



# The Office of the CAPITAL DEFENDER

## COUNSEL APPOINTMENT IN CAPITAL CASES

Rob Sharpe, Capital Defender

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# The Office of the CAPITAL DEFENDER

Office of the Capital Defender (919) 354-7220

Rob Sharpe, cell number (336) 684-4679

Office of the Capital Defender [CapitalForms@nccourts.org](mailto:CapitalForms@nccourts.org)

Rob Sharpe, [Robert.E.Sharpe@nccourts.org](mailto:Robert.E.Sharpe@nccourts.org)

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## 3 MISSION AREAS

- Administrative
- Direct Representation
- Case Consultation

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# The Office of the CAPITAL DEFENDER

## ADMINISTRATIVE

Case Appointments	Capital Rosters	Pre-Trial Budgets
Exceptional Designation	Ex Parte Funding Requests	Mitigation Roster
TNG. Goals	H.R.	Facility Liason

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## The Office of the CAPITAL DEFENDER

**OCD STAFFING**  
28 Perm.-FTE

**Attorneys (18)**

- 2 Administrative
- 1 Training & Consultation
- 15 Assistant Capital Defenders

**Staff (10)**

- 3 Administrative
- 5 Capital Investigators
- 2 Paralegals

**7**

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- **Administrative (5)**  
2,200+ Cases
- **Direct Representation (22)**  
6 Offices
- **Case Consultation (1)**  
140+ Death Penalty

**8**

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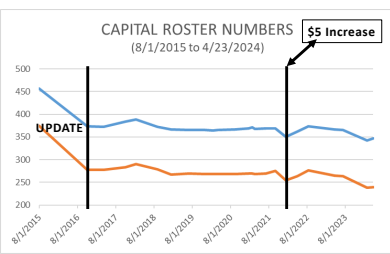
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## The Office of the CAPITAL DEFENDER

**CAPITAL ROSTER NUMBERS**  
(8/1/2015 to 4/23/2024)



UPDATE

PAC data between 8/1/2015 and 3/30/2020 are estimates.

NOTE: PAC are included in "All Attorneys" as well as Assistant Public Defenders, Assistant Capital Defenders, and Chief Public Defenders.

DATE	ATTORNEYS	PAC
8/1/2015	457	375
11/1/2016	374	278
4/9/2017	372	276
11/1/2017	384	284
2/7/2018	389	290
8/1/2018	373	276
11/1/2018	367	267
7/1/2019	365	270
12/1/2019	365	268
2/13/2020	364	268
3/30/2020	365	268
8/10/2020	367	268
1/19/2021	369	270
2/15/2021	371	270
3/22/2021	368	268
7/1/2021	369	270
8/30/2021	369	275
1/10/2022	350	254
4/28/2022	362	264
8/10/2022	374	276
4/18/2023	367	265
7/10/2023	366	264
2/26/2024	342	238
4/23/2024	347	239

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## The Office of the CAPITAL DEFENDER

### RECENT RECRUITMENT EFFORTS

- 13,000+ Mailers
- Federal and State Criminal Law Specialists (Emails)
- Superior Court Judges
- Roster Attorneys (listserv)
- New PD Orientation
- Stabilized pay to \$100

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## The Office of the CAPITAL DEFENDER

### Roster Requirements (associate)

- Three (3) years of criminal or civil litigation experience,
- Familiarity with Ethics, current Criminal Practice and Procedure, and Capital Jurisprudence,
- Service as trial counsel in Four (4) or more criminal or civil jury trials during career, and
- Familiarity with Scientific and Medical Evidence, including Mental Health Evidence, Pathology, and Social History.

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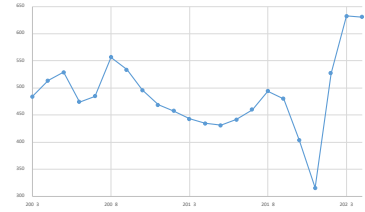
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## The Office of the CAPITAL DEFENDER

ADULT FIRST DEGREE MURDER CASE DISPOSED  
by FY



Fiscal Year	Number of Dispositions
2003	500
2004	550
2005	500
2006	550
2007	600
2008	550
2009	500
2010	450
2011	400
2012	450
2013	400
2014	450
2015	500
2016	450
2017	400
2018	350
2019	400
2020	450
2021	500
2022	550
2023	600
2024	650

**600+ Dispositions  
in both FY23 & FY24**

NOTE: FY 2024 is a projection based on 3 quarters of data.

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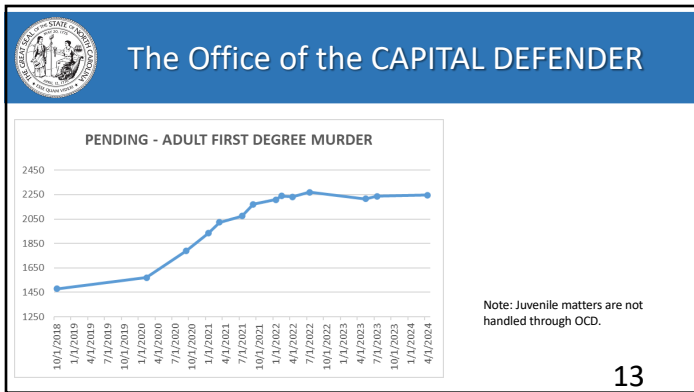
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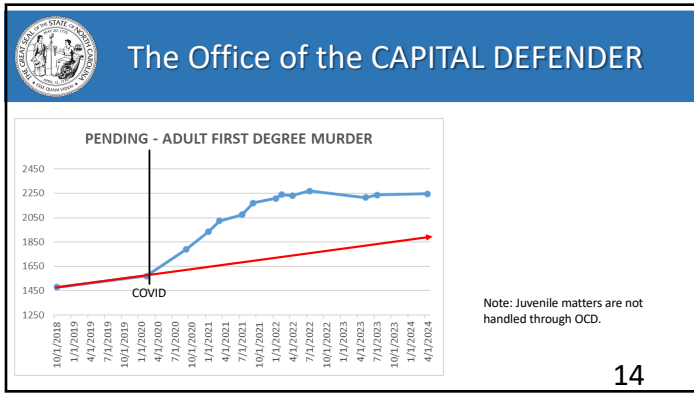
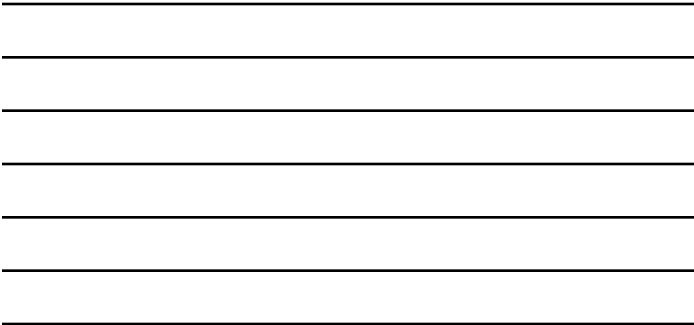
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**AOC-CR-427**

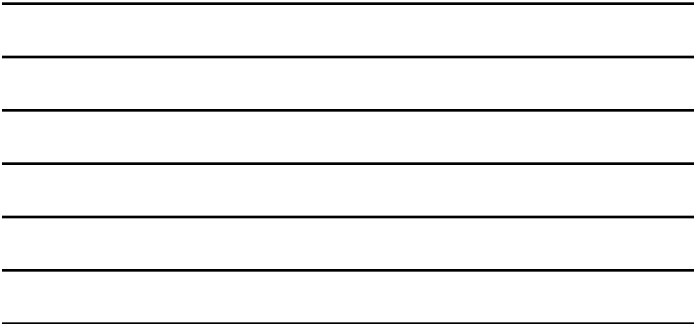
**STATE OF NORTH CAROLINA**  
County: \_\_\_\_\_

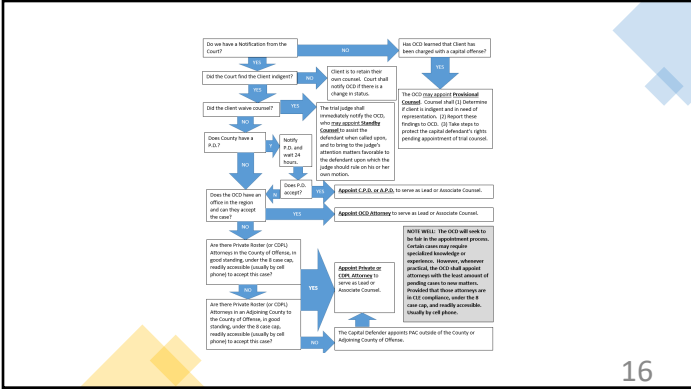
**NOTICE AND DETERMINATION OF COUNSEL IN PROBATION MONITORING AND ADJUDICATORY CENTER OF WORKING CASES AT THE TOLLA LEVEL.**

**A.K.A. NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH**

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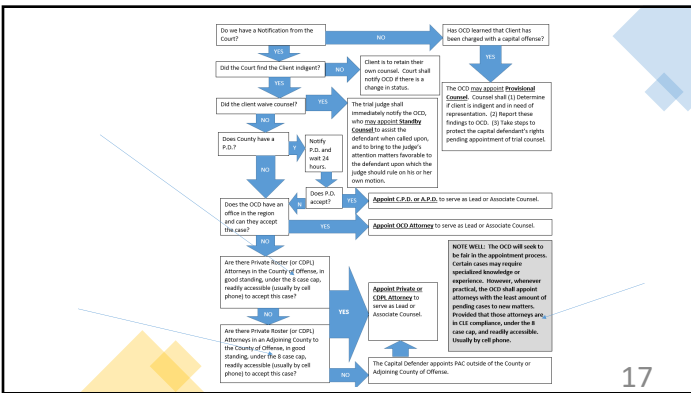
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**2023 YEAR END CASE LEVELS - OCD (12/13/2023)**

CASES	PAC & Retained	ACD	APD	TOTAL	CASES REPRESENTED
1	62		28	90	83
2	31		28	59	102
3	20		11	31	39
4	19	1	6	26	114
5	18		3	21	105
6	10		7	17	72
7	12		2	14	118
8	8		0	8	64
9	5	1	2	8	72
10	13	2	1	16	168
11	15	3	0	18	228
12	5	2	0	7	210
13	10	0	0	10	18
14	11	4	0	15	210
15	9		0	9	133
16	12		0	12	162
17	6		0	6	102
18	2		0	2	36
				361	2133

**1-3 Cases**

**4-7 Cases**

**8-18 Cases**

**1/3 of Attorneys**

**18**

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 The Office of the CAPITAL DEFENDER

- First Degree Murder (or Undesignated Degree of Murder)
- 18+ on Date of Offense

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 The Office of the CAPITAL DEFENDER

Office of Juvenile Defender  
(might want to write this down)  
(919) 890-1650



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AOC-CR-427

STATE OF NORTH CAROLINA  
County

**NOTICE AND DETERMINATION OF COUNSEL, BY AND FOR THE DEFENDANT AND PROSECUTOR, IN A FELONY CASE WHERE THE DEFENDANT IS CHARGED WITH MURDER OR AT THE TRIAL LEVEL.**

1. The defendant is charged with the following offense, which was brought contemporaneously with or has been joined with the first-degree murder or undesignated degree of murder charge(s) in this case:

first-degree murder or  
 an undesignated degree of murder in this case.

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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AOC-CR-427

1. The defendant is an adult charged with:

first-degree murder or  
 an undesignated degree of murder in this case.

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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AOC-CR-427

2. The defendant is charged with the following other offenses, which were brought contemporaneously with or have been joined with the first-degree murder or undesignated degree of murder charge(s) in this case:

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A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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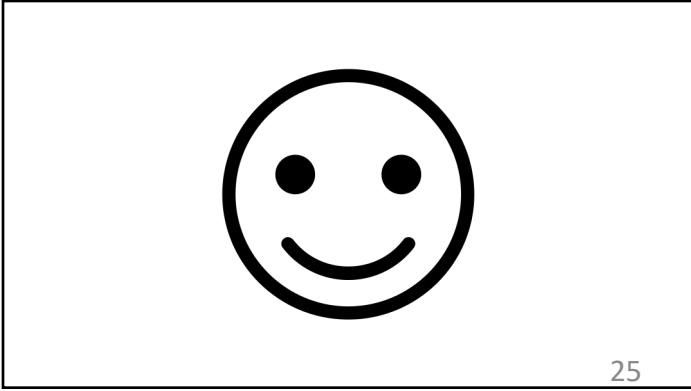
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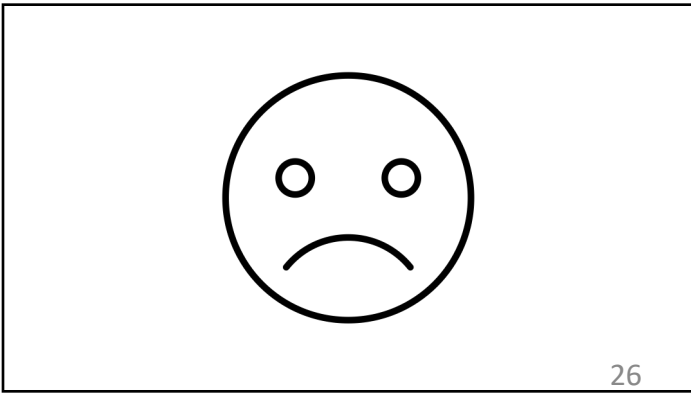
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AOC-CR-427

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3. The defendant is **not** financially able to provide the necessary expenses of legal representation and, therefore, is indigent and entitled to the services of counsel as contemplated by law.

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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4. The defendant is not financially able to provide the necessary expenses of legal representation and, therefore, is indigent and entitled to the services of counsel as contemplated by law.

*For Exports Only*

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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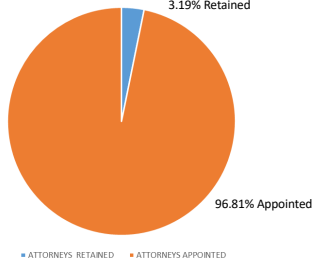
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RETAINED vs. APPOINTED  
(Snapshot, 12/13/2023)



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- 4. The defendant is financially able to provide the necessary expenses of legal representation and, therefore, is not presently considered to be indigent.
- 5. The defendant waived appointment of counsel at the first appearance and is, therefore, responsible for obtaining legal representation.

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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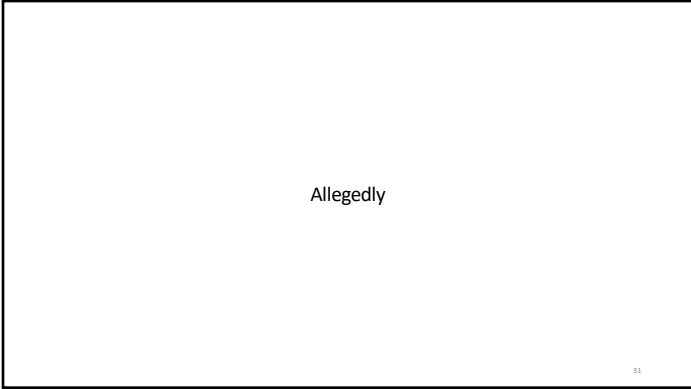
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Allegedly

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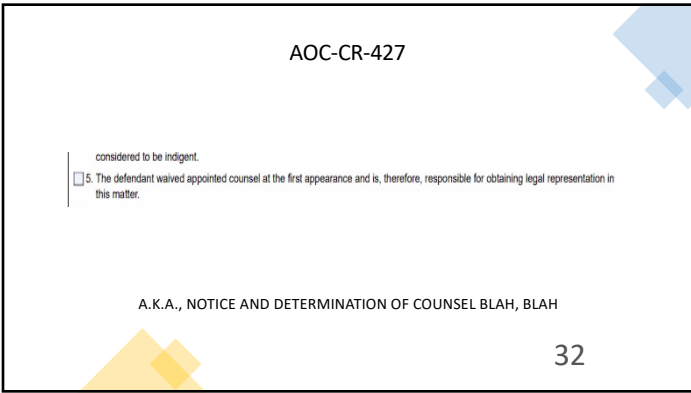
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AOC-CR-427

considered to be indigent.

5. The defendant waived appointed counsel at the first appearance and is, therefore, responsible for obtaining legal representation in this matter.

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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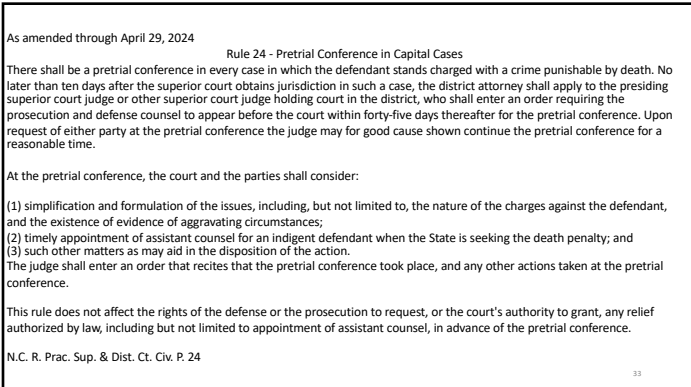
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As amended through April 29, 2024

Rule 24 - Pretrial Conference in Capital Cases

There shall be a pretrial conference in every case in which the defendant stands charged with a crime punishable by death. No later than ten days after the superior court obtains jurisdiction in such a case, the district attorney shall apply to the presiding superior court judge or other superior court judge holding court in the district, who shall enter an order requiring the prosecution and defense counsel to appear before the court within forty-five days thereafter for the pretrial conference. Upon request of either party at the pretrial conference the judge may for good cause shown continue the pretrial conference for a reasonable time.

At the pretrial conference, the court and the parties shall consider:

- (1) simplification and formulation of the issues, including, but not limited to, the nature of the charges against the defendant, and the existence of evidence of aggravating circumstances;
- (2) timely appointment of assistant counsel for an indigent defendant when the State is seeking the death penalty; and
- (3) such other matters as may aid in the disposition of the action.

The judge shall enter an order that recites that the pretrial conference took place, and any other actions taken at the pretrial conference.

This rule does not affect the rights of the defense or the prosecution to request, or the court's authority to grant, any relief authorized by law, including but not limited to appointment of assistant counsel, in advance of the pretrial conference.

N.C. R. Prac. Sup. & Dist. Ct. Civ. P. 24

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AOC-CR-427

Rule 24 - Pretrial Conference in Capital Cases  
(2) timely appointment of assistant counsel for an indigent defendant when the State is seeking the death penalty

6. A Rule 24 hearing has been held and this case has been declared capital as defined by law. The Office of Indigent Defense Services/Office of the Capital Defender shall appoint a second attorney. The following attorney was previously appointed as counsel of record in this matter: \_\_\_\_\_

7. The following attorney has moved to withdraw from this case, and the undersigned Judge has granted that motion and released the attorney: \_\_\_\_\_

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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Moving Slowly

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AOC-CR-427

7. The following attorney has moved to withdraw from this case, and the undersigned Judge has granted that motion and released the attorney: \_\_\_\_\_  
The Office of Indigent Defense Services/Office of the Capital Defender shall appoint substitute counsel. The following attorney remains as counsel of record in this matter: \_\_\_\_\_

A.K.A., NOTICE AND DETERMINATION OF COUNSEL BLAH, BLAH

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- QUESTIONS?
- PROJECT for JUDICIAL HANDOUT
- Provisional appointment
- Appointment of more than 1 (cap or non-cap)
- Withdrawals (2 attorneys)
- Attorney TRAINING (Regional, Ind., Annual)

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