



# Commonwealth of Virginia

**Walter J. Kucharski, Auditor**

**Auditor of Public Accounts  
P.O. Box 1295  
Richmond, Virginia 23218**

November 12, 2010

The Honorable Colon H. Whitehurst  
Chief Judge  
City of Chesapeake General District Court  
307 Albemarle Drive  
Chesapeake, VA 23322

Audit Period: July 1, 2009 through June 30, 2010  
Court System: City of Chesapeake  
Judicial District: First

We are performing a statewide audit of the General District Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review, we noted certain matters that required management's attention and corrective action. These matters included:

## Recover Costs for Court Appointed Attorneys

The Clerk did not recoup from the locality the state funds used to pay court appointed attorneys and public defenders when they represented defendants charged with local offenses as required by Section 19.2-163 of the Code of Virginia. In our review of ten cases, the Clerk failed to bill the locality for four cases totaling \$480 in Court Appointed Attorney and Public Defenders fees paid by the Commonwealth.

We recommend the Clerk research all similar cases, make the appropriate corrections to case paperwork, and where appropriate, bill the localities for the applicable court appointed attorney and public defender fees. Further, we recommend the Clerk work with the Office of the Executive Secretary to improve oversight in these billing practices.

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We acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK: clj

cc: The Honorable David L. Williams, Judge  
The Honorable Timothy S. Wright, Judge  
The Honorable Philip J. Infantino III, Judge  
Deborah A. Ellington, Clerk  
Paul F. DeLosh, Director of Judicial Services  
Supreme Court of Virginia