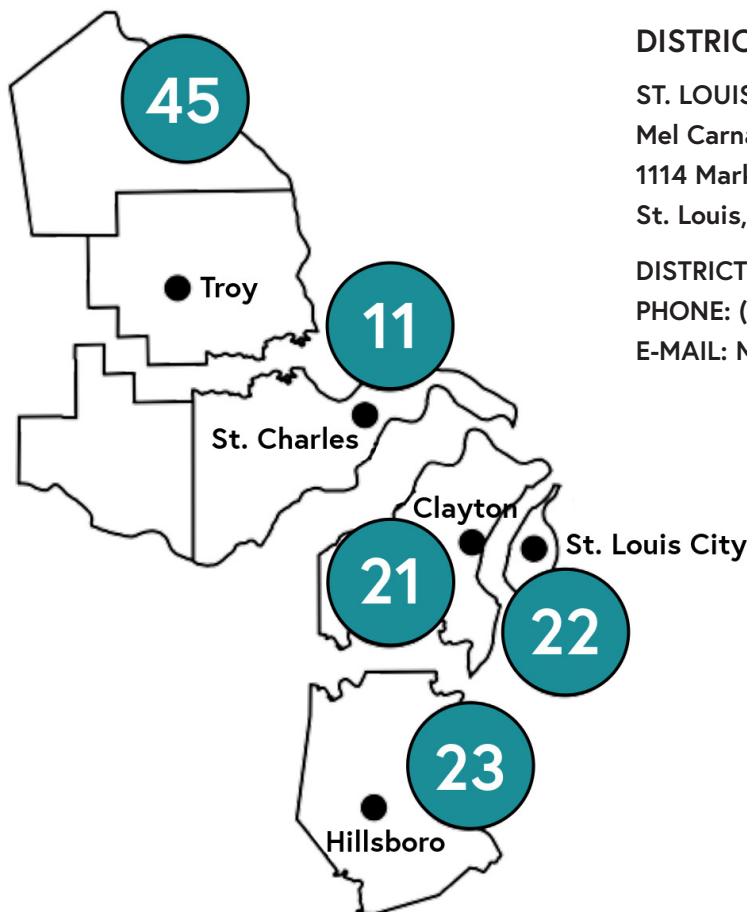
LINCOLN • PIKE  
240 West College  
Troy, MO 63379

DISTRICT DEFENDER: Tamara Lucas  
PHONE: (636) 528-5084  
E-MAIL: tamara.lucas@mspd.mo.gov

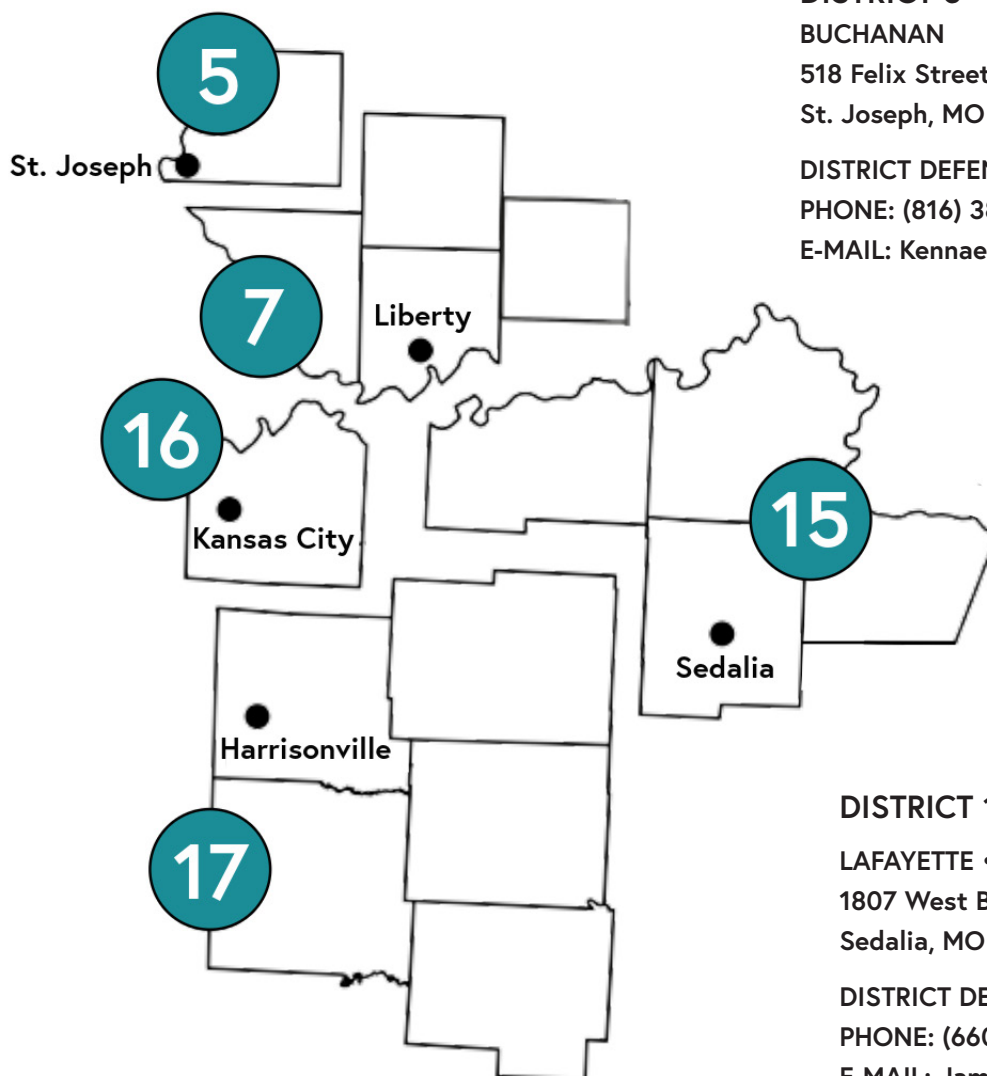
## DISTRICT 22 • ST. LOUIS

ST. LOUIS CITY  
Mel Carnahan Courthouse  
1114 Market Street, Suite 602  
St. Louis, MO 63101

DISTRICT DEFENDER: Matthew Mahaffey  
PHONE: (314) 340-7625  
E-MAIL: Matthew.Mahaffey@mspd.mo.gov



# WESTERN MISSOURI



## DISTRICT 5 • ST. JOSEPH

BUCHANAN

518 Felix Street

St. Joseph, MO 64501

DISTRICT DEFENDER: Kennae Grigsby

PHONE: (816) 387-2026

E-MAIL: Kennae.Grigsby@mspd.mo.gov

## DISTRICT 7 • LIBERTY

CLAY • CLINTON • PLATTE • RAY

234 W. Shrader

Liberty, MO 64068

DISTRICT DEFENDER: Tiffany Leuty

PHONE: (816) 792-5394

E-MAIL: Tiffany.Leuty@mspd.mo.gov

## DISTRICT 15 • SEDALIA

LAFAYETTE • PETTIS • SALINE • COOPER

1807 West Broadway

Sedalia, MO 65301

DISTRICT DEFENDER: James Gray

PHONE: (660) 530-5550

E-MAIL: James.Gray@mspd.mo.gov

## DISTRICT 16 • KANSAS CITY

JACKSON

Oak Tower, 20th Floor

324 E. 11th Street

Kansas City, MO 64106-2417

DISTRICT DEFENDER: Ruth Petsch

PHONE: (816) 889-2099

E-MAIL: Ruth.Petsch@mspd.mo.gov

## DISTRICT 17 • HARRISONVILLE

BATES • CASS • HENRY • JOHNSON • ST. CLAIR

502 Westchester Avenue

Harrisonville, MO 64701

DISTRICT DEFENDER: Jeffrey Martin

PHONE: (816) 380-3160

E-MAIL: Jeffrey.Martin@mspd.mo.gov

# MID-MISSOURI

## DISTRICT 13 • COLUMBIA

BOONE

601 E. Walnut

Columbia, MO 65201

DISTRICT DEFENDER: Kevin O'Brien

PHONE: (573) 447-8087

E-MAIL: Kevin.O'Brien@mspd.mo.gov

## DISTRICT 19 • JEFFERSON CITY

COLE • MILLER • MONITEAU

210 Adams Street

Jefferson City, MO 65101

DISTRICT DEFENDER: Justin Carver

PHONE: (573) 526-3266

E-MAIL: Justin.Carver@mspd.mo.gov

## DISTRICT 20 • UNION

FRANKLIN • GASCONADE • OSAGE

300 E. Main Street

Union, MO 63084

DISTRICT DEFENDER: Matt Shellenberger

PHONE: (636) 583-5197

E-MAIL: Matt.Shellenberger@mspd.mo.gov

## DISTRICT 25 • ROLLA

CRAWFORD • DENT • MARIES • PHELPS  
• PULASKI • TEXAS

901 N. Pine Street, Suite 200

Rolla, MO 65401

DISTRICT DEFENDER: Chris Piatt

PHONE: (573) 368-2260

E-MAIL: Chris.Piatt@mspd.mo.gov

## DISTRICT 26 • LEBANON

CAMDEN • LACLEDE • MORGAN

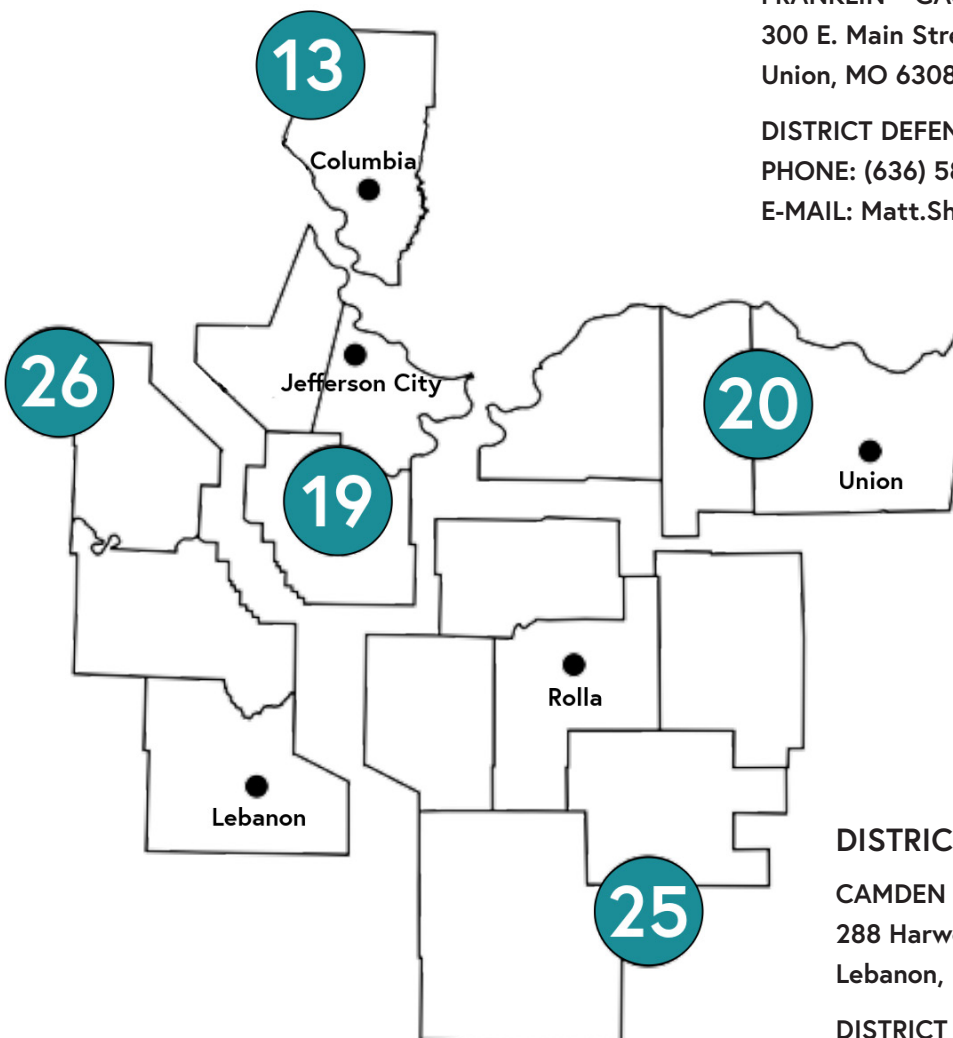
288 Harwood

Lebanon, MO 65536

DISTRICT DEFENDER: Stacy Patterson

PHONE: (417) 532-6886

E-MAIL: Stacy.Patterson@mspd.mo.gov



# SOUTHEAST MISSOURI

## DISTRICT 24 • FARMINGTON

IRON • MADISON • REYNOLDS • ST. FRANCOIS •  
STE. GENEVIEVE • WASHINGTON • WAYNE

1101 Weber Road, Ste. 203

Farmington, MO 63640

DISTRICT DEFENDER: Ayla Chadborne

PHONE: (573) 218-7080

E-MAIL: Ayla.Chadborne@mspd.mo.gov

## DISTRICT 32 • JACKSON

BOLLINGER • CAPE GIRARDEAU •  
MISSISSIPPI • PERRY • SCOTT • STODDARD

2360 North High Street, Ste. 2

Jackson, MO 63755

DISTRICT DEFENDER: Katie New

PHONE: (573) 243-3949

E-MAIL: Katie.New@mspd.mo.gov

## DISTRICT 34 • PORTAGEVILLE

NEW MADRID • PEMISCOT

48 East State Highway 162

Portageville, MO 63873

DISTRICT DEFENDER: Justin Arentsen

PHONE: (573) 379-9308

E-MAIL: Justin.Arentsen@mspd.mo.gov

## DISTRICT 35 • KENNETT

DUNKLIN

1087 Commerce Drive

Kennett, MO 63857

DISTRICT DEFENDER: Katie New

PHONE: (573) 888-0604

E-MAIL: Katie.New@mspd.mo.gov

## DISTRICT 36 • POPLAR BLUFF

BUTLER • CARTER • RIPLEY

948 Lester Street

Poplar Bluff, MO 63901

DISTRICT DEFENDER: Sarah Bernard

PHONE: (573) 840-9775

E-MAIL: Sarah.Bernard@mspd.mo.gov

## DISTRICT 37 • WEST PLAINS

HOWELL • OREGON • SHANNON

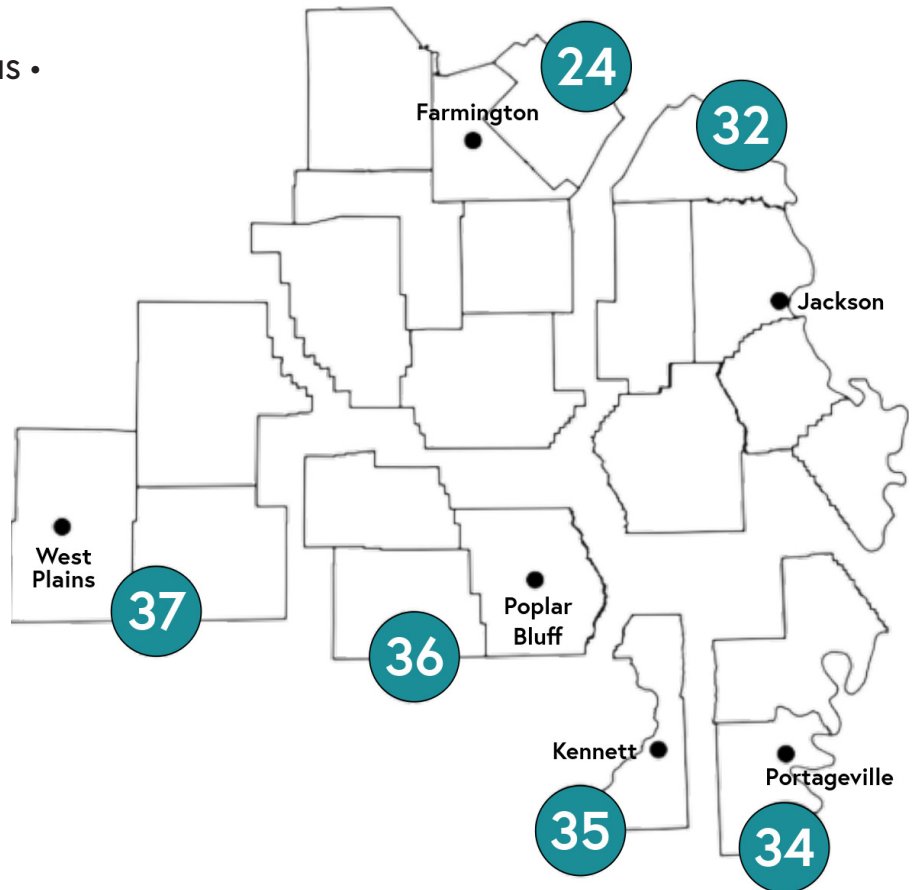
1314 Webster Street

West Plains, MO 65775

DISTRICT DEFENDER: Thomas Flack

PHONE: (417) 257-7224

E-MAIL: Thomas.Flack@mspd.mo.gov



# SOUTHWEST MISSOURI

## DISTRICT 28 • NEVADA

BARTON • CEDAR • DADE • VERNON  
329C North Barrett  
Nevada, MO 64772

DISTRICT DEFENDER: Renee GotviAgehya  
PHONE: (417) 448-1140  
E-MAIL: Renee.GotviAgehya@mspd.mo.gov

## DISTRICT 29 • CARTHAGE

JASPER • MCDONALD • NEWTON  
115 Lincoln Street  
Carthage, MO 64836

DISTRICT DEFENDER: Darren Wallace  
PHONE: (417) 359-8489  
E-MAIL: Darren.Wallace@mspd.mo.gov

## DISTRICT 39 • MONETT

BARRY • LAWRENCE • STONE  
307 W Benton  
Monette, MO 65708

DISTRICT DEFENDER: Pamela  
Musgrave  
PHONE: (417) 235-8828  
E-MAIL: Pamela.Musgrave@mspd.  
mo.gov

## DISTRICT 44 • AVA

WRIGHT • DOUGLAS • OZARK  
P.O. Box 951  
404 E. Washington Avenue  
Ava, MO 65608

DISTRICT DEFENDER: Laurie King  
PHONE: (417) 683-5418  
E-MAIL: Laurie.King@mspd.mo.gov

## DISTRICT 30 • BOLIVAR

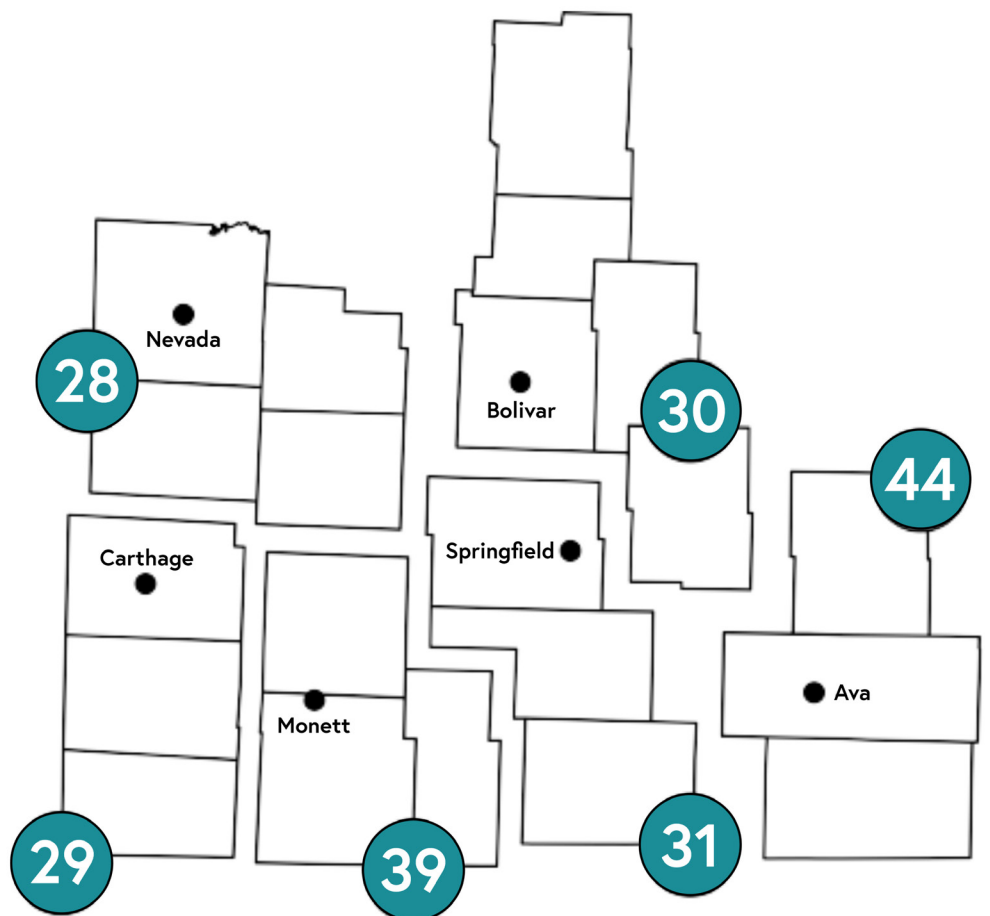
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## DISTRICT 31 • SPRINGFIELD

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# HOLISTIC DEFENSE SERVICES



HDS Team at DMH Training, May 18-19

Back row: Rachel Lewis, Chelsea Tanner, Gwen Harper-Jackson, Zoe Johns, Toni McGuire, Karen Kroeger-Eberhart, Alaina Oliver. Front row: Wanda Pearson and Annie Legomsky

At a recent MSPD training event, a panel of formerly incarcerated people shared their experiences going through the criminal legal system. Every story was different, but there was a common theme – expressed perfectly by one panelist, Christine. Many years ago, Christine was charged with Robbery in the 1st degree as a new mom at the age of 17. Speaking of the representation she received, Christine shared that while she initially got a very good deal and received probation, "No one was asking why I was doing what I was doing." And so, she continued, "I went right back to doing what I was doing." Soon afterwards, Christine's probation was revoked. She was sentenced and served 17 years in prison. Christine's experience

highlights exactly why MSPD created its new Holistic Defense Services (HDS) team in April of 2022. With HDS, MSPD is pioneering a more holistic approach to public defense. This approach promises to help MSPD staff and the courts better understand what brings our clients into the criminal legal system - and to address those underlying issues.

By focusing more on the root causes of criminal legal system involvement, HDS will be able to help reduce pretrial incarceration, prison sentences, and recidivism. Ultimately, with this holistic approach, our clients, their families, and our communities will be healthier and safer.

# WHO WE ARE

HDS started with a team of one, led by Annie Legomsky, JD/MSW, who has been a trial attorney in the St. Louis City Trial Office since 2016. Since its inception, HDS has grown to include 7 Mitigation Specialists, 5 AmeriCorps Holistic Advocates (soon to be 10 in September 2023), 4 AmeriCorps VISTAs, and an HDS Coordinator. HDS staff are comprised of a talented, interdisciplinary team of people who have social work, psychology, and criminal justice backgrounds. A priority in recruitment is to bring in people from our local communities, as well as those who have lived experiences that our clients can relate to. In addition to dedicated staff, HDS has a robust intern program, with students from social work, psychology, and criminal justice programs. Over the past year, HDS has had dozens of interns working in our offices across the state, representing Missouri State University - Springfield, University of Missouri – Columbia, University of Missouri – St. Louis, University of Kansas, Washington University in St. Louis, Saint Louis University, and Walden University.



# WHAT DOES HDS DO?

HDS' inaugural year has been a busy one. Besides its core function of providing direct services to MSPD clients, HDS' inaugural year has focused on obtaining grant funding, conducting needs assessments in MSPD trial offices, program and resource development, building partnerships, recruitment, training, and community engagement. HDS staff are working with clients in all 33 of MSPD's trial offices. HDS takes clients on a referral basis, after their attorney identifies a need for services. HDS' services are focused on three main types of activities: connecting clients to community-based services; providing mitigation advocacy in clients' cases; and ensuring that clients are receiving essential benefits that will help provide stability and set them up for long-term success.

# COMMUNITY BASED SERVICES

Oftentimes, MSPD attorneys are in court with clients who are being held in jail on low level charges simply because they do not have a home or treatment plan in place. HDS staff work to find these resources for clients whenever possible and have had some great successes doing so. However, these resources are not always readily available, especially in more rural communities. Additionally, MSPD clients who are in jail face many barriers to accessing services because of their charges or their inability to appear in person for required intake assessments. In these situations, HDS staff work to educate the courts about resource limitations and present more viable options. At the same time, HDS advocates with community providers to remove these barriers to access.

Some of the other frequently provided services include helping clients access transportation to court or treatment programs, connecting clients to mental health care and substance use treatment, and assisting clients with navigating employment opportunities.



Members of the MSPD and HDS Grant team celebrate Kim Gifford, Resource Development VISTA, as she receives an award for AmeriCorps Member of the Year from the Missouri Community Service Commission.

# MITIGATION ADVOCACY

HDS staff collaborate with attorneys to gain a richer understanding of our clients lives and then help share their stories for purposes of negotiation, sentencing, and pretrial release. With their expertise, HDS staff help identify how certain bio-psychosocial factors impact each client and propose evidence-based strategies for successful resolution of their cases. The relationships that are formed through these collaborations often have huge impacts not just on the case outcome, but on our clients' experiences in the criminal legal system as a whole.

# ESSENTIAL BENEFITS

Connecting clients to community-based and social services is never as easy as it seems. Many clients struggle to access services on their own because the basic building blocks are also missing. You need identification, credit, and a deposit before you can get into most housing. Applying for MO Health Net or Disability benefits requires you to have extensive medical documentation and access to medical professionals. Many of our clients do not have, or lost upon arrest, these essential documents. HDS works to ensure clients are able to access these fundamental documents so that they can benefit from the government programs and basic services they should otherwise qualify for, such as MO Health Net, SNAP, and Social Security Disability Insurance.

# FUNDING THROUGH GRANTS

MSPD received its first AmeriCorps State and National grant from the Missouri Community Service Commission in 2022 to support the Holistic Advocate program, which placed 5 AmeriCorps Holistic Advocates in MSPD's trial offices in Farmington, Fulton, Lebanon, St. Joseph, and West Plains. This grant has been renewed and expanded for the 2023 grant year, with an award to place a total of 10 Holistic Advocates across Missouri. The 2023 grant year award will provide over \$230k in value to MSPD. The 2023 grant year begins on September 1, 2023. Three of the 2022 Holistic Advocates have already committed to re-enroll for the 2023 year, and two new Holistic Advocates have been recruited to start new placements in Springfield and Kansas City. Recruitment for the remaining positions is underway. Candidates are being sought for potential placement in Columbia, Jefferson City, Fulton, Jackson, Farmington, Hillsboro, St. Charles, and Carthage. Holistic Advocates provide direct services to assist their local office's clients – including case management, mitigation advocacy, and connection to essential benefits. The first cohort of Holistic Advocates worked diligently to lay the groundwork for this program, with Advocates going through extensive training, developing systems for collaboration with

other MSPD staff, and building connections with service providers in their local communities. We expect our second cohort to achieve even greater success than the first group now that the foundation has been solidly built.

2023 will be the third year MSPD has received funding from AmeriCorps VISTA, and the second year that MSPD VISTAs have focused their efforts on Holistic Defense. The AmeriCorps VISTA program is designed to help organizations build capacity and develop innovative programming. The 2023 award provides MSPD with the support of four full time Holistic Defense VISTAs, a value of over \$70,000 to MSPD.

In 2022, MSPD brought three full time Resource Development VISTAs on board, who each served into summer of 2023. The Resource Development VISTAs created a searchable online resource guide for MSPD staff to use to locate resources for clients. This guide has over 3,000 resources curated towards our clients' needs, such as substance use treatment, mental health treatment, employment and housing, that covers the entire state. The



*HDS proudly received historic levels of grant funding for its services this past year. In 2023 alone, MSPD received four separate grant awards totaling over \$1M (\$1,071,174) for holistic defense programming.*

## STANDOUT FUNDING

AmeriCorps VISTA Summer Public Health Specialists (\$5,384 award)

AmeriCorps State and National Holistic Advocates Grant - Renewed and Expanded for 2023 (\$230,002 award)

Resource Development VISTAs also conducted needs assessments with MSPD trial offices which will guide HDS programming and be used to support grant applications. In addition, our Resource Development VISTAs have helped MSPD build relationships with community organizations and advocated with those organizations to remove barriers that prevent our clients from accessing services. Some of these efforts have led to organizations agreeing to conduct intake assessments in the jails.

Two of our Resource Development VISTAs, Allie Zenwirth and Kim Gifford, were recognized as AmeriCorps Service Members of the Year by the Missouri Community Service Commission. Hundreds of nominations were submitted and only one VISTA for each of the four regions of the state was selected to receive this honor for outstanding service.

Strong interest in our VISTA program led to the award of a fourth VISTA position for the 2023-2024 grant year. This year our VISTAs will serve as Holistic Defense Resource VISTAs, continuing to support HDS program development with initiatives that strengthen community engagement, volunteerism, and leveraging existing resources in the community. This was MSPD's second year receiving funding for AmeriCorps Summer VISTAs. This year the Summer VISTAs have been focused on HDS Public Health program evaluation and the provision of direct client services. Both of our Summer Public Health VISTAs are working to evaluate early HDS programming and its impact on the public health outcomes of clients and Missouri communities, such as measuring connections to health insurance, disability benefits, and behavioral health care. The Summer Public Health VISTAs receive a living stipend during their summer of service, enabling MSPD to attract quality applicants and improve recruitment.

In December 2022, MSPD was awarded a truly game changing grant from the Missouri Foundation for Health (MFH). The MFH grant will provide over \$765k for MSPD's Holistic Defense Services Program. The grant period runs for three years, from December 2022 through November 2025.

The funding from MFH goes towards MSPD's share of the AmeriCorps State Holistic Advocate programming. This enabled MSPD to supplement the living stipend AmeriCorps members receive to the maximum allowed, which is just over \$33k for a full time, one-year commitment, making the opportunity more attractive and helping to provide a better quality of life for members.

Additionally, MFH has funded a research study to measure the impact of the HDS program over the course of the grant period. MSPD selected Wellbeing Equity & Innovations, a nationally recognized and experienced criminal justice research firm, to lead the effort. Carrie Pettus, Ph.D., MSW, and Miltonette Craig, J.D., Ph.D., are the lead evaluators.

The MFH grant also provides funds for expenses that will eliminate barriers clients face when they are attempting to access services, ensuring that even the smallest barriers do not prevent our clients from creating stability in their lives. These costs, such as a treatment program entrance fee, the purchase of a uniform for a new job, or the cost of transportation to court, are often cited by clients and staff as creating major barriers to ensuring client success on bond and elsewhere.

MSPD has partnered with Criminal Justice Ministry (CJM) to administer the funds for client expenses. Since 1979, CJM has served individuals, families, and communities impacted by the criminal justice system. From offering services to incarcerated individuals to providing reentry programs for those returning to the St. Louis area, CJM seeks to serve the needs of the most vulnerable without judgment. CJM provides programs to individuals both inside area institutions and throughout the St. Louis community. In addition to working together on fund administration, MSPD and CJM have partnered on service delivery and access to resources for mutual clients.

Lastly, the MFH grant provided funding for a partnership with Partners for Justice (PFJ), a national

**Missouri Foundation for Health Holistic  
Defense Services Program  
(*\$765,388 for a 3-year grant period*)**

**AmeriCorps VISTA Holistic Defense  
Development VISTAs (*\$70,400 award*)**

organization that provides collaborative support services to people facing criminal charges, while helping public defenders protect their clients. Founded in 2017, PFJ has worked with nine state and county defender agencies and over 15 specific offices across the country to implement collaborative defense practices, including, among others, public defender offices in New Orleans, Los Angeles, Kansas, Delaware, and Harris County, Texas.

PFJ has assisted HDS with service model development, program implementation, and data collection procedures. Additionally, PFJ provided four in-person and one virtual training to HDS and MSPD staff on mitigation advocacy and collaborative defense techniques. They have been an invaluable resource in such an ambitious development of a holistic model.

In the first several months of HDS programming, HDS staff have served over 640 MSPD clients by connecting them with services and telling their stories. These early efforts have already had a huge impact on incarceration rates. The HDS team has helped save clients an estimated 22 years (8,039 days) in jail, which comes to a cost benefit of approximately \$393,911. In addition to keeping clients from serving unnecessary jail stays, HDS' mitigation advocacy has saved clients an estimated 534 years (195,173 days) in the Department of Corrections, yielding over \$15.2M in potential taxpayer savings.

## **BEYOND THE QUANTITATIVE IMPACT: AIDAN BAILEY'S SUCCESS STORY**

In the fall of 2022, Aidan Bailey was in Laclede County jail because of her addiction to fentanyl. Aidan, a 27-year-old mother to four adorable children and a survivor of an incredibly difficult past, was facing revocation of her probation and new charges, all for possession of a controlled substance. Her public defender, Melissa Bradley, based in MSPD's Lebanon Trial Office, advocated to get Aidan into the Laclede County Treatment Court program. Because Aidan had nowhere to stay,

*“Criminal Justice Ministry is excited to work more closely with MSPD through the Holistic Defense Services Program to achieve our mission of improving communities by supporting and empowering those affected by incarceration. This relationship will provide better access for MSPD clients to CJM’s programs, and extend CJM’s reach beyond St. Louis City. It will also allow MSPD to leverage CJM’s experience to assist with MSPD’s client funds initiative.”*

*- Tom Casey, Executive Director*



**MSPD success story Aidan Bailey in front of her new home.**

she remained in jail until a home plan could be found. Despite everyone's best efforts, no one could locate a good home plan for Aidan.

It was in October 2022 that Aidan's attorney Melissa asked HDS Mitigation Specialist Brittney Rowe to help. Brittney, a longtime MSPD legal assistant in the Rolla Trial Office, had just come into the Mitigation Specialist role earlier that month. The mission was to find a stable home plan as well as to help her with transportation and getting a phone. In November, Brittney found a house for Aidan. To do so, she had to find a landlord willing to rent to her despite her open case and criminal history, funds for her first month's deposit, and ensure a way for Aidan to pay her rent going forward. Local ordinances also required that any outstanding utility bills be resolved before opening a new account – and Aidan was in arrears. Through numerous calls to multiple organizations, Brittney found help with the Laclede County Ministerial Alliance, which agreed to cover Aidan's \$650.00 deposit for the house. Brittney and the landlord worked together to apply for State Assistance for Housing Relief (SAFHR) funds, which provided Aidan with 14 months of rental assistance.

Aidan's Treatment Team and Judge, the Honorable Larry Winfrey, got the local First Baptist Church to cover her utilities deposit. The City of Lebanon electric also agreed to split Aidan's overdue fees into monthly payments, which are being covered by SAFHR funds and the Low-Income Heat Energy Assistance Program (LiHEAP). On November 21, 2022, Aidan was finally released from jail and moved into her beautiful new home. Aidan had nothing of her own to move into the house, but when Brittney had spoken to a woman at the utility company to get her account set up, the

woman learned about Aidan's story and shared that her father-in-law had recently passed away. They had been wondering what to do with his things, and she decided that she wanted to donate it all to Aidan. The day she moved in, Aidan was welcomed into a home full of furniture, a washer and dryer, and even essential items like toilet paper and basic groceries that her MSPD team, Treatment Team, and her new community had put together for her. Brittney and Melissa also worked to provide Aidan with funding from another local church for transportation on the OATs bus and with a SafeLink phone, which she needs for treatment court as well as to call OATs when she needs a ride to/from work, court or appointments. Aidan immediately started working and attending Treatment Court and is doing incredibly well.

Aidan recently shared an update on her situation with MSPD. Aidan said: "I used to be that person that nobody ever believed would get clean and stay clean! [My public defender] Melissa Bradley was one of the very few people in the beginning of my journey that truly believed in me and NEVER gave up on me....[L]uckily, she was not the only one who saw my potential. She has a wonderful and persistent colleague, Brittney Rowe! One of the most empathetic and resourceful people I've had the pleasure of knowing.

When I got out of jail on November 9, 2022, I had nothing but the clothes on my back. Within a couple weeks Melissa and Brittney helped me gain back more than I lost. Now I've got a 2 bedroom house, a car, an amazing job working with Alpha Media as an Account Executive at KJEL Radio Station - but most importantly, next month I am beginning the process of trial home placement with all 4 of my kids that I lost to

***“Something this community MUST know is that the Holistic Defense Services program aims to change and give us back our lives. I know because they have changed mine. Thank you to everyone that helped me take back my life and change my story!”***

***– Aidan Bailey, Survivor, Mother, and MSPD Client***

the Children's Division due to my 13 years of addiction. August 2nd will be my ONE YEAR CLEAN! And I couldn't have done it without you guys."

When we provide collaborative, holistic defense services to our clients, we can impact entire families and communities. It is also possible to make systemic change – in the way we represent clients, and in the way other court actors view our clients and their role in the criminal legal system.

Aidan's Treatment Court judge, the Hon. Larry Winfrey, reflected on his judicial philosophy after this collaboration, honoring MSPD with his formidable support of the HDS program:

*"In my 21st year on the bench, I truly believe there is now a pathway to behavioral change when it comes to substance use disorders. It is messy, it is time consuming, and it takes a lot of talented folks willing to invest their time, knowledge, and efforts for little or no compensation to be able to pull it off. Most importantly it takes the willingness of the person suffering from SUDs [substance use disorders] to have a genuine desire for recovery and the willingness to trust us - people they are not accustomed to trusting - to help them on that journey. The legislature would do well to spend resources on Holistic Defense Services and Treatment courts to have a positive impact on our communities and decrease recidivism when it comes to SUDs. I am fortunate to work with some extremely talented people like Melissa Bradley and Brittney Rowe that are amazing in finding creative solutions to the obstacles of recovery."*

*- Hon. Larry Winfrey, Jr., Associate Court Judge for the 26th Judicial Circuit*

# TRAINING AND ENGAGEMENT

A large part of HDS' inaugural year involved training HDS staff, MSPD staff, and presenting to community and national groups to build partnerships. In the past year, in collaboration with PFJ, HDS put on two separate days of training for its own staff on collaborative and holistic defense practices, bringing our team from across the state together to workshop and learn. HDS also sponsored two webinars for MSPD employees, one focused on MSPD Clients and Long Term Care, presented by DHSS staff, and another on SNAP Benefits, presented by the St. Louis Area Foodbank.

At MSPD's Annual Training in March 2023, Vichal Kumar, Regional Director of Partners for Justice, and Annie Legomsky, HDS Leader, led a plenary session on holistic defense to nearly 400 MSPD staff, as well as a breakout session on Mitigation Advocacy. HDS staff also attended several MSPD trainings offered to staff statewide, including the Department of Mental Health's Spring Institute at the Lake of the Ozarks.



# SPECIALTY PRACTICES

In addition to the Trial Division, Missouri State Public Defender also provides legal services to indigent persons through five specialty practice divisions: Appellate/Post-Conviction Relief, Capital, Children's Defense Team, Commitment Defense Unit, and the Parole Revocation Defense Team. These offices are located in Kansas City, Columbia, and the City of St. Louis.



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District Defender  
Western Appellate/  
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**Damien de Loyola**  
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Western Capital

**Walter Stokely**  
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**Gwenda R. Robinson**  
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**Stephen Reynolds**  
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Eastern Capital

**Amy Clay**  
District Defender  
Commitment Defense Unit

# APPELLATE

In order to ensure that the criminal justice system remains fair to all, the Appellate Division of the Missouri State Public Defender system reviews the convictions of our clients. Appellate attorneys review trial transcripts of hundreds or thousands of pages and speak with clients, looking for errors that occurred during trials and legal issues that merit review. They spend many hours researching the issues and writing briefs for the Courts of Appeals and Supreme Court of Missouri, describing the errors and issues in each case. Often they are given an opportunity to argue their client's position orally before these courts. Where our clients' rights have been violated, our appellate attorneys successfully convince the Courts of Appeals and Supreme Court to give our clients another chance to secure justice. Like all criminal defense lawyers, our appellate attorneys protect the rights of our clients under the constitutions and laws of Missouri and the United States. In doing so, they ensure that these fundamental rights remain robust for all, thus protecting the public as well as individual clients. Appellate attorneys protect our rights to be free from unreasonable searches and seizures. They ensure that procedures throughout a criminal case provide due process of law to defendants and that they receive a fair trial. They are vigilant in ensuring that all people accused of crimes have access to the counsel of an attorney. Appellate attorneys safeguard rights to be free from self-incrimination and from double jeopardy, and they ensure that punishments are not cruel and unusual.

The Missouri State Public Defender has six offices that handle appellate and post-conviction relief cases. They are located in Kansas City, Columbia, and St. Louis. Four of those offices handle both appeals and post-conviction relief cases. Appellate attorneys practice in the three districts of the Court of Appeals – Southern, Eastern, and Western – and in the Missouri Supreme Court. In the 2023 fiscal year, the appellate attorneys of the Missouri State Public Defender have won new trials for several clients who were improperly denied counsel at trial. Our attorneys won a new trial for a client whose possessions were illegally searched. They won sentencing relief for many clients – successfully removing sentencing enhancements from

their sentences and reducing sentences for clients who were sentenced to offenses of which the jury did not find them guilty. At least three clients were discharged completely from their unlawful convictions – in one case, the State failed to prove the client was responsible for the marijuana plants found growing on shared property. And one of our clients was discharged when the State failed to prove the offense even occurred.

# POST-CONVICTION RELIEF

Whether they plead guilty or go to trial, every person convicted of a felony in Missouri has the right to challenge his or her conviction and sentence through a post-conviction action under Missouri Supreme Court Rules 24.035 and 29.15. And every person convicted has the right to be represented by a post-conviction attorney.

Our post-conviction attorneys function as quality control experts within the realm of criminal law. They review the work of everyone involved in a criminal case – trial counsel, appellate counsel, prosecutors, and judges – to ensure that no conviction or sentence involved the violation of a defendant's rights. They conduct this thorough review under tight and mandatory deadlines, poring over transcripts that range from fifteen to three thousand pages and combing through case files that range from a single folder to fifteen boxes.

This past year, our post conviction attorneys secured good results for many clients. Some cases were as simple as getting written judgments amended to accurately reflect what occurred in court. Other cases involved negotiations with prosecutors, seeking to change unfair outcomes in a way that is satisfactory to both our client and the State. These negotiations resulted in a judgment being amended to reflect time

credit for a client's one year of jail time; the reduction of a sentence from twenty-five to thirteen years; the reduction of a ten-year sentence to five years; and the reduction of a sentence from life without parole to fifteen years. Post-conviction attorneys have also secured judgments that ordered a re-sentencing and a judgment resulting in a first-degree murder conviction being vacated and remanded, after which the charges were dismissed entirely. They also challenged the Department of Corrections application of minimum percentage of sentence requirements for certain offenses and won, resulting in the fair and just application of the rules to many people being held in prison.

In addition to these successful outcomes, our post-conviction attorneys also consider it a success when, through in-depth discussions, they help clients come to terms with a conviction or sentence that was fair. A post-conviction attorney's "second opinion" on a case can assist clients in moving forward with their lives in a positive manner that hopefully puts them on a road to future success.

## CAPITAL DEFENSE TEAMS

Missouri is one of the few states that continues to use execution as punishment. According to the Death Penalty Information Center, which tracks execution data nationwide, more than two-thirds of U.S. states – 37 out of 50 – have either abolished the death penalty or have not carried out an execution in at least ten years. Additionally, five death penalty states have imposed moratoriums on the practice. In 2022, only six states, including Missouri, performed any executions. Since the U.S. Supreme Court reinstated death as a constitutional punishment in 1976, Missouri has been one of the most prolific in using the death penalty; only Texas, Oklahoma, Virginia and Florida have executed more people during this time span.

Most criminal defendants facing the death penalty in Missouri are represented by one of Missouri

State Public Defender's three capital trial offices, located in Kansas City, Columbia, and St. Louis. To comply with the American Bar Association (ABA) Guidelines for Capital Representation, capital trial teams across the entire division are required to have two attorneys who have received specialized training in capital defense. In addition, the ABA Guidelines require that capital trial teams include essential support staff, such as mitigation specialists, fact investigators, paralegals, and legal administrative assistants. Our public defender system also must provide competent representation in direct capital appellate litigation. Two capital appellate attorneys, located in the Columbia office, handle not only direct capital appeals, but assist capital trial teams with motion practice and research.

Over the past year, across the entire capital division, there has been only one death verdict from a jury. Other cases were resolved with a life verdict, a hung jury, and several pleas to sentences less than death. Our capital attorneys and staff bear the enormous weight of conducting intensive, complex litigation at the highest level of expertise as they seek to prevent our clients from being put to death.

Attorneys and support staff across the capital division must obtain specialized training in capital defense work every two years, which is the minimum required by the ABA Guidelines for defense teams in capital cases. Because death penalty work is unique in its demands and responsibilities, attendance at specialized national training is necessary. At these trainings, capital teams learn from practitioners experienced in the field of capital trial and appellate litigation. Such training is not confined to instruction in the substantive law and unique procedures applicable to representing capital defendants, such as jury selection; it also extends to related substantive areas, such as mitigation investigation and forensic science. At every stage of a capital case, counsel must be aware of specialized and frequently changing legal principles, scientific developments, and psychological concerns, including the nature of the serious mental illnesses facing many capital clients.

The American Bar Association, the American

Psychological Association, the American Psychiatric Association and the National Alliance on Mental Illness have all adopted resolutions urging capital punishment jurisdictions to implement policies to prohibit criminal defendants from being sentenced to death if, at the time of the offense, they were impaired by a severe mental disorder or disability. Two states, Kentucky and Ohio, have passed bipartisan legislation, signed into law by both Democratic and Republican governors, prohibiting the death penalty against people with serious mental illnesses. Other state legislatures, including Missouri, have introduced similar legislation. Severe mental illness affects death penalty litigation in several ways. First, it impairs the defendant's cooperation with his lawyer and the lawyer's ability to prepare a defense. It also interferes with a defendant's decision-making, including his ability to make informed decisions regarding presentation of mitigating evidence related to mental illness. Furthermore, mental illness can make defendants poor witnesses, creating an unwarranted impression of lack of remorse due to illness-related behavior and/or the side effects of psychotropic medication.

Bills to abolish or limit the death penalty continue to be introduced in Missouri with bipartisan support. Such legislation would ensure the severe punishment of life without parole without the financial cost of the death penalty. Representatives Tony Lovasco (R) and Sarah Unsicker (D) introduced full abolition bills in the last session. These bills are in line with recent data showing that the death penalty is not a deterrent to murder. Recently released data from a study conducted on murder rates during the pandemic reveal that nine of the ten

Pandemic Murder Rates

State	2020 Murder Rate per 100K Residents	State	2020 Murder Rate per 100K Residents
Mississippi	20.50	Nevada	5.93
Louisiana	15.79	Arizona	5.81
Kentucky	14.32	California	5.59
Alabama	14.20	South Dakota	5.53
Missouri	14.00	Colorado	5.14
South Carolina	10.72	Wisconsin	5.12
New Mexico	10.70	Montana	4.63
Georgia	10.50	New York	4.11
Arkansas	10.29	North Dakota	4.11
Tennessee	9.90	Connecticut	4.01
Illinois	9.20	Wyoming	3.99
Maryland	9.15	Washington	3.94
North Carolina	7.65	New Jersey	3.70
Delaware	7.60	Nebraska	3.57
Michigan	7.51	Iowa	3.49
Indiana	7.50	Rhode Island	3.03
Oklahoma	7.25	Hawaii	2.90
Pennsylvania	7.22	Oregon	2.89
Ohio	7.00	Minnesota	2.69
Texas	6.64	Utah	2.53
Kansas	6.54	Massachusetts	2.44
Alaska	6.56	Vermont	2.20
West Virginia	6.53	Idaho	2.12
Virginia	6.12	Maine	1.64
Florida	5.97	New Hampshire	0.88

Key —

Death Penalty State — More Than 10 Executions

Death Penalty State — Fewer Than 10 Executions

Death Penalty State — Moratorium on Executions

Non-Death Penalty State — Abolished Death Penalty Since 2000

Non-Death Penalty State — Abolished Death Penalty in 1800s or 1900s



states with the highest pandemic murder rates – ranging from 9.9 to 20.5 murders per 10,000 residents – are, in fact, death penalty states. This includes Missouri, at 14 murders per 10,000 residents. On the other hand, eight of the eleven states with the lowest pandemic murder rates – ranging from 0.88 to 3.49 murders per 10,000 residents – had abolished the death penalty. See chart above.

Finally, Missouri continues to be an outlier in allowing a judge to impose the death penalty after a jury fails to reach a unanimous verdict of death. Between 2013 and 2021, the only two death verdicts in Missouri resulted from judges sentencing the defendants to death after a jury could not agree on a death sentence. The laws of more than 70% of jurisdictions that permit capital punishment mandate an automatic life sentence if a jury cannot reach a unanimous sentencing verdict, while five other states allow the state another opportunity to seek death with a new sentencing hearing before another jury. Missouri is an outlier in allowing a judge to decide. Missouri's procedure of permitting a judge to sentence following a hung jury, rather than automatically imposing a sentence of life without parole, adds more time and expense into an already costly system, as it requires the defense to prepare for not one, but two sentencing hearings.

# CHILDREN'S DEFENSE TEAM

Children who are accused of committing criminal offenses are the most vulnerable people appearing in our courts. Like adults, they face the awesome power of the state to deprive them of their liberty. Children can be placed into juvenile detention centers, many of which differ little from adult jails, complete with cells, handcuffs, and isolation. Even if they are not placed in detention, upon disposition of a case a court can remove a child from their family, their home, and their community.

Children come to court ill-equipped for the proceedings against them. Research over the past two decades in the field of adolescent brain development has made it clear that children cannot process information or make decisions in the same way as adults. They have few tools with which to navigate the complex court system, and they cannot anticipate the consequences of choices they make throughout the legal proceedings. In addition, many of the children represented by our Children's Defense Teams (CDT) have overwhelming challenges due to past trauma, poverty, and family crises.

Lawyers trained in the specialized field of children's defense are critical to ensure fair proceedings and to be sure the child's voice is heard. MSPD's Children's Defense Teams are staffed with specially trained lawyers and other core staff members. CDT has offices in Kansas City and St. Louis. In addition, one attorney is assigned to children's cases in several counties in southeastern Missouri, and one attorney in an appellate office focuses primarily on appeals of children's cases. The Kansas City and St. Louis CDT teams opened more than 950 cases in FY 2023. MSPD's Case Contracting office also assigned some children's cases to private counsel.

CDT attorneys spend a great deal of time with the children they represent, explaining the court proceedings in child-friendly terms, and learning about each child's strengths, challenges, and priorities. They advocate zealously to ensure that courts recognize and respect children's constitutional rights. They work to help judges and other court actors see children in the courtroom as children, with the potential for growth



Walter Stokely and Sue Rinne at the 2023 Youth in Court Training.

and change, rather than solely as offenders.

CDT's commitment to treating children as children is at the heart of the fight against certification. If a child is accused of certain offenses, the court may (or in some cases, must) consider whether to "certify" the case. If a child's case is certified, it is allowed to be filed in adult criminal court instead of remaining in juvenile court. The consequences of certification can be disastrous for children, subjecting them to adversarial proceedings, and punishments that were designed for adults rather than for the rehabilitation of children.

The Missouri Public Defender System's Youth in Court training in June of 2023 focused on effective ways to contest certification and the effective use of experts at such hearings. Staff members from our two CDT offices in Kansas City and St. Louis were there both to learn and to teach. Other lawyers and staff members from MSPD attended also, many of whom have had substantial training in children's defense and now serve as "Youth Specialists" in rural areas of the state. Contract attorneys who are assigned children's cases through our Case Contracting office were also invited. Throughout the multi-day training, attendees gathered in small groups to discuss and strategize on real cases where children faced certification.

Because children's defense is such a specialized

area of law, ongoing training is critical for our CDT teams. A strong connection with The Gault Center, a national organization focused on the rights of youth, helps team members stay up to date on best practices, current research, and issues in the field. Two of our attorneys were selected to attend The Gault Center's summer academy, an intensive and comprehensive training experience. Two others attended "train the trainer" sessions by The Gault Center and are now well-equipped to assist others throughout the Missouri State Public Defender in their advocacy for children.

## COMMITMENT DEFENSE UNIT

The Commitment Defense Unit (CDU) of the Missouri State Public Defender represents individuals who have been committed to the Missouri Department of Mental Health. CDU provides representation in two general areas within this framework. First, the bulk of CDU's work is representing people who are alleged to be sexually violent predators in trials and in release request hearings across the state of Missouri. In addition, CDU represents clients who have been committed to the Department of Mental Health due to a finding of Not Guilty by Reason of Mental Disease or Defect who seek release from that commitment.

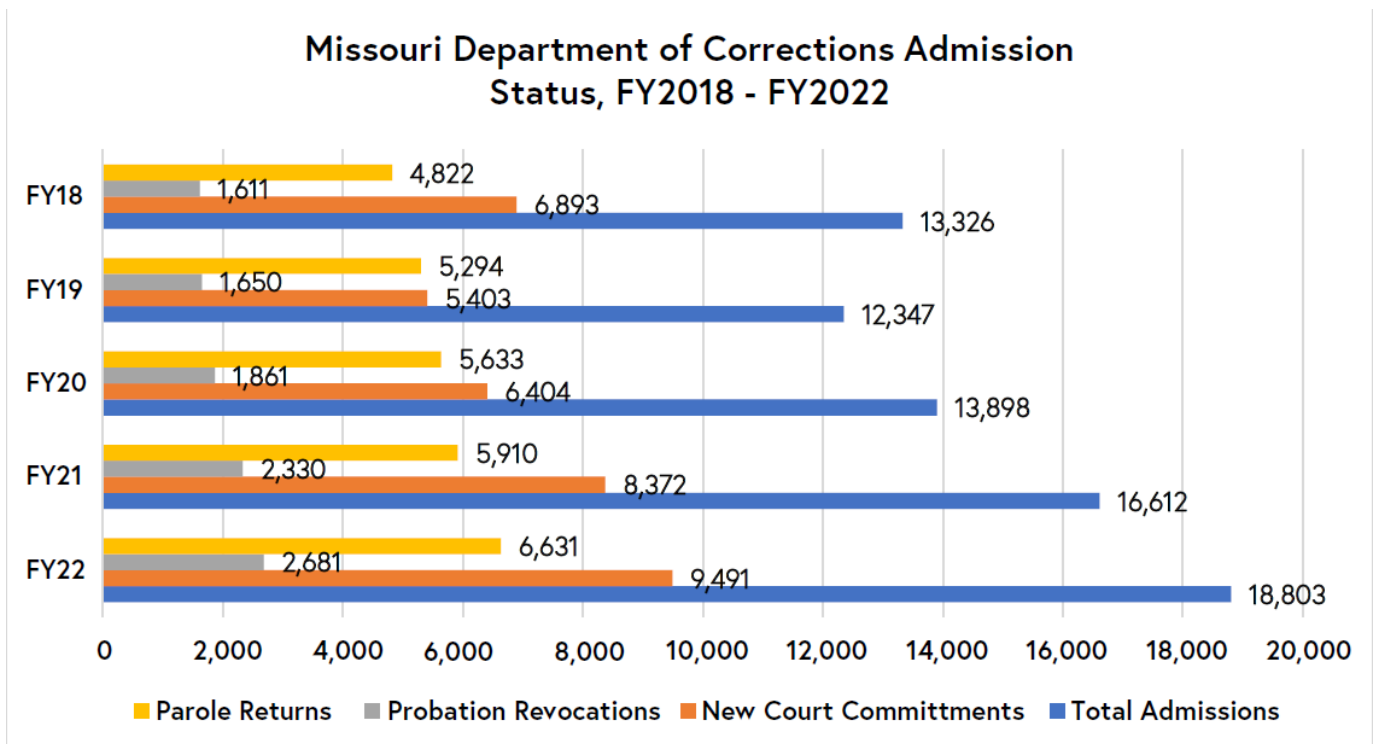
The state of Missouri allows a person who has been convicted of a sex offense to be held indefinitely by the state after he has completed his criminal sentence, if a court can be convinced that he is a "sexually violent predator" (SVP). Nearly all the people committed through the Sex Offender Rehabilitation and Treatment Services (SORTS) programs are represented by public defenders. These cases are unusual, in that commitment is for an indefinite period of time. This means that a person subject to SVP proceedings is entitled to representation at a jury trial when the state initially seeks commitment and may also require representation in multiple proceedings in subsequent years when he petitions for release from the commitment. These cases are highly specialized and labor intensive. Most of them involve testimony by experts on both sides. They constitute a substantial, ongoing claim on the resources of the courts and on the Missouri State Public Defender. To date, there have been twelve releases from confinement at SORTS. The number of detainees in the SORTS

program has increased steadily over the past twenty years. More than 300 men are currently committed at SORTS. Expenditures by the program have increased accordingly. Commitment of a person to a mental health facility for an indefinite period, after they have served their criminal sentence, is a formidable exercise of the power of the state. For such commitments to pass constitutional scrutiny, the Department of Mental Health must provide care and treatment that is consistent with existing professional standards and practice, and with federal law. Such care and treatment is costly. The SORTS programs are located at the Southeast Missouri Mental Health Center in Farmington and the Fulton State Hospital. In FY 2023, expenditures for these programs totaled more than 36 million dollars. In the coming year, such expenditures are expected to reach more than 39 million dollars. The Department of Mental Health also houses pre-trial detainees in the Ste. Genevieve and Vernon County jails, a further expense attributable to the SVP commitment framework in Missouri.

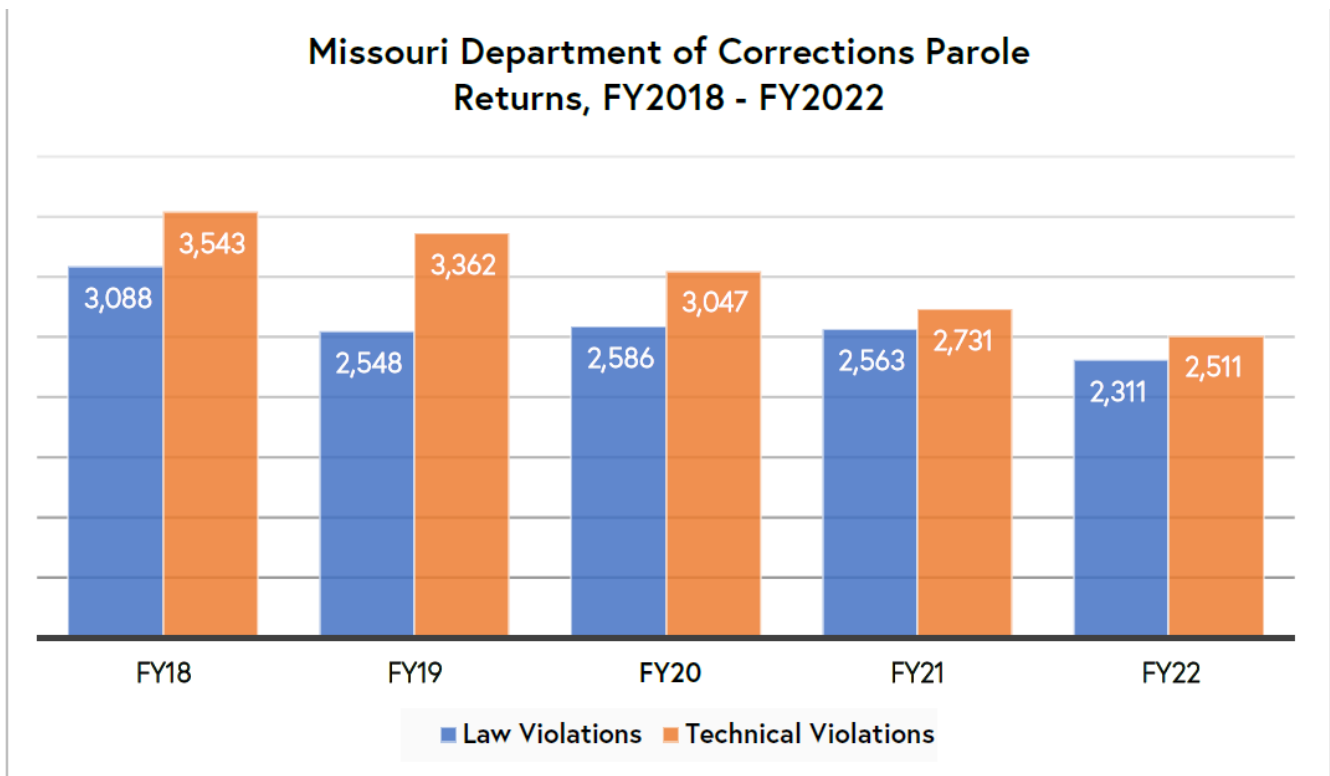
Crimes of a sexual nature are understandably taken very seriously by the public and policy makers. Yet research on recidivism rates for sexual offenses indicates that the risk of repeat offenses is likely lower than commonly thought. This, combined with the extremely high cost of commitment in the SORTS program and the ever-increasing number of SORTS detainees, provides ample cause for policy makers to review the purpose and effectiveness of Missouri's statutory scheme regarding persons deemed to be sexually violent predators and to consider alternatives.

# PAROLE REVOCATION DEFENSE TEAM

The Parole Revocation Defense Team (PRDT) began in June of 2021. This is PRDT's second full year of operation. PRDT opened almost 300 cases in FY 2023. Four assigned staff attorneys cover the entire state of Missouri for parole revocation issues. Parole revocation requires a two-pronged hearing process. A parolee can be assigned counsel at either stage – the preliminary hearing stage or the revocation hearing stage. The first hearing is called a preliminary hearing. This hearing determines if there is probable cause to move forward with the parole violation(s). These preliminary hearings are usually held at or near the place of arrest, usually at a local jail or detention center. The hearing officer for the preliminary hearing is a parole officer. The second hearing is a parole revocation hearing. The parole revocation hearings are held in one of four Department of Corrections diagnostic centers, which are located in Fulton, Bonne Terre, St. Joseph, and Vandalia. Parole revocation hearings are heard by a panel from the Missouri Parole Board. PRDT has intentionally assigned staff attorneys to offices in both eastern and western Missouri to provide geographic coverage, but substantial travel is still required by PRDT attorneys. In FY 2023, PRDT participated in 135 preliminary hearings and 144 parole revocation hearings. In FY 2022, PRDT's first full year as a division within the Missouri State Public Defender, our team participated in approximately 96 preliminary hearings and 66 parole revocation hearings.



In addition to increased hearing participation in FY 2023, PRDT has also provided training concerning parole revocations and the Ohio Risk Assessment System (ORAS). ORAS is used by the Missouri Department of Corrections in several decision-making contexts that affect our clients. PRDT has provided training for MSPD Annual Spring Training, MSPD New Defender Training, local MSPD trial offices, and the Springfield Bar Association. Additionally, PRDT consults with trial counsel to coordinate defense strategy and client goals regarding the intersectionality between new criminal cases and parole violations. Parole revocation admissions to the Missouri Department of Corrections accounts for the second highest rate of admissions. Returns to the Department of Corrections for parolees with technical violations of the conditions of parole consistently outnumber returns for actual law violations.



Data source: Missouri Department of Corrections, *Profile of the Institutional and Supervised Offender Population*, p.11, February 2023.



# CASE CONTRACTING

Missouri attorneys take an oath to practice law to the best of their ability "with consideration for the defenseless and oppressed." The rules of professional conduct state that attorneys should render public interest legal services at no fee or at a reduced fee to people of limited means or to public service organizations. The MSPD Case Contracting Division provides the opportunity and resources for private criminal defense practitioners to meet this worthy obligation.

Missouri's statewide system of indigent defense is enhanced by the Case Contracting Division, which recruits, screens, and enables private attorneys to provide indigent defense on a contract basis as Special Public Defenders (SPDs) in every county of the state. Private criminal defense practitioners who could not otherwise afford to represent indigent clients are able to do so with the support of MSPD, which funds litigation expenses clients cannot afford such as depositions and experts. After screening applications and references from trusted counsel in an applicant's location, Case Contracting works with each SPD to tailor case assignments by type and location to suit each SPD's experience and availability. In addition to covering litigation expenses, MSPD provides travel reimbursement and a per-case fee. Over twenty-five percent of cases opened by MSPD in Fiscal Year 2023 were contracted to SPDs. There is no question that our contract counsel play a vital role in MSPD.

After cases are assigned, Case Contracting remains available to SPDs to answer questions related to conflicts, client management, case consultation, the filing of additional charges, litigation expenses, and more. Case Contracting Administrative staff Kim Long and Laura Serwe provided a series of webinar

trainings to SPDs and their staff in 2023 to familiarize them with resources provided by Case Contracting to assist them with their cases. Kim and Laura described how attorneys can request collect call arrangements through MSPD for incarcerated clients, explained procedures for requesting travel arrangements, litigation expenses, and the submission of invoices for payment. Additionally, Case Contracting acts as a liaison between SPDs and the offices they assist by coordinating the indigence determination and contracting of additional cases for clients already assigned to SPDs, as well as providing referrals to specialty practitioners in MSPD for case consultation and expert recommendations.

In 2022 and 2023, SPDs have played a critical role in providing representation for offices where attorney vacancies have been difficult to fill. Jefferson City attorneys Adam Cartwright and Keith Halcomb have covered the Morgan County caseload for almost a year on a contract basis due to vacancies in the Lebanon MSPD office. In support of the SPDs, the Lebanon staff have conducted initial client interviews and investigation in the assigned cases. Many SPDs are solo and small firm practitioners, so the support MSPD can provide in non-conflict situations has helped make this temporary measure work while MSPD seeks to fill attorney vacancies.

Susan Bell of Steelville, MO, has teamed up with an attorney in the Rolla MSPD office to cover Texas County dockets and cases since December 2022 due to an ongoing attorney shortage in that office. An SPD is currently being assigned all cases in Ozark County, while another in Warren County is assigned a portion of the new cases each month to ease the case overload caused by attorney vacancies. All over the



Jackson District Defender Katie New (R) presents the 2022 Contract Defender of the Year Award to Special Public Defenders Jeff McCormick and Daren Todd.

state, SPDs are filling the need for defense counsel for indigent defendants.

In gratitude for their assistance, SPDs are offered a free membership to the National Association for Public Defense (NAPD), and Case Contracting registers active SPDs with that organization. The MSPD Training Division provides free training opportunities to SPDs allowing them many opportunities to system-wide training with MSPD attorneys, and annual contract attorney training are some examples. In August of 2023, seasoned volunteer SPDs assisted in training their peers by leading small groups in a two-day, jury-selection focused contract attorney training at the MSPD Training Center.

Finally, each year a contract attorney is recognized for exceptional contributions to MSPD. In 2022, SPDs Jeff McCormick and Daren Todd of Southeast Missouri were jointly awarded the Contract Defender of the Year Award. Daren and Jeff have provided consistently-reliable and zealous advocacy in an area of the state where contract counsel are scarce and the need is high. When an experienced MSPD attorney unexpectedly passed away in early 2022, Daren and Jeff stepped up to absorb three homicide cases from that office, and they also took a large group of cases in Dunklin County, where attorney vacancies have been hard to fill. These attorneys are not afraid to try cases and have a great record of trial wins and dismissals. We are so grateful to Daren, Jeff, and all our SPDs, who all play an invaluable role in MSPD's mission to provide excellent legal representation to the indigent accused of Missouri.

The Case Contracting Division is honored to play a role in the provision of counsel to Missouri's indigent defendants. We are happy to provide a means by which Missouri attorneys can fulfill their obligation to provide legal services to those with limited means. Our SPDs have shared with us how the clients they have met through our contract program have altered their lives, reminded them of why they decided to become an attorney, and have made them better advocates. We believe that a large part of why our contract program is successful is its connection with the statewide MSPD organization and the experience and resources MSPD provides to support our SPDs. We look forward to this continued collaboration with the private bar.

# TRAINING DIVISION

## *Training Division Mission*

Our training department works to ensure that all MSPD employees have access to the knowledge and skills necessary to fill their roles as integral parts of the MSPD's defense team and to provide high quality representation to our clients. Our goal is to improve the quality of representation and fight for justice.

## **MSPD's Training Programs**

From July 1, 2022 to June 30, 2023, MSPD training department hosted 22 in-person training events and 17 webinars. We provided 341.4 hours of CLE at these events, including 56.2 of those hours as Ethics CLE certified by the Missouri Bar. We provided a hybrid option at several of our in-person programs, reaching those employees who could not attend in person. We also partnered with other organizations to provide training we could not develop in-house.

## **Working to Train Our New Defenders**

Our number one priority is to provide new defenders with quality training so they can hit the ground running. This past year, MSPD hired 65 attorneys and 68 core staff. Our training department provided the new employees with several training programs, including New Employee Orientation, New Defender Workshop, Trial Skills Workshop, and Core Staff Workshop.



MSPD staff at the NAPD Leadership Training Session.

# WHAT OUR DEFENDERS ARE SAYING:

"MSPD is an awesome place to be every single day. You know, coming to these sessions makes me want to work harder, stay longer, and then I feel better. Love this."

"As a new attorney, all the things I don't know seem insurmountable. I can't tell you how much your trainings – virtual and in person – have taught me, and how much they alleviate those anxieties. It's not just the content, but the MSPD community it fosters."

"WOW! What else can I say? The best kind of presentations are the ones where I walk in knowing nothing about a subject, but afterwards feel like I can help someone else understand it. Perfectly presented and explained."

"This was the best training experience I have ever had - that means a lot coming from me, since I am a more mature new employee."



MSPD staff at a training event at the MSPD Training Center at the Woodrail Complex.

## Specialty Training

Throughout the year, we have specialized training to meet our defenders' various needs:

**Forensic Bootcamp – Working with Experts** allows our defenders and investigators to work on their own cases in small groups. Topics include Ballistics and other Toolmark Examinations, DNA, False Confessions, Forensic Pathology, other Medical Opinion Testimony, and Mental Health Experts.

**Youth in Court** training helps our defenders represent children in both the juvenile court system and adult criminal courts. One defender commented how helpful it was "hearing from experts in issues concerning juvenile justice which don't always get considered. Experts were amazing and I learned a lot."

**Client-Centered Advocacy** focused on meeting our clients where they are at, understanding their circumstances and the challenges they face. The conference opened with a panel of citizens returning from prison.

**Train the Trainer Workshop** helps us grow our MSPD training team and ensure we provide high quality skills training.

**Leadership Training** We provided leadership programs for our new District Defenders, new Deputy District Defenders, and our entire leadership team. MSPD's leaders are excited about our new Holistic Defense Services Team (HDS).



Lonnie Lockhart Bey, Julian Jackman, and Jameel Spann at the Columbia Appellate Retreat presenting at the Returning Citizens panel.

## Partnering with Others to Provide Quality Training

In addition to our MSPD programs, we partner with other organizations to provide training to our staff. On April 11-14, 2023, we hosted the National Association for Public Defense (NAPD), which held their Leadership Conference at our training center in Columbia, Missouri. Nine of our leaders served on the faculty and helped facilitate small groups. Ten additional Missouri leaders attended the program. It was a great opportunity to collaborate with public defender leaders from across the country.

We also co-sponsored NAPD's virtual women's conference and NAPD's virtual annual training for public defenders, providing technical assistance for one of the tracks. Our support results in free registration for 50 employees at each conference and provides CLE for those unable to attend in-person training or our other webinars.

National Association for Criminal Defense Lawyers provides several free webinars for our public defenders, including training from NACDL's 4th Amendment Center. NACDL also provides scholarships for public defenders to attend in-person training.

The National Defenders Investigator Association held its annual investigator training in St. Louis and provided free scholarships to all Missouri's investigators and mitigation specialists who wanted to attend. Finally, St. Louis University School of Law hosted our Client-Centered Advocacy Program at their law school in St. Louis.

We recognize that we cannot always meet all our employees' training needs with our in-house programs. Accordingly, we looked to these and other organizations who provide specialized training in many areas, including our capital defenders and those needing advanced defense advocacy skills.



Speakers at the Client-Centered Advocacy Program hosted at St. Louis University.

## Expanding Training Resources for our Contract Defenders

MSPD's IT department and our Training team joined efforts to provide training resources electronically utilizing our new training portal. Phase II will begin later this year, making resources available to contract defenders who represent many public defender clients. This portal allows defenders to access training materials in an efficient way from work, when working remotely at home, traveling or in a courtroom.

As MSPD looks ahead to Fiscal Year 2024, we hope to build on the success we've had this past year. We are grateful for the opportunity to help our employees successfully represent our clients. We hope to continue to develop our community of defenders who are proud to provide excellent representation, care for the poor and continue their fight for justice.



Undergraduate and law students from Southern Illinois University - Carbondale participating in the Pipeline to Law program hosted by the Jackson office.

## JACKSON OFFICE SPOTLIGHT

During this fiscal year, the Jackson office hosted in-house training on Digital Forensics, Parole Basics, Jury Instructions, Holistic Defense, and Defending Sex Cases. Our training team helped their office apply for CLE for these programs (14.5 hours).

# RECRUITMENT & RETENTION



In spite of a tight job market, the extensive recruitment efforts this past fiscal year resulted in a class of over 20 early hires. We continue to build upon our successful programs - and have tried a number of new things this past year, the highlights of which are described here:

## Newly Introduced Programs and Initiatives

MSPD has always had a large class of summer interns, with year-round interns and externships during the school term augmenting the robust summer program. This summer (2023), we piloted twenty paid internship positions - in offices across the state. The goal was to attract rising 3L interns to choose MSPD as their summer placement (or return to MSPD if a former intern) and also to increase the rural placement of interns. The paid interns were placed in the following offices: Rolla, Troy, Hillsboro, Fulton, St. Charles, Kansas City, and St. Louis.

Because of our strong internship program, many of our new hires are former MSPD interns. This fall, in hopes of securing well-qualified interns for future attorney positions, we plan to make a limited number of offers to former interns who are either flexible in their office placement preferences, or interested in working in a rural office.

In FY22 and FY23 MSPD hosted a total of four virtual career fairs. These events were designed both as informational events, combined with a hiring element. We now invite law students from across the

country to join these events. The attendees report that the information sessions are very helpful in learning about our statewide system and the benefits available to public defenders with MSPD.

One of the goals of our recruitment team in the past couple of years has been to increase the visibility and recognition of MSPD on a national level. Our participation in national conferences is our main action to achieve this goal. The Equal Justice Works conference each October introduces us to many well-qualified candidates and our hope is that the new, higher starting salary for attorneys will increase our success at these national events. This past year we also sent delegates to the Holistic Leadership Summit and Black Public Defender Association Conference.

The Missouri Justice Fellowship program, launched in 2022, will graduate its first class next summer. The fellows are uncovering issues to address in their respective jurisdictions, eagerly trying new approaches to long-standing problems. We are proud to welcome two more fellows in August of 2023, and hope to attain an entering class of six fellows in 2024.



Representatives from the West Plains and Lebanon offices at the William H. Bowen School of Law to meet with students.

## Upcoming Programs

This fall semester marks the first term for a MSPD Practicum at Mizzou Law, housed in the Columbia and Fulton Trial offices. While we have had a practicum at UMKC for some years, we are confident that adding another site for practicum students to get public defender experience will lead to more interest in a career in public defense. Additionally, the location in Central Missouri is beneficial for attracting new hires to the Central and Southern Missouri offices.

## Ongoing Recruitment Efforts

We continue our trips in fall and spring to area law schools for on campus interviews. Both through in-person and virtual interviews, the OCI process remains a major positive contributor to our entry level attorney hires. This coming academic year we plan to increase our in-person exposure in neighboring states, especially those with law schools near the Missouri borders. The District Defenders in our rural offices have eagerly taken to the task of leading these delegations to connect with law students. MSPD attorneys also frequently visit the Missouri law schools - in the form of public defender panels, speaking on public interest panels, or attending campus career fairs. Our postings this past year reached over 100 law schools through online job boards and law school career services offices.

The early hire program has been a positive program for filling vacancies - and we plan to continue that process into FY24.



# AWARDS & RECOGNITION



Kevin O'Brien

## Defender of Distinction

Kevin O'Brien serves as the District Defender of the Columbia Trial Office. Kevin initially joined MSPD in 1998 in the Sedalia Trial Office. He transferred to the Columbia office in 2001 and became District Defender of that office in 2004. Kevin left MSPD in 2009 and became a contract counsel in his private practice. Kevin rejoined MSPD in 2021 when he again became District Defender of the Columbia Trial Office.

The Defender of Distinction is an annual award presented to an attorney who "exemplifies the ideals of public defense by tirelessly working on behalf of clients regardless of the strengths of the case or the severity of the crime; takes pride in knowing that the clients have received the best service possible; actively seeks out training to further enhance the service to clients; treats everyone with the same dignity and respect with which all of us wish to be treated; and does all of this without seeking public recognition for the services rendered."

## Office of the Year

Our Case Contracting team has been chosen as the 2023 Office of the Year. The Case Contracting Office contracted over 14,000 cases this last year to private counsel. Case Contracting provided significant relief to the many offices struggling to fill attorney openings. Case Contracting is led by Maggie Johnston. She is joined in the office by Sara Watson, Jenny Young, Kim Long, and Laura Serwe. Thank you to Case Contracting for their excellent work this last year.



Case Contracting



David Wiegert

### Lon Hocker Award

David Wiegert, a Senior Public Defender in the Kansas City Trial Office, has been chosen as a 2023 Lon Hocker Award winner by the Missouri Bar. This award is given to three young lawyer members of The Missouri Bar, who are under the age of 40 on Sept. 30 of the year the award is to be presented, from the three areas of St. Louis, Kansas City, and all other remaining counties. The recipients shall be those lawyers who exemplify the qualities of a trial lawyer, including professionalism and high ethical conduct. The recipients are chosen based on their demonstrated balance between zealousness and honor, strength and courtesy, and confidence and respect. They must possess a quick wit in the courtroom that is supported by meticulous preparation in the pursuit of truth.

### Excellence Award

Brittney Rowe is the winner of the 2023 Excellence Award. Brittney serves as a Mitigation Specialist on our Holistic Defense Services Team. Stationed in the Rolla Trial Office, Brittney provides services to our clients served by the Rolla, Lebanon, Ava and West Plains offices. In the short time that HDS has been in existence, Brittney has helped many clients to success.

The Excellence Award recognizes an MSPD non-attorney member who demonstrates outstanding work by consistently and enthusiastically assisting colleagues, exemplifying team building and leadership, and consistently furthers the ideals of public defense by:

- Tirelessly working on behalf of clients and supporting colleagues in carrying out MSPD's mission
- Working to ensure that MSPD's clients receive the best possible service
- Actively seeking ways to further support clients and colleagues
- Treating everyone with the same dignity and respect with which all of us wish to be treated.



Brittney Rowe



**Jeffery Woodard**

## NDIA Member of the Year

Jeffery Woodard, an Investigator in the Jackson Trial Office, was named the 2023 NDIA Member of the Year. Jeff was chosen for the award for his inspirational tenacity, dedicated work ethic and his unwavering veracity to help, aid and assist those that require indigent defense.

Notably, he was nominated by Kyle West, also an investigator in the Jackson Office. The Jackson Office, and the clients we serve, are very fortunate to have such drive and talent in our office.

Congratulations again and many thanks for all you do, Jeff!

## David Dixon Award

Katie Curry, a Senior Public Defender in the Columbia Appellate Office, has been chosen as a 2023 David J. Dixon Appellate Advocacy Award winner. The David J. Dixon Appellate Advocacy Award recognizes three young lawyers who are under the age of 40 selected from different regions of the state: St. Louis, Kansas City and all other counties. The recipients are chosen based on their performance of outstanding appellate work. Those nominations are then sent to a selection committee of two appellate judges, a U.S. district judge and the chief justice of the Supreme Court, who makes recommendations to the Missouri Bar Foundation Trustees for final selection.



**Katie Curry**



**Katherine Schmidt**

## Women's Justice Award

Katherine Schmidt, the Deputy District Defender of our Rolla Trial Office, was chosen as a 2023 Women's Justice Public Service Award honoree. The Women's Justice Awards honors exceptional lawyers who have paid it forward, reaching a hand back to the women who will follow them into the profession.

# APPROPRIATIONS

## General Revenue:

Missouri State Public Defender (MSPD) funding is almost entirely from state general revenue funds. It comes in these appropriations:

- **Personal Service**

Used to pay the salaries of all MSPD employees.

- **Expense & Equipment**

Used to pay the overhead costs of operations, such as office supplies and equipment, employee travel expenses, and rent and utilities for the statewide offices.

- **Litigation & Contracting Expenses**

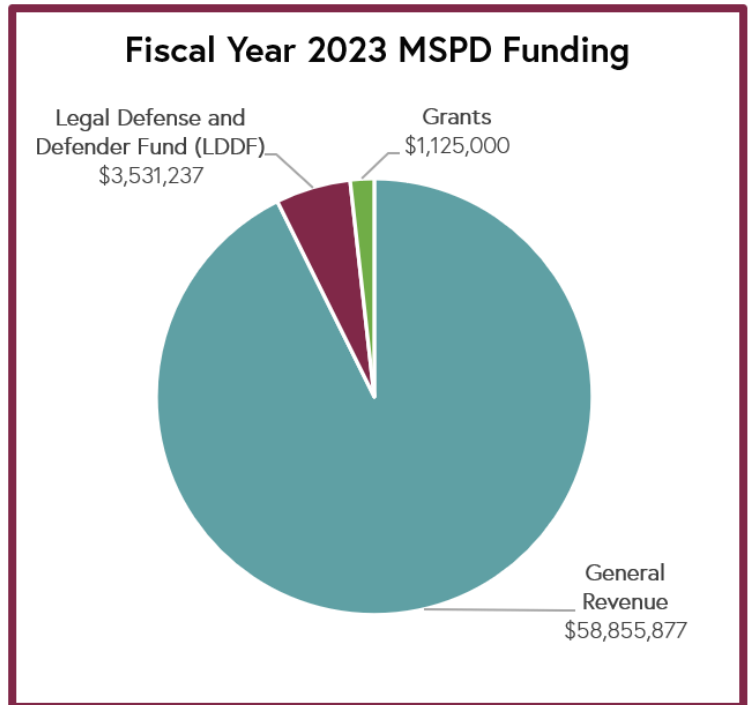
Used to pay the cost of contracting cases out to private counsel and litigation expenses on both MSPD cases and those cases contracted out to private counsel. Litigation expenses include the cost of experts, depositions, transcripts, exhibits, independent testing of evidence, etc.

## Grants:

Another 'permission' appropriation, rather than actual money appropriation, this authorizes MSPD to collect up to \$1,125,000 in grants from the federal government or other sources.

## Actual Funding:

In FY23, MSPD received a total of \$58.86 million of general revenue funds and the authority to spend up to \$3.53 million in LDDF Collections. Actual collections were \$2,665,818



## Legal Defense and Defender Fund (LDDF):

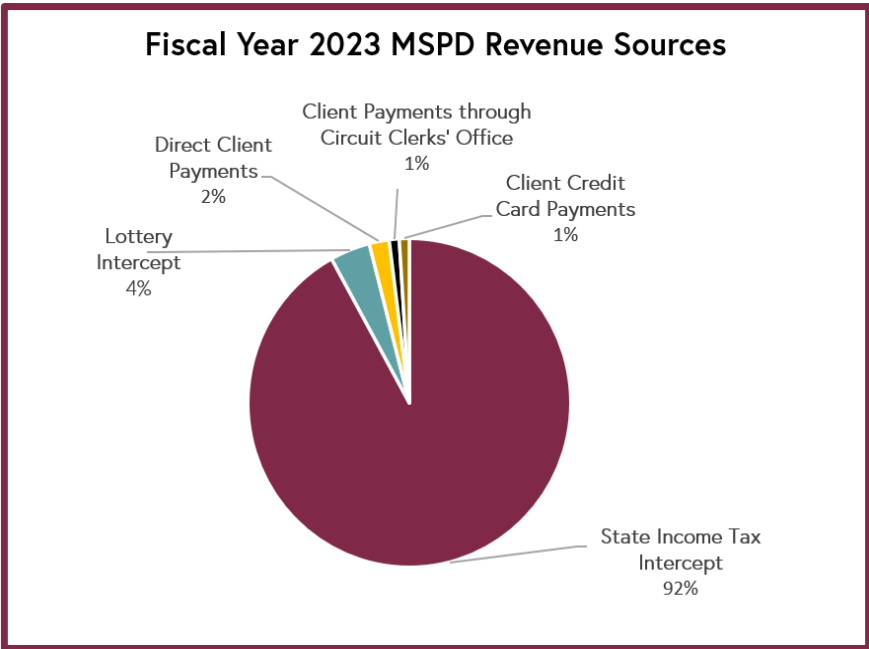
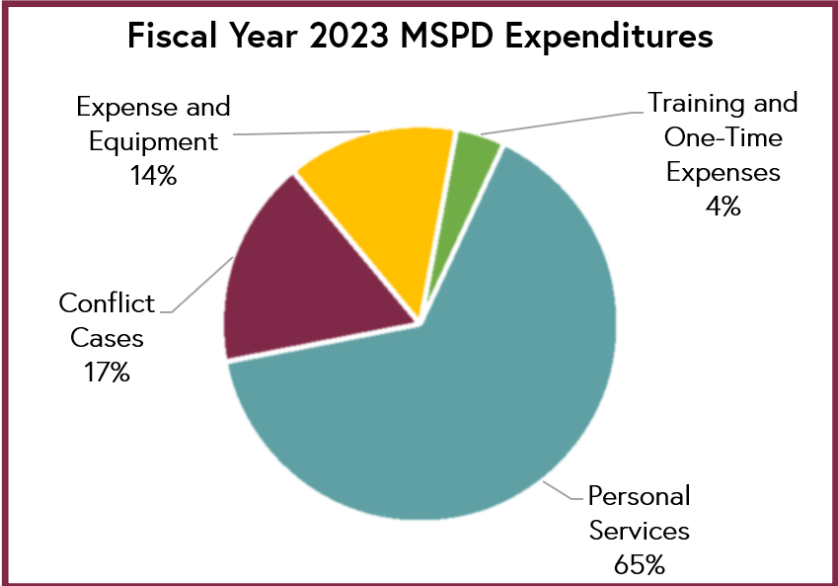
This appropriation is not actual funds given to MSPD but the authorization to spend money collected by MSPD up to the ceiling of the appropriation. The collections associated with this fund are the result of Section 600.090 RSMo., which requires public defenders to collect fees from clients receiving public defender service. Fees are deposited into the Legal Defense and Defender Fund and used to fund all public defender training as well as pay for such miscellaneous expenditures as computer lines, WestLaw, bar dues for the system's attorneys, etc. In Fiscal Year 2023, MSPD collected \$2.67 million through client payments.

The personal service component of the LDDF appropriation authorizes MSPD to pay the salaries of two employees in the system's training department out of the moneys collected rather than through the general revenue personal services appropriation.

### Debt Offset Escrow Fund:

This is not an appropriation of actual money, but an authorization for MSPD to collect funds through the state's debt offset program. Under this program, taxpayers due a refund of state income tax who owe a debt to the state may have their refund intercepted and used to pay down the debt instead. MSPD participates in this program to collect payments on the fees described above. The money collected through this program is not in addition to the LDDF collections, but a subset thereof.

This chart is a breakdown of MSPD FY23 expenditures by expense category. MSPD's biggest expenditure is paying the salary of all employees, Personal Services, followed by Conflict Counsel, Expense and Equipment, and Training and One-Time Expenses.



MSPD is required by RSMo. 600.090 to collect fees from public defender clients for the indigent defense services provided to them. The fees are generally collected through two revenue streams. Approximately 92% of collections comes through State income tax refund intercepts by the Department of Revenue. The remainder is generally collected by courts who collect payments of the Public Defender fees along with court costs at the close of a case, intercepts from State lottery winnings, and payments directly from the client.

First Regular Session  
 [Truly Agreed To and Finally Passed]  
 Conference Committee Substitute for  
 Senate Substitute for  
 Senate Committee Substitute for  
 House Committee Substitute for

# HOUSE BILL NO. 12

## 102ND GENERAL ASSEMBLY

0012H.06T

2023

**Section 12.400. To the Office of the State Public Defender**

<b>2</b>	For funding the State Public Defender System	
<b>3</b>	Personal Service and/or Expense and Equipment . . . . .	\$56,351,788
<b>4</b>	For payment of expenses as provided by Chapter 600, RSMo, associated	
<b>5</b>	with the defense of violent crimes and/or the contracting of	
<b>6</b>	criminal representation with entities outside of the Missouri Public	
<b>7</b>	Defender System . . . . .	4,736,344
<b>8</b>	From General Revenue Fund (0101) . . . . .	61,088,132
<b>9</b>	Expense and Equipment	
<b>10</b>	From the Public Defender Reinvestment Fund (0641) . . . . .	1,278,973
<b>11</b>	For expenses authorized by the Public Defender Commission as provided	
<b>12</b>	by Section 600.090, RSMo	
<b>13</b>	Personal Service . . . . .	164,865
<b>14</b>	Expenses and Equipment . . . . .	3,385,278
<b>15</b>	From Legal Defense and Defender Fund (0670) . . . . .	3,550,143
<b>16</b>	For refunds set-off against debts as required by Section 143.786, RSMo	
<b>17</b>	From Legal Defense and Defender Fund (0670) . . . . .	3,550,143
<b>18</b>	For all grants and contributions of funds from the federal government or	
<b>19</b>	from any other source which may be deposited in the State	
<b>20</b>	Treasury for the use of the Office of the State Public Defender	
<b>21</b>	From Office of State Public Defender - Federal Fund (0112) . . . . .	1,125,000
<b>22</b>	Total (Not to exceed 696.13 F.T.E.) . . . . .	\$69,492,248



***“Lawyers in criminal courts  
are necessities, not luxuries.”***

**- Gideon v. Wainwright**

372 U.S. 335 (1963)

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