

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS,  
STATE OF MISSOURI

**FILED**

MAR 19 2018

In: )  
MISSOURI STATE PUBLIC DEFENDER )  
Dist. 21, St. Louis County Trial Office ) Cause No. 18SL-CC00129  
 ) Division 6

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

**ORDER/JUDGMENT REGARDING CONFERENCE TO DISCUSS CASELOAD  
ISSUES PUSUANT TO SECTION 600.063 RSMo**

On January 17, 2018 the District 21, Missouri Public Defender, Stephen Reynolds filed with this Court a “Motion Requesting Conference to Discuss Caseload Issues” regarding what is stated as excessive caseloads for all Public Defenders of the St. Louis County Trial Office, District 21, MSPD. The conference was sought pursuant to RSMO 600.063.

The Court set the conference for February 16, 2018. The conference was on the record and On February 16, 2018, the conference was held on the record pursuant to statute. The following person(s) participated: Hon. Douglas Beach (Presiding Judge, St. Louis County); Stephen Reynolds (District Defender, St. Louis County Public Defender’s Office); Patrick Brayer (First Assistant, St. Louis County Public Defender’s Office); Bart Calhoun (Chief Trial Attorney, St. Louis County Prosecuting Attorney’s Office); J.D. Evans (First Assistant, St. Louis County Prosecuting Attorney’s Office). In addition based upon the import and the potential consequences of this Court’s ruling to members of the private bar this Court invited all local bar associations and the Missouri Bar Association to attend, which several did do.

**BACKGROUND**

1. Since October of 2017 the Circuit Court of St. Louis County and various interested individuals and other criminal justice stakeholders have been meeting on an

ongoing basis to address the constitutional and ethical issues arising from caseloads in the MSPD St. Louis County Trial Office. All attendees participated in good faith and efforts were made to find ways to reduce the Public Defenders work load. This working group further sought ways to streamline the criminal justice process and procedures in St. Louis County to meet the needs of all those involved, including the defendants both those in confinement and those awaiting disposition of their case at whatever level they found themselves. Of particular interest were ways to address the probation revocation case load, the lower level drug possession case load and the criminal non support case load. Although suggestions had been made for improvement this Court received as noted the request pursuant to statute for this conference.

2. The issues surrounding the ability of the Public Defender to address its statutory requirement as set forth in Sec. 600.062 RSMo., which essentially prohibits the Public Defender office from limiting the availability of its office or its attorneys when it is assigned a case by the court, without prior approval from the court. This issue led to a series of cases with various rulings which resulted in the passage in 2013 of the current Sec. 600.063 RSMo. dealing with the excessive case load issue.

Section 600.063 RSMo. provides, in pertinent part:

1. Upon approval by the director or the commission, any district defender may file a motion to request a conference to discuss caseload issues involving any individual public defender or defenders, but not the entire office, with the presiding judge of any circuit court served by the district office. The motion shall state the reasons why the individual public defender or public defenders will be unable to provide effective assistance of counsel due to caseload concerns. When a motion to request a conference has been filed, the clerk of the court shall immediately provide a copy of the motion to the prosecuting or circuit attorney who serves the circuit court.
2. If the presiding judge approves the motion, a date for the conference shall be set within thirty days of the filing of the motion. The court shall provide notice of the conference date and time to the district defender and the prosecuting or circuit attorney.
3. Within thirty days of the conference, the presiding judge shall issue an order either granting or denying relief. If relief is granted, it shall be based upon a finding that the individual public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues. The judge may order one or more of the following types of relief in any appropriate combination:
  - (1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064;

- (2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants;
- (3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant;
- (4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release;
- (5) Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and
- (6) Grant continuances.

### **STATUTORY ISSUES**

3. The St. Louis County Public Defender presented this Court with sufficient evidence that the Public Defender Director approved the filing of this request for a statutory conference pursuant to Sec. 600.063 RSMo. Further the St. Louis Public Defenders office challenged the constitutionality of Sec. 600.062 as well as 600.063 RSMo. Since the Public Defender choose however to avail itself of those statutes and procedures, this Court need not decide those issues.

4. A significant procedural issue is the request by the Public Defender that this Court consider that the entire St. Louis County Public Defender office is overburdened with their current caseloads. Clearly the procedures set forth in Section 600.063 RSMo. calls for relief being granted based upon a finding that the “individual public defender or defenders” will be unable to provide effective assistance of counsel due to their individual caseloads.

5. The Court notes that in the case before it now, the St. Louis Public Defender Office has not already declined new cases that have been assigned to that office. Instead the Public Defender seeks to avail itself of the process that was designed some years ago to address these issues in Section 600.063 RSMo..

6. The problem facing this Court is what it would describe as “reality”. If we assume in a general sense that the Public Defender (not yet is this Court deciding the issue here) has established a valid case that every one of the staff attorney’s or even a majority of the staff attorney’s has a caseload that when put up against the two known

measuring tools, those being the “NAC Standard” and “The RubinBrown Standard”. Then to follow the statutory authority of one case and one public defender at a time, this Court is placed in the position of literally holding hundreds of hearings each month on the caseload of each individual Public Defender attorney found to have excess caseloads. Further, assuming it is determined initially by this Court one attorney at a time, that the individual attorney has a caseload that affects their ability to carry out their own personal ethical obligation, the Court is then placed in an untenable position of managing each attorney on a daily and or weekly basis as to their ethics. It is not the place for this Court to supervise and manage the work of the Public Defender’s Office let alone determining on an on going basis if they have ethical issues with the caseload they carry. Neither is that what the Public Defender is asking this Court to do.

7. The ethical rules such as Rule 4-5.1 place that obligation on the supervisors of the Public Defenders office. And of course that would require the judge to consider all of the same issues as if a supervising attorney, such as the type and complexity of cases being handled by each attorney and the experience and ability of each attorney. A completely untenable situation to place the Presiding Judge in or any individual judge for that matter who in a multi-judicial circuit has no specific knowledge as to what the other judges in the circuit may be doing to the new assignments.

### **WHAT’S CHANGED**

8. It is clear that the issues facing the Public Defender are not new. Over the last 15-20 years there has been an ongoing issue regarding the funding of the State Public Defender Office and the size of the caseloads of their individual attorney’s. It was that backdrop that lead to the legislative changes under scrutiny today in Section 600.063 RSMo. What has changed is the more recent ruling by the Missouri Supreme Court in *In re Hinkebein*, No. SC96089 in September 2017. Up to that point it had been the practice that the Public Defenders had no choice but to accept all cases assigned due to the pre-*Waters* holdings that the Public Defenders could not decline cases. See *Mo. Pub. Def. Comm’n v. Waters*, 370 S.W.3<sup>rd</sup> 592 (Mo. banc 2012) Thereafter came the legislative action that crafted the wording now in question regarding the individual public defender.

Although there should perhaps have been no doubt before *Hinkebein*, it is clear after that ruling that there is no exception in the Rules of Professional Conduct, Rule 4, for Public Defender attorneys. Thus the combination of the supervisory responsibilities under Rule 4-5.1 and the Rules of Professional Conduct which imposes on all attorneys to address their ethical duty to provide effective assistance of counsel to all of their clients. Each individual attorney, including public defenders, thus violates those rules if they “accept a case that results in a caseload so high that it impairs the ability to provide competent representation.” *Waters* id. This ethical duty is to existing clients as well as to new clients. Evidence was presented at the statutory conference by the Public Defender of case loads which leave confined defendants without seeing attorney’s for months at a time because of the pressing issues of other pending cases; meeting defendants for only a few minutes just before probation revocations hearings; difficulty in even keeping the client informed; inadequate time to research and investigate factual issues.

9. Additionally, this Court takes the position that the judge too has their own ethical obligations to ensure that the defendant is receiving their due process rights. If the judge knows that a particular public defender has been determined by this Court to ethically be unable to be assigned more cases then the judge is on notice of the potential implications regarding defendant’s due process rights let alone that of the individual public defender. The Court has a responsibility to the defendant as well if there is a clear failure systematically to provide adequate tools for proper representation.

### **CASELOAD ISSUES**

10. Certainly the allegations set forth in the Public Defenders Motion are not self proving. Accordingly the St. Louis County Public Defender has provided the Court with a collective breakdown of the experience level, number of pending cases, the number of cases initiated or assigned to each attorney over the last year, the cases in which the attorney represented a defendant in the last year, their calculations of the “weighted case hours” using the RubinBrown Study of 2014 and finally what those hours calculate to be in a percentage of the RubinBrown numbers. The Court and the parties have reviewed each individual attorney’s caseloads currently pending in St. Louis County

MSPD Trial Office as provided to the parties in advance of the conference. Further, Mr. Reynolds introduced several exhibits:

- Exhibit A-1: An overall caseload summary for the office, by attorney, and a caseload breakdown of each individual attorney's experience, pending caseload, initiated cases, represented cases, weighted case hours and capacity per year of weighted case hours;
- Exhibit A-2: Current pending caseload, by attorney, by case type;
- Exhibit A-3: Current pending case load, by attorney, using Rubin-Brown caseload "hours" by case type;
- Exhibit A-4: Number of cases opened, inactive and closed, per attorney for the past 12 months;
- Exhibit B: RubinBrown weighted workload;
- Exhibit C: NAC Standard
- Exhibit D: Number of cases initiated for FY 2017, for the entire office, by case type;
- Exhibit E: Proposed number of cases which would need to be "off-loaded" from the Public Defender's Office in order to bring the individual attorneys within ethical compliance according to two types of metrics;
- Exhibit F: A proposed order to follow this caseload meeting.

The Court has reviewed each individual attorney's caseloads currently pending in St. Louis County MSPD Trial Office.

11. The first question is what if any weight this Court should give to these two workload reports. The NAC Standard imposes a numerical limit on the number of cases an attorney should handle of 150 felony cases per year per attorney. It does not give any regard apparently to the type of felonies nor to the complexities of any particular classification of cases. In the RubinBrown report they assign a certain number of hours per case to a certain type of case. This Court finds the RubinBrown calculations meaningful to the extent that a methodology was established to study the Missouri Criminal Case Types and to determine a weighted average for each. Certainly there can not be precision on every case because of the variances caused by the experience of the attorney, the particular court the matter is heard in, the judge or the myriad of other reasons that each case is not consistently the same. However, there is no specific direction in the statute as to how the court is to conclude that an individual public defender is unable to provide effective assistance of counsel, what standard is to be used by this Court. This Court determines that a "preponderance" standard is most appropriate. Remembering that the measure is for each attorney individually, along with all of their personal characteristics.

12. Other rulings within the State on the Public Defender caseload have to some degree relied on the Presiding Judges personal experiences as former Public Defenders. This Court does not have a vast past personal experience in the criminal processing of the Missouri criminal justice system, or as a public defender but has been aided by other judges of this circuit with more criminal experience than this Court may have. However, this Court has participated in the efforts noted above by the 21<sup>st</sup> Judicial Circuit to address the criminal justice processing issues since last October.

### **RELIEF REQUESTED**

13. It is noted that in the Public Defender's presentation they are not seeking additional staff nor are they purporting to establish what this Court might call a "Bright Line" test of a certain arbitrary maximum number of cases per attorney. Neither is there a unilateral declaration (at least at this point) that they will not be taking additional cases. The St. Louis Public Defender offered Exhibit F (attached as Exhibit 1) as a proposed order of this Court. Each proposal suggested can be found listed in Section 600.063.3 RSMo. as the type of relief individually or in combination is authorized by the statute. Although each suggested action is presented in Exhibit F in more depth they include: a "waitlist"; the appointment of private attorneys with training by the public defenders office; and a probation revocation violation screening process to keep as many individuals from being incarcerated as possible.

### **CONCLUSION**

**THEREFORE IT IS DETERMINED:** That the Public Defender's Motion for Relief is GRANTED in part. The Court finds there exists cognizable reasons why the listed individual public defenders below would be unable to provide effective assistance of counsel due to their individual caseload concerns:

Megan Beesley, Daniel Buran, Brice Donnelly, Julia Fogelberg, Beverly Hauber, Sarah Lambright, Samuel Lawrence, Steven Lewis, Yashwanth Manjunath, Travis

Martin, John Morrison, Paulette Pagan, Erika Sams, Jemia Steele, Kayla Williams and Ed Worman.<sup>1</sup>

1. The Court considering the directives, guidance and precedents provided by the Missouri Supreme Court: Rule 4; *in re Karl William Hinkebein*, SC 96089; *State ex rel. Wolff v. Ruddy*, 617 S.W.2d 64 (Mo. 1981); *State ex rel. Missouri Public Defender Com'n v. Pratte*, 298 S.W.3d 870 (Mo. 2009); *State ex rel. Missouri Public Defender Com'n v. Waters*, 370 S.W.3d 592 (Mo. 2012) finds that each individual attorney listed is at risk of incurring claims of ethical violations and claims of ineffective assistance of counsel, pursuant Missouri Supreme Court Rule 4, based on each attorney's current caseload.

2. The Court does not find that all of the Public Defenders in the St. Louis County Trial Office of the Missouri State Public Defender are unable to provide effective assistance of counsel due to caseload issues. The Court declines to find that Patrick Brayer and Stephen Reynolds are at or over capacity, as they are the First Assistant and District Defender of the office (management). The Court further declines to include Katrina Jones, as she is exclusively assigned to handle juvenile cases, which are subject to supervision by the Department of Justice. Further, the Court does not make these findings as to Ankoor Shah, who is still handling conflict cases in the City of St. Louis and is not assigned to the St. Louis County MSPD Office at this time.

3. The Court notes, and overrules, the objections raised by the St. Louis County Prosecuting Attorney's Office. Under some of the arguments advanced by the State, this Court would have to hold multiple separate hearings to consider individual attorney caseloads, rather than considering each attorney's caseload issues in one hearing. That process does not maximize judicial efficiency.

4. The Court will investigate and explore all of the relief deemed appropriate pursuant to Section 600.063.3 RSMo. to include but not limited to:

- (1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064;



- (2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants;
- (3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant;
- (4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release;
- (5) Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and
- (6) Grant continuances.

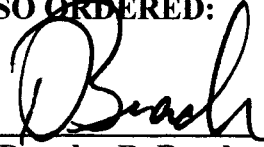
5. St. Louis County MSPD Trial Office shall establish a protocol, published to the Court and to the Office of the Prosecuting Attorney, within 14 days by which they shall determine what the maximum caseload capacity is, for each of their individual attorneys, for a date certain. They shall further establish and maintain a current waiting list for applicants who apply for representation after that date and who are deemed to be indigent and financially eligible for services under terms and conditions as establish and or approved by this Court.

6. The 21<sup>st</sup> Judicial Circuit shall investigate the feasibility of appointing private counsel for individual defendants on the waiting list, by promulgated local court rule or Administrative Order, pursuant to the terms of Section 600.064 RSMo and in accordance with law.

7. The 21<sup>st</sup> Judicial Circuit will implement screening procedures for probation revocation cases (initially ineligible case types) which will assess and attempt to limit the need to appoint attorneys from St. Louis County MSPD Trial Office unless due process rights of the defendant are implicated.

8. This Court shall issue an Administrative Order to implement these findings and this Judgment.

**SO ORDERED:**

A handwritten signature in black ink, appearing to read "Beach", written over a horizontal line.

**Douglas R. Beach**  
**Judge, Division No. 6**

IN THE CIRCUIT COURT OF ST. LOUIS, MISSOURI  
21<sup>ST</sup> JUDICIAL CIRCUIT

In re:

Missouri State Public Defender

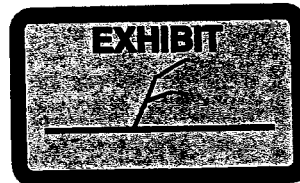
Dist. 21, St. Louis County Trial Office

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)  
) No. \_\_\_\_\_  
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**ORDER AND FINDINGS FOLLOWING  
RSMO 600.063 CONFERENCE REGARDING PUBLIC DEFENDER  
CASELOAD ISSUES IN ST. LOUIS COUNTY**

On January XX, 2018, the Court conducted a conference under RSMO 600.063 (West 2018) in response to a motion filed by Stephen Reynolds, District Defender, St. Louis County Trial Office, Dist., 21, Missouri State Public Defender.

The conference was on the record. The following persons were in attendance:



WHEREFORE, the Court finds that there are cognizable reasons why individual public defenders in the St. Louis County Trial Office are unable to provide effective assistance of counsel (U.S. Const., amend. VI) and/or conform to the Missouri Supreme Court Rules of Professional Conduct 4-1.1 (competence), 4-1.3 (diligence), 4-1.4 (communication), and 4-1.7 (conflict of interest). The reasons affect all attorneys in the office because if management stops assigning cases to a particular attorney who is overloaded, the cases will be assigned to another attorney, who though he or she may not be overloaded, will then become overloaded. Specifically, the attorneys who are unable to provide effective assistance of counsel and/or conform to the Missouri Supreme Court Rules of Professional Conduct are listed in Footnote 1 below and in alphabetical order.<sup>1</sup>

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<sup>1</sup> Megan Beesley, Patrick Brayer, Daniel Buran, Brice Donnelly, Julia Fogelberg, Beverly Hauber, Katrina Jones, Sarah Lambright, Samuel Lawrence, Steven Lewis, Yashwanth Manjunath, Travis Martin, John Morrison, Paulette Pagan, Erika Sams, Ankoor Shah, Jemia Steele, Stephen Reynolds, Kayla Williams and Edward Worman.

WHEREFORE, the Court orders the following relief:

A. The Court will manage a waitlist for public defender services pursuant to RSMO 600.063(5). The waitlist will be administered by the Dist. 21, St. Louis County Trial Office, Missouri State Public Defender, under the oversight of a Circuit Judge designated by the Presiding Judge. The waitlist will conform to the following parameters:

1. Only released/out of custody clients will be placed on the waitlist.
2. Individual public defenders will be determined unavailable to take cases when an individual caseload exceeds a number designated by the court (hereinafter "designated number.") When the attorney has a caseload below the designated number, the attorney will be assigned cases off the waitlist. The waitlist will track the time the client has been on the list. Clients who have been on the list the longest period of time will have priority status for being removed from the list and assigned a public defender (depending upon availability).
3. When the waitlist is in effect, clients who are released from custody, who apply to the public defender and who qualify for public defender services will be placed on the waitlist. The St. Louis County Trial office will file with the courts a notice that the defendant has applied for public defender services, is indigent and has been placed on the waitlist. This notice will not serve as entry of appearance for any attorney from the Missouri State Public Defender.

4. In order to maintain a caseload at or near the designated number, individual public defenders will be allowed to place on the waitlist defendants who have made bond or who have been released from custody during the pendency of their representation by the public defender. The public defender will file with the court a "Notice and motion of withdrawal and placement on the waitlist." The motion shall be granted upon filing. The Office of the Clerk shall process the notice and withdraw the public defender from the case. This withdrawal procedure has been implemented so that confined clients who qualify for public defender services will have counsel for bond hearings and possible release. It is also implemented so the St. Louis County Jail population does not increase as a result of the relief set forth in this order.

5. This waitlist procedure will be implemented no later than Month, Date, 2018.

B. Pursuant to RSMO 600.063(1) and 600.064, the Court will create a system for private counsel appointments of drug offenses under RSMO Chapter 195 (West 2018), criminal non-support offenses under RSMO 568.040 (West 2018) and C-D-E felonies. The Court will create this appointment system with an implementation date no later than Month, Date, 2018. The Dist. 21, St. Louis County Trial Office, Missouri State Public Defender, will provide mandatory four hour training sessions to all appointed counsel. These training sessions will be made available two afternoons per month on Fridays and located in the jury assembly room.

C. Pursuant to RSMO 600.063(3), the Court will create and implement a local court rule and/or procedure where all probation violation cases are screened by the judge supervising the probationer. The screening will take place within a time frame to be determined by the Court. Judges will only refer a defendant to the public defender for indigency determination and possible representation after a determination has been made that the defendant requires representation under the due process clauses of the United States and Missouri Constitutions. The Court will implement this system no later than Month, Date, 2018.

D. Pursuant to RSMO 600.063(3), the Court orders all commissioners and judges in the Juvenile Division to not appoint, refer or require the public defender to represent juvenile defendants in any review hearing following disposition unless there is a motion requesting a revocation of court supervision and a commitment of the juvenile to the Missouri Department of Youth Services. The relief described in this paragraph applies the due process requirements ordered in paragraph C, supra, to the juvenile courts.

## Draft Waitlist Procedure

### I. Reasons for the waitlist

- A. A public defender waitlist is requested to resolve ethical and constitutional issues surrounding excessive public defender caseloads.
- B. In order to minimize the disruption on the administration of justice and impacts on budgets (in particular that of St. Louis County Justice Services), only released/out of custody clients will be placed on the waitlist.
- C. The waitlist will serve as a reference for the Courts to administer the appointment of cases to the private bar under the procedures set forth in a local court rule.
- D. The waitlist will also provide the opportunity for released public defender clients who have returned to work the option to hire private counsel.

### II. Administration of the waitlist

- A. The Court will manage the waitlist. It shall review the list on a regular basis.
- B. The Public Defender will administrate the waitlist at the Court's direction. The waitlist shall be maintained in the St. Louis County Public Defender case management system and made available to the Court.



## Draft Waitlist Procedure

- C. Only clients which qualify for public defender services will be placed on the waitlist.
- D. Individual public defenders will be determined unavailable to take cases when an individual caseload exceeds a number designated by the court (hereinafter "designated number.")
- E. When the attorney has a caseload below the designated number, the attorney will be assigned cases off the waitlist. The waitlist will track the time the client has been on the list. Clients who have been on the list the longest period of time will have priority status for being removed from the list and assigned a public defender (depending upon availability) or being appointed private counsel pursuant to local court rule.
- F. When the waitlist is in effect, clients who are released from custody, who apply to the public defender and who qualify for public defender services will be placed on the waitlist. The MSPD St. Louis County Trial Office will file with the courts a notice that the defendant has applied for public defender services, is indigent and has been placed on the waitlist (See attached sample notice). This notice will not serve as entry of appearance for any attorney from the Missouri State Public Defender.

## Draft Waitlist Procedure

G. In order to maintain a caseload at or near the designated number, individual public defenders will be allowed to place on the waitlist defendants who have made bond or who have been released from custody during the pendency of their representation by the public defender. The public defender will file with the court a "Notice and motion of withdrawal and placement on the waitlist." (See attached sample notice). The motion shall be granted upon filing. The Office of the Clerk shall process the notice and withdraw the public defender from the case. This withdrawal procedure has been implemented so that confined clients who qualify for public defender services will have counsel for bond hearings and possible release. It is also implemented so the St. Louis County Jail population does not increase as a result of the relief set forth in this order.

H. The Court shall establish guidelines for managing the waitlist so that defendants are not in a position of being on the list permanently and without counsel.

I. The Court may set limits for the amount of time defendants are on the waitlist.

J. The Court reserves the power to take any client off the waitlist at any time.

IN THE CIRCUIT COURT OF SAINT LOUIS COUNTY  
STATE OF MISSOURI

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	
	)	Cause No. 18SL-CRXXXXX
v.	)	
	)	DIVISION XX
JOHN DOE,	)	
	)	
Defendant.	)	

**Notice, motion and order for public defender to withdraw  
and  
defendant to be placed on the court managed wait list  
pursuant to the MONTH DAY, 2018 order under RSMO 600.063**

Pursuant to the Administrative order under RSMO 600.063, the undersigned counsel notifies the court that he/she has been designated as unable to ethically represent additional clients and that the above referenced defendant is released and not in custody in any jurisdiction, either state or federal.

Undersigned counsel moves to withdraw.

The defendant will be placed on the public defender waitlist.

WHEREFORE, the court sustains the motion by the public defender, orders the public defender withdrawn as counsel and orders the defendant placed on the court managed waitlist for public defender services.

So ordered,

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Judge, 21<sup>st</sup> Judicial Circuit

Respectfully submitted,

/s/ Jane Publicdefender

Jane Publicdefender, Mo Bar No. XXXXX  
Missouri State Public Defender  
100 S. Central, 2<sup>nd</sup> Floor  
St. Louis, MO 63105  
jane.publicdefender@mspd.mo.gov  
314-615-4778 (Main)  
314-615-0128 (Fax)

**Certificate of Service**

I certify that a true copy of the above and foregoing was served by the court's electronic filing system to:

John Prosectuor  
Office of the Prosecuting Attorney  
100 S. Central, 2<sup>nd</sup> Floor  
St. Louis, MO 63105  
jprosecutor@stlco.gov

on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

/s/ Jane Publicdefender  
Jane Publicdefender

IN THE CIRCUIT COURT OF SAINT LOUIS COUNTY  
STATE OF MISSOURI

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	
	)	Cause No. 18SL-CRXXXX
v.	)	
	)	DIVISION XX
JOHN DOE,	)	
	)	
Defendant.	)	

**Notice of indigency  
and  
placement of defendant on the public defender waitlist  
pursuant to the MONTH DAY, 2018 order under RSMO 600.063**

Pursuant to the Administrative order under RSMO 600.063, the undersigned counsel notifies the court that the above referenced defendant has applied for public defender services, qualifies for services and is released from custody.

THE COURT THEREFORE ORDERS, due to current unavailability of public defenders to represent additional clients under U.S. Const. amend. VI and Mo. Sup. Ct. R. 4-1.1, 4-1.3, 4-1.4, 4-1.7 and pursuant to the MONTH DAY, 2018 order under RSMO 600.063, the defendant is placed on the court managed waitlist for public defender services.

THE COURT FURTHER ORDERS that this notice does not serve as an entry of appearance by undersigned counsel.

So ordered,

---

Judge, 21<sup>st</sup> Judicial Circuit

Respectfully submitted,

/s/ Jane Publicdefender

Jane Publicdefender, Mo Bar No. XXXXX  
Missouri State Public Defender  
100 S. Central, 2<sup>nd</sup> Floor  
St. Louis, MO 63105  
jane.publicdefender@mspd.mo.gov  
314-615-4778 (Main)  
314-615-0128 (Fax)

**Certificate of Service**

I certify that a true copy of the above and foregoing was served by the court's electronic filing system to:

John Prosectuor  
Office of the Prosecuting Attorney  
100 S. Central, 2<sup>nd</sup> Floor  
St. Louis, MO 63105  
jprosecutor@stlco.gov

on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

/s/ Jane Publicdefender  
Jane Publicdefender