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**WHY FUNDING FOR CRIMINAL DEFENSE ATTORNEYS  
AND INVESTIGATORS IS CRITICAL**

We have an adversary system of justice.

This means we expect the prosecution to charge a case and the defense to investigate and challenge that case and the result will be fair because there is "due process."

"Due process" means defense lawyers must have the time and ability to analyze a case and direct an investigator to test the prosecution's charges, witness statements and supporting facts.

Criminal defense lawyers in Oregon, both public defenders and private appointed lawyers, have too many cases. They have too many cases because they have to in order to make a bare living wage. Too many cases means not enough time to spend on each case.

I want to give you one example of where time and tenacity made a difference.

In 2014 a client in Lane County was charged with Arson in the First Degree, Burglary in the First Degree and other charges.

Arson in the First Degree is a Ballot Measure 11 offense that carries a mandatory minimum sentence of 90 months in prison. No parole. No good time. 90 months. Seven and one half years.

The indictment alleged that a man and woman broke the window of a Eugene pizzeria and then entered the building and set fire.

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The police reports said that employees of the pizzeria ran downstairs when the window was broken, barricaded themselves in the basement and called 911.

The employees said they could hear the man and the woman (the woman was my client) talking inside the pizzeria.

My client, the woman, was adamant she did not break the window, she did not start the fire, and she did not do anything criminal.

The evidence against her appeared strong.

There was one witness mentioned in the police reports whose statement we did not have. I asked the prosecution for that statement twice, in an abundance of caution. I sent my investigator to find this witness. My investigator finally talked to this witness.

This witness specifically stated my client did not participate nor assist in the actions of another in breaking the window of the premises in question (criminal mischief charge), she did not throw fire into the building (arson charge) and she did not enter the building after the window was broken or the fire started (burglary charges). This witness appeared to have "no axe to grind."

Based upon this witness information the charges against my client, the woman, were dismissed. She spent 30 days in custody for crimes she did not commit. But Ultimately justice prevailed. However, but for the defense talking to every possible witness, she would probably have been convicted of a crimes or crime she did not commit. Eventually, through post conviction relief the truth might have been uncovered but only after she spent more time in prison and at substantial cost to the criminal justice system.

This circumstance was not the fault of the prosecution or the police. The witnesses they interviewed said my client was involved in the crimes. They were mistaken. As criminal defense lawyers, our charge is to challenge that evidence. Sometimes we confirm the information is correct and sometimes, like here, we determine it is not. Either way justice is served, an accused citizen receives due process and the system works.

Substantial funding is absolutely critical to pay defense attorneys and investigators so they can provide due process and uphold our standards of justice.

Sincerely,

McCREA PC / Shaun S. McCrea