

EXECUTIVE SECRETARY  
KARL R. HADE

ASSISTANT EXECUTIVE SECRETARY &  
LEGAL COUNSEL

EDWARD M. MACON

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LELIA BAUM HOPPER, DIRECTOR

EDUCATIONAL SERVICES  
CAROLINE E. KIRKPATRICK, DIRECTOR

FISCAL SERVICES  
JOHN B. RICKMAN, DIRECTOR

HISTORICAL COMMISSION  
MELINDA LEWIS, DIRECTOR

# SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219-2334  
(804) 786-6455

HUMAN RESOURCES  
RENÉE FLEMING MILLS, DIRECTOR

JUDICIAL INFORMATION TECHNOLOGY  
ROBERT L. SMITH, DIRECTOR

JUDICIAL PLANNING  
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LEGAL RESEARCH  
STEVEN L. DALLE MURA, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS  
KATYA N. HERNDON, DIRECTOR

July 9, 2010

The Honorable Robert F. McDonnell  
Governor of Virginia  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

The Honorable Charles J. Colgan, Chairman  
Senate Finance Committee  
Senate of Virginia  
10660 Aviation Lane  
Manassas, Virginia 20110-2701

The Honorable Lacey E. Putney, Chairman  
House Appropriations Committee  
Virginia House of Delegates  
P.O. Box 127  
Bedford, Virginia 24523

RE: Quarterly Report pursuant to Va. Code § 19.2-163

Dear Governor McDonnell and Chairmen Colgan and Putney:

Virginia Code § 19.2-163 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."

The following table details the vouchers submitted for compensation by court-appointed counsel during fiscal year 2010 and reflects the number and category of offenses charged involving adult and juvenile offenders:

**Number and Category of Offenses Charged Involving Adult and Juvenile Offenders  
 in Cases With Court-Appointed Counsel Assigned  
 4th Quarter, Cumulative (7/1/09 – 6/30/10)**

Category of Offense	Number of Charges	Amount Paid
<b>Adult Offenders:</b>		
Misdemeanors	117,425	\$ 15,158,878
Felony ≤ 20 years	85,364	\$ 28,376,925
Felony > 20 years	8,388	\$ 7,881,922
Felony Unclassified	-	-
Capital Murder	52	\$ 1,727,952
<b>Total:</b>	<b>211,229</b>	<b>\$ 53,145,677</b>
<b>Juvenile Offenders:</b>		
Misdemeanors	17,855	\$ 2,391,949
Felony ≤ 20 years	6,007	\$ 910,511
Felony > 20 years	750	\$ 158,417
Felony Unclassified	-	-
<b>Total:</b>	<b>24,612</b>	<b>\$ 3,460,877</b>
<b>Adult + Juvenile Offenders:</b>		
<b>Grand Total:</b>	<b>235,841</b>	<b>\$ 56,606,554</b>

Since July 1, 2009, 11,333 requests for waivers of statutory fee caps have been submitted seeking a total of \$ 4,669,980 and 10,764 requests for waivers have been approved for a total of \$ 4,199,983 paid to court-appointed attorneys above the initial statutory fee cap. A breakdown of the waivers requested by category of offense charged and type of offender is provided in the table below.

**Waivers Requested by Court-Appointed Counsel Above the Initial Cap  
 by Category of Offense Charged and Type of Offender  
 4th Quarter, Cumulative (7/1/09 – 6/30/10)**

Category of Offense	Waivers Approved			Waivers Denied	
	Number of Waivers	Amount Requested	Amount Approved	Number of Waivers	Amount Requested
<b>Adult Offenders:</b>					
Misdemeanors	5,675	\$ 1,114,723	\$ 1,041,413	180	\$ 30,183
Felony ≤ 20 years	2,588	\$ 1,775,954	\$ 1,638,631	106	\$ 75,870
Felony > 20 years	430	\$ 1,178,645	\$ 1,085,016	17	\$ 20,640
<b>Total:</b>	<b>8,693</b>	<b>\$ 4,069,322</b>	<b>\$ 3,765,060</b>	<b>303</b>	<b>\$ 126,693</b>
<b>Juvenile Offenders:</b>					
Misdemeanors	1,228	\$ 220,551	\$ 209,949	44	\$ 7,688
Felony ≤ 20 years	705	\$ 173,453	\$ 165,861	19	\$ 4,113
Felony > 20 years	138	\$ 66,225	\$ 59,113	3	\$ 1,935
<b>Total:</b>	<b>2,071</b>	<b>\$ 460,229</b>	<b>\$ 434,923</b>	<b>66</b>	<b>\$ 13,736</b>
<b>Adult + Juvenile Offenders:</b>					
<b>Grand Total:</b>	<b>10,764</b>	<b>\$ 4,529,551</b>	<b>\$ 4,199,983</b>	<b>369</b>	<b>\$ 140,429</b>

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

With kind regards, I am

Very truly yours,



Karl R. Hade

KRH:jrp

cc: The Honorable William C. Wampler, Jr.  
The Honorable Walter A. Stosch  
The Honorable R. Edward Houck  
The Honorable Janet D. Howell  
The Honorable Richard L. Saslaw  
The Honorable Frederick M. Quayle  
The Honorable Thomas K. Norment, Jr.  
The Honorable Emmett W. Hanger, Jr.  
The Honorable John C. Watkins  
The Honorable Yvonne B. Miller  
The Honorable Henry L. Marsh, III  
The Honorable L. Louise Lucas  
The Honorable Mary Margaret Whipple  
The Honorable W. Roscoe Reynolds  
The Honorable Harvey B. Morgan  
The Honorable Robert Tata  
The Honorable Riley E. Ingram  
The Honorable Joe T. May  
The Honorable Beverly J. Sherwood  
The Honorable M. Kirkland Cox  
The Honorable R. Steven Landes  
The Honorable S. Chris Jones  
The Honorable John M. O'Bannon, III  
The Honorable L. Scott Lingamfelter  
The Honorable Charles D. Poindexter  
The Honorable James P. Massie, III  
The Honorable Watkins M. Abbitt, Jr.  
The Honorable Clarence E. Phillips  
The Honorable James M. Scott  
The Honorable Johnny S. Joannou  
The Honorable Robert H. Brink  
The Honorable Onzlee Ware  
The Honorable Algie T. Howell, Jr.  
The Honorable Mamye E. BaCote  
The Honorable Rosalyn R. Dance  
Richard E. Hickman, Jr., Senate Finance Committee  
Michael Jay, House Appropriations Committee  
Division of Legislative Automated Systems