



WAYNE COUNTY PUBLIC DEFENDER
26 CHURCH ST.
LYONS, NY 14489

2011
Annual Report



Wayne County Public Defender

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MISSION STATEMENT:

The Wayne County Public Defender's Office is a Wayne County Department that has been in existence since 1965. Our mission is to provide high-quality, client-centered, legal representation to people facing charges for crimes and violations of the Penal Law who are unable to afford an attorney.

When appropriate, we strive to address not only a client's case, but the issues underlying the client's situation. With the goal of avoiding future entanglements in the criminal justice system, we often refer clients to appropriate treatment and other community resources and undertake collateral representation when needed.

STAFF:

The Wayne County Public Defender's Office legal staff is comprised of one full time public defender, two full-time assistant public defenders and six part-time assistant public defenders. The support staff for this office includes one criminal investigator, one confidential secretary, one senior stenographer and two senior clerk typists. Weekly meetings are held of all attorneys, the investigator and the senior stenographer.

Full-time Attorneys:

JAMES S. KERNAN, Public Defender, was First Assistant to the Wayne County Public Defender from 1992 – 2011. The Wayne County Board of Supervisors made the Public Defender position full-time as of January 1, 2011. They appointed Mr. Kernan to that position upon the retirement of Ronald C. Valentine on December 31, 2010. Mr. Kernan has practiced law since 1980.

ANDREW D. CORREIA, First Assistant Public Defender, has worked for this office since 2001 with a short vacancy in 2010. He left our office in November 2010 for career advancement. Soon thereafter he was contacted by Mr. Kernan concerning the vacancy of the First Assistant to the Wayne County Public Defender. Mr. Correia accepted the position of First Assistant Public Defender and returned to the staff in March 2011. Mr. Correia has practiced law since 1997.

JASON D. HOGE, Assistant Public Defender, was hired in 2011 after an extensive search. Mr. Hoge was then working for the Monroe County Legal Assistance Center in Rochester. Jason grew up in Wayne County and is pleased to return to work here. We were very familiar

with Jason as he completed an internship at the Wayne County Public Defender's Office in 2002. Mr. Hoge has practiced law since 2005.

Part-time Attorneys:

All of the part-time attorneys in this office have extensive experience practicing law and many years of service in our office. They average over 18 years employment here, with the least being 11 years. They average 28 years experience in the practice of law.

Support Staff:

DAVID P. PHILLIPS, Criminal Investigator, was hired in 2011 upon the retirement of our long-time Investigator, Bruce Liseno. Mr. Phillips served as an Investigator in the Inspector General's Office of the New York Army National Guard for ten years.

KATHY FOX-GROAT, Confidential Secretary, was hired in 1992 with 12 years of legal secretary experience with a private law office.

LINDA J. PEARCE, Senior Stenographer was hired in 1990.

NATALIE YATES, Senior Clerk Typist was hired in 2007 with 10 years prior experience in a private law office.

DEBRA SEARS, Senior Clerk Typist was hired in 2008.

COURT JURISDICTIONS:

During 2011, the Public Defender's Office defended individuals in three County Courts, one Drug Court, thirty-five Justice Courts and handled parole revocations as well as criminal and parole appeals.

Wayne County Court:

There are three Wayne County Court judges who have court calendars that are comprised of individuals charged with felonies. Mr. Power, Mr. Correia and Mr. Zimmerman each covered one of these courts in 2011 and will continue to do so in 2012.

Wayne County Drug Court:

One Wayne County Judge is assigned to this court that meets on a weekly basis. Mr. Hendricks and Mr. Kernan share in the coverage of the cases assigned to Drug Court. During 2011, Mr. Correia and Mr. Youngman also represented clients in Drug Court. Successful cases in Drug Court typically last from one to two years, depending on the client's progress.

Justice Courts:

Each of the five Village Courts and thirty Town Courts in Wayne County are covered by one of our nine attorneys. The number of cases in these courts varies from year to year, therefore, the caseload of each court and attorney assignments are reviewed on an annual basis by the Public Defender with an eye at keeping the same in balance. Our attorneys appear

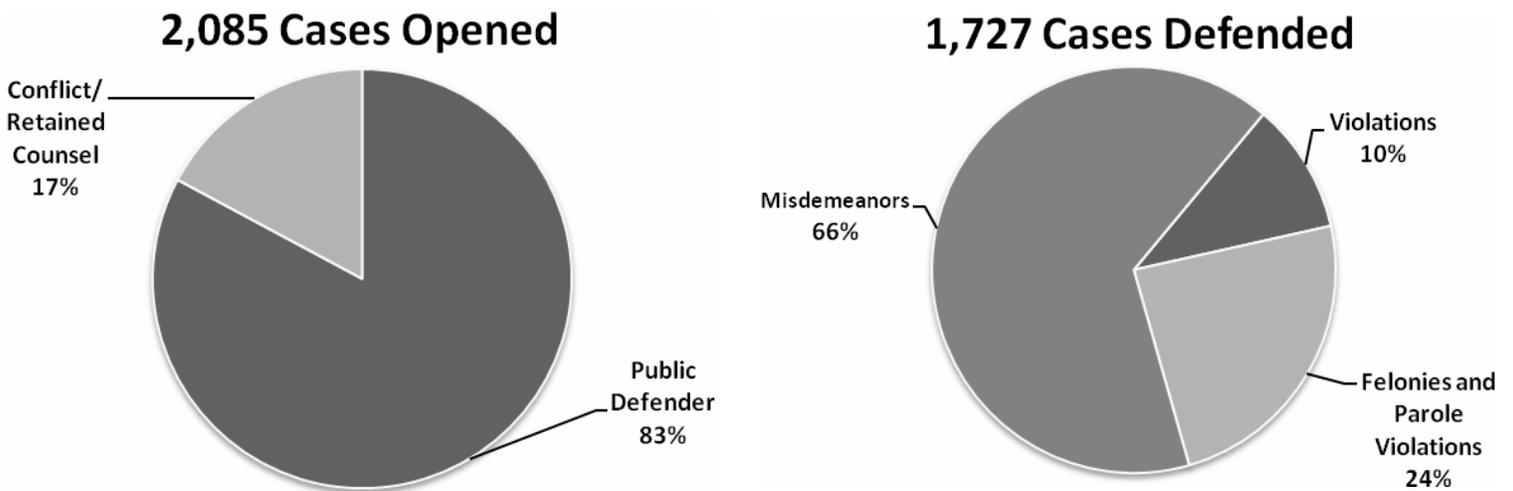
in most Justice Courts for a criminal calendar once a month. In Newark and Lyons Village Courts, we appear weekly.

Parole Violations:

Sixty-eight parole violations were represented in 2011 by Mr. Kernan and Mr. Hoge. These proceedings occurred before an Administrative Law Judge at the Wayne County Jail.

CASELOAD:

In 2011 the Public Defender’s Office opened 2085 cases of which 358 were handled by privately retained lawyers or assigned out of the office due to conflicts of interest. Of the 1727 cases we defended, 415 were felonies or parole violations, 1132 were misdemeanors and 180 were violations.



ANNUAL BUDGET:

The Public Defender’s expenses for 2011 were \$ 920,491.68, with revenues of \$ 15,201.81. This revenue came from the Grant discussed below. We expect the Grant to be renewed and provide about \$40,000 of revenue for 2012.

GRANT:

In March 2011, the Public Defender participated in a grant application to New York State Office of Indigent Legal Services and was awarded a grant from them in the sum of \$36,298.75. The grant funds are designed to reimburse Wayne County for one-half of the salary and benefits of Assistant Public Defender Jason D. Hoge. The Public Defender is required to submit quarterly reporting and vouchering for the reimbursement of this grant. During 2011, staff prepared and submitted quarterly reports for the first two quarters of the grant and those sums

have been paid to the Wayne County Treasurer. The term of this grant runs from September 1, 2011 through May 31, 2012.

Respectfully submitted,

James S. Kernan, Esq.
Wayne County Public Defender

JSK/kfg