



Judicial Council of California

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April 19, 2005

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3126
Sacramento, California 95814

Subject: AB 750 (Mullin), as amended April 7, 2005 – Oppose
Hearing: Assembly Judiciary Committee – April 26, 2005

Dear Assembly Member Jones:

We regret to inform you that the Judicial Council opposes AB 750 because it seeks to reimburse the County of San Mateo for extraordinary homicide trial costs at the expense of the trial courts rather than through the more appropriate budget item "Payments to Counties for Homicide Trials".

The author indicates that San Mateo County seeks a minimum of \$1.7 million for the extraordinary costs associated with the high-profile "Billionaire Boys Club" trial. The County claims that the costs are extraordinary because the case was prosecuted by the Attorney General and because the judge in the case set an hourly rate for defense counsel that exceeds what the County would otherwise have paid.

The Judicial Council does not agree that either of these circumstances supports the need for the courts to fund the unusual county costs. The court has sole discretion to appoint counsel to indigent defendants. (*See Harris v. Superior Court (Alameda)* (1977) 19 Cal.3d 786.) The county is responsible for costs associated with defense representation. Regardless of whether the court is funded by the state or county, the court acted squarely within its authority when appointing counsel in the Billionaire Boys Club case, and in ordering reasonable compensation.

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For these reasons, the Judicial Council opposes AB 750.

Sincerely,

A handwritten signature in cursive script that reads "Eraina Ortega".

Eraina Ortega
Manager

EO/lb

cc: Members, Assembly Public Safety Committee
Hon. Gene Mullin, Member of the Assembly
Ms. Karen Pank, Deputy Legislative Secretary
Office of the Governor
Ms. Sue Blake, Assistant Director of Legislation
Office of Planning and Research