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October 15, 2007

The Honorable Timothy M. Kaine
Governor of Virginia
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

The Honorable John H. Chichester, Chairman
Senate Finance Committee
P.O. Box 904
Fredericksburg, Virginia 22404-0904

The Honorable Vincent F. Callahan, Jr., Chairman
House Appropriations Committee
P.O. Box 1173
McLean, Virginia 22101

Dear Governor Kaine and Chairmen Chichester and Callahan:

Virginia Code § 19.2-163, as amended, requires the Executive Secretary to report to the Governor, members of the House Appropriations Committee and members of the Senate Finance Committee on a quarterly basis “the number and category of offenses charged involving adult and juvenile offenders in cases in which court-appointed counsel is assigned” and “the amounts paid by waiver above the initial cap to court-appointed counsel.”

In order to collect the required data, FORM DC-40, LIST OF ALLOWANCES, the voucher that court-appointed attorneys complete when seeking compensation for their services, was revised effective July 1, 2007, to capture this additional information. During the first quarter of Fiscal Year 2008 (July 1, 2007 – September 30, 2007), a larger than normal percentage of the DC-40 forms submitted by court-appointed counsel could not be accepted because an old version of the form was used or the new form was not completed properly. Although fewer vouchers are now being returned as attorneys adjust to the new form, this revision may have resulted in fewer vouchers being processed during this quarter.

The vouchers submitted by court-appointed counsel during the first quarter of FY2008

reflect the number and category of offenses charged involving adult and juvenile offenders as follows:

Category of Offense	Number of Charges	Amount Paid
Adult Offenders:		
Misdemeanors	23,549	\$ 2,791,993
Felony ≤ 20 years	17,371	\$ 4,810,309
Felony > 20 years	1,380	\$ 893,477
Felony Unclassified	4,077	\$ 1,733,492
Capital Murder	27	\$ 682,944
Total:	46,404	\$ 10,912,213
Juvenile Offenders:		
Misdemeanors	1,102	\$ 128,916
Felony ≤ 20 years	364	\$ 44,995
Felony > 20 years	83	\$ 9,876
Felony Unclassified	-	-
Total:	1,549	\$ 183,787
Adult + Juvenile Offenders:		
Grand Total:	47,953	\$ 11,096,000

During the first quarter of FY2008, 208 waiver requests were submitted for a total of \$40,805, and 189 were approved for a total of \$34,463 paid to court-appointed attorneys by waiver above the initial cap. Since this is the first quarter of waivers being reported and there is processing time between when the services are rendered by the attorney and the vouchers are submitted and paid, the numbers listed in the table below may, in effect, represent two rather than three months of waivers. A breakdown of the waivers requested by category of offense charged and type of offender is provided below.

Waivers Approved				Waivers Denied	
Category of Offense	Number of Waivers	Amount Requested	Amount Approved	Number of Waivers	Amount Requested
Adult Offenders:					
Misdemeanors	107	\$ 12,678	\$ 12,640	5	\$ 488
Felony ≤ 20 years	44	\$ 10,755	\$ 9,315	14	\$ 4,113
Felony > 20 years	9	\$ 8,190	\$ 8,190	-	-
Total:	160	\$ 31,623	\$ 30,145	19	\$ 4,600
Juvenile Offenders:					
Misdemeanors	16	\$ 2,057	\$ 1,793	-	-
Felony ≤ 20 years	12	\$ 1,686	\$ 1,686	-	-
Felony > 20 years	1	\$ 840	\$ 840	-	-
Total:	29	\$ 4,582	\$ 4,318	-	-
Adult + Juvenile Offenders:					
Grand Total:	189	\$ 36,205	\$ 34,463	19	\$ 4,600

October 15, 2007

If you have any questions regarding this report, please do not hesitate to contact me.

With kind regards,

Karl R. Hade

cc: Richard E. Hickman, Jr., Senate Finance Committee
Paul Van Lenten, House Appropriations Committee
Division of Legislative Automated Systems