



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

2012

Annual Report



Wayne County Public Defender

2012 Annual Report

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. Mr. Kernan's current term expires December 31, 2013. He 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. Mr. Correia accepted the position of First Assistant Public Defender and returned to the staff in March 2011. He 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. 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 19 years employment here, with the least being 12 years. They average 29 years experience in the practice of law.

Support Staff:

DAVID P. PHILLIPS, Criminal Investigator, was hired in 2011 upon the retirement of our prior Investigator. 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. In addition to secretarial work for Mr. Kernan, Ms. Fox-Groat handles purchasing, payroll, vouchers and assists Mr. Kernan with administrative responsibilities.

LINDA J. PEARCE, Senior Stenographer was hired in 1990. Ms. Pearce oversees the data system and does initial client interviews at the jail along with other duties.

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. Ms. Sears and Ms. Yates share the many and varied front office responsibilities.

COURT JURISDICTIONS:

During 2012, the Public Defender's Office defended individuals in three County Courts, one Drug Court, thirty-four 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 2012 and will continue to do so in 2013.

Wayne County Drug Court:

One Wayne County Judge, Honorable Daniel G. Barrett, is assigned to this court which meets on a weekly basis. Mr. William Hendricks and Mr. Kernan share in the coverage of the cases assigned to the Wayne County 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 four 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.

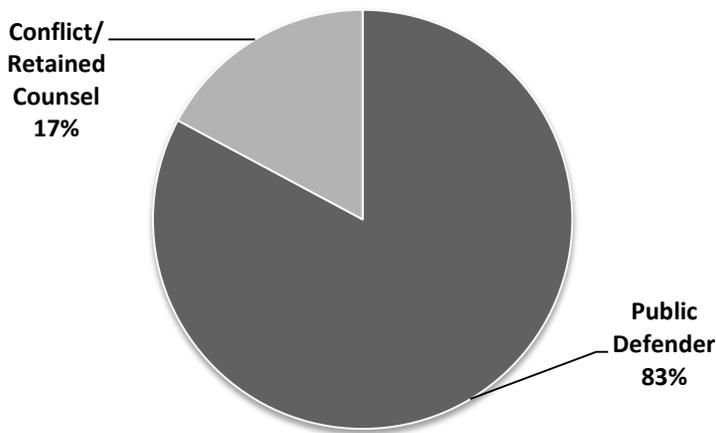
Parole Violations:

Fifty-three parole violations were represented in 2012 by Mr. Hoge. These proceedings occurred before an Administrative Law Judge at the Wayne County Jail.

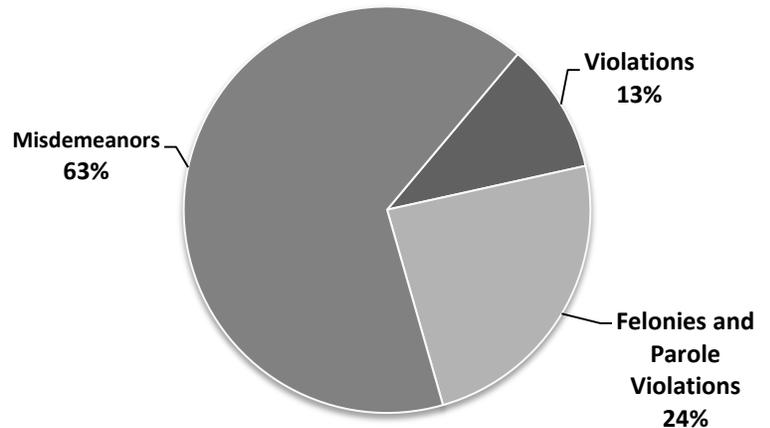
CASELOAD:

In 2012 the Public Defender’s Office opened 2075 cases of which 351 were handled by privately retained lawyers or assigned out of the office due to conflicts of interest. Of the 1,724 cases we defended, 425 were felonies or parole violations, 1,088 were misdemeanors and 221 were violations.

2,075 Cases Opened



1,724 Cases Defended



ANNUAL BUDGET:

The Public Defender’s expenses for 2012 were \$996,127, with revenues of \$20,932. This revenue came from the Grant discussed below. This Grant has been renewed and will provide about \$40,000 of revenue annually for three years.

GRANT:

In March 2011, the Public Defender participated in a grant application to the 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 2012, staff prepared and submitted quarterly reports for the last two quarters of the grant and those sums totaling the amount of \$20,932.84 have been paid to the Wayne County Treasurer. This grant ended May 31, 2012. A new three year grant running from June 1, 2012 through May 31, 2015, has been awarded to the office in the sum of \$119,532 which will provide revenue of approximately \$40,000 per year.

Respectfully submitted,

James S. Kernan, Esq.
Wayne County Public Defender

JSK/kfg