



Pro Bono Newsletter

Private attorneys prosecute CDV cases Program produces dramatic increase in convictions



Alexandra H. Chase

In an area of criminal justice that usually sees very few convictions, the Pro Bono program reports a 76% conviction rate for its more than 900 cases.

In addition, at least thirteen cases have been identified as General Sessions offenses and have therefore been referred to the higher court for potentially stiffer penalties.

Domestic violence cases are notorious for

dismissal rates, often due to the absence or lack of cooperation of victims when in court.

“About half the time, the woman ends up testifying for the defendant, instead of against him, because of fear,” said Attorney General Henry McMaster.

In more than half of the State, there is no prosecutor present for the trial, only the arresting officer.

It is not uncommon for the defendant to have

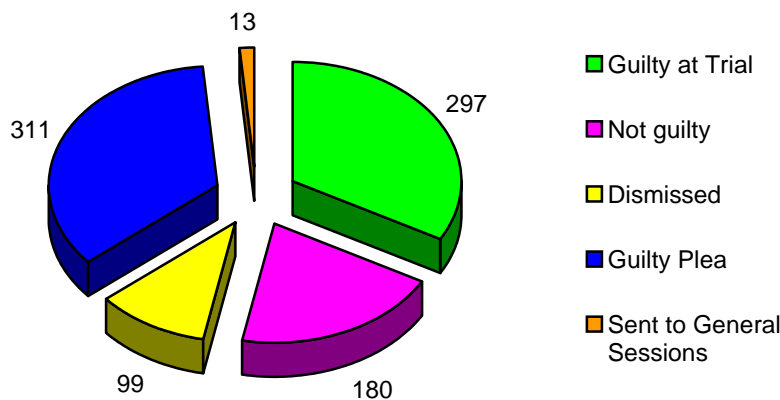
an attorney present.

The uneven representation is what Attorney General McMaster aims to correct with the Pro Bono program.

“Domestic violence is the number one crime problem in South Carolina. No one is going to ride in on a white horse to fix this for us,” he said, “If this thing is fixed, and I know it can be, it will be fixed due to the efforts of citizens.”

~See Prosecution p. 2

Summary of CDV Case Dispositions



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Did you know...

a few quick facts on the Pro Bono program

...Rule 407 conflict of interest matters in regards to the Pro Bono program were clarified by the Supreme Court on January 7, 2004.

...Rule 608 service credit is granted to attorneys who prosecute Pro Bono cases for the Office of the Attorney General.

...Active Pro Bono counties currently include Kershaw, Orangeburg and York. The program will soon be coming to a county near you. To register your interest, contact the Pro Bono program at 803-734-7105.

...The next trainings will be held in Darlington on June 28th and Orangeburg on June 30th. Fill out the registration form on page three to attend. Further registration information is available online or by calling 803-734-3745.

For more information, visit the S.T.O.P. Violence Against Women website at www.SCAttorneyGeneral.org/public/women.html.

Prosecution

~Continued from p. 1

Any private attorney may volunteer to prosecute cases through the Pro Bono program. Training is provided through the Office of the Attorney General; each trained attorney is certified as a Special Prosecutor for the Office of the Attorney General for cases to which she or

he is assigned. For more information, or to volunteer for the program, contact:

Alexandra H. Chase
Office of the Attorney General Post Office Box 11549 Columbia, South Carolina 29211-1549

Tele: 803-734-7105
Fax: 803-734-6679
ProBono@ag.state.sc.us

Protocol provides information



Alexandra H. Chase

The CD-Rom 5th Edition version of the Model Protocol for Law Enforcement, Judges and Prosecutors is now available.

Each year, the Office of the Attorney General, through the S.T.O.P. Violence Against Women program, produces the protocol as a means of sharing updates with those involved with Criminal Domestic Violence.

Information provided in the protocol includes new and amended laws, case laws, investigative means and prosecution techniques.

Protocols are distributed to each person who attends trainings sponsored by the Office of the Attorney

General and to those who request a copy from the Office.

More than 800 protocols have been provided to law enforcement agencies, victim advocates, judges and prosecutors in SC since January 2005.

“We believe the protocol will assist you in making difficult decisions and taking effective action to increase the number of Criminal Domestic Violence convictions and decrease the rate of recidivism.”

Attorney General Henry McMaster

“The Office of the Attorney General is committed to stopping violence against women,” said Attorney General Henry McMaster, “As a part of this effort, the Office

has outlined a consistent statewide policy for the investigation, prosecution and disposition of Criminal Domestic Violence and Stalking crimes.

We believe the protocol will assist you in making difficult decisions and taking effective action to increase the number of Criminal

~See Protocol p. 4

The State of South Carolina
 OFFICE OF THE ATTORNEY GENERAL
 S.T.O.P. Violence Against Women Program
 And
 The SC Criminal Justice Academy
 Presents

**“Domestic Violence
 and the
 Criminal Justice System”**

A **free** training for attorneys, judges,
 law enforcement and victim advocates.

<p>June 28, 2005 Darlington, SC Raceway Media Center Harry Byrd Highway 8:30am until 5:00pm</p>	&	<p>June 30, 2005 Orangeburg, SC SC State University Fine Arts Center 8:30am until 5:00pm</p>
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This training has been accredited through:

SC Criminal Justice Academy: 5.5 Hours;

Commission on Continuing Legal Education: 6.25 Hours;

South Carolina Court Administration: 6 Criminal Hours; and,

Labor, Licensing and Regulation: 5.5 Non-Social Work Hours.

Courses include: Domestic Violence 101, Law Enforcement Re-

sponse and Investigation, Orders of Protection, CDV Laws, Prosecuting CDV, and Batterer Treatment Programs.

Attorney General Henry McMaster will be addressing both training sessions.

Lunch will not be provided.

These trainings are identical in format and content. To register, simply complete the registration form at right or call 803-734-7105.



“Domestic Violence and the Criminal Justice System”

A **free** training for attorneys, judges, law enforcement and victim advocates. Registration is required. Please mail to:

Alexandra H. Chase
 Post Office Box 11549
 Columbia, South Carolina 29211-1549
 Tele: 803-734-7105
 Fax: 803-734-6679

Email: ProBono@ag.state.sc.us
www.SCAttorneyGeneral.org/public/women.html

Please indicate which training you wish to attend:

- June 28, 2005 8:30am until 5:00pm
Darlington, SC
- June 30, 2005 8:30am until 5:00pm
Orangeburg, SC
- Please notify me of future trainings

Please provide your contact information:

First Name Last Name Suffix

Position

Office

Mailing Address

City State Zip Code

Phone Number

Fax Number

Email Address

Bar Number

Judge Number

Centralized CDV Courts: A powerful tool against domestic violence



Alexandra H. Chase

Judges throughout South Carolina are beginning to take note of the benefits of organizing a centralized court for the cases of Criminal Domestic Violence.

Specialized courts expedite dockets, facilitate law enforcement availability for trials and allow for victim support groups and batterer treatment programs to have representatives in court.

A Supreme Court order is required to establish a specialized court. An example may be found online at www.SCAttorneyGeneral.org/public/women.html.

Establishing a central-

ized court is largely an administrative task, rather than an economic burden.

Court may convene once, twice or more per month as desired by the Chief Magistrate.

Each court is held in the same location and on the same date every month, e.g. the first and third Monday of each month.

Anyone who was arrested on CDV charges during the previous

month gathers on the day of the CDV court. It is at this time that each person is instructed on his or her options of pleading

guilty, requesting a bench trial or requesting a jury trial. For those who choose to plead guilty or request a bench trial, the case is heard immediately during the CDV court.

If the defendant chooses a jury trial, his or her case is remanded to the court for the jurisdiction in which the

crime occurred and he or she is notified when the case is assigned a trial date.

Lexington County was the first in the State to establish a centralized CDV court through the Supreme Court.

York County is in the process of establishing a CDV court.

Some counties have found that rotating judges is best, while others have only one judge who hears all of the CDV cases.

For further information, contact Alexandra H. Chase at 803-734-7105 or 803-734-3745.



For more information, please contact:

The Pro Bono Program
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Office of the Attorney General

Post Office Box 11549
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www.SCAttorneyGeneral.org/public/women.html

Protocol

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Domestic Violence convictions and decrease the rate of recidivism," he said.

First editions of the protocol were printed as large three-ring binders, making them difficult to produce and distribute. Each protocol would cost the Office around twenty-two dollars and cost a considerable amount to

mail to those who requested copies.

CD-Rom copies, however, may be manufactured and distributed for only a few dollars.

Protocols may be requested by contacting the S.T.O.P. Violence Against Women program at 803-734-3717 or 803-734-3745.