

JUN 18 2012

BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 12-001

FILED

122-0001-5

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WHEREAS RCW 10.101.020 requires that defendants in, among other types of proceedings, Superior Court criminal cases, who seek court appointed counsel, to be screened for indigency by the Superior Court or its designee; and

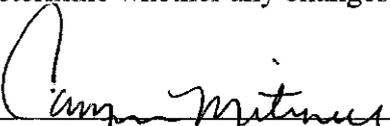
WHEREAS, in order to increase and improve the efficiency of criminal proceedings, the Benton & Franklin Counties Superior Courts wish to delegate the authority to the Benton & Franklin Counties Office of Public Defense on a trial basis; and

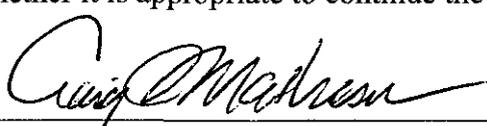
WHEREAS, it is still desirable, effective, and efficient for the Superior Court to make preliminary verbal inquiry regarding defendant employment and ability to pay for counsel, during court proceedings;

NOW THEREFORE be it resolved that effective June 1, 2012, indigency screening, to determine the eligibility of individual criminal defendants in Benton & Franklin Counties Superior Courts shall be accomplished as follows:

1. Whenever a defendant requests court appointed counsel, the Court shall make a preliminary assessment of the defendant's ability to retain counsel by inquiring verbally of the defendant's income, basic assets, and ability to retain counsel. If, based on this information, the Court believes that the defendant is incapable of retaining private counsel, then the Court shall appoint counsel to represent the defendant. If, based on this colloquy, the Court believes that the defendant is capable of retaining private counsel, the Court may either: a) deny court appointed counsel altogether; or b) require the defendant to complete an Indigency Screening Form for further review and reference by the Court.
2. If, after the preliminary assessment, the Court elects to appoint counsel to represent the defendant, then the defendant shall be directed to complete an Indigency Screening Form and either return it to the court before leaving (if out of custody), or to return it to the court at the next court appearance (if in custody). Completed Indigency Screening Forms shall be forwarded to the Office of Public Defense for further review as provided herein.
3. The Office of Public Defense may utilize whatever system it sees fit to review the completed Indigency Screening Forms received from the Court.
4. If the Office of Public Defense determines that any particular completed Indigency Screening Form appears to indicate that the defendant in question should not have received appointed counsel, then the Office of Public Defense may inquire of the appointed attorney in question to further investigate, and/or may request that the Court re-screen the defendant for indigency at a future court appearance or other convenient time.

The Court and the Office of Public Defense agree to review this procedure in six months' time to determine whether any changes need to be made or whether it is appropriate to continue the procedure.


HONORABLE CAMERON MITCHELL
PRESIDING JUDGE


HONORABLE CRAIG J. MATHESON
Dated: 6/18/12

Dated: June 14, 2012

Carrie Runge

HONORABLE CARRIE L. RUNGE

Dated: 6/14/12



HONORABLE BRUCE A. SPANNER

Dated: 6/14/12

Robert G. Swisher

HONORABLE ROBERT G. SWISHER

Dated: June 14 2012

Vic L. Vanderschoor

HONORABLE VIC L. VANDERSCHOOR

Dated: 6/14/12