

STATE OF NEW YORK
COUNTY COURT COUNTY OF MONROE

THE PEOPLE OF THE STATE OF NEW YORK,

-VS-

ALVIN FULTON, JR.,

Defendant.

**ATTORNEY'S
AFFIRMATION**

ACP#2001-1094

Jo Anne Leegant, Esq. affirms the following to be true under penalty of perjury:

1. I am an attorney at law licensed to practice in the State of New York.
2. On January 3, 2002, I was assigned by County Court Judge Patricia D. Marks to represent the defendant, Alvin Fulton, Jr. The initial assignment of private counsel was due to a conflict with the Office of the Public Defender. I was asked to represent Mr. Fulton after he was unable to get along with three other assigned attorneys.
3. This case was particularly unusual, complicated and time consuming for a great number of reasons. Mr. Fulton was accused of Course of Sexual Conduct in the First Degree, an extremely serious and grave charge.
4. Not only did Mr. Fulton adamantly deny his guilt, but he spent nearly all his time in the law library, making motions, doing legal research and making plans to sue people, including one of his former assigned attorneys, the Court and the assistant district attorney assigned to

prosecute the matter.

5. Although I am not a mental health professional, my personal observations led me to believe that one of his mental problems is paranoia.
6. I was asked by the Court to take the case in the hope that I would succeed in getting along with him well enough to survive the trial. The Court expressed the opinion that Mr. Fulton was incapable of representing himself.
7. Mr. Fulton demanded copies of every document in my file and felt that he had the right to tell the attorney how to conduct his defense. He was unable to understand why counsel could not make numerous repetitious pretrial motions.
8. A great deal of time and effort was spent not only in preparing myself for trial, but in explaining to Mr. Fulton why it would not be in his best interest to conduct the case according to all of his requests.
9. When I first accepted the assignment, it was necessary to sort through pages and pages of material, including handwritten motions made by Mr. Fulton in an effort to ascertain which issues had previously been determined by the Court and which issues needed to be determined prior to trial which had already been scheduled.
10. To further complicate matters, the case had originally been assigned to a different judge. Accordingly, there were motions which had been determined by the prior judge.

11. I had obtained what I thought to be the entire contents of the file from the previous assigned attorney. However, there was a period of time during which Mr. Fulton represented himself. It was not until the eve of trial that I realized that there were documents in Mr. Fulton's own file which prior counsel did not have. I had to "borrow" and reproduce those documents.
12. Each time I visited Mr. Fulton at the jail, the first part of the interview was spent in calming him down and listening to his list of things he wanted me to do. He generally had a laundry list of complaints about the way I was handling the matter and issues which he felt needed to be addressed. Only after he had completed his agenda were we able to discuss anything on my agenda.
13. On the Sunday afternoon prior to jury selection when I went to visit him at the jail, I discovered that he had no civilian clothes. Accordingly, on the morning that were supposed to be selecting the jury it was necessary to direct my efforts to an attempt to obtain clothing suitable for him wear to court. Although he had come into the jail with clothing, the jail was unable to locate his pants. It was necessary for me to walk over to the Public Defender's Office and to another attorney's office in an attempt to obtain garments. Because he is a large man, most of the garments which were available at the Public Defenders Office were too small. I was able to locate a shirt which he wore with his jail pants until his own pants were found.

14. While I was in court the first day, my law partner purchased some clothes at our own expense so that he would not have to wear the same clothing each day. My law partner "donated" two pair of dark socks.
15. To say that this trial was stressful would be an understatement. In addition to trying to listen to the testimony so that I could properly defend Mr. Fulton, I had to deal with Mr. Fulton, which included keeping him under control in front of the jury. He had a history of acting out in the courtroom, and I felt that it would not be in anyone's best interest to have the Court declare a mistrial because of something that he might do in the course of the trial.
16. Because we spent so much time on obtaining clothing on Monday morning, it was necessary for me to take home and review jury questionnaires in order to complete jury selection the following morning.
17. After it appeared that the trial was over, the prosecutor called a rebuttal witness. It was necessary for the defense to call a witness in response to that witness. This added a day to the trial, as the witness was out of town on the day that we discovered that we needed him.
18. Although Mr. Fulton was ultimately convicted, I made every effort to defend him zealously.
19. It is my belief and my practice and policy that assigned indigent defendants, whether charged with petit misdemeanors or multi-count

felony indictments for which they risk life in prison, deserve the same quality of defense and expenditure of my best efforts as do those clients who can afford to pay extensive retainers for the same services. I could not under any circumstances ever short-change an assigned client in the preparation and conduct of his defense and I did not do so here.

11. I respectfully submit that the foregoing constitutes extraordinary and unusual circumstances justifying my request for counsel fees above the \$1,200.00 maximum established by Article 18 B of the County Law of the State of New York and that the time spent was necessary in order to properly and fairly represent the defendant.

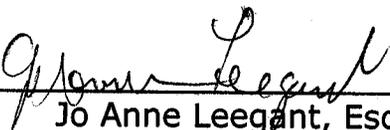
12. I am aware that the Monroe County Director of Finance is not authorized to pay any sum in excess of \$1,200.00 without order of this Court and at no time have I received any fees or reimbursements in this matter from any other source.

13. Attached hereto and made a part hereof is a log sheet which was kept on a day to day basis and describes the activities completed as well as the time expended.

WHEREFORE, I respectfully request that this Court grant an order directing the Monroe County Department of Finance to pay the sum of

\$3,837.30, representing legal fees and out of pocket expenses, as fair and reasonable counsel fees and disbursements for the representation of Alvin Fulton, Jr.

DATED: May 28, 2002



Jo Anne Leegant, Esq.

FULTON.EXFEE