



# County of Santa Cruz

---

**COUNTY ADMINISTRATIVE OFFICE**

701 OCEAN STREET, SUITE 520, SANTA CRUZ, CA 95060-4073

(831) 454-2100 FAX: (831) 454-3420 TDD: (831) 454-2123

SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

Agenda: June 25, 2002

June 14, 2002

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

## **AUTHORIZATION FOR LEGAL FEES IN THE SPECIAL CIRCUMSTANCES CASE OF PEOPLE VS. LUIS DANIEL RIOS**

Dear Board Members:

The attached letter from attorney Jon C. Minsloff (Attachment 1) requests your Board's approval for authorization of attorney fees in the special circumstance case of People vs. Luis Daniel Rios. This request is pursuant to Paragraph 7 of the current contract between the County and the Main Public Defender firm of Biggam, Christensen & Minsloff which is attached for your Board's information (Attachment 2). Mr. Minsloff's letter includes the Superior Court's findings and recommendations for the existence of special circumstances as required by the contract.

The letter from Mr. Minsloff provides further detail for the requested authorization and explains that the defendant is currently facing special circumstances which could lead to the penalty of life without the possibility of parole as a result of the alleged murder of three young men in the City of Santa Cruz in May, 2000. The contract provision provides for the payment of attorney fees for special circumstance cases at \$95 per hour. The Public Defender's Office, however, has requested a reduced level of compensation in the amount of \$75 per hour for the Rios case which is consistent with the lower end of Court approved rates for outside counsel in previous major homicide cases.

Historically, all special circumstance cases have been approved for extraordinary compensation. Given the commitment of time required for defense in these types of cases, the Public Defender's office would be severely constrained in their ability to continue managing the ongoing caseload and properly and adequately defend the special circumstance case. Allegations of inadequate defense due to financial constraints bear the

risk of reversals or retrials, which would result in increased cost to the County.

As your Board is aware, it is very difficult to accurately project costs for these cases due to the varying length and complexity of issues related to each case. In addition, delays in trial proceedings and/or the elimination of the special circumstances leading to life without the possibility of parole could defer or reduce expenditures. Funds have been included in the CAO Proposed Budget for 2002-03 for costs related to special circumstances cases.

#### SUMMARY AND RECOMMENDATION

For a variety of reasons, including a reduction in charges which could lead to the death penalty, the County has had more limited expenditures for special circumstances cases during the previous few years. As stated in Mr. Minsloffs letter, special circumstances require extraordinary attention due to the significant responsibility and legal precedents that have been established in this area. We have consistently advocated for the cost of indigent defense, particularly in extraordinary cases, to be borne by the State of California and we will continue to work with our legislators toward that end.

It is therefore RECOMMENDED that your Board approve the request of attorney Jon C. Minsloff for compensation at the reduced rate of \$75 per hour in the special circumstance case of People vs. Luis Daniel Rios pursuant to the terms of the County's Main Public Defender contract as authorized by the Superior Court.

Very truly yours



SUSANA MAURIELLO  
County Administrative Officer

cc. Superior Court  
Auditor-Controller  
County Counsel  
Biggam, Christensen & Minsloff

S:\PD\Special Circumstances\pdriosbos2601.wpd

## **Attachment 1**

Office of the Public Defender  
Santa Cruz County

0064

(831) 426-2656  
FAX No. (831) 429-5664

LAWRENCE BIGGAM  
Public Defender

2103 North Pacific Avenue  
Santa Cruz, California 95060

Jan Beautz, Chair (person)  
Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

June 6, 2002

Re: People v. Luis Daniel Rios  
Case No. F00788

Dear Chair (person) Beautz:

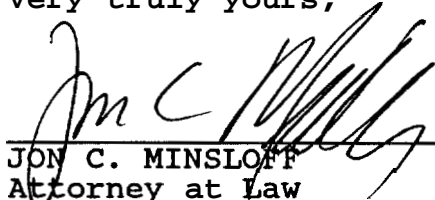
Notice is hereby given, pursuant to Paragraph Seven (7) of the contract between the Public Defender contractor (the Law Offices of Biggam, Christensen and Minsloff) and the County of Santa Cruz, that the above case shall be designated as one of "extraordinary circumstances" as defined by such contract, to-wit: one "which [will] require unusual time and expense, including ...Special Circumstances cases".

Mr. Rios is a 20 year old resident of the Watsonville area who is charged with the murder of three young men in the City of Santa Cruz, said offense allegedly occurring on May 27, 2000. The District Attorney of Santa Cruz County has alleged "special circumstances" in connection with those alleged offenses, that is, the People are seeking, potentially, the penalty of life without the possibility of parole, should Mr. Rios be convicted of the offenses. The case has, additionally, generated significant local notoriety in our various media, newspapers, TV, and radio,

Extraordinary time and energy must be devoted to the defense of Mr. Rios, both in terms of attorney time and our investigative resources. Currently, discovery in the matter has well exceeded 750 pages with additional reports regularly being provided by the prosecution. The number of lay and law enforcement witnesses is significant. Additionally, as in any case of this seriousness, rigorous investigation of the defendant's background and history is and will be essential in order to effectively present a competent and viable defense. And, in addition, this case involves likely overtones of "criminal street gang" activities by both alleged witnesses and victims, significantly complicating the preparation and investigation of the matter and the time and expense necessarily to be devoted to the same.

As per the above contract, the Honorable Robert B. Attack, Judge of the Superior Court, has confirmed the existence of such "extraordinary circumstances" in this matter.

Very truly yours,

  
JON C. MINSLOFF  
Attorney at Law

BIGGAM, CHRISTENSEN & MINSLOFF  
Attorneys at Law  
2103 N. Pacific Ave.  
Santa Cruz, CA 95060  
(831) 429-1311

Attorneys for Defendant  
State Bar #055934

**FILED**

JUN 10 2002

CHRISTINE PATTON, CLERK  
BY *[Signature]*  
DEPUTY, SANTA CRUZ COUNTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs .

LUIS DANIEL RIOS,

Defendant.

No. F00788

DETERMINATION OF  
EXTRAORDINARY  
CIRCUMSTANCES

FILED UNDER SEAL

THE COURT hereby determines that "extraordinary circumstances" as defined by Paragraph Seven (7) of the contract between the County of Santa Cruz and the office of Biggam, Christensen and Minsloff (the Public Defender contractor) exist in this case and that the contractor is thereby entitled to extraordinary compensation and expenses in this matter.

DATED: June 6, 2002.

**ROBERT B. ATTACK**

ROBERT B. ATTACK  
Judge of the Superior Court

**B6**

## **Attachment 2**

6. COUNTY shall pay CONTRACTOR for the cost of Court transcripts, medical, psychological and psychiatric experts, interpreters, witness fees, and such specialized services as may be required. Claims for expenses in excess of \$200 in misdemeanor cases and felony cases must be accompanied by an Order as set forth in Section 1-103 and 1-104 of the Administrative Rules of the Superior Court and Municipal Court Procedure Memo No. 89-10. Additionally, COUNTY shall be responsible for the cost of collect phone calls from the jail.
7. It is understood and agreed that CONTRACTOR may be appointed in cases which could require unusual time and expense, including, but not limited to, Special Circumstances cases. When, in the opinion of CONTRACTOR, such type of case has arisen, CONTRACTOR shall so advise COUNTY and shall petition the Court making the appointment for a determination as to the existence of extraordinary circumstances. Specific authorization for extraordinary compensation or expenses by the Court shall be presented and approved by the Board of Supervisors prior to expenditure of funds.

#### New Appointments

##### First Case Assigned in a Fiscal Year

Year	Hourly Rate
1988-89	85.00
1989-90	90.00
1990-91	95.00
1991-92	95.00
1992-93	95.00
1993-94	95.00
1994-95	95.00
1995-96	95.00
1996-97	95.00
1997-98	95.00
1998-99	95.00
1999-00	95.00
2000-01	95.00
2001-02	95.00
2002-03	95.00

- Second attorney and/or case and subsequent cases assigned in a fiscal year

Year	Hourly Rate
1988-89	70.00
1989-90	75.00
1990-91	80.00
1991-92	80.00
1992-93	85.00
1993-94	85.00
1994-95	85.00
1995-96	85.00
1996-97	85.00
1997-98	85.00
1998-99	85.00
1999-00	85.00
2000-01	85.00
2001-02	85.00
2002-03	85.00

8. CONTRACTOR may handle private criminal cases, except in those cases where there would be a conflict with a previous assignment arising out of this contract. CONTRACTOR shall not receive any referral fee or any other fee from any person to whom they refer any criminal case during the term of this contract. It is further agreed that the firm members may, upon filing of an appropriate declaration with the Court, appear for their established civil clients in criminal matters as long as a conflict of interest is not created.

9. INSURANCE

- (A) The CONTRACTOR agrees to take out and maintain professional errors and omissions insurance during the term of this agreement to protect against loss suffered or alleged to be suffered by any person or persons whenever resulting directly or indirectly from any act or activities of the CONTRACTOR or any attorney acting for CONTRACTOR or under CONTRACTOR's control or direction. Such insurance shall be in the amount of not less than \$1,000,000. CONTRACTOR shall submit a certificate of such insurance to the County Auditor-Controller.
- (B) The CONTRACTOR is to take out and maintain a general office liability policy during the term of this agreement