

## ML hopes to cover defense

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People accused of a crime in Medical Lake may soon get some financial help – but only if they need it.

The city's municipal court has received a \$5,000 grant from the Washington State Office of Public Defense (WSOPD) to help fund services for indigent defendants. The funding is part of a statewide movement to help smaller and more financially strapped trial courts providing defense services for those lacking the resources to do so themselves.

According to the Office of Public Defense website, the money can be used to pay for about 13 areas of defense mainly associated with evaluations, investigations and the capability to mount a defense by providing expert witnesses. The money cannot be used to replace existing court costs for providing public defense services, administrative costs, indigent screenings or other normal court or county costs.

"It doesn't actually replace current funding," Medical Lake Municipal Court Justice Richard Kane said. "It augments services for indigents."

Kane said the money, if the city accepts the grant, would be kept in a sequestered fund away from the court's city-provided funding. Distribution would be done solely at the discretion of the presiding judge. The funding will definitely come in handy for the city, which has had to scramble for other resources to help pay for indigent services. For instance, Kane said evaluations have always been a problem because many defendants don't have medical insurance to help cover assessments of mental health problems, substance abuse, or problems surrounding domestic violence.

These evaluations are often used in sentencing, and in some cases, help determine whether or not a defendant is competent enough to stand trial. The court had been getting some funding through Community Mental Health to help pay for evaluations, and the WSOPD grant will help out further. "Medical Lake has never had resources to do pre-sentence mental reports," Kane said. "This will help." Indigent defendants are also hampered by an inability to pay for investigators, as well as finding expert witnesses to provide testimony to counter the prosecution's case. With the grant funding, this could change.

"What this does is attempt to even the playing field," Kane said. "The prosecution has a team of expert witnesses all the time – they're called the police department."

The grant funding will also cover defense costs should the court have to hire a public defender due to a conflict between the court's current public defender and a potential defendant. Medical Lake currently has a public defender, Melanie Caldwell, retained under contract to provide court-appointed defense for accused individuals who don't, or can't, afford an attorney.

In order to accept the funding, Medical Lake is required to adopt an ordinance defining standards for public defense of indigent person. The City Council conducted a first reading of the ordinance at its Jan. 15 meeting, and had set up a second reading for the Feb. 5 meeting, which was canceled due to weather conditions.

Kane said the court has already had a case where the WSOPD funding could be applied. Whether the money would be enough to cover all of the potential indigent cases Medical Lake will hear isn't clear yet. "We'll have to see," Kane said.

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