



MEMORANDUM

Date: November 19, 2019

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Death Penalty Cases and their Cost to Pima County**

Please find attached a memorandum from Public Defender Joel Feinman regarding death penalty expenses. The imposition of the death penalty is probably one of the hardest decisions made by the Prosecutor and/or County Attorney. Often, it relates to specific details of the crime as well in consultation with the family of the victim. These decisions have significant financial consequences as outlined in the November 1, 2019.

I asked Mr. Feinman to detail in some specificity the cost of defense associated with death penalty cases. He has provided detailed information with regard to three specific cases. It is not an exaggeration to estimate that the cost of both prosecution and defense related to a specific death penalty cases through all levels of appeal, will cost the public taxpayer millions of dollars more per case compared to the cost of prosecuting and defending non-capital cases. There has been very little reliable research on the cost of capital penalty cases in Arizona, and these costs vary state by state. However some facts are worth reciting, as they help contextualize the cost of the Death Penalty in Pima County.

- The most comprehensive study conducted in this U.S. to date found the death penalty costs North Carolina \$2.16 million more than a murder case that ended in a sentence of life without the possibility of parole.
- Florida has estimated their capital cases cost \$3.2 million per execution.
- Studies from Texas concluded a capital case in that state costs an average of \$2.3 million; three times the cost of 40 years of solitary confinement in the highest security prison facility.

In this specific report, the County has spent nearly \$500,000 defending death penalty cases to date, which is very early in the entire process.

Attachment

c: The Honorable Barbara LaWall, Pima County Attorney
Jan Leshner, Chief Deputy County Administrator
Wendy Petersen, Assistant County Administrator for Justice and Law
Dean Brault, Director, Public Defense Services



MEMORANDUM

OFFICE OF THE PIMA COUNTY PUBLIC DEFENDER

Date: November 1, 2019

To: C.H. Huckelberry, Pima County Administrator
Jan Leshner, Chief Deputy Pima County Administrator
Dean Brault, Public Defense Services Director

CC: Barbara LaWall, Pima County Attorney

From: Joel Feinman, Pima County Public Defender *JF*

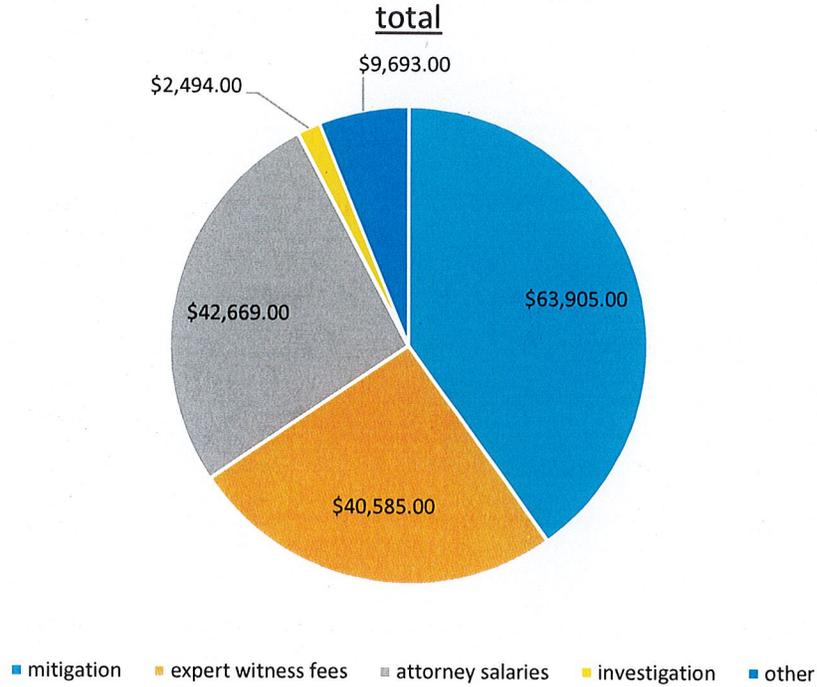
Subject: Public Defender Death Penalty Expenses.

Recently County Administration asked this division to outline the expenses it is incurring defending clients who are facing the death penalty. The Pima County Attorney is currently seeking the death penalty in four cases. The Pima County Public Defender is representing the defendants in three of these cases. One of these cases may result in a non-trial disposition this December. The fourth defendant - identified in the below spreadsheet as case #4 - is being represented by a contract attorney. Consequently Pima County is paying all defense expenses in all four cases.

The below spreadsheet provides greater detail by expense category for all four cases, and the chart summarizes the largest expenses connected with the three Public Defender cases. Total defense expenses to date on these three cases are \$159,346. The fourth case has incurred \$306,382 in expenses thus far. Consequently, Pima County has spent \$465,729 defending the four pending death penalty cases to date.

It is worth noting all four death penalty cases were indicted in 2018 and 2019, and none have their first trial setting before the Spring of 2020. It is generally during the second and third year of defending a capital case that costs increase dramatically. Finally, even the final trial costs do not include the substantial cost defense agencies incur through appeals, Rule 32s, *habeas* motions, and other post-sentencing, pre-execution proceedings. Often these post-sentencing costs are greater than pre-sentencing costs.

PD pending death penalty case expenses to date - \$159,346



CASE NUMBER	1	2	3	4	TOTAL
EXPERT WITNESS EXPENSES TO DATE	\$15,050.00	\$23,510.75	\$2,025.00	N/A	\$40,585.75
RECORDS EXPENSES TO DATE	\$1,054.00	\$171.82	\$91.80	N/A	\$1,317.62
TRANSCRIPT EXPENSES TO DATE	\$170.00	\$741.72	N/A	N/A	\$911.72
MILEAGE EXPENSES TO DATE	\$500.00	N/A	\$70.31	N/A	\$570.31
MICELLANEOUS EXPENSES TO DATE	N/A	\$227.00	N/A	N/A	\$227.00
INVESTIGATION EXPENSES TO DATE	\$268.00	\$2,226.00	N/A	N/A	\$2,494.00
MITIGATION EXPENSES TO DATE	\$28,864.00	\$35,041.00	N/A	N/A	\$63,905.00
PARALEGAL EXPENSES TO DATE	\$1,881.00	\$2,883.00	\$102.00	N/A	\$4,866.00
1ST CHAIR EXPENSES TO DATE	\$7,466.00	\$10,869.00	\$1,990.00	N/A	\$20,325.00
2ND CHAIR EXPENSES TO DATE	\$2,296.00	\$9,621.00	\$929.00	N/A	\$12,846.00
3RD CHAIR EXPENSES TO DATE	N/A	\$3,698.00	N/A	N/A	\$3,698.00
ADVISORY COUNSEL EXPENSES TO DATE	N/A	\$5,800.00	N/A	N/A	\$5,800.00
LAW CLERK EXPENSES TO DATE	N/A	\$1,800.00	N/A	N/A	\$1,800.00
TOTAL EXPENSES TO DATE	\$57,549.00	\$96,589.29	\$5,208.11	\$306,382.64	\$465,729.04