

Public Defender Information Brief

2016

What is a Public Defender?

A Public Defender provides legal defense, advice, and counsel to any entitled person under the Sixth Amendment of the U.S. Constitution.

To serve as a Public Defender, lawyers must be in good standing with the state bar.

How does the U.S. Constitution guarantee this right?

The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

In *Gideon v. Wainwright*, the Supreme Court established the right of the accused to have access to a proper defense, and affirmed the Constitution by requiring state courts to appoint attorneys for defendants who could not afford to hire counsel on their own.

The right of counsel is also guaranteed under the Arizona Constitution, Rule 6 of the Arizona Rules of Criminal Procedure, and Arizona's Public Defender Enabling Act.

How do I know if I am entitled to a Public Defender?

The Fourteenth Amendment of the United States Constitution guarantees the right to due process and equal protection to all persons...

- 1) being criminally prosecuted in justice or superior court and facing jail time if convicted and;
- 2) not financially able to hire a lawyer (usually below the poverty line).

Who decides if I am financially able to hire a lawyer?

A "means test" will be done to ensure that you are financially unable to hire a lawyer for yourself.

Under oath, you will complete a questionnaire concerning your financial resources, such as the amount of

disposable income (money left after taxes and other required expenses) and the size of your family.

That questionnaire will be examined by a judge or court commissioner who will determine your financial ability to hire a lawyer.

If it is determined that you are financially capable of employing counsel, then you will be informed that you are not eligible for a Public Defender.

*If there is disagreement or a substantial change in circumstance (e.g., loss in income, other financial commitments), the defendant can request reconsideration for determination.

If it is determined that you are not financially capable of hiring a lawyer, you will be assigned a Public Defender.

If I am granted a Public Defender, is it really free?

Although the services of a Public Defender will not cost the defendant, the sentencing court (as a condition of probation) could require that the defendant repay the county a reasonable amount to reimburse the county for the cost of the case.

In determining the amount and method of payment, the court will take into consideration the financial resources of the defendant and the burden that repayment will impose on the defendant.

For what types of criminal situations can I use a Public Defender?

Public Defenders can provide counsel in the following circumstances:

- Superior court or justice court cases
- Extradition hearings (*not in all counties)
- Mental disorder hearings (only if appointed by the court)
- Involuntary commitment hearings
- Juvenile delinquency proceedings
- Appeals to a higher court
- All mental health hearings regarding release recommendations

What happens after I've been appointed a Public Defender?

Once the defendant is arrested, he is presented before a magistrate within 24 hours, where there will be a determination of his eligibility for appointed counsel.

If a lawyer is appointed, the defendant may meet that lawyer at arraignment, which must be held no more than 10 days later or the defendant may meet with a representative of the Public Defender's Office who informs him that another attorney will be assigned to him within the coming days.

Public Defenders carry high caseloads (sometimes 40 to 50 at a time) so it might take several days to meet with him or her but they will meet with you.

What if I Have a Problem with my Public Defender?

In instances where the defendant and Public Defender have conflict, the following steps should be followed:

1. Determine whether there is a misunderstanding or genuine conflict between defendant and Public Defender
2. If there is genuine conflict, the defendant may inform the court of the conflict in writing.

- In writing, the defendant should inform the court if they are requesting a replacement Public Defender or requesting to represent himself or herself
- The judge will set a date for a hearing where the defendant may elaborate on the conflict

3. The courts will usually make a determination on the issue soon after the hearing, in order to avoid delays in the case

*Be aware: depending on the county, a Public Defender is rarely removed from a case.

For more information contact us at:

<https://addpc.az.gov/>

<https://morrisoninstitute.asu.edu/home>

List of Arizona Public Defender Offices by City

COCHISE COUNTY LEGAL DEFENDER

Joel A. Larson – Legal Defender
P.O. Box 1858
Bisbee, AZ 85603-2858
Phone: (520) 432-8900
Fax: (520) 432-8928

COCHISE COUNTY PUBLIC DEFENDER

Mark A. Suagee – Public Defender
P.O. Box 1818
Bisbee, AZ 85603-1818
Phone: (520) 432-8440
Fax: (520) 432-8478

COCONINO COUNTY LEGAL DEFENDER

Gary Pearlmutter – Legal Defender
110 East Cherry Avenue
Flagstaff, AZ 86001
Phone: (928) 679-7740
Fax: (928) 226-7746

COCONINO COUNTY PUBLIC DEFENDER

Sandra Diehl – Public Defender
110 East Cherry Avenue
Flagstaff, AZ 86001
Phone: 928-679-7700
Fax: 928-679-7746

FEDERAL PUBLIC DEFENDER

Jon Sands – Federal Public Defender
850 West Adams Street, Suite 201
Phoenix, AZ 85007-2730
Phone: (800) 758-7053
Phone: (602) 382-2700
Fax: (602) 382-2800

LA PAZ COUNTY PUBLIC DEFENDER

Kathy Field – Public Defender
1400 Kofa Avenue
Parker, AZ 85344
Phone: (928) 669-9828
Fax: (928) 669-2015

MARICOPA COUNTY LEGAL ADVOCATE

Bruce F. Peterson – Legal Advocate
3800 N. Central Ave., Suite 1500
Phoenix, AZ 85012
Phone: (602) 506-4111
Fax: (602) 506-5799

MARICOPA COUNTY LEGAL DEFENDER

Marty Lieberman – Legal Defender
Kathy Daniels – Law Office Manager
222 N. Central, Suite 8100
Phone: (602) 506-8800
Fax: (602) 506-8862

MARICOPA COUNTY PUBLIC ADVOCATE

Sabrina Ayers Fisher – Public Defender
3131 West Durango
Phoenix, AZ 85009
Phone: (602) 372-9560
Fax: (602) 372-8918

MARICOPA COUNTY PUBLIC DEFENDER

James J. Haas – Public Defender
620 W. Jackson St., Suite 4015
Phoenix, AZ 85003-2423
Phone: (602) 506-7711
Fax: (602) 506-8377

MOHAVE COUNTY LEGAL ADVOCATE

Barbara Cook-Hamp – Public Defender
P.O. Box 7000, 316 N. 5th St., 1st Floor
Kingman, Arizona 86402
Phone: (928) 753-0782
Fax: (928) 718-7175

MOHAVE COUNTY LEGAL DEFENDER

Ron Gilleo – Legal Defender
313 Pine Street
Kingman, AZ 86401
Phone: (928) 753-0772
Fax: (928) 718-5502

MOHAVE COUNTY PUBLIC DEFENDER

Harry Moore – Legal Defender
P.O. Box 7000
Kingman, AZ 86402-7000
Phone: (928) 753-0734
Fax: (928) 753-0793

NAVAJO COUNTY LEGAL DEFENDER

Mariclare Hannah- Legal Defender
P.O. Box 668
Holbrook, AZ 85706
Phone: (928) 524-4243
Fax: (928) 524-4036

NAVAJO COUNTY PUBLIC DEFENDER

Dale P. Nielson – Public Defender
P.O. Box 668
Holbrook, AZ 86025
Phone: (928) 524-4080
Fax: (928) 524-4226

NAVAJO NATION PUBLIC DEFENDER

Kathleen Bowman – Public Defender
P.O. Box 3210
Window Rock, AZ 86515
Phone: (928) 871-6370
Fax: (928) 871-7630

PASCUA YAQUI TRIBE PUBLIC DEFENDER

Melissa Acosta – Public Defender
7474 South Camino De Oeste
Tucson, AZ 85757
Phone: (520) 883-5013
Fax: (520) 883-5017

PIMA COUNTY DIRECTOR OF PUBLIC DEFENSE

Lori Lefferts
33 North Stone Avenue, #1905
Tucson, AZ 85701
Phone: (520) 724-4465
Fax: (520) 724-4466

PIMA COUNTY LEGAL DEFENDER

Dean J Brault – Legal Defender
32 N. Stone Avenue, 4th Fl.
Tucson, AZ 85701
Phone: (520) 724-5775
Fax: (520) 882-7338

PIMA COUNTY PUBLIC DEFENDER

Steven R. Sonenberg
33 N. Stone Avenue, 21st Floor
Tucson, AZ 85701
Phone: (520) 724-6800
Fax: (520) 770-4168

PINAL COUNTY PUBLIC DEFENDER

James E. Mannato – Public Defender
P.O. Box 2457
Florence, AZ 85132
Phone: (520) 866-7199
Fax: (520) 866-7244

CITY OF PHOENIX PUBLIC DEFENDER

Gary Kula – Public Defender
200 West Washington, 14th Floor
Phoenix, AZ 85003
Phone: (602) 534-2380
Fax: (602) 534-2381

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Gary E. LaRance – Managing Defense Attorney
8800 E. Chaparral Road, Suite 210
Scottsdale, AZ 85256
Phone: 480-362-5660
Fax: 480-362-5820

CITY OF TUCSON PUBLIC DEFENDER

Mary Trejo – Public Defender
103 East Alameda, Suite 601
Tucson, AZ 85701
Phone: (520) 791-4857
Fax: (520) 791-4005

YAVAPAI COUNTY PUBLIC DEFENDER

John Napper – Public Defender
595 White Spar Rd.
Prescott, AZ 86303
Phone: (928) 771-3588
Fax: (928) 771-3413

YUMA COUNTY LEGAL DEFENDER

Terri Capozzi – Legal Defender
201 South 2nd Avenue
Yuma, AZ 85364-4650
Phone: (928) 817-4650
Fax: (928) 329-2152

YUMA COUNTY PUBLIC DEFENDER

Michael Breeze – Public Defender
168 South 2nd Avenue
Yuma, AZ 85364
Phone: (928) 817-4600
Fax: (928) 817-4619