



Legislative Appropriations Request

For Fiscal Years 2014 and 2015

Submitted to the Governor's Office of Budget, Planning and Policy
And the Legislative Budget Board

by

Office of Capital Writs

Revised

August 22, 2012

FY 2014-15 LEGISLATIVE APPROPRIATIONS REQUEST
Office of Capital Writs

Table of Contents

Administrator's Statement	1-2
Organization Chart	1
2.A. Summary of Base Request by Strategy	2.A, 1-2
2.B. Summary of Base Request by Method of Finance	2.B, 1-4
2.C. Summary of Base Request by Object of Expense	2.C, 1
2.D. Summary of Base Request Objective Outcomes	2.D, 1
2.E. Summary of Exceptional Items Request	2.E, 1
2.F. Summary of Total Request by Strategy	2.F, 1-2
2.G. Summary of Total Request Objective Outcomes	2.G, 1
3.A. Strategy Request	3.A, 1-4
3.C. Rider Appropriations and Unexpended Balances Request.....	3.C, 1-2
4.A. Exceptional Item Request Schedule	4.A, 1-2
4.B. Exceptional Items Strategy Allocation Schedule	4.B, 1
4.C. Exceptional Items Strategy Request	4.C, 1
6.I. 10 Percent Biennial Base Reductions Options Schedule	6.I, 1-1

215 Office of Capital Writs

PURPOSE OF THE OFFICE OF CAPITAL WRITS

The Office of Capital Writs ("OCW") was established by SB 1091 in the 81st Legislature, R.S. The OCW, which commenced operation on September 1, 2010, is a capital post-conviction state agency charged with representing death sentenced persons in their state post-conviction habeas corpus litigation and related proceedings. At the time of the filing of this LAR, the OCW is representing seventeen clients.

OVERVIEW OF OCW's FY 2014-15 LEGISLATIVE APPROPRIATIONS REQUEST

Since commencing operation in September 2010, the OCW had accepted all case appointments. That changed in July 2012 when the OCW turned down its first case based upon a temporary staffing shortage. Looking forward the OCW faces certain challenges.

The national average of capital post-conviction cases assigned is between four and six per attorney(Footnote 1). By July 2012, each OCW post-conviction attorney was handling an average of seven cases, above the national average. While the OCW expects its attorneys to handle a case load larger than the national average, the current appropriation level will force the OCW to decrease sooner the number of cases it accepts from the state-wide district courts. If this happens, the State could incur additional expenses based upon the appointment of private counsel rather than the OCW(Footnote 2).

To ensure that the OCW can accept all case appointments going forward (thus saving the State money and ensuring quality representation), the OCW should be funded at 2010 levels and the FTE cap should be increased for the 2014-15 biennium.

RESTORATION OF BUDGET AND INCREASE IN FTE CAP

A defendant in a state capital habeas proceeding has one final opportunity to raise issues of Constitutional dimension in order to establish his/her innocence or to show that he or she did not receive a fair trial. Most recently, the Texas Court of Criminal Appeals reiterated the importance of state habeas post-conviction litigation. See *In re Hector Medina*, 361 S.W.3d 633 (Tex. Crim. App. 2011).

In April, 2007, the State Bar of Texas Task Force Report on the creation of what was to become the OCW, recommended that "the office be supported with adequate funding that will allow the lawyers of the office to fully investigate all cases and to provide effective capital habeas representation to all clients." Throughout the Report, it was repeated that adequate funding is necessary for the representation of such clients and cases. The funding deemed appropriate by the 81st Legislature for the OCW's initial funding however has already been cut by over 11%(Footnote 3).

Due to the complicated nature of the cases brought to the OCW, expert witness fees and case-related travel are an integral part of the OCW's budget. To ensure that the OCW can continue to accept all case appointments in FY 2014-15, funding should be returned to 2010 levels and the OCW's FTE cap increased by four –adding two post-conviction attorneys, one investigator, and one legal support staff member. This request would result in an increase in OCW's FTE count from 9 to 11 in FY 2014 and from 11 to 13 in FY 2015.

OCW also requests the continuation of Unexpended Balance (U.B.) authority to provide the agency with greater flexibility in managing its scarce resources. The OCW was granted U.B. in the 82nd Legislative Session.

215 Office of Capital Writs

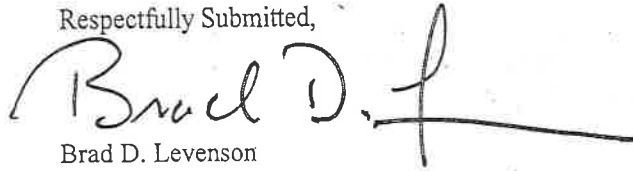
SUMMARY

The Office of Capital Writs provides an important function for the state—representing death sentenced indigent individuals in their post-conviction litigation.

At current funding levels, the OCW in FY 2014-15 will be forced to turn down case appointments, thus costing the State more money than it will save in the proposed budgetary reduction. Further, to ensure that the OCW can accept case appointments throughout the upcoming biennium, the agency's funding should be returned to 2010 levels (ultimately saving the State money) and increasing the FTE cap from nine to thirteen over the biennium.

Thank you for your consideration of this request. We will be happy to answer any questions and provide any additional information you may need to make an informed decision.

Respectfully Submitted,

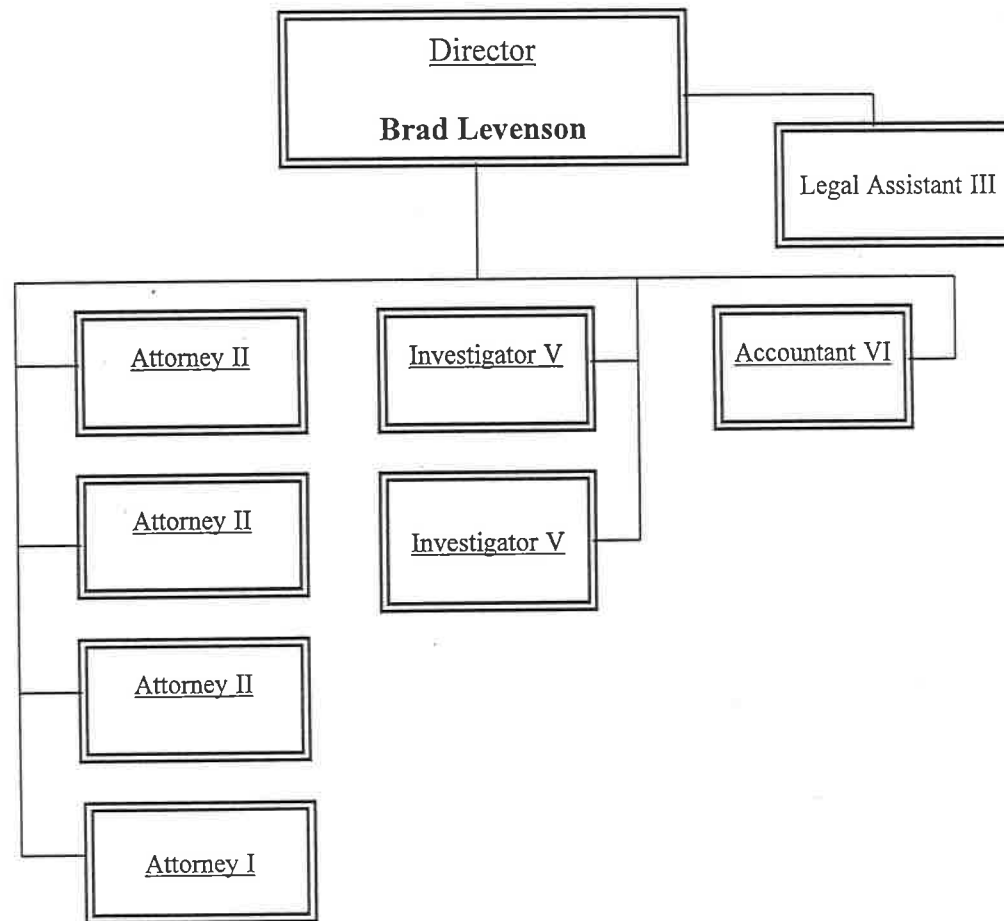


Brad D. Levenson
Director

Footnotes

- (1) This number is based upon a review of case load requirements for capital post-conviction offices in various local, state, and federal jurisdictions.
- (2) Before the OCW's creation, the State paid private counsel up to \$25,000 for each case appointment.
- (3) The original amount appropriated by the Legislature for the OCW in FY 2010 was \$1,043,434. However, by the time the agency opened its doors on September 1, 2010, that amount had already been cut to \$991,262.

Office of Capital Writs
Organizational Chart
As of September 1, 2012



215 Office of Capital Writs

Goal / Objective / STRATEGY	Exp 2011	Est 2012	Bud 2013	Req 2014	Req 2015
<u>1</u> Death Penalty Habeas Representation					
<u>1</u> <i>Death Penalty Habeas Representation</i>					
1 DEATH PENALTY REPRESENTATION	803,560	928,057	862,136	895,096	895,097
TOTAL, GOAL 1	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
TOTAL, AGENCY STRATEGY REQUEST	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	398,801	0	0	0	0
SUBTOTAL	\$398,801	\$0	\$0	\$0	\$0
General Revenue Dedicated Funds:					
5073 Fair Defense	404,759	928,057	862,136	895,096	895,097
SUBTOTAL	\$404,759	\$928,057	\$862,136	\$895,096	\$895,097
TOTAL, METHOD OF FINANCING	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097

2.A. SUMMARY OF BASE REQUEST BY STRATEGY

8/3/2012 1:57:33PM

83rd Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital Writs

Goal / Objective / STRATEGY	Exp 2011	Est 2012	Bud 2013	Req 2014	Req 2015
------------------------------------	-----------------	-----------------	-----------------	-----------------	-----------------

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE

8/13/2012 2:38:38PM

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215		Agency name: Office of Capital Writs				
METHOD OF FINANCING		Exp 2011	Est 2012	Bud 2013	Req 2014	Req 2015
<u>GENERAL REVENUE</u>						
<u>1</u> General Revenue Fund						
<i>TRANSFERS</i>						
Art IX, Sec. 17.104, Contingency SB 1091, Agy 212 (2010-11 GAA)						
		\$171,520	\$0	\$0	\$0	\$0
Comments: Agy 212 is Office of Court Administrator - Created Agy 215 Office of Capital Writs						
Art IX, Sec. 17.104, Contingency SB 1091, Agy 241 (2010-11 GAA)						
		\$323,000	\$0	\$0	\$0	\$0
Comments: Agy 241 is District Courts Comptroller's Judicial Conduct - Created Office of Capital Writs						
<i>SUPPLEMENTAL, SPECIAL OR EMERGENCY APPROPRIATIONS</i>						
HB 4, 82nd Leg, Regular Session, Sec 1(a) General Revenue Reductions.						
		\$(37,089)	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>						
Lapsed Appropriations						
		\$(58,630)	\$0	\$0	\$0	\$0
Comments: Newly created agency-not fully staff until May 2011. Case load not fully implemented until FY 2011.						

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE

8/13/2012 2:38:47PM

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215 Agency name: Office of Capital Writs

METHOD OF FINANCING	Exp 2011	Est 2012	Bud 2013	Req 2014	Req 2015
<u>GENERAL REVENUE</u>					
TOTAL, General Revenue Fund	\$398,801	\$0	\$0	\$0	\$0
TOTAL, ALL GENERAL REVENUE	\$398,801	\$0	\$0	\$0	\$0

GENERAL REVENUE FUND - DEDICATED

5073 GR Dedicated - Fair Defense Account No. 5073

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2012-13 GAA)

\$0	\$922,135	\$862,136	\$895,096	\$895,097
-----	-----------	-----------	-----------	-----------

RIDER APPROPRIATION

Art IX, Sect. 18.15, Payments to DIR (2012-13)

\$0	\$5,922	\$0	\$0	\$0
-----	---------	-----	-----	-----

Comments: Refunds made from DIR

TRANSFERS

Art. IX Sec. 17.104 Contingency SB 1091, Agy 212 (2010-11 GAA)

\$548,914	\$0	\$0	\$0	\$0
-----------	-----	-----	-----	-----

Comments: Agy 212 is Office of Court Administrator - Created Agy 215 Office of Capital Writs

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE

8/13/2012 2:38:47PM

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215

Agency name: Office of Capital Writs

METHOD OF FINANCING	Exp 2011	Est 2012	Bud 2013	Req 2014	Req 2015
<u>GENERAL REVENUE FUND - DEDICATED</u>					
<i>SUPPLEMENTAL, SPECIAL OR EMERGENCY APPROPRIATIONS</i>					
HB 4, 82nd Leg, Regular Session, Sec 1(d) General Revenue-Dedicated Re					
	\$(41,169)	\$0	\$0	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Lapsed Appropriations					
	\$(102,986)	\$0	\$0	\$0	\$0
TOTAL, GR Dedicated - Fair Defense Account No. 5073	\$404,759	\$928,057	\$862,136	\$895,096	\$895,097
TOTAL, ALL GENERAL REVENUE FUND - DEDICATED	\$404,759	\$928,057	\$862,136	\$895,096	\$895,097
TOTAL, GR & GR-DEDICATED FUNDS	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
GRAND TOTAL	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097

2.B. SUMMARY OF BASE REQUEST BY METHOD OF FINANCE

8/13/2012 2:38:47PM

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215

Agency name: Office of Capital Writs

METHOD OF FINANCING	Exp 2011	Est 2012	Bud 2013	Req 2014	Req 2015
<u>FULL-TIME-EQUIVALENT POSITIONS</u>					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2012-13 GAA)	0.0	9.0	9.0	9.0	9.0
TRANSFERS					
Art, IX, Sec. 17.104, Contingency SB 1091 (2011-11 GAA)	3.3	0.0	0.0	0.0	0.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Request to Exceed Cap, Sept. 2010	4.2	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	7.5	9.0	9.0	9.0	9.0
NUMBER OF 100% FEDERALLY FUNDED FTEs	0.0	0.0	0.0	0.0	0.0

2.C. SUMMARY OF BASE REQUEST BY OBJECT OF EXPENSE

8/3/2012 2:12:01PM

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital Writs

OBJECT OF EXPENSE	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
1001 SALARIES AND WAGES	\$499,331	\$593,224	\$605,088	\$605,088	\$605,088
1002 OTHER PERSONNEL COSTS	\$28,660	\$17,436	\$5,000	\$5,000	\$5,000
2001 PROFESSIONAL FEES AND SERVICES	\$53,481	\$206,302	\$175,819	\$208,000	\$208,000
2003 CONSUMABLE SUPPLIES	\$10,480	\$7,000	\$6,000	\$5,000	\$5,000
2004 UTILITIES	\$1,519	\$1,360	\$2,100	\$2,100	\$2,100
2005 TRAVEL	\$30,504	\$40,000	\$37,910	\$40,000	\$40,000
2006 RENT - BUILDING	\$42,090	\$0	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$9,656	\$3,714	\$3,714	\$3,714	\$3,714
2009 OTHER OPERATING EXPENSE	\$119,146	\$59,021	\$26,505	\$26,194	\$26,195
5000 CAPITAL EXPENDITURES	\$8,693	\$0	\$0	\$0	\$0
OOE Total (Excluding Riders)	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
OOE Total (Riders)				\$0	\$0
Grand Total	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097

2.D. SUMMARY OF BASE REQUEST OBJECTIVE OUTCOMES

8/2/2012 4:09:00PM

83rd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

215 Office of Capital Writs

Goal/ Objective / Outcome	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
1 Death Penalty Habeas Representation					
1 Death Penalty Habeas Representation					
KEY 1 # Writ Apps for Which Evidentiary Hearings are Granted by Trial Court	0.00	1.00	3.00	2.00	2.00
KEY 2 Percentage of Writs Filed on a Timely Basis	100.00%	100.00%	100.00%	100.00%	100.00 %

2.E. SUMMARY OF EXCEPTIONAL ITEMS REQUEST

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/22/2012
 TIME : 1:22:43PM

Agency code: 215

Agency name: Office of Capital Writs

Priority	Item	2014			2015			Biennium		
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	
1	Restore Funding to 2010 Levels	\$100,000	\$100,000	2.0	\$196,675	\$196,675	4.0	\$296,675	\$296,675	
2	Increased FTE Positions									
Total, Exceptional Items Request		\$100,000	\$100,000	2.0	\$196,675	\$196,675	4.0	\$296,675	\$296,675	
Method of Financing										
	General Revenue									
	General Revenue - Dedicated	100,000	100,000		196,675	196,675		296,675	296,675	
	Federal Funds									
	Other Funds									
		\$100,000	\$100,000		\$196,675	\$196,675		\$296,675	\$296,675	
Full Time Equivalent Positions				2.0				4.0		
Number of 100% Federally Funded FTEs				0.0				0.0		

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY
 83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/22/2012
 TIME : 1:23:46PM

Agency code: 215 Agency name: Office of Capital Writs

Goal/Objective/STRATEGY	Base 2014	Base 2015	Exceptional 2014	Exceptional 2015	Total Request 2014	Total Request 2015
1 Death Penalty Habeas Representation						
1 <i>Death Penalty Habeas Representation</i>						
1 DEATH PENALTY REPRESENTATION	\$895,096	\$895,097	\$100,000	\$196,675	\$995,096	\$1,091,772
TOTAL, GOAL 1	\$895,096	\$895,097	\$100,000	\$196,675	\$995,096	\$1,091,772
TOTAL, AGENCY STRATEGY REQUEST	\$895,096	\$895,097	\$100,000	\$196,675	\$995,096	\$1,091,772
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$895,096	\$895,097	\$100,000	\$196,675	\$995,096	\$1,091,772

2.F. SUMMARY OF TOTAL REQUEST BY STRATEGY
 83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/22/2012
 TIME : 1:24:58PM

Agency code: 215 Agency name: Office of Capital Writs

Goal/Objective/STRATEGY	Base 2014	Base 2015	Exceptional 2014	Exceptional 2015	Total Request 2014	Total Request 2015
General Revenue Funds:						
1 General Revenue Fund	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
General Revenue Dedicated Funds:						
5073 Fair Defense	895,096	895,097	100,000	196,675	995,096	1,091,772
	\$895,096	\$895,097	\$100,000	\$196,675	\$995,096	\$1,091,772
TOTAL, METHOD OF FINANCING	\$895,096	\$895,097	\$100,000	\$196,675	\$995,096	\$1,091,772
FULL TIME EQUIVALENT POSITIONS	9.0	9.0	2.0	4.0	11.0	13.0

2.G. SUMMARY OF TOTAL REQUEST OBJECTIVE OUTCOMES

Date : 8/2/2012

Time: 4:30:24PM

83rd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation system of Texas (ABEST)

Agency code: 215

Agency name: Office of Capital Writs

Goal/ Objective / Outcome

	BL 2014	BL 2015	Excp 2014	Excp 2015	Total Request 2014	Total Request 2015
1						
1						
KEY						
1 # Writ Apps for Which Evidentiary Hearings are Granted by Trial Court						
	2.00	2.00			2.00	2.00
KEY						
2 Percentage of Writs Filed on a Timely Basis						
	100.00%	100.00%			100.00%	100.00 %

3.A. STRATEGY REQUEST

8/3/2012 2:27:16PM

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital Writs

GOAL: 1 Death Penalty Habeas Representation
 OBJECTIVE: 1 Death Penalty Habeas Representation
 STRATEGY: 1 Death Penalty Habeas Representation

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
Output Measures:						
KEY 1	Number of Writ Applications Filed	0.00	4.00	9.00	9.00	9.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$499,331	\$593,224	\$605,088	\$605,088	\$605,088
1002	OTHER PERSONNEL COSTS	\$28,660	\$17,436	\$5,000	\$5,000	\$5,000
2001	PROFESSIONAL FEES AND SERVICES	\$53,481	\$206,302	\$175,819	\$208,000	\$208,000
2003	CONSUMABLE SUPPLIES	\$10,480	\$7,000	\$6,000	\$5,000	\$5,000
2004	UTILITIES	\$1,519	\$1,360	\$2,100	\$2,100	\$2,100
2005	TRAVEL	\$30,504	\$40,000	\$37,910	\$40,000	\$40,000
2006	RENT - BUILDING	\$42,090	\$0	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$9,656	\$3,714	\$3,714	\$3,714	\$3,714
2009	OTHER OPERATING EXPENSE	\$119,146	\$59,021	\$26,505	\$26,194	\$26,195
5000	CAPITAL EXPENDITURES	\$8,693	\$0	\$0	\$0	\$0
TOTAL, OBJECT OF EXPENSE		\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
Method of Financing:						
1	General Revenue Fund	\$398,801	\$0	\$0	\$0	\$0
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$398,801	\$0	\$0	\$0	\$0

3.A. STRATEGY REQUEST

8/3/2012 2:27:33PM

83rd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital Writs

GOAL: 1 Death Penalty Habeas Representation
OBJECTIVE: 1 Death Penalty Habeas Representation
STRATEGY: 1 Death Penalty Habeas Representation

Statewide Goal/Benchmark: 0 0
Service Categories:
Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
Method of Financing:						
5073	Fair Defense	\$404,759	\$928,057	\$862,136	\$895,096	\$895,097
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$404,759	\$928,057	\$862,136	\$895,096	\$895,097
Rider Appropriations:						
5073 Fair Defense						
	701 1 Unexpended Balances				\$0	\$0
TOTAL, RIDER & UNEXPENDED BALANCES APPROP					\$0	\$0
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$895,096	\$895,097
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
FULL TIME EQUIVALENT POSITIONS:		7.5	9.0	9.0	9.0	9.0
STRATEGY DESCRIPTION AND JUSTIFICATION:						

215 Office of Capital Writs

GOAL: 1 Death Penalty Habeas Representation
 OBJECTIVE: 1 Death Penalty Habeas Representation
 STRATEGY: 1 Death Penalty Habeas Representation

Statewide Goal/Benchmark: 0 0
 Service Categories:
 Service: NA Income: NA Age: NA

CODE	DESCRIPTION	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
------	-------------	----------	----------	----------	---------	---------

STATUTORY AUTHORITY: Tx Govt Code, Chapter 78

Under this strategy, the Office of Capital Writs (“OCW”) provides representation to individuals seeking habeas relief in Texas death penalty cases. Due to the nature of cases brought to the OCW, investigative expenses and case-related travel are an important and integral part of the agency’s budget. These expenses include, but are not limited to, the following: (1) travel and investigation to the scene(s) of the crime; (2) travel and investigatory interviews of family members and friends regarding the client’s background and psycho-social history; and, (3) hiring and payment of expert witnesses. Without these services, the OCW cannot effectively represent its indigent clients. And without sufficient funding, OCW will not be able to accept appointment of all the State’s cases, as originally anticipated.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The funding for the Office of Capital Writs comes from the Fair Defense Account, a dedicated account in General Revenue. Its funding comes from court costs and fees collected by county and municipal courts and other revenues dedicated to indigent defense by statute. The vast majority of these fees are collected from convicted criminal defendants.

3.A. STRATEGY REQUEST

8/3/2012 2:27:33PM

83rd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
METHODS OF FINANCE (INCLUDING RIDERS):				\$895,096	\$895,097
METHODS OF FINANCE (EXCLUDING RIDERS):	\$803,560	\$928,057	\$862,136	\$895,096	\$895,097
FULL TIME EQUIVALENT POSITIONS:	7.5	9.0	9.0	9.0	9.0

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST
 83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/13/2012
 TIME: 2:48:51PM

Agency Code: 215 Office of Capital Writs

RIDER	STRATEGY	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
701 1	Unexpended Balances 1-1-1 DEATH PENALTY REPRESENTATION	\$0	\$0	\$0	\$0	\$0
OBJECT OF EXPENSE:						
	9999 NOT REL TO LBB TRACKING	\$0	\$0	\$0	\$0	\$0
Total, Object of Expense		\$0	\$0	\$0	\$0	\$0
METHOD OF FINANCING:						
	5073 Fair Defense	\$0	\$0	\$0	\$0	\$0
Total, Method of Financing		\$0	\$0	\$0	\$0	\$0

Description/Justification for continuation of existing riders or proposed new rider

Any unexpended balances appropriated above in fiscal year 2014 are hereby appropriated to the Office of Capital Writs for fiscal year 2015 for the same purposes.

Investigation costs are a major component of this agency's budget. Uncertainty exists around these costs because they vary based on the particulars of the case being filed. In addition, payments for outside experts may not be billed in the year services begin. Authority to carry forward unexpended balances between years of the biennium provides greater flexibility in managing expenses that may vary greatly from year to year.

U.B. was given to the OCW by the 82nd Legislature, R.S. The OCW requests U.B. again in FY 2014-15.

3.C. RIDER APPROPRIATIONS AND UNEXPENDED BALANCES REQUEST
 83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/13/2012
 TIME: 2:48:58PM

Agency Code: 215 Office of Capital Writs

RIDER	STRATEGY	Exp 2011	Est 2012	Bud 2013	BL 2014	BL 2015
SUMMARY:						
	OBJECT OF EXPENSE TOTAL	\$0	\$0	\$0	\$0	\$0
	METHOD OF FINANCING TOTAL	\$0	\$0	\$0	\$0	\$0

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
 83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/22/2012
 TIME: 1:26:27PM

Agency code: 215

Agency name:
 Office of Capital Writs

CODE	DESCRIPTION	Excp 2014	Excp 2015
-------------	--------------------	------------------	------------------

Item Name: The Legislature restore funding to the OCW at the level appropriated by the Legislature in 2010.

Item Priority: 1

Includes Funding for the Following Strategy or Strategies: 01-01-01 Death Penalty Habeas Representation

OBJECTS OF EXPENSE:

1001	SALARIES AND WAGES	100,000	196,675
2001	PROFESSIONAL FEES AND SERVICES	0	0
2004	UTILITIES	0	0
2005	TRAVEL	0	0
2009	OTHER OPERATING EXPENSE	0	0
TOTAL, OBJECT OF EXPENSE		\$100,000	\$196,675

METHOD OF FINANCING:

5073	Fair Defense	100,000	196,675
TOTAL, METHOD OF FINANCING		\$100,000	\$196,675

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.00	4.00
------	------

DESCRIPTION / JUSTIFICATION:

This exceptional item would restore funding to FY 2010 levels, and increase the OCW's FTE cap to eleven in FY 2014 (one attorney and one investigator) and thirteen in FY 2015 (one attorney and one legal support staff member).

Due to the complicated nature of cases brought to the OCW, investigative expenses (including expert witness fees and case-related travel) are an integral part of the agency's budget. These expenses involve investigation and presentation of the following: crime scene/forensic evidence; evidence of the client's background and psycho-social history; and, evidence of the client's mental state including possible organic brain dysfunction and mental illness. Without the funding for these important services, the OCW will be forced to turn down new capital case appointments thus costing the State additional funding for the appointment of private counsel. To ensure that the OCW accepts all case appointments going forward (thus saving the State money and ensuring quality representation), the OCW should be funded at 2010 levels and the FTE cap should be raised by four over the 2014-15 biennium.

EXTERNAL/INTERNAL FACTORS:

4.A. EXCEPTIONAL ITEM REQUEST SCHEDULE
83rd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/22/2012
TIME: 1:26:44PM

Agency code: 215

Agency name:
Office of Capital Writs

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2014</u>	<u>Excp 2015</u>
	The restoration of the budgetary funding will benefit the State as the State would not have to expend money in the appointment of private counsel for those cases turned down by the OCW.		
	The funding for the OCW (and this exceptional item) comes from the Fair Defense Account, a dedicated account in General Revenue. Its funding comes from court costs and fees collected by county and municipal courts and other revenues dedicated to indigent defense by statute. The vast majority of these fees are collected from convicted criminal defendants.		

4.B. EXCEPTIONAL ITEMS STRATEGY ALLOCATION SCHEDULE

83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/22/2012
 TIME: 1:27:05PM

Agency code: 215 Agency name: Office of Capital Writs

Code	Description	Excp 2014	Excp 2015
Item Name: The Legislature restore funding to the OCW at the level appropriated by the Legislature in 2010.			
Allocation to Strategy: 1-1-1 Death Penalty Habeas Representation			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	100,000	196,675
2001	PROFESSIONAL FEES AND SERVICES	0	0
2004	UTILITIES	0	0
2005	TRAVEL	0	0
2009	OTHER OPERATING EXPENSE	0	0
TOTAL, OBJECT OF EXPENSE		\$100,000	\$196,675
METHOD OF FINANCING:			
5073	Fair Defense	100,000	196,675
TOTAL, METHOD OF FINANCING		\$100,000	\$196,675
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.0	4.0

4.C. EXCEPTIONAL ITEMS STRATEGY REQUEST
 83rd Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/22/2012
 TIME: 1:28:08PM

Agency Code: 215

Agency name: Office of Capital Writs

GOAL: 1 Death Penalty Habeas Representation
 OBJECTIVE: 1 Death Penalty Habeas Representation
 STRATEGY: 1 Death Penalty Habeas Representation

Statewide Goal/Benchmark: 0 - 0
 Service Categories:
 Service: NA Income: NA Age: NA

CODE DESCRIPTION	Excp 2014	Excp 2015
------------------	-----------	-----------

OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES
 Total, Objects of Expense

100,000	196,675
\$100,000	\$196,675

METHOD OF FINANCING:

5073 Fair Defense
 Total, Method of Finance

100,000	196,675
\$100,000	\$196,675

FULL-TIME EQUIVALENT POSITIONS (FTE):

2.0	4.0
-----	-----

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

The Legislature restore funding to the OCW at the level appropriated by the Legislature in 2010.

6I. PERCENT BIENNIAL BASE REDUCTION OPTIONS

10 % REDUCTION

83rd Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/2/2012
Time: 6:20:53PM

Agency code: 215 Agency name: Office of Capital Writs

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2014	2015	Biennial Total	2014	2015	Biennial Total	
1 10% Biennial Base Reduction							
Category: Programs - Service Reductions (Contracted)							
Item Comment: A 10% reduction to the Office of Capital Writs would required a reduction in expert funding and necessary case-related travel. This would mean that fewer cases would be accepted by the OCW and thus defeating the legislative prupose behind the creation of the agency.							
Strategy: 1-1-1 Death Penalty Habeas Representation							
<u>Gr Dedicated</u>							
5073 Fair Defense	\$0	\$0	\$0	\$89,509	\$89,510	\$179,019	
Gr Dedicated Total	\$0	\$0	\$0	\$89,509	\$89,510	\$179,019	
Item Total	\$0	\$0	\$0	\$89,509	\$89,510	\$179,019	
FTE Reductions (From FY 2014 and FY 2015 Base Request)							
GR Dedicated Total				\$89,509	\$89,510	\$179,019	\$179,019
Agency Grand Total	\$0	\$0	\$0	\$89,509	\$89,510	\$179,019	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2014 and FY 2015 Base Request)							