

Part 1 – Agency Profile

Agency Overview:

The Office of the Idaho State Appellate Public Defender was created in 1998. The SAPD provides appellate representation to indigent defendants who have been convicted of a non-capital or capital felony in district court. The SAPD also provides appellate representation in dismissals or denials of non-capital state habeas proceedings and state post conviction petitions. The SAPD provides district court representation for capital defendants during the post conviction phase, as well as the appeal following the denial of the post conviction petition and the direct appeal from the judgment of conviction.

The State Appellate Public Defender is Molly J. Huskey, who was re-appointed by Governor C.L. “Butch” Otter in January, 2007. The office has 21 full-time employees, including the agency head. There are four (4) attorneys in the Capital Litigation Unit, a mitigation specialist, an investigator and a support staff. The Appellate Unit has nine (9) attorneys, including the Chief of the Appellate Unit, two support staff and a paralegal. There is also an Office Administrator. The office is located at 3647 Lake Harbor Lane, Boise, Idaho.

The mission of the SAPD is to provide quality legal representation to its clients in an effective and efficient manner.

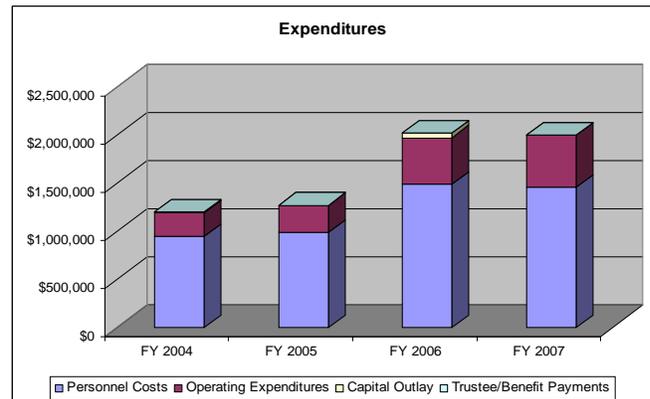
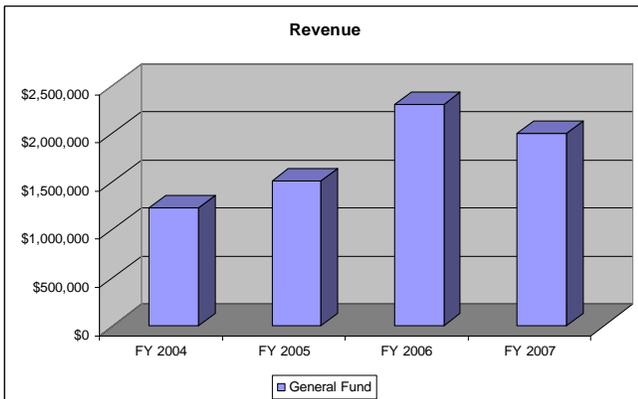
Core Functions/Idaho Code:

In *Alabama v. Powell*, 287 U.S. 45, 68-69 (1932), the United States Supreme Court held that basic fairness required that indigent defendants facing capital charges had the constitutional right to assistance of counsel. In *Gideon v. Wainwright*, 372 U.S. 335 (1963) the Supreme Court ruled that states have a constitutional obligation under the Sixth and Fourteenth Amendments to the U.S. Constitution to provide counsel to non-capital indigent defendants. The Idaho Appellate Courts have extended the right to counsel to direct appeals. *Banuelos v. State*, 127 Idaho 860, 908 P.2d 162 (Idaho App.,1995)

As a result of these cases, and recognizing the cost of specialized appellate counsel, the legislature created the SAPD by enacting Idaho Code §19-867. The additional duties of the office are enumerated in I.C. §19-868 through §19-872.

Revenue and Expenditures:

Revenue	FY 2004	FY 2005	FY 2006	FY 2007
General Fund	\$1,228,800	\$1,504,600	\$2,306,900	\$1,996,600.00
Total	\$1,228,800	\$1,504,600	\$2,306,900	\$1,996,600.00
Expenditure	FY 2004	FY 2005	FY 2006	FY 2007
Personnel Costs	\$939,400	\$986,900	\$1,484,200	\$1,448,300.00
Operating Expenditures	\$246,500	\$279,000	\$482,200	\$548,300.00
Capital Outlay	\$10,200	\$0	\$46,000	\$0.
Trustee/Benefit Payments	\$0	\$0	\$0	\$0.
Total	\$1,196,100	\$1,265,900	\$2,012,400	\$1,996,600.00



Profile of Cases Managed and/or Key Services Provided:

Cases Managed and/or Key Services Provided	FY 2004	FY 2005	FY 2006	FY 2007
Capital	6	7	6	5
Non-Capital	632	608	591	584

Performance Highlights:

Fiscal Year 2007 provided the completion of the SAPD Audit and the final report being circulated for review. Although not received until July 23, 2007, the report was completed in FY2007, a copy of which is attached to this Report.

Part II – Performance Measures:

Performance Measure	2004	2005	2006	2007	Benchmark
1. Comply with National Standards (22 work units per attorney)		AU attorney average: 50 points	AU attorney average: 33.28 points	AU attorney average: 48.53 points	100% Compliance by FY08
2. 100% resolution of any identified deficiencies of the Office of the SAPD's structure, management and performance when compared to national standards.				Upon review of the SAPD audit, this goal has been achieved.	25% by end of FY07 50% by end of FY08 75% by end of FY09 100% by end of FY10
3. Provide adequate funding for capital cases. This benchmark is measured by whether there was sufficient funding to adequately provide investigation and mitigation in the capital cases. There is adequate funding if all necessary investigation has been done.	\$69,835.00	\$88,550.28 \$233,000.00	\$57,781.05 \$228,150.47	\$45,780.25 \$99,725.15	100% compliance by FY05
4. Website 100% complete to increase communication with the public defenders, the bar, the courts, the general public, and counties in order to substantially increase the constituencies' awareness of the value of the Office of the SAPD.				The website was completed by June, 2007 and is simply waiting for information to be uploaded.	Completion date of December 31, 2006 with 100% achievement each Fiscal Year.
5. CLE taught in 100% of the judicial districts for public defenders.				Budgetary constraints prevented the SAPD to travel to the	100% completion each Fiscal Year/New Measure.

				judicial districts. However, the SAPD continued to provide consultation to all counties.	
6. Study the indigent defense delivery system, including felonies and misdemeanors, adult and juvenile cases.				This goal was met with the study beginning in April, 2007.	New Measure

Performance Measure Explanatory Note:

The distinction in the average workload of AU attorneys from FY2006 and FY2007 results from the difference in the complexity of cases and the number of cases in which reply briefs are required. In order to achieve 100% compliance with national standards on staff attorney workload, the SAPD will be required to request additional FTP's for the Appellate Unit. Performance Measure Three indicates that only \$45,780.25 was spent for Capital cases. However, the remaining \$53,544.90 is encumbered on contracts for those cases, in essence using the entire \$99,725.15 on Capital cases. Performance Measure Five has been accommodated in the FY08 budgetary cycle and the training will occur; the training will be limited to public defenders.

For More Information Contact

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