

SENATOR WEHRBEIN: ..you were using which...so if I understand the gist of your...the thrust of your amendment is really that the county, regardless of who they are or where they're at, are going to share in a third of the cost.

SENATOR KRISTENSEN: Yes, for actual expenditures used in that case.

SENATOR WEHRBEIN: And that would be true regardless of the county? Be 93 counties.

SENATOR KRISTENSEN: Yes.

SENATOR WEHRBEIN: Yeah, okay. Thank you.

SPEAKER WITHEM: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. Do you, Senator Kristensen, could we continue our discussion just a bit?

SENATOR KRISTENSEN: Sure.

SENATOR BROMM: We have a...we have a county who has a capital murder case and, of course, it's one that eventually has a death penalty imposed and we have numerous appeals which you would anticipate. Do you see this as being the kind of organization, have the manpower and the money to handle the appeals on something like that? Or is that...is that just too much with what we've got to work with here to expect? I mean I...I'm trying...I want, you know, I don't want people to be under a misimpression on what this can or can't do and I'd like to know what you think about that.

SENATOR KRISTENSEN: My impression is that, yes, they'll be able to handle that in that particular case until they start running into the conflict and, obviously, one of the first conflicts on appeal will be that the attorney from this commission was incompetent and inadequate at the time of trial and that the claimant post-conviction relief time is inadequate counsel and then that's when they're going to have to fall out of this thing in terms of actually representing in post-conviction relief. Part of being an experienced criminal defense lawyer is not only in trial but at trials you know one of the strategies is to set up your issues for appeal and these people will have the