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Chinquina, for taxpayers



Palm Beach Post Editorial

Thursday, October 30, 2008

For 16 years, Diamond Litty has been the elected public defender for the 19th Judicial Circuit, which includes Martin, St. Lucie, Indian River and Okeechobee counties. Her opponent in Tuesday's election, Donald Chinquina, has much less experience. But because he has a better approach to running the office, *The Post* endorses Mr. Chinquina.

For all of her experience, Ms. Litty refuses to take an important step that most experienced legal professionals agree is essential if her office is to properly defend its clients and protect the circuit's taxpayers. While other urban circuits provide a public defender at first appearance, Ms. Litty simply will not. At first appearances, held within 24 hours of arrest, a judge assesses the case and can release the defendant or set bail.

[More on the candidates](#) St. Lucie County pays for a public defender for first appearances. But critics say that person does not function as a full-fledged advocate, and the position is not staffed on weekends, when many defendants make their first appearances. The result is that most defendants in Ms. Litty's circuit are not adequately defended from the very beginning.



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What difference does it make? Indigent defendants who, with a lawyer's help, might have been able to bond out of jail immediately instead are returned to a cell for days or weeks. People who had been employed frequently lose their jobs as well as their freedom. When they finally appear at trial, the defendants often are granted probation - indicating that the time in jail was not necessary.



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Not only is that way of doing things bad for the person who goes to jail, it is bad for taxpayers who have to finance the county jail. Two years ago, Ms. Litty filed a needless federal lawsuit to force St. Lucie to open a new jail pod - even as she refused to send public defenders to first appearances, a step that could have reduced jail crowding. Clear evidence that Ms. Litty is wrong on first appearances is the 28-0 vote in August by the Florida Bar Criminal Procedure Rules Committee recommending that the state Supreme Court require public defenders at first appearances.

Mr. Chinquina twice worked for Ms. Litty, for a total of about three years, and now is in private practice. He would provide public defenders at first appearance, regardless of whether required to. Doing so - particularly in tough budget times - would test his admittedly thin administrative experience. But Mr. Chinquina has this going for him: He wants to do it, and he wants to do it right. Because the same can't be said of Ms. Litty, voters should give Mr. Chinquina the chance.

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