

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING
THE PUBLIC DEFENDER, OFFICE OF LEGAL ADVOCATE AND LEGAL DEFENDER
TO ACCEPT APPOINTMENTS FROM THE COCHISE COUNTY SUPERIOR COURT
TO REPRESENT INDIGENT DEFENDANTS AT PROCEEDINGS
AUTHORIZED BY A.R.S. 11-584(10).**

WHEREAS, the Board of Supervisors endeavors to keep the cost of providing legal representation of indigent persons either charged with criminal offenses or requiring counsel in other proceedings to a minimum cost for county taxpayers, while also adequately providing effective representation in any such proceedings, and

WHEREAS, the Public Defender Statute A.R.S. 11-584 and A.R.S. 11-584(10) explicitly provides for the duties of the public defenders of the state, and provides that among those duties the public defender may provide representation of indigent persons;

in any other proceeding or circumstance in which a party is entitled to counsel as a matter of law if the court appoints the Public Defender and the Board of Supervisors has advised the Presiding Judge of the County that the Public Defender is authorized to accept these appointments as specified.

WHEREAS, it is believed that the cost of said representation can be handled most efficiently and effectively by the Cochise County Public Defender, Office of the Legal Advocate and/or the Legal Defender and if the office is available for such appointments absent a conflict of interest in a specific case:

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Public Defender, Office of the Legal Advocate and Legal Defender are authorized to accept appointments from the Cochise County Superior Court to represent indigent defendants in the following proceedings:

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Page | 2

A. Any type of case listed in A.R.S. 11-584

1. Offenses triable in the superior court or justice courts at all stages of the proceedings, including the preliminary examination.
2. Extradition hearings.
3. Mental Disorder hearings only if appointed by the court under Title 36, Chapter 5.
4. Involuntary commitment hearings held pursuant to Title 36, Chapter 18, only if appointed by the court.
5. Involuntary commitment hearings held pursuant to Title 36, Chapter 37, if appointed by the court as provided in Section 36-3704, Subsection C and the Board of Supervisors has advised the Presiding Judge of the County that the Public Defender is authorized to accept these appointments.
6. Juvenile delinquency and incorrigibility proceedings only if appointed by the Court under Section 8-221.
7. Appeals to a higher Court or Courts.
8. All juvenile proceedings other than delinquency and incorrigibility proceedings under Paragraph 6 of this Subsection, including serving as a *Guardian Ad Litem*, if appointed by the Court pursuant to Section 8-221 and the Board of Supervisors has advised the Presiding Judge of the County that the Public Defender is authorized to accept these appointments.
9. All mental health hearings regarding release recommendations held before the Psychiatric Security Review Board pursuant to Section 13-3994, if appointed by the Court as provided in Section 31-502, Subsection A, Paragraph 8 and the Board of Supervisors has advised the Presiding Judge of the Superior Court in the County that the Public Defender is authorized to accept these appointments.

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Page | 3

10. As attorneys in any other proceeding or circumstance in which a party is entitled to counsel as a matter of law if the Court appoints the Public Defender and the Board of Supervisors has advised the Presiding Judge of the County that the Public Defender is authorized to accept these appointments as specified.
- B. Mental Health hearings regarding release recommendations held before the Psychiatric Security Review Board.
 - C. *Guardian ad litem* cases pursuant to A.R.S. 12-2451 (emancipation), Guardianship cases pursuant to A.R.S. 14-5602 (when requested by the Public Fiduciary in a Guardianship or Conservatorship).
 - D. Diversion programs, not limited to but including, GRACe, Diversion, Drug Courts and Mental Health Court.
 - E. Sexually Violent Persons pursuant to A.R.S. 36-3701.

APPROVED by the Board of Supervisors of Cochise County, Arizona, this ____ day of November 2020.

Thomas E. Borer, Chairman
Cochise County Board of Supervisors

ATTEST:

Kim A. Lemons, CPCC
Clerk of the Board

APPROVED AS TO FORM:

Britt Hanson

Britt W. Hanson, Of Counsel
Cochise County Attorney