

# LUBBOCK & 69 NEIGHBORS

## The 3 Es of Capital Defense

That capital murder occurs is a tragedy unto itself; that counties are constitutionally mandated to pay for the defense of a person charged with capital murder is a double-whammy. But 70 counties in the Panhandle and West Texas regions of the state are sleeping a little easier at night, knowing that they have a murder insurance policy with the West Texas Regional Public Defender for Capital Cases Office.

The West Texas Regional Public Defender for Capital Cases is the first office of its kind in the country, and has received accolades from justice system experts and organizations from across the country.

Creation of the office took an unprecedented collaboration effort lead by Lubbock County, where the office is now based. Despite the challenges, the need for such an office was so great that eventually 69 of the 85 counties in the eligible regions signed inter-local agreements with Lubbock County to participate in funding the office.

"There was a shortage of qualified attorneys, mitigators, investigators that would do this kind of work — lots of qualified lawyers around here, but not many would agree to represent a person who is charged with capital offenses because of the time constraints and the financial problems," said Chief Public Defender Jack Stoffragen. That's no exaggeration; in 2007, the entire region had only 19 attorneys eligible to represent a capital murder defendant.

The office prides itself on three things: it will be effective, it will be efficient and it will be ethical.

Effective, because it has a specialized, dedicated staff committed to providing the best all-around defense possible. The office includes a team of mitigators and investigators that help with each case.

"We are able to do this 100 percent of the time. Our training is geared specifically toward capital cases, so we have a training budget that allows us to participate in seminars around the nation," Stoffragen said. "We're specialized. It's all we do."

Efficient, because of its membership structure and shared resources. Each participating county agrees to pay a yearly fee, based on its population and the number of capital cases it has filed within the last 10 years. Some counties pay as little as \$1,000 a year, which entitles them to the office's resources should a capital murder occur. A consistent \$1,000 or \$10,000 a year is much easier to budget than an unpredictable incurred cost of \$250,000-plus per case.

"The catastrophic financial affect of many of these cases can actually bankrupt a county," Stoffragen said. "I mean, some of the counties could not afford to prosecute a case as a capital case, were it not for this office. The costs are staggering."

And ethical, because its existence provides defendants with the opportunity for a fair trial.

**Chief Public Defender Jack Stoffragen, with the West Texas Regional Public Defender for Capital Cases Office, works to protect 70 counties from the catastrophic effects of a capital murder trial by providing a cost-effective and quality defense for those facing the death penalty.**

## PUBLIC SAFETY & CORRECTIONS

### West Texas Regional Public Defender for Capital Cases

Contact: Commissioner Patti Jones  
(806) 775-1335; pjonas@co.lubbock.tx.us

"We bring some balance to the criminal justice system, in that this specialized public defenders office doesn't have the limitations that a private practitioner often does," Stoffragen said. "We are really good at what we do."

The office first opened its doors in November 2007 and has already had a positive affect on the state's reputation and legacy regarding indigent defense and fair trials — which is important to Stoffragen. "To start something new and to maybe leave my footprint in the area of capital defense around the state of Texas was too big an urge to resist," he said. "I thought, 'You know, I can make a difference,' and that's what we are trying to do."

The office is strongly supported by the state's Task Force for Indigent Defense, which covered all its start up costs and other expenses for the first year. So far, its attorneys have represented capital murder defendants in more than a dozen of the member counties; by March 2009, those counties had saved an estimated \$439,919 in legal fees.

Now, Stoffragen said he is having to turn away counties that are not in the office's region. But, it's definitely possible that the office can be replicated elsewhere, or expanded statewide. Already, it utilizes two satellite offices, one in Midland County and the other in Potter County.

"If they are outside our region they are not eligible to participate, but call their legislator or call their senator and say 'this is something we want,'" he said. — *Maria Sprow*

