

# 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.

## 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 *Miranda v. Arizona* the Supreme Court established Miranda Rights which state that if the person cannot afford an attorney the attorney will be provided for them. These attorneys are called Public Defenders.

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

Entitled persons are U.S. citizens who are...

- 1) being criminally prosecuted 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 then 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 courts cases
- Extradition hearings
- Mental disorder hearings (only if appointed by the court)
- Involuntary commitment hearings
- Juvenile delinquency proceedings
- All mental health hearings regarding release recommendations

## What qualifies a lawyer to be a Public Defender?

To serve as a Public Defender, lawyers must meet the following qualifications:

- Be in good standing with the state bar of Arizona for at least five years

- Practice in the area of state criminal appeals or post-conviction proceedings for at least three years
- Name must appear on a list of persons who are qualified to represent defendants by the Supreme Court

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

Generally, the defendant will not select their Public Defender; they will be appointed one (likely based on who is available in the Public Defender's office).

The first time a defendant is likely to meet their Public Defender will be at the preliminary hearing.

## 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, you should inform the court if they are requesting a replacement Public Defender or requesting to represent himself

• 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 speed up the progress of the case

\*Be aware: in many places, the courts will only replace a public defender once or twice, after which they will make no further substitutions.

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

Christina Phillis – 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 Gilileo – 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

Levi Gunderson – Interim 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