Commonwealth of Kentucky

Department of Public Advocacy

DEFENDER CASELOAD REPORT

Fiscal Year 2004-2005

Erwin W. Lewis

Public Advocate

September 2005

DPA DEFENDER MISSION STATEMENT

Provide each client with high quality services through an effective delivery system, which ensures a defender staff dedicated to the interests of their clients and the improvement of the criminal justice system.

Summary of Department of Public Advocacy Case Measurement Purpose

The Department of Public Advocacy Annual Caseload Report is the primary reference document to measure the workload of Kentucky's public defenders. The agency has captured case data for more than two decades. The tools and depth of information gathered have evolved during this time period. The annual report, though, still serves the same basic purpose. It is an internal document for the purposes of management decisions and an external document as an open record of the work of the agency.

The Department is committed to information collection and publication for several purposes:

- To provide accountability to the state of Kentucky for Department of Public Advocacy work
- To continue participation in the Kentucky Unified Criminal Justice Information System (UCJIS)
- To improve the Kentucky criminal justice system through data collection as a way to study system effectiveness

The Department of Public Advocacy is also committed to data integrity and consistency. The agency continually examines its data entry processes and data entry definitions to ensure reliability of the published report. In 2005, the Public Advocate convened the Caseload Integrity Committee solely for the purpose of examining the reliability of agency information collection. This group met several times during FY 2005. The Committee created and implemented a case definition refresher course for both directing attorneys and administrative staff. The committee's work will extend into FY 2006 to implement several other programs for data integrity.

Table of Contents

Executive Summary 1
Overview of Expenditures 3
- Overview of Expenditures and Cost Per Case 4
- Comparison of Caseload vs. Expenditures 6
- DPA Trial Regions Total Cost Comparison 7
- DPA Trial Regions Total Caseload Comparison 7
- Conflict Case Costs for DPA Trial Division 8

Trial Division Caseload Data 9
- Overview of FY 2005 Trial Case Numbers 10
- Statement of Definitions:Trial Cases and Case Counting Methods 11
- Trial Division Case and Population Totals with Average Number of Cases per 1,000 Population 12
- Field Office Workload – Alphabetical Listing 13
- Field Office Workload – Average Caseload Listing 14
- DPA Trial Division Cases Reported Opened in FY 2005 15
- DPA Trial Division Juvenile and Involuntary Commitment Cases Reported Opened 16
- Case Openings by Court Type Broken-down by County 17
- Trial Division Workload: Field Office and Contract Cases 21

Post Trial Division Caseload Data 22
- Post Trial Division Case Notes 23
- Statement of Definitions: Post Trial Cases and Case Counting Methods 24
- Appeals Branch Caseload 26
  - Cases Assigned 26
  - Court of Appeals 26
  - Supreme Court 26
  - Federal Habeas Cases 26
- Appeals Branch Cases Received by County FY 05 - Court of Appeals 27
- Appeals Branch Cases Received by County FY 05 - Supreme Court 28
- Juvenile Appeals Caseload Cases Assigned, By Quarter, FY 2005 29
- Documents Filed and Hearings Attended FY 2005 30
  - Post Disposition 30
  - Juvenile Appeals 31
  - JAIBG 31
- Juvenile Post Disposition Branch New Claims 32
- New Claims by Institution 33
- Post Conviction Branch Non-Capital Caseload 34
- Post Conviction Branch Capital Caseload 35
- Post Conviction Branch Client Intake 36
- Kentucky Innocence Project 37

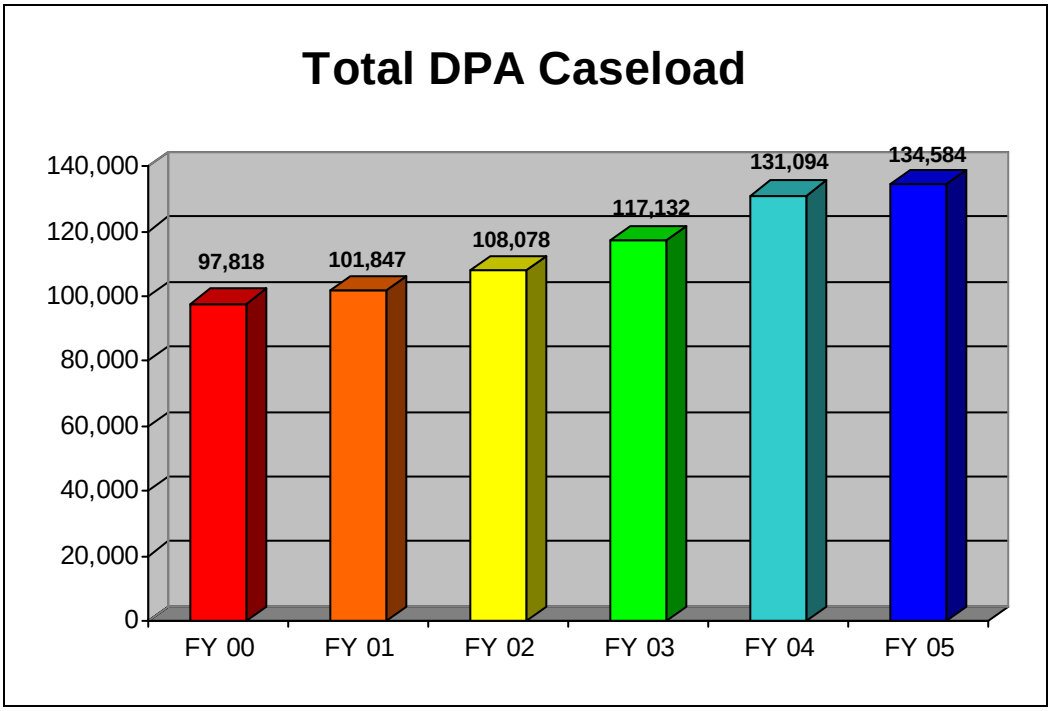
Executive Summary:

FY 2005 sees DPA total caseload on the rise for the 5th Consecutive Year

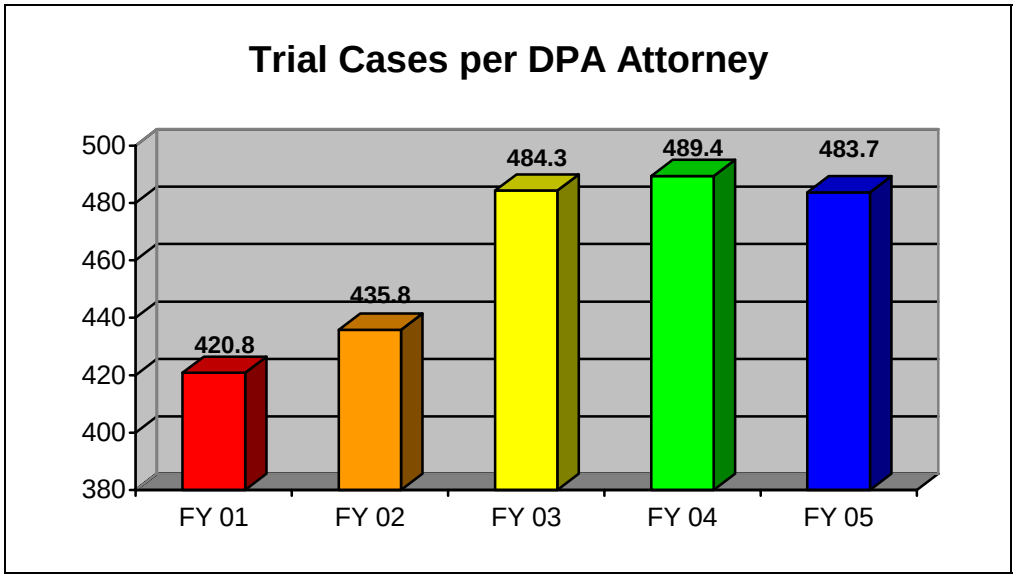
The Department of Public Advocacy (DPA) experienced total caseload growth for the 5th consecutive year in FY 2005. DPA is mandated under KRS Chapter 31 to administer the statewide public defender system. The Department is appointed to represent individuals who have demonstrated their indigency status to the satisfaction of trial and appellate judges. Indigency is determined by judges utilizing factors outlined in KRS 31.120. DPA caseloads are affected by criminal justice trends, legislative enactments, and economic conditions. DPA is responsible for all clients who are appointed by a judge. As a result, DPA must continually adjust its defined resource pool to meet an undefined and growing need.

The following outlines some of the key trends in the Department of Public Advocacy in FY 2005:

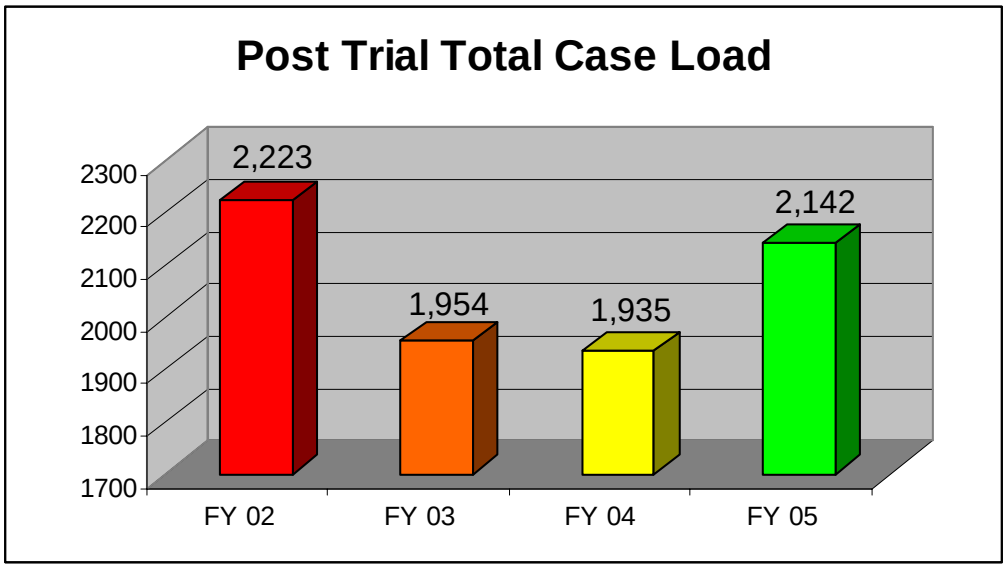
- Overall cases handled by DPA rose to 134,584, up from 131,094 in FY 2004. This represents a 2.6% increase in the total number of cases handled by the agency from the previous year. It continues the trend that has prevailed since FY 2000.



- The Trial Division caseload per attorney dropped only slightly to 483.7 in FY 2005 from 489.4 in FY 2004. The drop is attributable largely to the addition of nine (9) staff attorneys in FY 2005 as authorized by the Kentucky Legislature to help relieve a burgeoning workload.



- The Post Trial Division opened 2,142 cases in FY 2005, up from 1,935 in FY 2004. This represents a 10.7% increase in the number of cases handled by the Post Trial Division of DPA.



- The FY 2005 Department of Public Advocacy cost-per-case was $233.44. The funding per capita was $7.82.

Overview of Expenditures

FY 2005

(July 1, 2004 - June 30, 2005)

Overview of Expenditures and Cost Per Case

The Department of Public Advocacy (DPA) is an independent state agency within the Kentucky Cabinet for Justice and Public Safety. DPA has a unique position in the Cabinet because of the Department's role within the criminal justice system. In order to protect its independence, the Department of Public Advocacy operates under a Memorandum of Agreement with its Cabinet (see also KRS 31.010). This MOA allows DPA professional independence and attaches DPA to the Cabinet for administrative purposes only.

The Department of Public Advocacy is funded primarily by Kentucky General Funds. In FY 2005, the legislature allocated DPA $30,888,893 in general funds. In addition to general funds, the Kentucky DPA derives revenue from three other sources. By statute, the Department of Public Advocacy receives $62.50 for each DUI conviction, 3.5% of court costs, and Partial Fees. (Partial Fees refer to costs assigned to indigent defendants represented by DPA when it is determined that the client can pay a minimal fee while still not being able to afford a private attorney.) Because of the unpredictability of revenue funds, the funding and expenditures for the Department of Public Advocacy does not always equal a zero balance at the end of a given fiscal year. FY 2005 was no exception to this phenomenon.

The Department of Public Advocacy also has a unique relationship with several offices. Jefferson County, Fayette County, and Boyd County operate independent non-profit entities as the public defender service for those counties. The Kentucky Department of Public Advocacy supplements their budgets with two sources of funding. Each of these offices have contracts with the Department of Public Advocacy where DPA sends the office an allocated portion of DPA general funds on an annual basis. In addition to the general funds, DPA serves as the administrative agent to recover and distribute partial fees earned by these offices. Both of these areas show as expenditures in the DPA annual budget.

The following section on FY 2005 Department of Public Advocacy concerns selected expenditures from the DPA budget. As a state agency, the Department of Public Advocacy annual financial statement is included and reviewed by the Consolidated Annual Financial Report (CAFA).

Overview of Expenditures and Costs Per Case

	Expenditures	Cases	Cost per Case
Trial Division:			
Full-time DPA Offices (Expenditures & Cost Per Case):	$ 17,313,803.00	94,159	$ 183.88
Contract Counties (Barren & Metcalf) (Expenditures & Cost Per Case):	$ 175,292.00	362	$ 484.23
Capital Trial Branch:	$ 875,978.00	11	$ 79,634.36
Jefferson [1]:	$ 4,792,139.00	30,009	$ 159.69
Fayette[1] :	$ 1,077,549.00	7,064	$ 152.54
Boyd:	$ 118,951.00	1,182	$ 100.64
Administration	$ 197,837.00		
Total for Trial Division*	**$ 24,551,549.00**	**132,787**	**$ 184.89**

* Includes administrative costs for Trial Division Director.

Post Trial Division:			
Appeals:	$ 1,794,436.00	503	$ 3,567.47
Juvenile Post Disposition Branch:	$ 746,998.00	1,121	$ 666.37
Post Conviction:	$ 1,835,838.00	518	$ 3,544.09
Total for Post Trial Division*	**$ 4,649,804.00**	**2,142**	**$ 2,170.78**

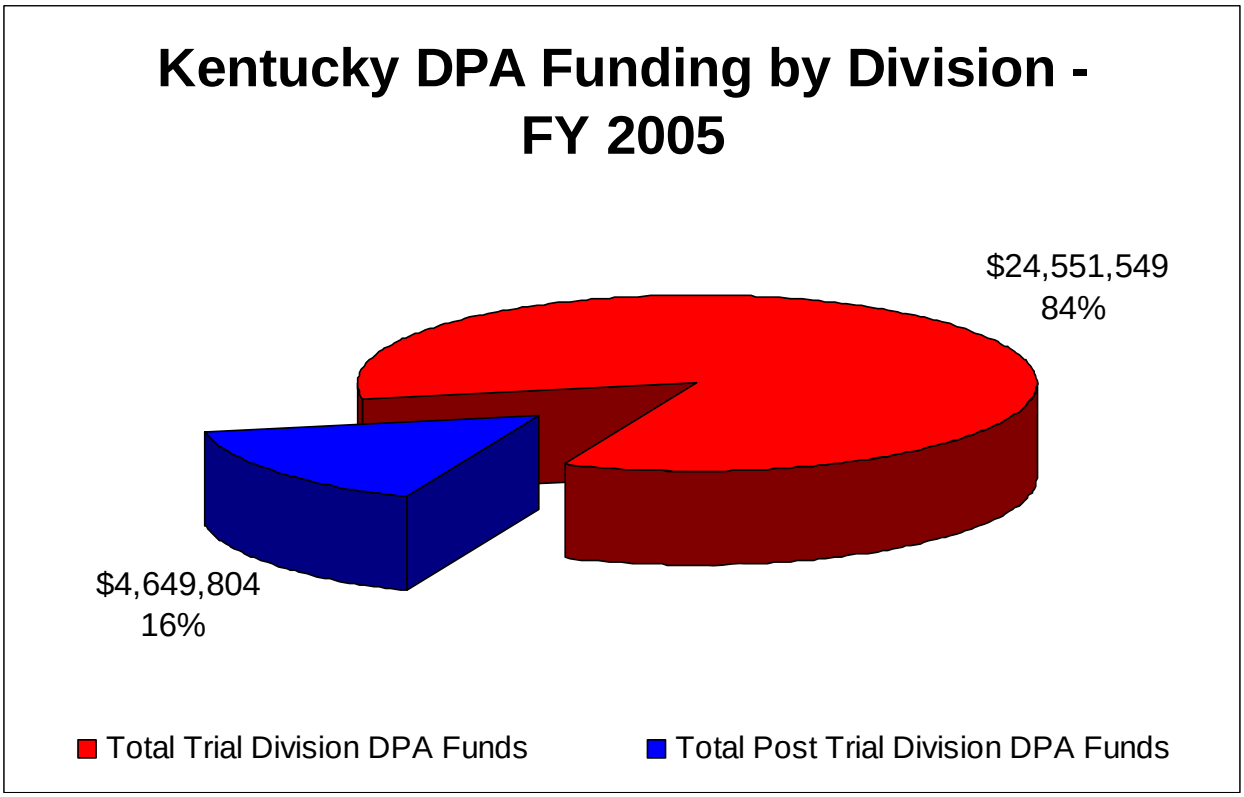
* Includes administrative costs for Post Trial Director

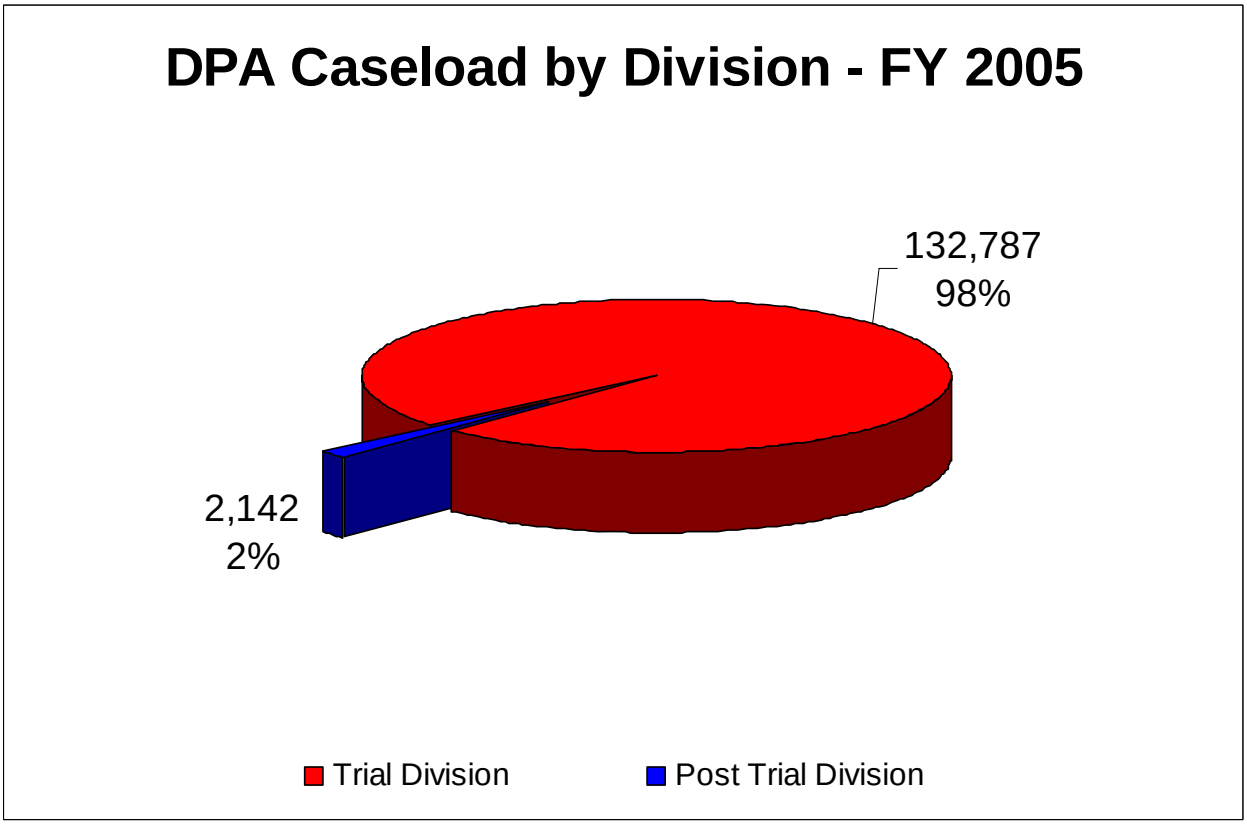
Grand Totals [2]

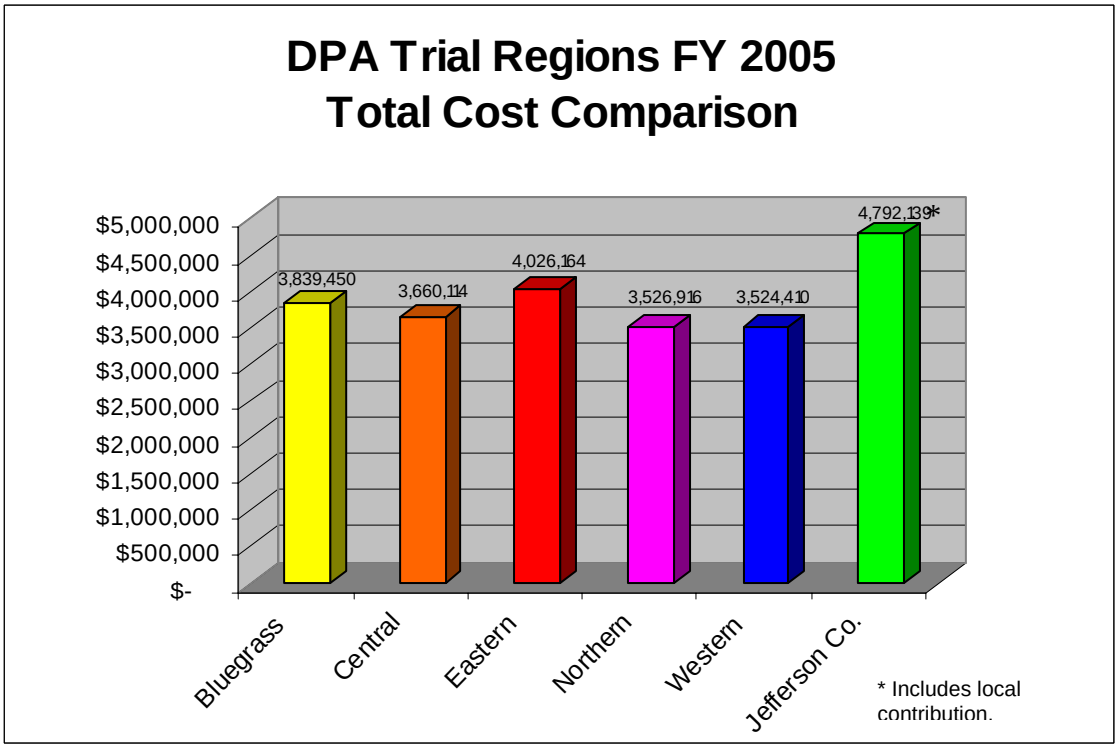
Costs:	**$ 31,498,410.00**
Cases:	**134,929**
Costs Per Case:	**$ 233.44**

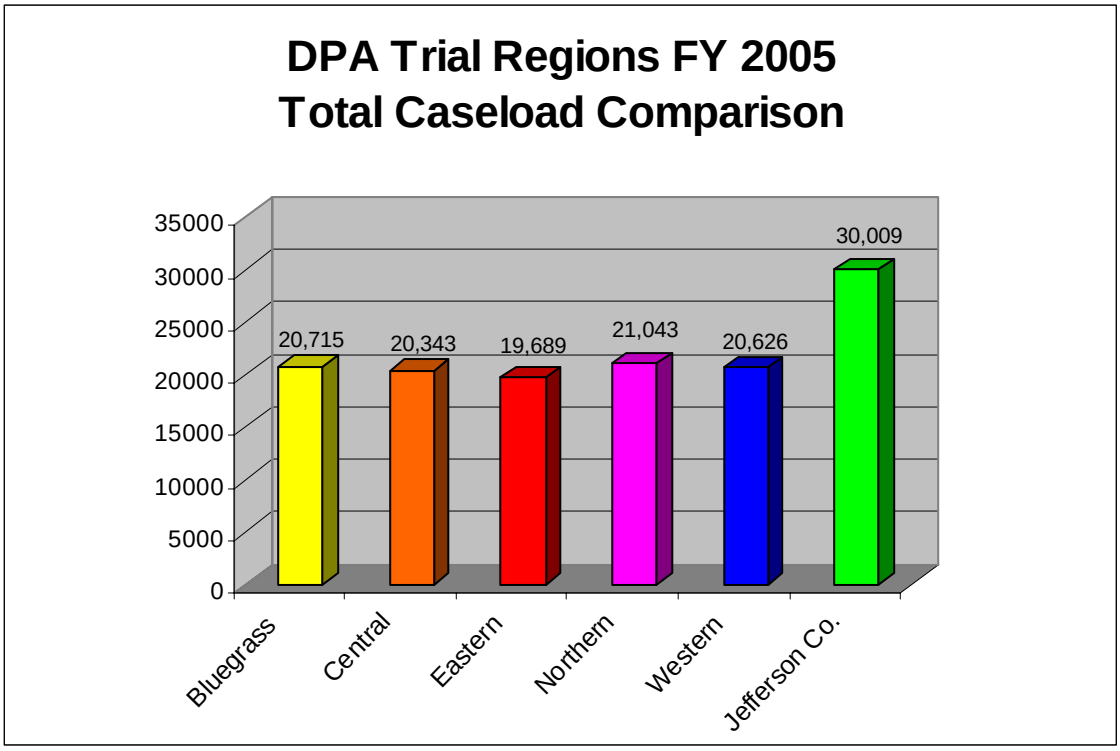
1 Includes local contributions from Jefferson Co. and Lexington-Fayette Co. These are budgeted numbers - not actual expenses.
2 Includes Administrative Operations costs.

Comparison of Caseload vs. Expenditures for Kentucky Department of Public Advocacy



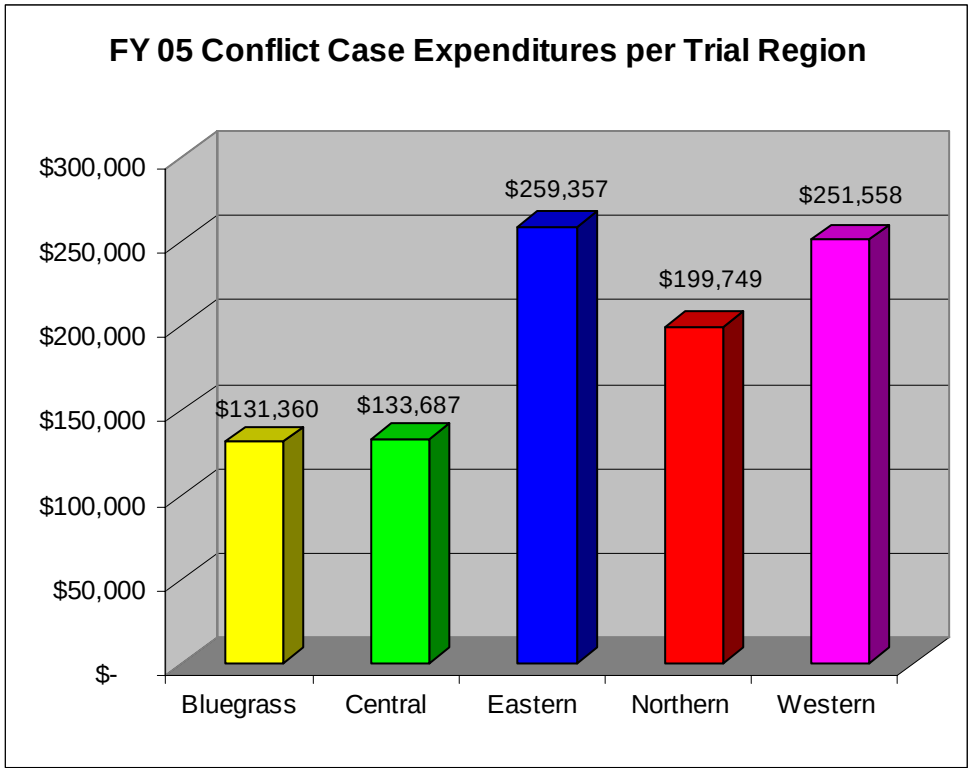


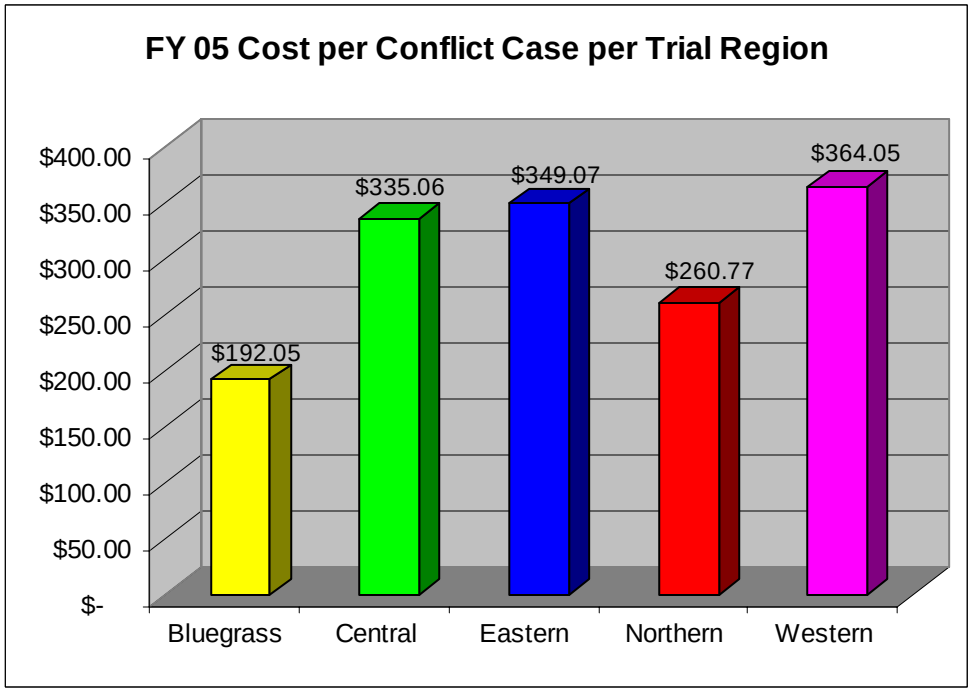

DPA Trial Regions FY 2005
Total Cost Comparison
$5,000,000
$4,500,000
$4,000,000
$3,500,000
$3,000,000
$2,500,000
$2,000,000
$1,500,000
$1,000,000
$500,000
$-
3,839,450
3,660,114
4,026,164
3,526,916
3,524,410
4,792,139*
Bluegrass
Central
Eastern
Northern
Western
Jefferson Co.
* Includes local contribution.


DPA Trial Regions FY 2005
Total Caseload Comparison
35000
30000
25000
20000
15000
10000
5000
0
20,715
20,343
19,689
21,043
20,626
30,009
Bluegrass
Central
Eastern
Northern
Western
Jefferson Co.

FY 2005 Conflict Case Costs for DPA Trial Division

The Trial Division typically spends a significant amount of money on conflict cases. Conflict representation occurs when there are simultaneous defendants out of a specific incident. A single DPA office can only represent one of that set of defendants because of attorney ethical rules unless there is a waiver of the conflict. The other indigent clients from that same incident must either be represented by other DPA offices or by outside counsel. DPA has seen the number of conflict cases rise in recent years in areas such as the East where there are large drug "sweeps". In FY 2005, the East Region spent over $349.07 per conflict case as opposed to the agency average of $272 per case.





Trial Division

Caseload Data

FY 2005

(July 1, 2004 - June 30, 2005)

Overview of FY 2005 Trial Case Numbers

The case numbers for the Trial Division rose for the 5th straight year in FY 2005. The Trial Division handled 132,787 cases in FY 2005. This is an increase of 2.9% over FY 2004. The Trial Division also operated 29 field offices for standard trial work, one (1) field office for Capital work and two (2) counties served entirely by contract attorneys. The Trial Division operated full-time offices in 118 of Kentucky's 120 counties. In FY 2006, the remaining two (2) contract counties will move into a full-time field office located in Glasgow. This addition will realize the stated DPA goal of indigent defense by full-time attorneys throughout the state of Kentucky. A number of studies have demonstrated that full-time defense offices provide better service and higher quality legal service than where indigent defense is provided by part-time contractors.

The Trial Division continued its emphasis on consistent case data entry throughout FY 2005. The Public Advocate created a Case Integrity Committee to identify and resolve any case entry inconsistencies. As with any large scale data entry system, there must be constant vigilance and checks to ensure that all geographic areas are consistent and accurate in case entry. The Case Integrity Committee met during the first three months of calendar 2005. Additionally, the committee created and implemented a case definition refresher course for directing attorneys and support staff in April 2005. Following the recommendation of the committee, DPA will continue its emphasis on training and enforcement of the DPA case definition throughout FY 2006.

The DPA case definition has been in existence for more than 10 years. The general definition of a case is as follows: "a case consists of a single accused, having either under the same or different case number(s), one or more charges, allegations, or proceedings arising out of one event or a group of related contemporaneous events." In most scenarios, a case counted by DPA equates on a one-to-one basis with a case number provided by the Administrative Office of the Courts. In certain situations such as PFOs, Probation Revocation Hearings and other events in addition to the core case, DPA will use an AOC case number more than once. *These re-used numbers amount to less than 12% of the DPA total trial caseload in FY 2005.* Additionally, there are situations where DPA will count multiple AOC numbers as a single DPA case. In situations such as bad checks where there may be multiple AOC numbers arising out of the contemporaneous event, DPA staff are instructed to only count the multiple AOC numbers as a single DPA case based on the event. There are no statistics to give a percentage of the caseload for this latter phenomenon.

Statement of Definitions: Trial Cases and Case Counting Methods

Total cases listed for a branch, division, or DPA as a whole are only those cases that were *opened* during the fiscal year being reported. The totals do not include the numerous, ongoing cases handled by DPA that were opened in previous fiscal years. This exclusion is particularly important in capital cases and in all post trial cases, which typically remain open for several years and require that continuing new work be done on those cases.

DPA has extensive protocols for the application of case definitions and case counting methods that take into account the unique differences among circuit and district court cases, juvenile and adult cases, etc. These definitions were developed in concert with staff input, KRS requirements, and commonly accepted statistical methodology. Consistency of application is insured through the use of the agency's Case Tracking System (CTS), an in-house database.

Throughout this document, the following definitions and methods of case counting are used consistently.

Trial Division Cases

A **case** consists of a single accused, having either under the same or different case number(s), one or more charges, allegations, or proceedings arising out of one event or a group of related contemporaneous events. These charges must be brought contemporaneously against the defendant, stemming from the same course of conduct, and involving proof of the same facts. Some cases assigned to individual attorneys are conducted, either wholly or in part, outside the confines of state courts (e.g., parole revocation hearings, KRS 31.110 line-ups, interrogations, other pre-charge events, witness representations); however, to be counted as a "case" for Trial Division statistical purposes, a formal appointment by a court with appropriate jurisdiction is required. An individual attorney's actions do not constitute a "case" (for agency statistical purposes) if the activity is brief, strictly routine (e.g., standing in for arraignment purposes at a regularly scheduled motion hour, responding to inmate correspondence), and performed as a courtesy to the court.

In addition to adhering to the general agency definition of a "case," to be counted as a **capital eligible case**, an accused must be charged with at least one count of kidnapping or murder, with a qualifying KRS aggravator identified. The number of attorneys assigned to the case has no bearing on the agency's counting of capital cases, and, because cases must be entered and categorized upon assignment, the agency does not require prior receipt of notice from the Commonwealth's Attorney that the death penalty will be sought.

Trial Division Case and Population Totals* with Average Number of Cases per 1,000 Population**: Cases Rate Measured by Population Grows Again in FY 2005

Trial Division Totals

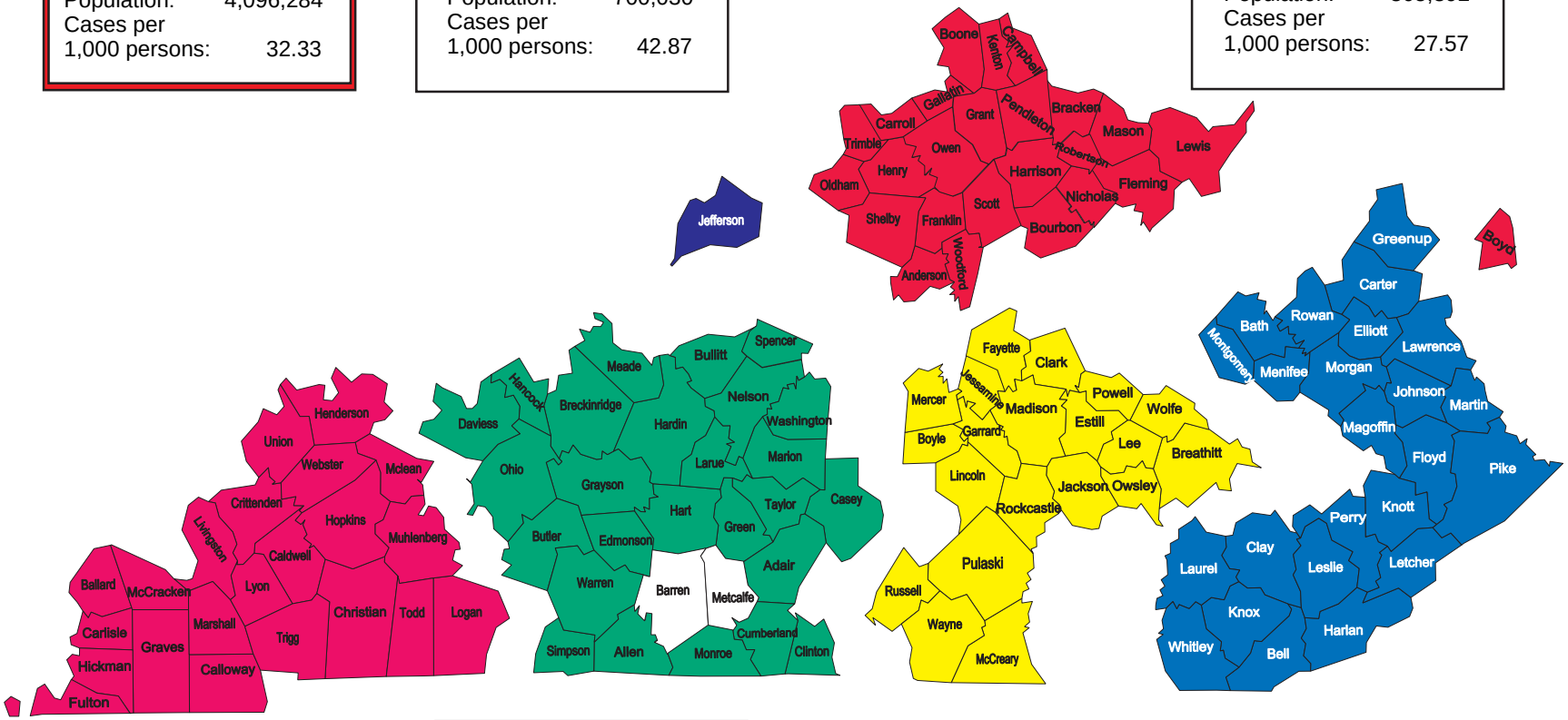
Cases:	132,425
Population:	4,096,284
Cases per 1,000 persons:	32.33

Jefferson County

Cases:	30,009
Population:	700,030
Cases per 1,000 persons:	42.87

Northern Region

Cases:	22,225
Population:	805,892
Cases per 1,000 persons:	27.57



Western Region

Cases:	20,626
Population:	520,307
Cases per 1,000 persons:	39.64

Central Region

Cases:	20,343
Population:	731,789
Cases per 1,000 persons:	27.80

Bluegrass Region

Cases:	27,779
Population:	717,694
Cases per 1,000 persons:	38.70

Eastern Region

Cases:	19,689
Population:	620,572
Cases per 1,000 persons:	31.73

* Does not include Barren and Metcalf Counties

** Source: U.S. Census Bureau, 2004 Population Estimates

FIELD OFFICE WORKLOAD - ALPHABETICAL LISTING, Fiscal Year 03, 04, and 05

OFFICE	ATTYs*	FY 03 Cases	FY03 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 03 AVG cases/ atty	FY 04 Cases	FY04 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 04 AVG cases/ atty	FY 05 Cases: 4th Quarter	FY05 Conflict Cases	Conflict % of Total Cases	% change in total caseload**	FY 05 AVG cases/atty
Bell County	5	2,120	9	0.42%	-5.19%	527.8	2,157	13	0.60%	1.75%	428.8	2,246	45	2.00%	4.13%	440.2
Boone County	7	0	0	0.00%	N/A	0.0	3,104	79	2.55%	N/A	504.2	4,126	147	3.56%	32.93%	568.4
Bowling Green	9	4,065	137	3.37%	2.89%	436.4	4,090	107	2.62%	0.62%	442.6	4,059	171	4.21%	-0.76%	432.0
Bullitt County	5	1,103	0	0.00%	N/A	551.5	2,224	80	3.60%	101.63%	536.0	2,267	83	3.66%	1.93%	436.8
Capital Trial Br.[1]	7	17	N/A	N/A	13.33%	N/A	16	N/A	N/A	N/A	N/A	11	0	0.00%	-31.25%	1.6
Catlettsburg	2	866	1	0.12%	12.32%	432.5	1,005	33	3.28%	16.05%	486.0	1,182	37	3.13%	17.61%	572.5
Columbia	7	3,135	65	2.07%	2.72%	511.7	3,705	114	3.08%	18.18%	513.0	3,552	45	1.27%	-4.13%	501.0
Covington	12	4,022	85	2.11%	29.12%	492.1	5,394	159	2.95%	34.11%	436.3	6,341	246	3.88%	17.56%	507.9
Danville	6	2,762	268	9.70%	17.68%	498.8	3,005	142	4.73%	8.80%	477.2	3,173	108	3.40%	5.59%	510.8
Elizabethtown	11	6,447	85	1.32%	12.91%	636.2	6,338	105	1.66%	-1.69%	519.4	5,842	41	0.70%	-7.83%	527.4
Frankfort	5	3,095	15	0.48%	9.60%	616.0	2,518	5	0.20%	-18.64%	502.6	2,578	31	1.20%	2.38%	509.4
Harrison	4	0	0	0.48%	9.60%	617.0	1,911	9	0.47%	N/A	475.5	2,259	36	1.59%	18.21%	555.8
Hazard	9	4,675	61	1.30%	24.47%	576.8	5,563	1	0.02%	18.99%	618.0	4,252	63	1.48%	-23.57%	465.4
Henderson	7	2,989	28	0.94%	27.25%	592.2	3,457	41	1.19%	15.66%	569.3	3,191	63	1.97%	-7.69%	446.9
Hopkinsville	11	5,342	158	2.96%	1.87%	576.0	5,770	176	3.05%	8.01%	508.5	6,051	133	2.20%	4.87%	538.0
LaGrange	4	1,773	71	4.00%	17.26%	567.3	1,990	41	2.06%	12.24%	487.3	2,165	116	5.36%	8.79%	512.3
Lexington	18	7,565	11	0.15%	6.74%	419.7	7,437	11	0.15%	-1.69%	412.6	7,064	0	0.00%	-5.02%	392.4
London	8	4,018	274	6.82%	14.28%	534.9	4,127	283	6.86%	2.71%	480.5	4,536	393	8.66%	9.91%	517.9
Louisville	53	25,981	78	0.30%	9.33%	507.9	28,267	101	0.36%	8.80%	531.4	30,009	0	0.00%	6.16%	566.2
Madisonville	5	2,119	81	3.82%	5.48%	509.5	2,467	74	3.00%	16.42%	478.6	2,481	80	3.22%	0.57%	480.2
Maysville	5	2,219	88	3.97%	15.51%	426.2	2,299	129	5.61%	3.61%	542.5	2,392	153	6.40%	4.05%	447.8
Morehead	10	4,670	100	2.14%	-0.53%	507.8	5,378	109	2.03%	15.16%	526.9	4,822	128	2.65%	-10.34%	469.4
Murray	7	2,747	70	2.55%	224.32%	446.2	3,758	159	4.23%	36.80%	599.8	3,650	196	5.37%	-2.87%	493.4
Owensboro	9	3,296	35	1.06%	-4.93%	407.6	4,219	46	1.09%	28.00%	521.6	4,623	59	1.28%	9.58%	507.1
Paducah	10	4,832	124	2.57%	-4.11%	523.1	4,926	139	2.82%	1.95%	478.7	5,265	219	4.16%	6.88%	504.6
Paintsville	4	1,437	36	2.51%	24.85%	467.0	1,665	52	3.12%	15.87%	537.7	1,659	54	3.25%	-0.36%	401.3
Pikeville	6	2,598	40	1.54%	-3.49%	426.3	2,906	42	1.45%	11.86%	477.3	2,168	60	2.77%	-25.40%	351.3
Richmond	7	3,217	220	6.84%	1.68%	428.1	3,320	176	5.30%	3.20%	449.1	4,160	167	4.01%	25.30%	570.4
Somerset	8	2,813	255	9.07%	8.65%	426.3	3,398	239	7.03%	20.80%	526.5	3,588	231	6.44%	5.59%	419.6
Stanton	6	2,687	284	10.57%	7.96%	480.6	2,745	219	7.98%	2.16%	505.2	2,730	178	6.52%	-0.55%	425.3
TOTAL	**267**	112,610	2,679	2.38%	11.15%	484.3	**129,159**	**2,884**	2.23%	14.70%	489.4	**132,442**	**3,283**	**2.48%**	2.54%	**483.7**

*Authorized compliment as of 04/01/2005. May differ from actual staffing.

**% increase in total caseload is the percentage rise/drop of total cases from the previous year

1. The Capital Trial Branch is included to recognize the services of its attorneys and staff, but its cases are excluded from "avg. cases/atty" comparison analysis due to their length and complexity.

NOTE: The above numbers do not include contract cases for Barren and Metcalf which are listed on a later chart breakdown by county.

FIELD OFFICE WORKLOAD - AVERAGE CASELOAD LISTING, Fiscal Year 03, 04, and 05

OFFICE	ATTYs*	FY 03 Cases	FY03 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 03 AVG cases/ atty	FY 04 Cases	FY04 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 04 AVG cases/ atty	FY 05 Cases: 4th Quarter	FY05 Conflict Cases	Conflict % of Total Cases	% change in total caseload**	FY 05 AVG cases/atty
Catlettsburg	2	866	1	0.12%	12.32%	432.5	1,005	33	3.28%	16.05%	486.0	1,182	37	3.13%	17.61%	572.5
Richmond	7	3,217	220	6.84%	1.68%	428.1	3,320	176	5.30%	3.20%	449.1	4,160	167	4.01%	25.30%	570.4
Boone County	7	0	0	0.00%	N/A	0.0	3,104	79	2.55%	N/A	504.2	4,126	147	3.56%	32.93%	568.4
Louisville	53	25,981	78	0.30%	9.33%	507.9	28,267	101	0.36%	8.80%	531.4	30,009	0	0.00%	6.16%	566.2
Harrison	4	0	0	0.48%	9.60%	617.0	1,911	9	0.47%	N/A	475.5	2,259	36	1.59%	18.21%	555.8
Hopkinsville	11	5,342	158	2.96%	1.87%	576.0	5,770	176	3.05%	8.01%	508.5	6,051	133	2.20%	4.87%	538.0
Elizabethtown	11	6,447	85	1.32%	12.91%	636.2	6,338	105	1.66%	-1.69%	519.4	5,842	41	0.70%	-7.83%	527.4
London	8	4,018	274	6.82%	14.28%	534.9	4,127	283	6.86%	2.71%	480.5	4,536	393	8.66%	9.91%	517.9
LaGrange	4	1,773	71	4.00%	17.26%	567.3	1,990	41	2.06%	12.24%	487.3	2,165	116	5.36%	8.79%	512.3
Danville	6	2,762	268	9.70%	17.68%	498.8	3,005	142	4.73%	8.80%	477.2	3,173	108	3.40%	5.59%	510.8
Frankfort	5	3,095	15	0.48%	9.60%	616.0	2,518	5	0.20%	-18.64%	502.6	2,578	31	1.20%	2.38%	509.4
Covington	12	4,022	85	2.11%	29.12%	492.1	5,394	159	2.95%	34.11%	436.3	6,341	246	3.88%	17.56%	507.9
Owensboro	9	3,296	35	1.06%	-4.93%	407.6	4,219	46	1.09%	28.00%	521.6	4,623	59	1.28%	9.58%	507.1
Paducah	10	4,832	124	2.57%	-4.11%	523.1	4,926	139	2.82%	1.95%	478.7	5,265	219	4.16%	6.88%	504.6
Columbia	7	3,135	65	2.07%	2.72%	511.7	3,705	114	3.08%	18.18%	513.0	3,552	45	1.27%	-4.13%	501.0
Murray	7	2,747	70	2.55%	224.32%	446.2	3,758	159	4.23%	36.80%	599.8	3,650	196	5.37%	-2.87%	493.4
Madisonville	5	2,119	81	3.82%	5.48%	509.5	2,467	74	3.00%	16.42%	478.6	2,481	80	3.22%	0.57%	480.2
Somerset	8	2,813	255	9.07%	8.65%	426.3	3,398	239	7.03%	20.80%	526.5	3,588	231	6.44%	5.59%	419.6
Morehead	10	4,670	100	2.14%	-0.53%	507.8	5,378	109	2.03%	15.16%	526.9	4,822	128	2.65%	-10.34%	469.4
Hazard	9	4,675	61	1.30%	24.47%	576.8	5,563	1	0.02%	18.99%	618.0	4,252	63	1.48%	-23.57%	465.4
Maysville	5	2,219	88	3.97%	15.51%	426.2	2,299	129	5.61%	3.61%	542.5	2,392	153	6.40%	4.05%	447.8
Henderson	7	2,989	28	0.94%	27.25%	592.2	3,457	41	1.19%	15.66%	569.3	3,191	63	1.97%	-7.69%	446.9
Bell County	5	2,120	9	0.42%	-5.19%	527.8	2,157	13	0.60%	1.75%	428.8	2,246	45	2.00%	4.13%	440.2
Bullitt County	5	1,103	0	0.00%	N/A	551.5	2,224	80	3.60%	101.63%	536.0	2,267	83	3.66%	1.93%	436.8
Bowling Green	9	4,065	137	3.37%	2.89%	436.4	4,090	107	2.62%	0.62%	442.6	4,059	171	4.21%	-0.76%	432.0
Stanton	6	2,687	284	10.57%	7.96%	480.6	2,745	219	7.98%	2.16%	505.2	2,730	178	6.52%	-0.55%	425.3
Paintsville	4	1,437	36	2.51%	24.85%	467.0	1,665	52	3.12%	15.87%	537.7	1,659	54	3.25%	-0.36%	401.3
Lexington	18	7,565	11	0.15%	6.74%	419.7	7,437	11	0.15%	-1.69%	412.6	7,064	0	0.00%	-5.02%	392.4
Pikeville	6	2,598	40	1.54%	-3.49%	426.3	2,906	42	1.45%	11.86%	477.3	2,168	60	2.77%	-25.40%	351.3
Capital Trial Br.[1]	7	17	N/A	N/A	13.33%	N/A	16	N/A	N/A	N/A	N/A	11	0	0.00%	-31.25%	1.6
TOTAL	**267**	112,610	2,679	2.38%	11.15%	484.3	**129,159**	**2,884**	2.23%	14.70%	489.4	**132,442**	**3283**	**2.48%**	2.54%	**483.7**

*Authorized compliment as of 04/01/2005. May differ from actual staffing.

**% increase in total caseload is the percentage rise/drop of total cases from the previous year

1. The Capital Trial Branch is included to recognize the services of its attorneys and staff, but its cases are excluded from "avg. cases/atty" comparison analysis due to their length and complexity.

NOTE: The above numbers do not include contract cases for Barren and Metcalf which are listed on a later chart breakdown by county.

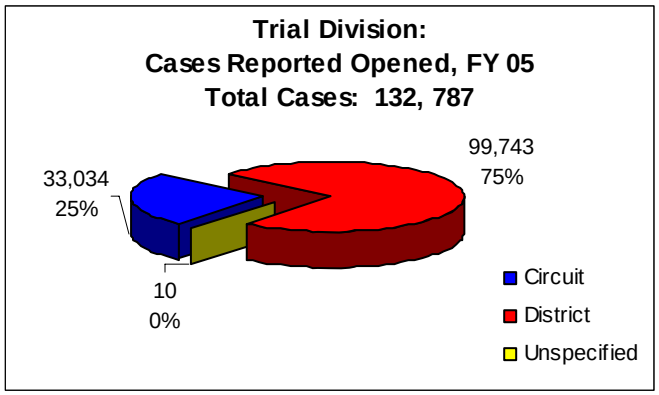
DPA Trial Division Cases Reported Opened in FY 2005

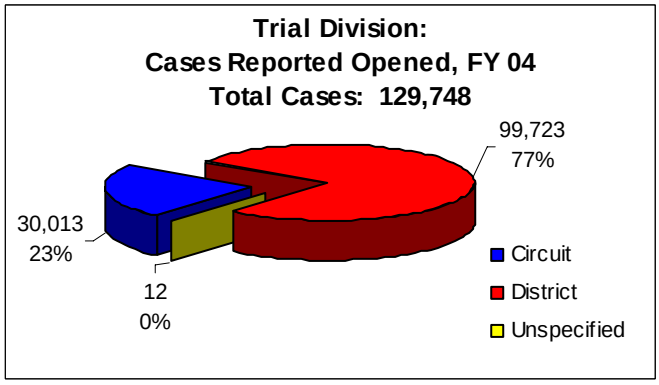
- Of the trial cases 24.88% were Circuit Court cases, 75.12% were District Court cases.

- In FY 05, the trend is continuing toward a greater percentage of DPA trial cases being opened in Circuit Court each year. Since FY 02, a higher percentage of cases could be identified by court type compared to previous years due to improved data entry and collection methods.

	Circuit Court	District Court
FY 05	**24.88%**	**75.12%**
FY 04	**23.14%**	**76.86%**
FY 03	**23.02%**	**76.97%**
FY 02	**21.34%**	**78.65%**
FY 01	**21.17%**	**78.66%**
FY 00	**20.77%**	**79.10%**

- The actual number of cases opened in District Court has generally increased during this same period. It has simply increased at a slower rate than the Circuit Court caseload.

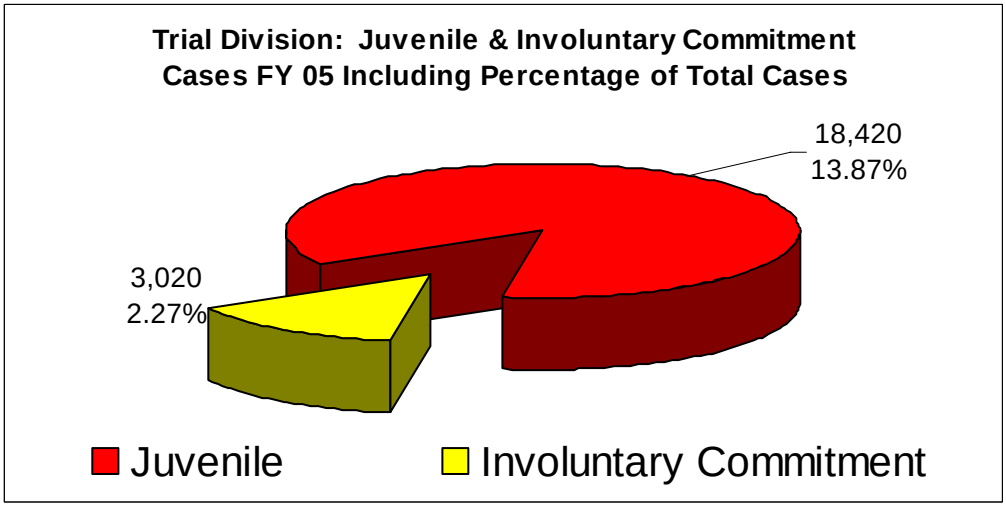


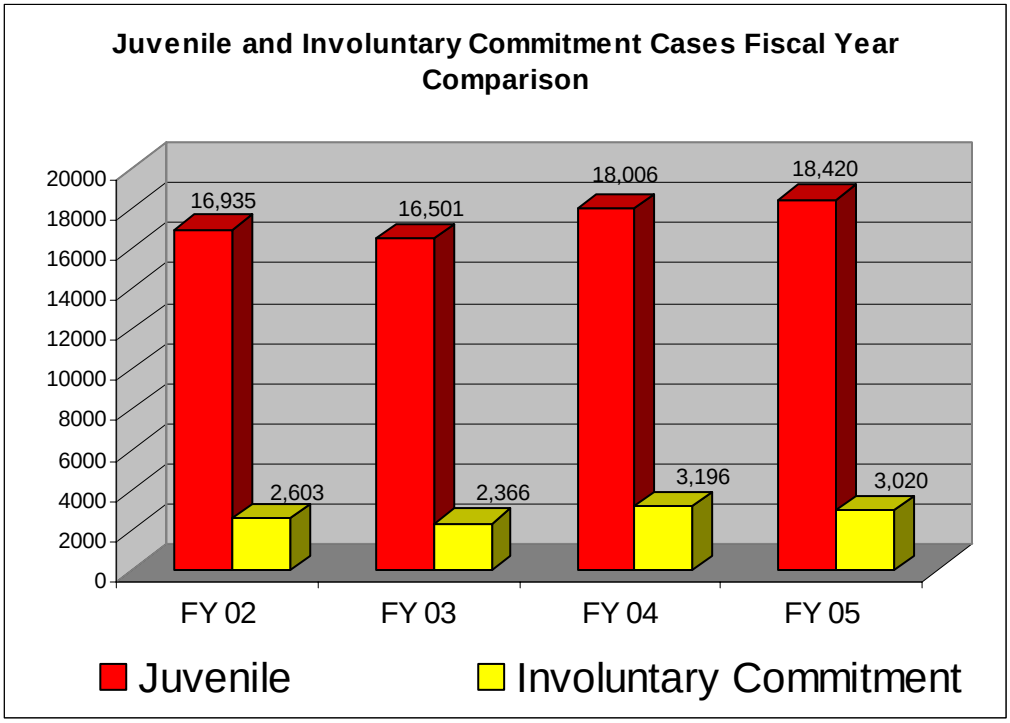


DPA Trial Division Juvenile and Involuntary Commitment Cases Reported Opened FY 2005

Cases Reported Opened in FY 05	
Juvenile:	18,420
Involuntary Commitment:	3,020

Juvenile Caseload Trends	Cases	% Trial Caseload
FY 05	18,420	13.87%
FY 04	18,006	13.94%
FY 03	16,501	14.33%
FY 02	16,935	16.00%





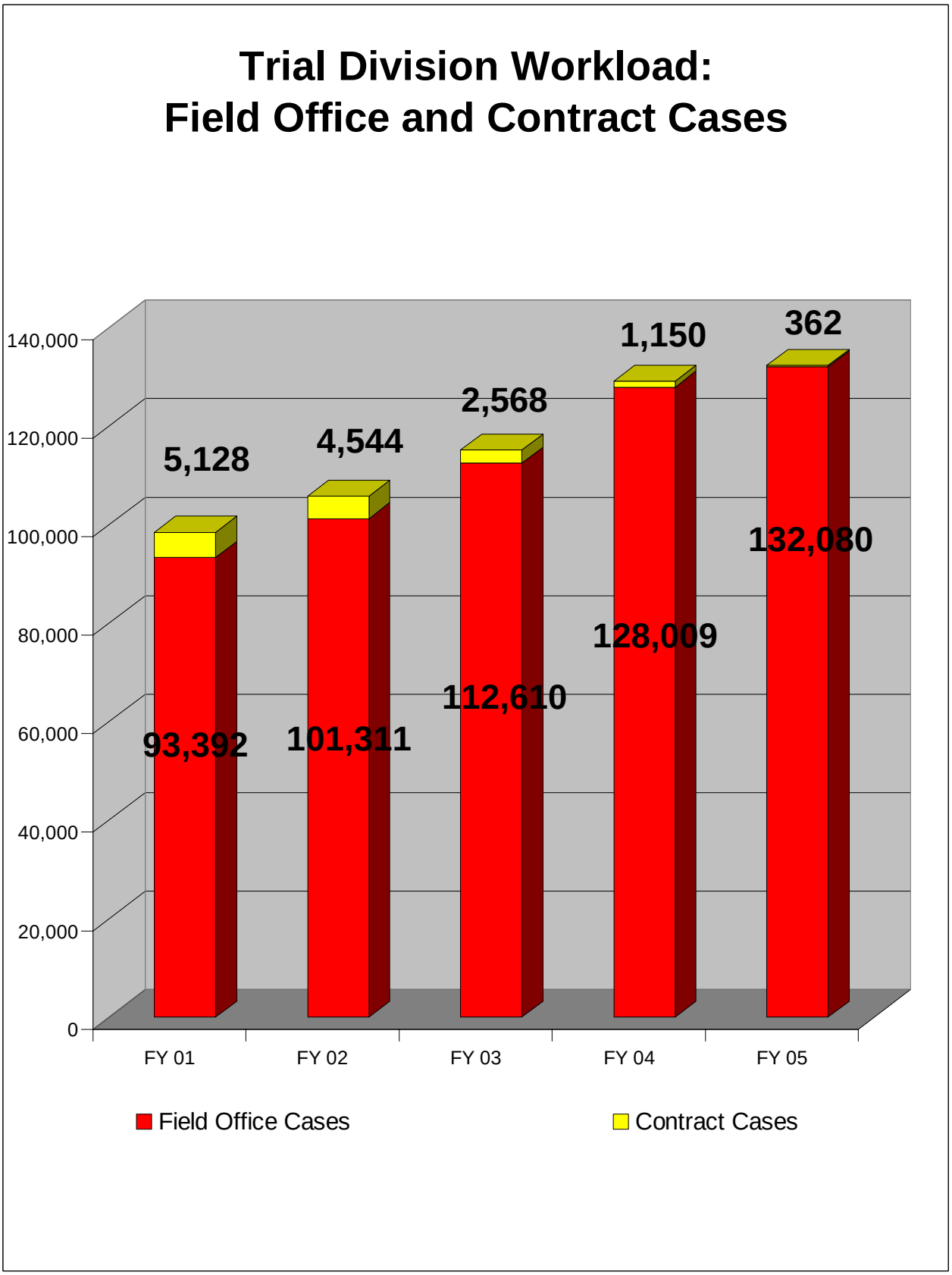
FY 2005
Case Openings by Court Type
Broken-down by County

County	Circuit	Circuit %	District	District %	Other	Other %	TOTAL
ADAIR	167	35.38%	305	64.62%	0	0.00%	472
ALLEN	108	50.94%	104	49.06%	0	0.00%	212
ANDERSON	85	21.36%	313	78.64%	0	0.00%	398
BALLARD	66	22.37%	229	77.63%	0	0.00%	295
BARREN	235	76.55%	72	23.45%	0	0.00%	307
BATH	104	17.51%	490	82.49%	0	0.00%	594
BELL	483	31.55%	1048	68.45%	0	0.00%	1,531
BOONE	831	33.17%	1674	66.83%	0	0.00%	2,505
BOURBON	139	17.44%	658	82.56%	0	0.00%	797
BOYD	287	24.28%	895	75.72%	0	0.00%	1,182
BOYLE	132	17.23%	634	82.77%	0	0.00%	766
BRACKEN	50	16.39%	255	83.61%	0	0.00%	305
BREATHITT	229	28.81%	566	71.19%	0	0.00%	795
BRECKINRIDGE	137	37.23%	231	62.77%	0	0.00%	368
BULLITT	290	21.04%	1088	78.96%	0	0.00%	1,378
BUTLER	124	49.60%	126	50.40%	0	0.00%	250
CALDWELL	109	28.76%	270	71.24%	0	0.00%	379
CALLOWAY	270	34.26%	518	65.74%	0	0.00%	788
CAMPBELL	1007	41.53%	1417	58.43%	1	0.05%	2,425
CARLISLE	38	24.20%	119	75.80%	0	0.00%	157
CARROLL	155	29.47%	371	70.53%	0	0.00%	526
CARTER	75	11.40%	583	88.60%	0	0.00%	658
CASEY	121	35.91%	216	64.09%	0	0.00%	337
CHRISTIAN	882	21.07%	3304	78.93%	0	0.00%	4,186
CLARK	296	29.93%	693	70.07%	0	0.00%	989
CLAY	126	17.14%	609	82.86%	0	0.00%	735
CLINTON	150	43.86%	192	56.14%	0	0.00%	342
CRITTENDEN	44	26.35%	123	73.65%	0	0.00%	167
CUMBERLAND	75	29.76%	177	70.24%	0	0.00%	252
DAVIESS	849	24.97%	2551	75.03%	0	0.00%	3,400

County	Circuit	Circuit %	District	District %	Other	Other %	TOTAL
EDMONSON	71	52.99%	62	46.27%	1	0.00%	134
ELLIOTT	47	20.89%	178	79.11%	0	0.00%	225
ESTILL	73	19.06%	310	80.94%	0	0.00%	383
FAYETTE	2848	40.32%	4216	59.68%	0	0.00%	7,064
FLEMING	106	22.46%	366	77.54%	0	0.00%	472
FLOYD	214	22.62%	732	77.38%	0	0.00%	946
FRANKLIN	386	35.32%	707	64.68%	0	0.00%	1,093
FULTON	147	42.36%	200	57.64%	0	0.00%	347
GALLATIN	72	30.25%	166	69.75%	0	0.00%	238
GARRARD	79	23.30%	259	76.40%	1	0.40%	339
GRANT	163	27.03%	440	72.97%	0	0.00%	603
GRAVES	404	20.18%	1598	79.82%	0	0.00%	2,002
GRAYSON	213	38.10%	345	61.72%	1	0.28%	559
GREEN	68	27.53%	179	72.47%	0	0.00%	247
GREENUP	187	26.56%	517	73.44%	0	0.00%	704
HANCOCK	70	32.41%	146	67.59%	0	0.00%	216
HARDIN	715	19.47%	2957	80.53%	0	0.00%	3,672
HARLAN	286	40.00%	429	60.00%	0	0.00%	715
HARRISON	89	11.99%	653	88.01%	0	0.00%	742
HART	145	24.79%	440	75.21%	0	0.00%	585
HENDERSON	685	32.74%	1407	67.26%	0	0.00%	2,092
HENRY	91	23.21%	301	76.79%	0	0.00%	392
HICKMAN	31	33.33%	62	66.67%	0	0.00%	93
HOPKINS	558	32.01%	1185	67.99%	0	0.00%	1,743
JACKSON	54	16.02%	283	83.98%	0	0.00%	337
JEFFERSON	4207	14.02%	25802	85.98%	0	0.00%	30,009
JESSAMINE	218	19.38%	907	80.62%	0	0.00%	1,125
JOHNSON	221	30.74%	498	69.26%	0	0.00%	719
KENTON	998	25.49%	2917	74.49%	1	0.03%	3,916
KNOTT	64	14.81%	368	85.19%	0	0.00%	432
KNOX	235	22.82%	795	77.18%	0	0.00%	1,030
LARUE	98	23.79%	314	76.21%	0	0.00%	412

County	Circuit	Circuit %	District	District %	Other	Other %	TOTAL
LAUREL	454	26.29%	1273	73.71%	0	0.00%	1,727
LAWRENCE	89	23.73%	286	76.27%	0	0.00%	375
LEE	69	22.33%	240	77.67%	0	0.00%	309
LESLIE	53	16.01%	278	83.99%	0	0.00%	331
LETCHER	206	18.59%	902	81.41%	0	0.00%	1,108
LEWIS	99	25.26%	293	74.74%	0	0.00%	392
LINCOLN	78	19.02%	329	80.24%	3	0.92%	410
LIVINGSTON	61	24.80%	185	75.20%	0	0.00%	246
LOGAN	329	60.37%	216	39.63%	0	0.00%	545
LYON	76	35.35%	139	64.65%	0	0.00%	215
MCCRACKEN	793	18.18%	3568	81.82%	0	0.00%	4,361
MCCREARY	184	41.16%	263	58.84%	0	0.00%	447
MCLEAN	50	35.21%	92	64.79%	0	0.00%	142
MADISON	540	24.15%	1696	75.85%	0	0.00%	2,236
MAGOFFIN	88	31.77%	189	68.23%	0	0.00%	277
MARION	235	45.63%	280	54.37%	0	0.00%	515
MARSHALL	248	28.84%	612	71.16%	0	0.00%	860
MARTIN	91	31.60%	197	68.40%	0	0.00%	288
MASON	283	23.14%	940	76.86%	0	0.00%	1,223
MEADE	157	25.57%	457	74.43%	0	0.00%	614
MENIFEE	60	25.86%	172	74.14%	0	0.00%	232
MERCER	100	18.76%	433	81.24%	0	0.00%	533
METCALFE	19	34.55%	36	65.45%	0	0.00%	55
MONROE	164	40.10%	245	59.90%	0	0.00%	409
MONTGOMERY	295	30.04%	687	69.96%	0	0.00%	982
MORGAN	57	18.04%	259	81.96%	0	0.00%	316
MUHLENBERG	214	35.91%	382	64.09%	0	0.00%	596
NELSON	301	44.53%	375	55.47%	0	0.00%	676
NICHOLAS	34	23.61%	110	76.39%	0	0.00%	144
OHIO	226	35.37%	413	64.63%	0	0.00%	639
OLDHAM	145	26.41%	404	73.59%	0	0.00%	549
OWEN	61	24.02%	193	75.98%	0	0.00%	254

County	Circuit	Circuit %	District	District %	Other	Other %	TOTAL
OWSLEY	103	35.64%	186	64.36%	0	0.00%	289
PENDLETON	116	23.02%	388	76.98%	0	0.00%	504
PERRY	380	14.01%	2332	85.99%	0	0.00%	2,712
PIKE	289	23.65%	933	76.35%	0	0.00%	1,222
POWELL	121	19.33%	505	80.67%	0	0.00%	626
PULASKI	526	33.27%	1055	66.73%	0	0.00%	1,581
ROBERTSON	9	12.50%	63	87.50%	0	0.00%	72
ROCKCASTLE	209	34.95%	389	65.05%	0	0.00%	598
ROWAN	174	15.66%	937	84.34%	0	0.00%	1,111
RUSSELL	128	22.18%	449	77.82%	0	0.00%	577
SCOTT	156	22.84%	527	77.16%	0	0.00%	683
SHELBY	223	21.46%	816	78.54%	0	0.00%	1,039
SIMPSON	169	53.65%	146	46.35%	0	0.00%	315
SPENCER	29	13.62%	184	86.38%	0	0.00%	213
TAYLOR	381	46.07%	446	53.93%	0	0.00%	827
TODD	139	58.40%	99	41.60%	0	0.00%	238
TRIGG	58	23.97%	184	76.03%	0	0.00%	242
TRIMBLE	39	21.08%	146	78.92%	0	0.00%	185
UNION	190	31.99%	404	68.01%	0	0.00%	594
WARREN	1284	40.79%	1863	59.18%	1	0.04%	3,148
WASHINGTON	61	40.40%	90	59.60%	0	0.00%	151
WAYNE	424	43.13%	559	56.87%	0	0.00%	983
WEBSTER	88	26.04%	249	73.67%	1	0.00%	338
WHITLEY	188	26.15%	531	73.85%	0	0.00%	719
WOLFE	93	28.35%	235	71.65%	0	0.00%	328
WOODFORD	91	22.52%	313	77.48%	0	0.00%	404
TOTAL	**33034**	**24.88%**	**99743**	**75.12%**	**10**	**0.00%**	**132,787**


Trial Division Workload:
Field Office and Contract Cases
140,000
120,000
100,000
80,000
60,000
40,000
20,000
0
5,128
4,544
2,568
1,150
362
93,392
101,311
112,610
128,009
132,080
FY 01
FY 02
FY 03
FY 04
FY 05
Field Office Cases
Contract Cases

Post Trial Division

Caseload Data

FY 2005

(July 1, 2004 - June 30, 2005)

Post Trial Division Case Notes from FY 2005

The Post Trial Division handled 2,141 cases in FY 2005. This represented a 10.7% increase over FY 2004. The Post Trial Division is responsible for fulfilling DPA Chapter 31 obligations for all qualifying adults convicted of a felony offense and for all children and youth on post judgment review of status, public and youthful offender cases. There are three branches within the division—Appeals, Juvenile Post Disposition and Post Conviction. The Appeals Branch handles direct appeals from felony convictions and final judgments. These appeals are taken to the Kentucky Court of Appeals, the Kentucky Supreme Court and, where appropriate, into federal court and the U.S. Supreme Court for appellate review. Indigency determinations and the decision to appoint counsel are determined by the trial court and reviewed by the appellate courts. The Juvenile Post Disposition Branch represents children and youth who were found at the trial court level to be status, public or youthful offenders. The Post Conviction Branch represents adult felons on their Post Conviction cases. As there are over 21,000 incarcerated persons in Kentucky prisons and only 14 attorneys in the Post Conviction Branch, the agency is not able to provide counsel to all persons in prison in Kentucky on felony convictions in Post Conviction matters. 2004-5 placed significant demands on the division as two capital cases required extensive litigation

The Post Conviction Branch includes a section devoted to the Kentucky Innocence Project. With its Kentucky Innocence Project (KIP), DPA partners with the Commonwealth's law and other professional schools to provide representation to those factually innocent prisoners who have strong colorable claims and evidence that can be presented in a court of law to win relief. Each year, KIP receives over 200 inquiries for representation. In FY 2005, KIP only accepted 16 cases for further investigation. Law, social work and criminal justice students are trained through the year by KIP staff and college faculty. KIP and the professional schools work together to investigate these cases, surfacing new evidence and preparing legal claims to win relief for deserving clients.

Additionally, the division stretched its limited resources to the greatest degree possible to provide some assistance to the 21,000 prisoners incarcerated in Kentucky's jails and prisons.

In general, the Post Trial Division provides representation in a very diverse set of legal circumstances. The Division carried a 10% higher caseload in FY 2005 with only a 2% increase in funding.

Statement of Definitions: Post Trial Cases and Case Counting Methods

Total cases listed for a branch, division, or DPA as a whole are only those cases that were *opened* during the fiscal year being reported. The totals do not include the numerous, ongoing cases handled by DPA that were opened in previous fiscal years. This exclusion is particularly important in capital cases and in all post trial cases, which typically remain open for several years and require that continuing new work be done on those cases.

DPA has extensive protocols for the application of case definitions and case counting methods that take into account the unique differences among circuit and district court cases, juvenile and adult cases, etc. These definitions were developed in concert with staff input, KRS requirements, and commonly accepted statistical methodology. Consistency of application is insured through the use of the agency's Case Tracking System (CTS), an in-house database.

Throughout this document, the following definitions and methods of case counting are used consistently.

Post Trial Division Cases

The Post Trial Division has three branches, each of which has a different mission and function. The division has developed a common definition for a case. As with the Trial Division all cases are only counted during the year that the case is opened and multiple counts tried together are counted as a single case for appellate or post conviction purposes. Most post trial cases remain open and require work over several years. All of the cases handled by the Appeals Branch and Post Conviction Branch are felony cases involving prison sentences of from one year to life in prison without opportunity of parole, to the death penalty. The records on appellate and post conviction cases can vary from a one video tape record to a seventy video tape record. A very few courts still use written transcripts. Kentucky is unique in the nation in its reliance upon a video record, the review of which is much more time consuming for the lawyer for appellant who must review the entire pretrial and trial record to prepare an appeal or post conviction action, without opportunity to fast forward or speed read through a record. Across the division, a case is assigned and counted as a case at the following points in the process:

a. When a direct appeal is received and the case is assigned to counsel to brief.

b. When a post conviction appeal is received and the case is assigned to counsel to brief. These include appeals from RCR 11.42 denials, CR 60.02 denials, state habeas denials, conditional guilty pleas, probation revocations, denials of requests to withdraw guilty pleas, jail credit denials, sentence reduction denials, and Lewis hearing appeals.

c. When a petition for habeas corpus is filed in the federal U.S. District Court.

d. When a final (versus proof) brief is filed on a habeas case in the Sixth Circuit Court of Appeals.

e. When a petition for writ of certiorari is granted and briefing is ordered.

f. When a motion for discretionary review is granted and briefing is ordered.

g. Original actions filed and extraordinary writs filed in a circuit court, court of appeals, supreme court, or federal court.

h. Fact, duration or condition of confinement cases pursued on behalf of clients under eighteen years of age who are in the juvenile system. These include inter alia motions to terminate commitment, cases pursued as Section 1983 litigation, ARC hearings, YO sentencing hearings where JPDB lawyers do not enter the case until the sentencing stage as the attorneys for the child in circuit court, supervised placement revocation hearings.

i. state habeas actions filed in circuit courts

j. RCR 11.42 pleadings filed in circuit courts and juvenile courts

k. CR 60.02 pleadings filed in circuit courts and juvenile courts

l. Section 1983 litigation

m. Clemency petitions on behalf of capital and non-capital clients

n. Motions filed in post conviction to correct the sentence

o. Motions filed to reopen cases pursuant to claims of factual innocence

p. Other appellate and post conviction actions may be filed and if separate court cases will be counted in the year such litigation is filed.

APPEALS BRANCH CASELOAD

Cases Assigned

(all cases assigned for briefing, does not include assignments
for review under KRS 31.110)

Court of Appeals

	1st quarter	2nd quarter	3rd quarter	4th quarter	YTD
Total quarter	**69**	**29**	**69**	**50**	**217**

Supreme Court

	1st quarter	2nd quarter	3rd quarter	4th quarter	YTD
Total quarter	**32**	**33**	**50**	**29**	**144**

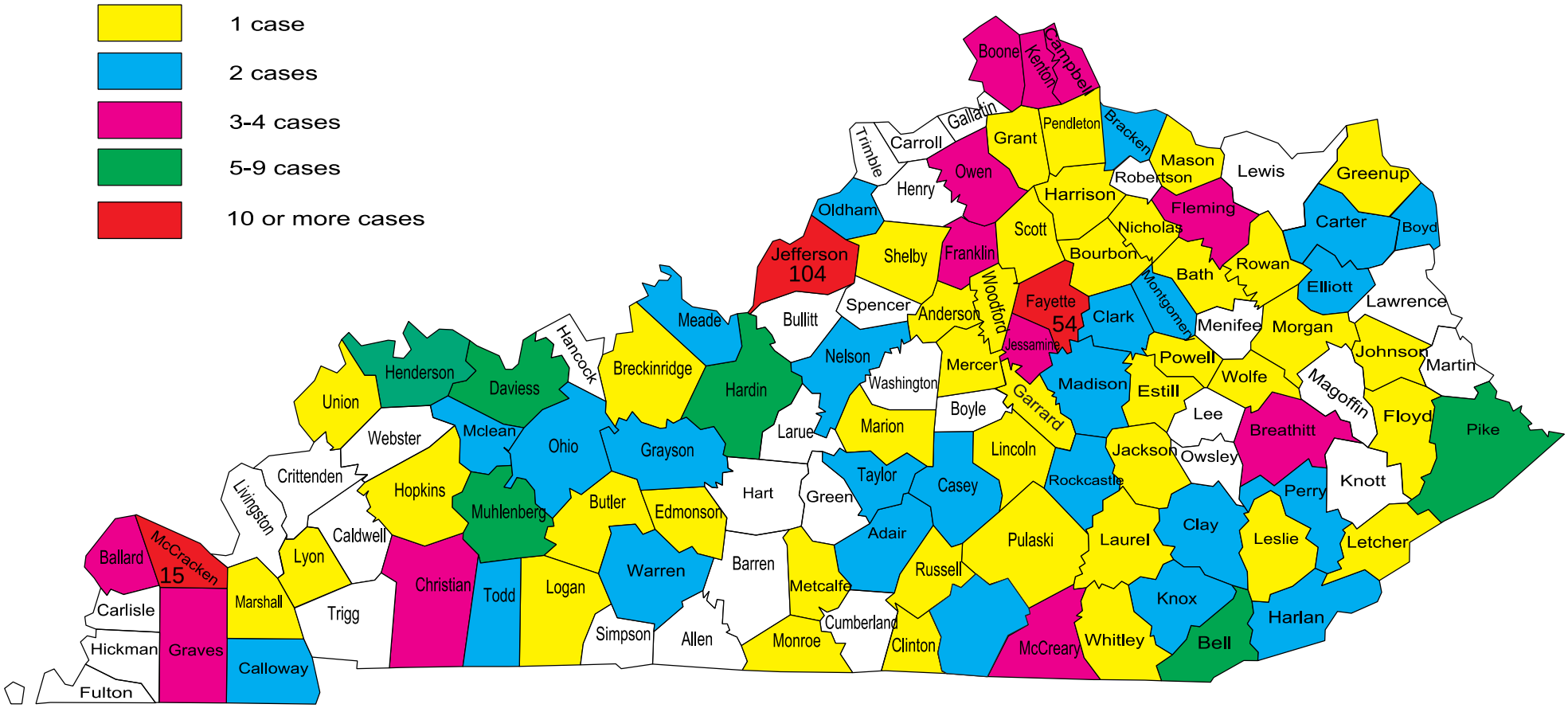
Federal Habeas Cases

	1st quarter	2nd quarter	3rd quarter	4th quarter	YTD
Fed. Dist. Ct	1	0	0	0	**1**
6th Circuit	0	0	0	0	**0**
US Sup Ct	0	0	0	0	**0**

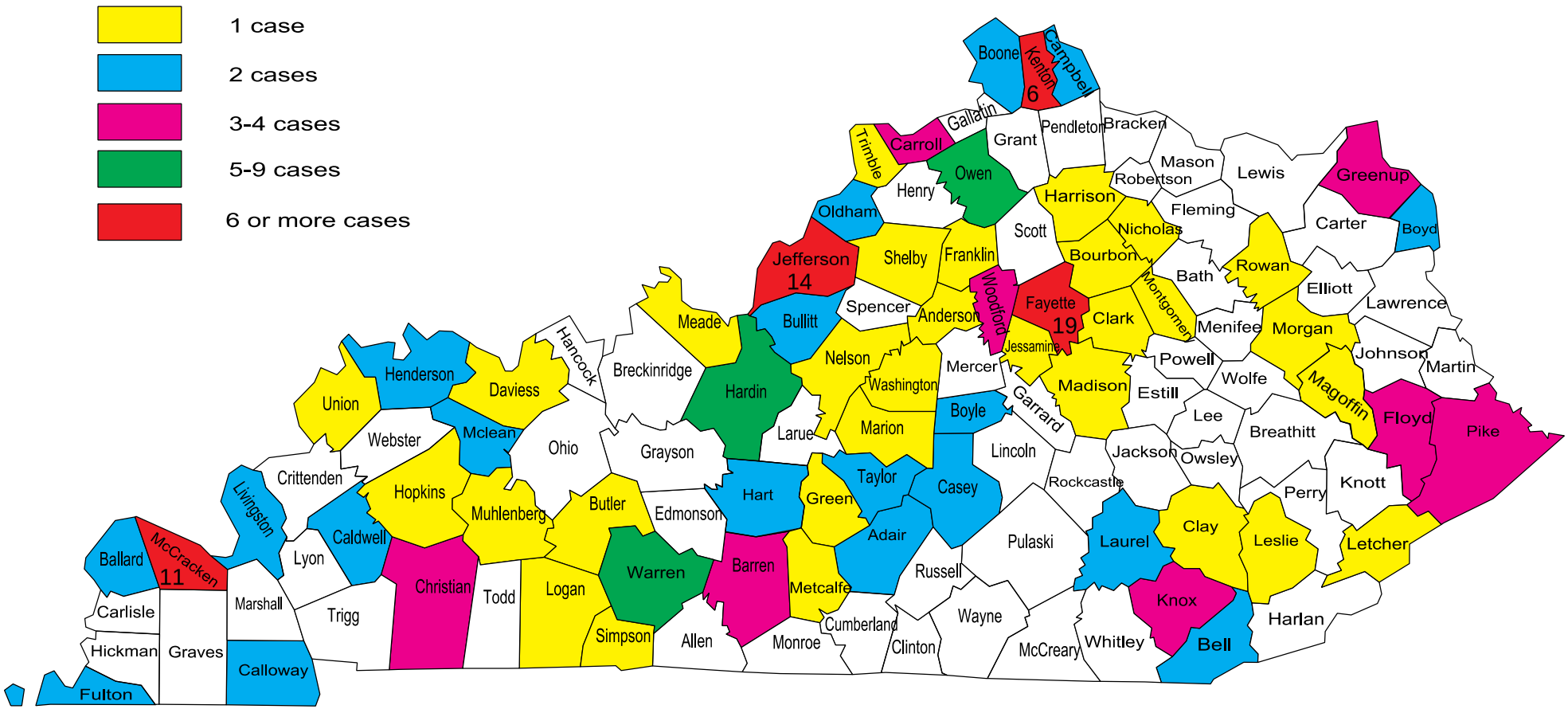
	Louisville	Lexington	Total
Cases Assigned	96	45	**141**

Total Cases Assigned	CA	SC	Fed Habeas Cases	Lexington & Louisville	Total
	217	144	1	141	**503**

Appeals Branch Cases Received By County FY 05
Court of Appeals



Appeals Branch Cases Received By County FY 05
Kentucky Supreme Court



Juvenile Appeals Caseload

Cases Assigned, By Quarter, FY 2005

Type of Case		1Q	2Q	3Q	4Q	Total
Original Action	**Circuit Court**	1	0	0	1	**2**
	Court of Appeals	0	0	0	0	**0**
	Supreme Court	0	0	0	0	**0**
	Federal Court	0	1	0	0	**1**
Public Offender Appeal	**Circuit Court**	10	8	7	12	**37**
	Court of Appeals	0	0	0	5	**5**
	Supreme Court	0	1	0	0	**1**
	Federal Court	0	0	0	0	**0**
Family Court Appeal	**Circuit Court**	0	0	0	0	**0**
	Court of Appeals	0	0	0	3	**3**
	Supreme Court	0	0	0	0	**0**
	Federal Court	0	0	0	0	**0**
Youthful Offender Appeal	**Circuit Court**	0	0	0	0	**0**
	Court of Appeals	4	0	1	0	**5**
	Supreme Court	0	0	1	1	**2**
	Federal Court	0	0	0	0	**0**
Adult Appeal	**Circuit Court**	0	0	0	0	**0**
	Court of Appeals	1	0	5	1	**7**
	Supreme Court	0	1	0	1	**2**
	Federal Court	0	0	0	0	**0**
Total		**16**	**11**	**14**	**24**	**65**

Documents Filed and Hearings Attended FY 2005

Post Disposition

	1Q	2Q	3Q	4Q	Total
State Habeas Corpus Filed	1	0	1	0	**2**
State Habeas Corpus Hearings	1	0	0	0	**1**
11.42's Filed	1	1	1	3	**6**
11.42 Hearings	1	2	0	1	**4**
610.120 Motions Filed	4	13	8	8	**33**
610.120 Hearings	9	4	13	8	**34**
Motions for Belated Appeal Filed	0	0	0	0	**0**
Motions for Belated Appeal Hearings	0	0	0	0	**0**
Cases Resolved By Agreement, No Filing	0	0	0	2	**2**
YO Sentencing Motions Filed	3	5	9	9	**26**
ASP's Filed	3	3	9	6	**21**
Sentencing Hearings Held	7	0	4	4	**15**
Briefs Filed	1	8	1	0	**10**
Oral Arguments Held	1	1	0	2	**4**
Other Motions Filed	7	15	11	15	**48**
Other Non-SPR Hearings Held	2	2	1	11	**16**
Number of Claims Administratively Resolved	34	51	46	38	**169**
SPR Cases	16	12	14	17	**59**
Total	**91**	**117**	**118**	**124**	**450**

Juvenile Appeals

	1Q	2Q	3Q	4Q	Total
Original Actions	1	1	3	5	**10**
Motions Filed	34	27	35	34	**130**
Original Briefs Filed	13	7	13	6	**39**
Reply Briefs Filed	7	6	3	3	**19**
Hearings/Oral Arguments	5	5	16	6	**32**
Total	**60**	**46**	**70**	**54**	**230**

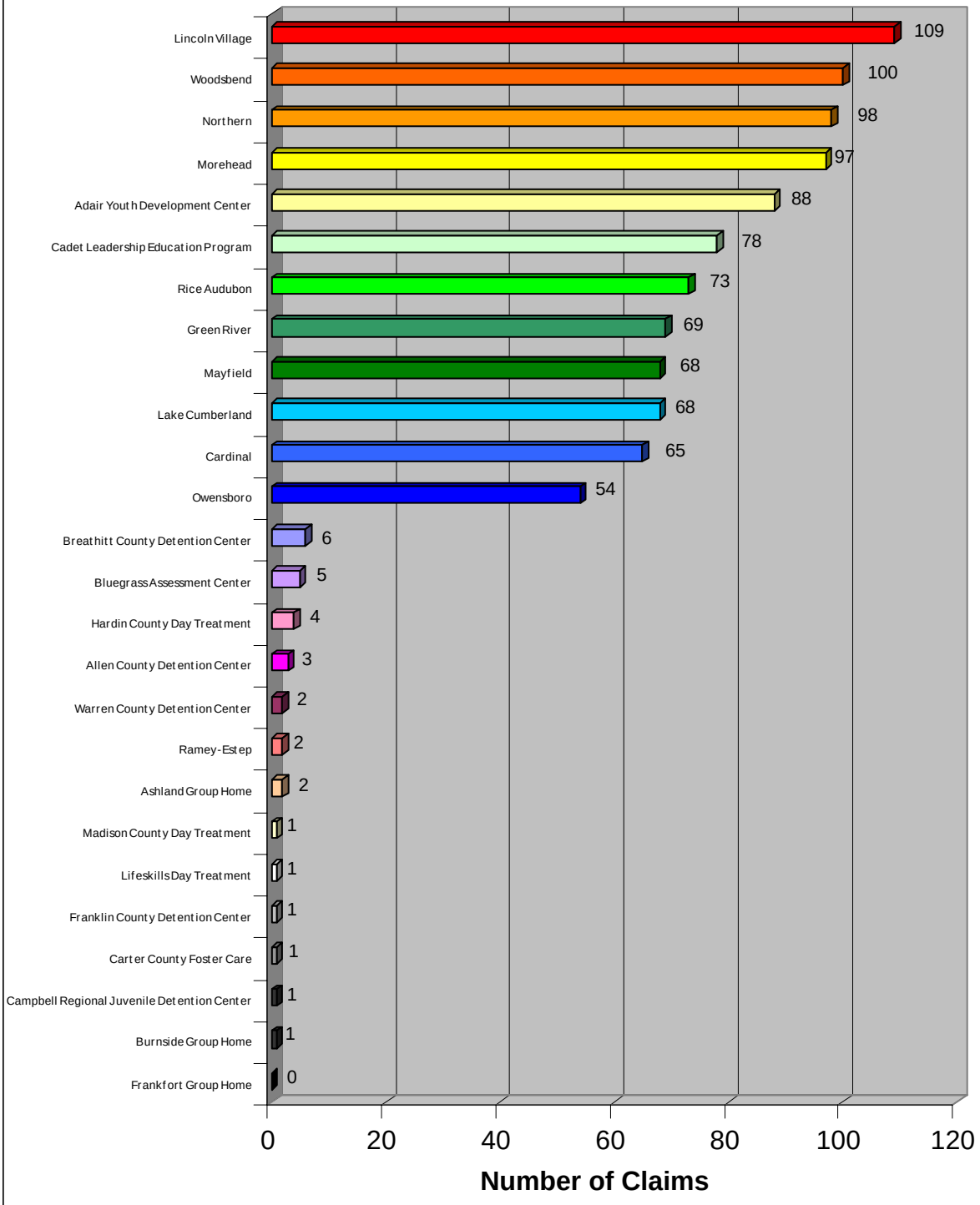
JAIBG

	1Q	2Q	3Q	4Q	Total
Attendance in Juvenile Court	3	0	**Grant Concluded**		**3**
Motions Filed	1	0			**1**
Original Briefs Filed	2	0			**2**
Reply Briefs Filed	0	0			**0**
Hearings, Oral Arguments	2	0			**2**
Meetings with Judges in Field Offices	2	0			**2**
Total	**10**	**0**	**0**	**0**	**10**

Juvenile Post Disposition Branch New Claims
FY 2005

Institution Name	Fact	Duration	Conditions	Total
Adair Youth Development Center	44	28	16	**88**
Allen County Detention Center	1	2	0	**3**
Ashland Group Home	0	2	0	**2**
Bluegrass Assessment Center	5	0	0	**5**
Breathitt County Detention Center	4	1	1	**6**
Burnside Group Home	0	1	0	**1**
Cadet Leadership Education Program	68	1	9	**78**
Campbell Regional Juvenile Detention Center	1	0	0	**1**
Cardinal	34	18	13	**65**
Carter County Foster Care	0	1	0	**1**
Frankfort Group Home	0	0	0	**0**
Franklin County Detention Center	1	0	0	**1**
Green River	40	21	8	**69**
Hardin County Day Treatment	4	0	0	**4**
Lake Cumberland	56	10	2	**68**
Lifeskills Day Treatment	1	0	0	**1**
Lincoln Village	67	24	18	**109**
Madison County Day Treatment	1	0	0	**1**
Mayfield	41	13	14	**68**
Morehead	43	28	26	**97**
Northern	72	12	14	**98**
Owensboro	31	12	11	**54**
Ramey-Estep	1	0	1	**2**
Rice Audubon	38	9	26	**73**
Warren County Detention Center	1	0	1	**2**
Woodsbend	83	11	6	**100**
Total	**637**	**194**	**166**	**997**

New Claims by Institution



Post-Conviction Branch
Non-Capital Caseload
Quarterly / YTD Report
July 1, 2004 - June 30, 2005
* cases handled in-house and of-counsel

	Qtr 1				Qtr 2				Qtr 3				Qtr 4				YTD Totals			
Actions	Term of Yrs	LWOP	LWOP 25	Total	Term of Yrs	LWOP	LWOP 25	Total	Term of Yrs	LWOP	LWOP 25	Total	Term of Yrs	LWOP	LWOP 25	Total	Term of Yrs	LWOP	LWOP 25	Total
RCR 11. 42- Court appointed	37	0	1	38	40	0	0	40	33	2	0	**35**	44	1	1	46	154	3	2	**159**
RCR 11. 42- Branch appointed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
60.02- Court appointed	14	0	0	14	4	1	0	5	10	0	0	10	8	0	0	0	36	1	0	37
60.02- Branch appointed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ct Aptmt review/ withdrawal	5	0	0	5	2	0	0	2	0	0	0	0	0	0	0	0	7	0	0	7
State Habeas filed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Federal Habeas Opened	0	0	0	0	1	0	0	1	1	0	0	1	1	0	0	0	3	0	0	3
Ct of App. Cases Opened	13	0	0	13	17	0	0	17	10	0	0	10	6	0	0	0	46	0	0	46
Ky SCt Cases Opened	3	0	0	3	2	0	0	2	3	0	0	3	3	0	0	0	11	0	0	11
6th Circuit Cases Opened	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Non Capital Clemency	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
31.110 App Reviews	52	0	0	52	44	0	0	44	49	0	0	49	49	0	0	0	194	0	0	194
COA's denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
KIP cases assigned to PC*	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	1
Totals	**124**	**0**	**1**	**125**	**111**	**1**	**0**	**112**	**106**	**2**	**0**	**108**	**111**	**1**	**1**	**46**	**452**	**4**	**2**	**458**
Pending Cases	319	0	0	319	321	0	0	321	317	0	0	317	329	0	0	0	329	0	0	329
Pending Appeals	81	0	0	81	77	0	0	77	85	0	0	85	68	0	0	0	68	0	0	68
Totals	**400**	**0**	**0**	**400**	**398**	**0**	**0**	**398**	**402**	**0**	**0**	**402**	**397**	**0**	**0**	**0**	**397**	**0**	**0**	**397**

* Cases actually assigned to Post Conviction Unit B or LaGrange attorneys.

Post-Conviction Branch
Capital Caseload
Quarterly / YTD Report
* cases handled in-house and of-counsel

Action	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Year to Date			
	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL	OPEN	PENDING	CLOSED	TOTAL
11.42	0	14	14	0	13	13	1	12	13	0	12	12	**1**	**12**	**2**	**12**
11.42 Appeal	0	5	5	0	5	5	1	5	6	1	6	7	**2**	**6**	**0**	**7**
Ancillary Cases	0	2	2	4	2	6	2	4	6	0	6	6	**6**	**6**	**2**	**6**
Ancillary Appeal	0	4	4	5	4	9	1	7	8	0	6	6	**6**	**6**	**4**	**6**
USSCT Cert	1	0	1	0	0	0	0	0	0	0	0	0	**1**	**0**	**1**	**0**
Federal Habeas	0	7	7	0	8	8	0	7	7	0	7	7	**1**	**7**	**1**	**7**
Appeal to 6th Circuit	0	4	4	0	4	4	1	4	5	0	5	5	**1**	**5**	**0**	**5**
USSCT Cert	0	2	2	0	1	1	0	0	0	0	0	0	**0**	**0**	**2**	**0**
Clemency	0	0	0	1	0	1	0	0	0	1	0	1	**2**	**0**	**0**	**1**
TOTALS	**1**	**38**	**39**	**10**	**37**	**47**	**6**	**39**	**45**	**2**	**42**	**44**	**20**	**42**	**12**	**44**

Post Conviction Branch Client Intake

Each year, the Post Conviction Branch spends time at correctional facilities in Kentucky interviewing inmates with potential legal complaints. These interviews take significant time to hear and prepare a response to the client. DPA is able to accept less than 10% of these incarcerated persons as clients. Only the accepted clients are counted as cases in the DPA Post Trial case count.

Office	# Clients Served from Intake				
	Q1	Q2	Q3	Q4	YTD
Frankfort	72	29	54	53	**208**
KSR	78	64	50	37	**229**
KSP	37	44	42	25	**148**
TOTALS	**187**	**137**	**146**	**115**	**585**

# Newly Opened Cases From Intake				
Q1	Q2	Q3	Q4	YTD
4	0	0	0	**4**
13	0	19	0	**32**
3	0	2	0	**5**
20	**0**	**21**	**0**	**41**

* Due to restructuring, we began differentiating LWOP, LWOP25, and term of years in 3rd qtr

KENTUCKY INNOCENCE PROJECT

ANNUAL REPORT

FISCAL YEAR 2005

	Inmate	Family	Other	Total
Letters Received	61	8	8	**77**
Information Packets Mailed	38	5	5	**48**
Requests for Assistance Received	65			**65**
Requests for Assistance Reviewed	60			**60**
Screening Questionnaires Reviewed	30			**30**
Cases Recommended for Assignment	16			**16**
Denials	13			**13**
Referrals	21			**21**
Screening Questionnaires Mailed	32			**32**
Screening Questionnaires Received	28			**28**

The Kentucky Department of Public Advocacy does not discriminate in employment of individuals or provision of services with regard to race, color, religion, national origin, disability, sex, age, or sexual orientation.

This document was printed with state funds.