

Agency Summary And Certification

FY 2023 Request

Agency: Office of the State Appellate Public Defender

443

In accordance with 67-3502 Idaho Code, I certify the included budget properly states the receipts and expenditures of the departments (agency, office, or institution) for the fiscal years indicated.

Signature of Department Director:

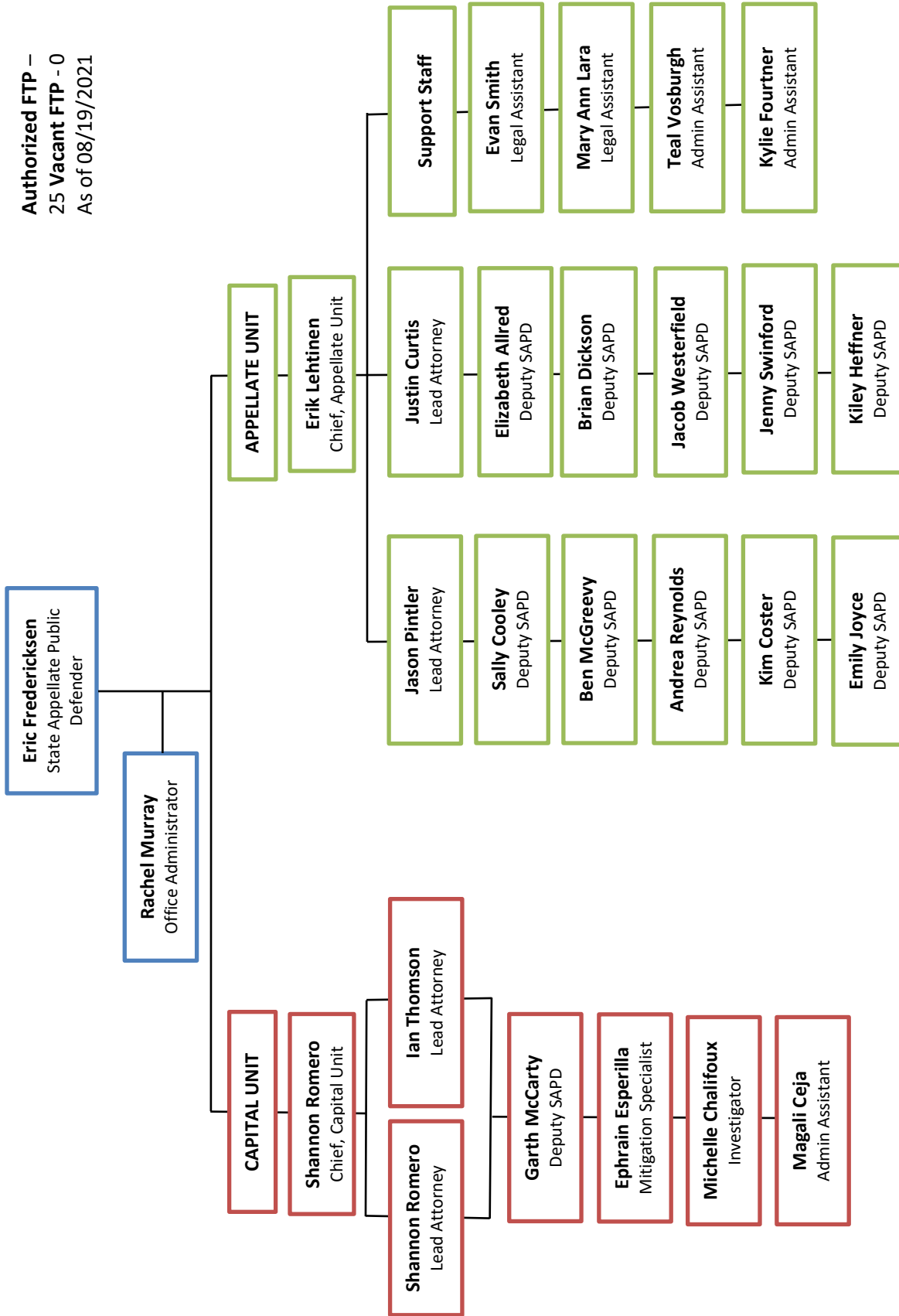
Eric Fredericksen

Date: 08/31/2021

	FY 2021 Total Appropriation	FY 2021 Total Expenditures	FY 2022 Original Appropriation	FY 2022 Estimated Expenditures	FY 2023 Total Request
Appropriation Unit					
Office of the State Appellate Public Defender	2,804,400	2,750,800	2,929,500	2,929,500	3,031,200
Capital and Conflict Representation	202,100	218,300	242,100	382,500	260,800
Total	3,006,500	2,969,100	3,171,600	3,312,000	3,292,000
By Fund Source					
G 10000 General	3,006,500	2,969,100	3,171,600	3,312,000	3,292,000
Total	3,006,500	2,969,100	3,171,600	3,312,000	3,292,000
By Account Category					
Operating Expense	411,200	488,400	519,900	660,300	552,500
Capital Outlay	71,000	71,300	0	0	73,100
Personnel Cost	2,524,300	2,409,400	2,651,700	2,651,700	2,666,400
Total	3,006,500	2,969,100	3,171,600	3,312,000	3,292,000
FTP Positions	25.00	25.00	25.00	25.00	25.00
Total	25.00	25.00	25.00	25.00	25.00

443 – STATE APPELLATE PUBLIC DEFENDER

Authorized FTP –
25 Vacant FTP - 0
As of 08/19/2021



Part I – Agency Profile

Agency Overview

The Office of the State Appellate Public Defender (SAPD) provides appellate representation in the Idaho Supreme Court and Idaho Court of Appeals to indigent adults and juveniles who have been convicted of a felony or misdemeanor. The SAPD also provides appellate representation to petitioners in state post-conviction and habeas corpus cases. In capital cases, where a defendant has been sentenced to death, the SAPD provides district court representation for post-conviction cases, as well as representation on appeal in both the direct appeal from the judgment of conviction and the appeal from the denial of the post-conviction petition.

On November 22, 2016, Governor Otter appointed Eric D. Fredericksen to the position of State Appellate Public Defender. Mr. Fredericksen was reappointed to the position of State Appellate Public Defender on August 1, 2018. As of October 1, 2020, the office will have 25 full-time employees, including the agency head. The Capital Litigation Unit includes three attorneys, a mitigation specialist, an investigator, and one administrative assistant. The Appellate Unit has thirteen staff attorneys and three legal assistants. There is also an office administrator and receptionist. The office is located at 322 East Front Street, Suite 570, Boise, Idaho.

The SAPD must provide effective assistance of counsel to its clients and timely process appeals, as mandated by both the United States and Idaho Constitutions, as well as by Idaho statutes and court rules. Ethically, in its casework the SAPD must serve, first and foremost, the best interests of its clients. The SAPD is also mindful of relevant constituent groups and the legislative goal of reducing the financial burden on Idaho counties previously caused by the extraordinary cost of legal representation of indigent defendants on appeal. The SAPD is additionally committed to strengthening Idaho's criminal justice system to ensure it is both efficient and effective for SAPD clients.

The SAPD's Mission: Defending zealously, advancing fairness, and advocating with integrity.

The SAPD's Vision: A better Idaho where the legal system treats each person with fairness and dignity.

Core Functions/Idaho Code

The right of a defendant to representation by an attorney in a felony criminal case is a core value in Idaho, dating back to the days of the Idaho Territory. The Revised Statutes of Idaho, dated 1884, stated that if a defendant "desires and is unable to employ counsel, the court must assign counsel to defend him." Years later, the United States Supreme Court recognized, in *Alabama v. Powell*, 287 U.S. 45, 68-69 (1932), that the basic fairness required by the United States Constitution meant that indigent defendants facing capital charges had the right to assistance of counsel. More than thirty years later, 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 trial counsel to non-capital indigent defendants facing a loss of liberty. Finally, in *Douglas v. California*, 372 U.S. 353 (1963), the Court found that an indigent defendant is entitled to the assistance of counsel in a first appeal granted as a matter of right from a criminal conviction.

Even absent the constitutional requirements for counsel, Idaho continues to adhere to the core value of ensuring that criminal defendants facing a loss of liberty are represented by counsel "to the same extent as a person having his own counsel is so entitled." I.C. § 19-852. Similarly, in accordance with Idaho Criminal Rule 44.2, immediately after the imposition of the death penalty, the court must appoint at least one lawyer to represent the defendant for purposes of seeking post-conviction relief pursuant to Idaho Code §19-2719.

The legislature recognized that the cost of providing appellate representation was an extraordinary burden on the counties of Idaho. "In order to reduce this burden, provide competent counsel but avoid paying high hourly rates to independent counsel to represent indigent defendants in appellate proceedings," the legislature created the SAPD. See I.C. § 19-868. The duties of the SAPD are enumerated in I.C. §19-868 through §19-872.

Revenue and Expenditures

Revenue	FY 2018	FY 2019	FY 2020	FY 2021
General Fund	\$2,889,200	\$2,948,100	\$3,099,100	\$3,091,200
Dedicated	\$0	\$0	\$0	\$0
Total	\$2,889,200	\$2,948,100	\$3,099,100	\$3,091,200
Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Personnel Costs	\$2,153,663	\$2,303,900	\$2,368,800	\$2,409,400
Operating Expenditures	\$322,589	\$405,100	\$407,500	\$488,400
Capital Outlay	\$12,511	\$17,100	\$19,400	\$71,300
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
Total	\$2,488,763	\$2,726,100	\$2,795,700	\$2,969,100

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2018	FY 2019	FY 2020	FY 2021
Capital Cases Managed	4	3	3	3
Non-Capital Cases Opened	604	600	618	435

FY 2021 Performance Highlights

Governor Little issued a mandatory Stay at Home Order on March 25, 2020. As an essential business, the SAPD was able to quickly pivot its business model to move to operating entirely remotely, having little disruption in the SAPD’s ability to meet its constitutional obligation to provide effective assistance of counsel for Idaho’s indigent defendants on direct appeal in felony cases and under a sentence of death. The SAPD stayed remote until early June of 2021. Despite this shift in the operation, the SAPD was successful in a higher percentage of cases in FY2021, as compared to previous years.

Part II – Performance Measures

Performance Measure		FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Goal 1						
<i>Provide Competent, Constitutionally Sufficient Representation to All SAPD Clients</i>						
1. No affirmed reprimands from the Office of Bar Counsel or the Idaho Supreme Court.	actual	0	0	0	0	
	target	No Affirmed Reprimands	No Affirmed Reprimands	No Affirmed Reprimands	No Affirmed Reprimands	
2. No affirmed findings of ineffective assistance of counsel against an SAPD attorney.	actual	0	0	0	0	
	target	No Affirmed Findings	No Affirmed Findings	No Affirmed Findings	No Affirmed Findings	
3. Continuing legal education credits for renewal of licenses to practice law.	actual	100%	100%	100%	100%	
	target	100% License Renewal	100% License Renewal	100% License Renewal	100% License Renewal	
Goal 2						
<i>Provide Services In An Efficient Manner</i>						
4. New contract cases assigned by fiscal year.	actual	0	8	0	0	
	target	0 Cases	0 Cases	0 Cases	0 Cases	

Performance Measure		FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
5. All cases assigned within 21 days of receipt of the transcript and record such that objections to the record can be filed in the district court.	actual	100%	100%	100%	100%	
	target	100%	100%	100%	100%	
6. Reduce the number of initial appellant's briefs filed on more than two extensions as identified each fiscal year	actual	491/43	521/57	559/110	476/103	
	target	25% Reduction of Briefs filed on >2 Ext. from previous FY	25% Reduction of Briefs filed on >2 Ext. from previous FY	10% Reduction of Briefs Filed on >2 Ext. from previous FY	No more than 10% of Initial Appellant's Briefs Filed on > 2 Ext.	
7. Reduce the average Appellant Unit attorneys' caseloads to an appropriate level of no more than 35 units per year.	actual	53.30 units	51.81 units	58.08 units	43.30 units	
	target	35.00 Unit Average	35.00 Unit Average	35.00 Unit Average	35.00 Unit Average	
Goal 3						
<i>Collaborate With Other Entities To Improve Idaho's Criminal Justice System</i>						
8. Clarify or modify the jurisdiction of the SAPD to handle identified indigent defense representation needs each fiscal year.	actual	N/A*	N/A*	100%**	100%	
	target			Amend Idaho Code § 19-840 to expand jurisdiction of the SAPD to handle juvenile and misdemeanor appeals from the district court**	Amend Idaho Code § 19-840 to expand jurisdiction of the SAPD to handle juvenile and misdemeanor appeals from the district court	
9. Collaborate with other entities to improve Idaho's criminal justice system.	actual	100%	100%	100%	100%	
	target	Participation in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	Participation in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	Participation in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	Participation in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	

* This Performance measure was completed in FY2017 and has been replaced with a new performance measure for FY2020.

**New Performance measure for FY 2020.

Performance Measure Explanatory Notes

In FY2021, the SAPD was appointed to 435 criminal appeals from the district court, which is a significant workload decrease from FY2020 (618). The SAPD's numbers are consistent with the number of felony criminal appeals filed in the Idaho Supreme Court. The average deputy's workload this past year was 43.30 units, which marks a rather significant decrease from the previous 3 years. The decrease is largely attributed to the Corona Virus pandemic and shutdown of courthouses throughout the year.. While 43.30 units exceeds the SAPD's goal to average 35 workload units per attorney, it is certainly a manageable workload. Additionally, SAPD attorneys are given a weekly

opportunity to refuse new cases if they believe their current workload is too high. SAPD attorneys will routinely refuse to accept new cases until they believe they are able to meet their constitutional obligations to their individual clients. Additionally, attorneys were permitted to obtain additional extensions from the Idaho Supreme Court in filing the briefs on appeal.


For More Information Contact

Eric D. Fredericksen
State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702
Phone: (208) 334-2712
E-mail: efredericksen@sapd.state.id.us

Director Attestation for Performance Report

In accordance with *Idaho Code 67-1904*, I certify the data provided in the Performance Report has been internally assessed for accuracy, and, to the best of my knowledge, is deemed to be accurate.

Department: Idaho State Appellate Public Defender



Director's Signature

August 20, 2021

Date

Please return to:

Division of Financial Management
304 N. 8th Street, 3rd Floor
Boise, Idaho 83720-0032

FAX: 334-2438
E-mail: info@dfm.idaho.gov

FIVE-YEAR FACILITY NEEDS PLAN, pursuant to IC 67-5708B

AGENCY INFORMATION

AGENCY NAME:	Executive Office of the Governor		
Division/Bureau:	State Appellate Public Defender		
Prepared By:	Jason Martinez	E-mail Address:	jason.martinez@dfm.idaho.gov
Telephone Number:	208-854-3063	Fax Number:	208-555-1213
DFM Analyst:	Adam Jarvis	LSO/BPA Analyst:	Jared Hoskins
Date Prepared:	5/24/2021	For Fiscal Year:	2023

FACILITY INFORMATION (please list each facility separately by city and street address)

Facility Name:	Idaho Water Center				
City:	Boise	County:	Ada		
Street Address:	332 E. Front Street			Zip Code:	83702
Facility Ownership: (could be private or state-owned, use "X" to mark one):	Private Lease (use "X" to mark):	x	State Owned (use "X" to mark):	Lease Expires:	2026

FUNCTION/USE OF FACILITY: Could be administrative use, client counseling, hearing rooms, field offices, etc. Address any specialized needs which require additional square feet.

Administrative Space, State Appellate Public Defender

COMMENTS: Address reasons for expanding or relocating; amount of space leased to other state agencies, federal agencies, etc. & the amount of rent they pay for the use of your facility; or other comments which might be helpful.

SURPLUS PROPERTY: Facilities to be disposed of and funds re-utilized for building replacement or renovation of facilities. This could also include leased facilities if the leased facility is to be vacated prior to the expiration date of the lease.

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Use "X" to mark the year facility would be surplus.						

WORK AREAS: Work areas are areas occupied by full-time employees, contractors, seasonal employees, auditors, etc. (3 people working in one building would be 3 work areas)

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Total Number of Work Areas:	25	25	25	25	25	25
Full-Time Equivalent Positions:	24	25	25	25	25	25
Temp. Employees, Contractors, Auditors, etc.:	0	0	0	0	0	0

SQUARE FEET: Use "net rentable" sq ft if in a facility leased from a private party; use "usable" sq ft if in a State-owned facility. Typically, this will be the figure shown in the Lease Agreement if leased from a private party or in the MOU if state-owned.

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Square Feet:	6,600	6,600	6,600	6,600	6,600	6,600

FACILITY COST: Include annual rent, plus any facility-related costs, such as utilities, janitorial service, property taxes or building maintenance which are not included in rent payment made to your Landlord. If improvements will need to be made to the facility and will be paid by the agency, this should be included as well. If the lease will be expiring and the future rent is not specified in the lease agreement, increase rent by 3%/yr. Increase all other facility-related costs by 3%/yr as well. Use "Calculation Sheet" tab below if necessary. Do not include telephone costs or rent discounts. If you anticipate moving to a new facility, you need to take into account any increase in sq ft leased and estimate a new market rate for the new facility. Do NOT use your old rate per sq ft – it may not be a realistic figure.

FISCAL YR:	ACTUAL 2021	ESTIMATE 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026
Total Facility Cost/Yr:	\$121,687.50	\$123,337.50	\$127,037.63	\$130,848.75	\$134,774.22	\$138,817.44

IMPORTANT NOTES:

1. Please fill in the white sections only! If you have any questions, please call Melissa Broome @ 208-332-1933.
2. Upon completion, please send to Melissa Broome at the Division of Public Works via email to Melissa.Broome@adm.idaho.gov.
3. If you have five or more locations, please summarize the information on the Facility Information Summary Sheet and include this summary sheet with your submittal.
4. Attach a hardcopy of this submittal, as well as the Facility Information Summary Sheet, if applicable, with your budget request.

AGENCY NOTES:

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Agency: Office of the State Appellate Public Defender

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Division: Office of the State Appellate Public Defender

SD1

Statutory Authority:

Pursuant to Section 19-870(1), Idaho Code, the State Appellate Public Defender provides legal representation to indigent persons in the following areas:

- 1) Appeals from convictions or post-judgment orders in district court;
- 2) Interlocutory criminal appeals from the district court;
- 3) Appeals from the district court in misdemeanor cases;
- 4) Appeals from the district court of orders or final judgments affecting juvenile offenders under the Juvenile Corrections Act;
- 5) Appeals from the district court in post-conviction relief proceedings brought pursuant to the Uniform Post-Conviction Procedure Act;
- 6) Appeals from the district court in habeas corpus proceedings; and
- 7) Post-conviction relief proceedings in the district court in capital cases.

The services of the State Appellate Public Defender are only available to those counties participating in the Capital Crimes Defense Fund (CCDF) established pursuant to Section 19-863A, Idaho Code. Currently, all 44 counties participate in the CCDF.

There are two budgeted programs within this division:

The Office of the State Appellate Public Defender Program accounts for the general operating, personnel, and capital outlay costs of the office.

The Capital and Conflict Representation Program accounts solely for (a) the cost of outside counsel for noncapital appeals in which a conflict of interest is identified; and (b) extraordinary litigation costs directly related to the provision of representation in capital cases including, but not limited to, consultation with experts; travel, lodging, and per diem for expert and lay witnesses; depositions; investigation; employee travel associated with witness interviews; court reporting and transcription services; expert witness fees; outside counsel in the event of a conflict of interest; and preparation of trial exhibits. Any remaining unexpended and unencumbered amounts not used in this program revert to the General Fund.

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
Agency: Office of the State Appellate Public Defender								443
Division: Office of the State Appellate Public Defender								SD1
Appropriation Unit: Office of the State Appellate Public Defender								SGDA
FY 2021 Total Appropriation								
1.00	FY 2021 Total Appropriation							SGDA
	S1346, H0640							
	10000	General	25.00	2,524,300	207,600	0	0	2,731,900
OT	10000	General	0.00	0	1,500	71,000	0	72,500
			25.00	2,524,300	209,100	71,000	0	2,804,400
1.21	Account Transfers							SGDA
	Object Transfer							
	10000	General	0.00	(70,500)	61,600	8,900	0	0
			0.00	(70,500)	61,600	8,900	0	0
1.61	Reverted Appropriation Balances							SGDA
	Reversion							
	10000	General	0.00	(44,400)	(600)	(8,600)	0	(53,600)
			0.00	(44,400)	(600)	(8,600)	0	(53,600)
FY 2021 Actual Expenditures								
2.00	FY 2021 Actual Expenditures							SGDA
	10000	General	25.00	2,409,400	268,600	300	0	2,678,300
OT	10000	General	0.00	0	1,500	71,000	0	72,500
			25.00	2,409,400	270,100	71,300	0	2,750,800
FY 2022 Original Appropriation								
3.00	FY 2022 Original Appropriation							SGDA
	H0230,S1203							
	10000	General	25.00	2,651,700	277,800	0	0	2,929,500
			25.00	2,651,700	277,800	0	0	2,929,500
FY 2022 Total Appropriation								
5.00	FY 2022 Total Appropriation							SGDA
	10000	General	25.00	2,651,700	277,800	0	0	2,929,500
			25.00	2,651,700	277,800	0	0	2,929,500
FY 2022 Estimated Expenditures								
7.00	FY 2022 Estimated Expenditures							SGDA
	10000	General	25.00	2,651,700	277,800	0	0	2,929,500
			25.00	2,651,700	277,800	0	0	2,929,500

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total	
FY 2023 Base									
9.00	FY 2023 Base								SGDA
10000	General	25.00	2,651,700	277,800	0	0	2,929,500		
		25.00	2,651,700	277,800	0	0	2,929,500		
Program Maintenance									
10.12	Change in Variable Benefit Costs								SGDA
	Change in Variable Benefit Costs								
10000	General	0.00	(8,400)	0	0	0	(8,400)		
		0.00	(8,400)	0	0	0	(8,400)		
10.23	Contract Inflation Adjustments								SGDA
10000	General	0.00	0	1,700	0	0	1,700		
		0.00	0	1,700	0	0	1,700		
10.61	Salary Multiplier - Regular Employees								SGDA
	Salary Adjustments - Regular Employees								
10000	General	0.00	23,100	0	0	0	23,100		
		0.00	23,100	0	0	0	23,100		
FY 2023 Total Maintenance									
11.00	FY 2023 Total Maintenance								SGDA
10000	General	25.00	2,666,400	279,500	0	0	2,945,900		
		25.00	2,666,400	279,500	0	0	2,945,900		
Line Items									
12.61	ITS Phase 3 Conversion								SGDA
	ITS Phase 3 Conversion								
10000	General	0.00	0	12,200	0	0	12,200		
OT	10000	General	0.00	0	0	73,100	73,100		
		0.00	0	12,200	73,100	0	85,300		
FY 2023 Total									
13.00	FY 2023 Total								SGDA
10000	General	25.00	2,666,400	291,700	0	0	2,958,100		
OT	10000	General	0.00	0	0	73,100	73,100		
		25.00	2,666,400	291,700	73,100	0	3,031,200		

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
Agency: Office of the State Appellate Public Defender								443
Division: Office of the State Appellate Public Defender								SD1
Appropriation Unit: Capital and Conflict Representation								SGDB
FY 2021 Total Appropriation								SGDB
1.00	FY 2021 Total Appropriation							SGDB
	S1346, H0640							
	10000	General	0.00	0	202,100	0	0	202,100
			0.00	0	202,100	0	0	202,100
1.12	PY Executive Carry Forward							SGDB
	10000	General	0.00	0	84,700	0	0	84,700
			0.00	0	84,700	0	0	84,700
1.61	Reverted Appropriation Balances							SGDB
	Reversion							
	10000	General	0.00	0	(68,500)	0	0	(68,500)
			0.00	0	(68,500)	0	0	(68,500)
FY 2021 Actual Expenditures								SGDB
2.00	FY 2021 Actual Expenditures							SGDB
	10000	General	0.00	0	218,300	0	0	218,300
			0.00	0	218,300	0	0	218,300
FY 2022 Original Appropriation								SGDB
3.00	FY 2022 Original Appropriation							SGDB
	H0230,S1203							
	10000	General	0.00	0	242,100	0	0	242,100
			0.00	0	242,100	0	0	242,100
Appropriation Adjustment								SGDB
4.31	Capital Evidentiary Hearing							SGDB
	Capital Evidentiary Hearing							
	OT 10000	General	0.00	0	98,000	0	0	98,000
			0.00	0	98,000	0	0	98,000
FY 2022 Total Appropriation								SGDB
5.00	FY 2022 Total Appropriation							SGDB
	10000	General	0.00	0	242,100	0	0	242,100
	OT 10000	General	0.00	0	98,000	0	0	98,000
			0.00	0	340,100	0	0	340,100

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
Appropriation Adjustments								
6.11	Executive Carry Forward (ECF)							SGDB
OT	10000	General	0.00	0	42,400	0	0	42,400
			0.00	0	42,400	0	0	42,400
FY 2022 Estimated Expenditures								
7.00	FY 2022 Estimated Expenditures							SGDB
	10000	General	0.00	0	242,100	0	0	242,100
OT	10000	General	0.00	0	140,400	0	0	140,400
			0.00	0	382,500	0	0	382,500
Base Adjustments								
8.41	Removal of One-Time Expenditures							SGDB
	This decision unit removes one-time appropriation for FY 2021.							
OT	10000	General	0.00	0	(98,000)	0	0	(98,000)
			0.00	0	(98,000)	0	0	(98,000)
FY 2023 Base								
9.00	FY 2023 Base							SGDB
	10000	General	0.00	0	242,100	0	0	242,100
OT	10000	General	0.00	0	0	0	0	0
			0.00	0	242,100	0	0	242,100
FY 2023 Total Maintenance								
11.00	FY 2023 Total Maintenance							SGDB
	10000	General	0.00	0	242,100	0	0	242,100
OT	10000	General	0.00	0	0	0	0	0
			0.00	0	242,100	0	0	242,100
Line Items								
12.01	Capital Conflict Representation							SGDB
	Ongoing Capital Conflict Representation							
	10000	General	0.00	0	18,700	0	0	18,700
			0.00	0	18,700	0	0	18,700
FY 2023 Total								
13.00	FY 2023 Total							SGDB
	10000	General	0.00	0	260,800	0	0	260,800
OT	10000	General	0.00	0	0	0	0	0
			0.00	0	260,800	0	0	260,800

Agency: Office of the State Appellate Public Defender

443

Appropriation Unit: Capital and Conflict Representation

SGDB

Decision Unit Number	4.31	Descriptive Title	Capital Evidentiary Hearing			
			General	Dedicated	Federal	Total
Operating Expense						
	587	Administrative Services	98,000	0	0	98,000
		Operating Expense Total	98,000	0	0	98,000
			98,000	0	0	98,000

Explain the request and provide justification for the need.

The State Appellate Public Defender (SAPD) is requesting \$98,000 to cover the costs of an upcoming capital evidentiary hearing in Jonathan Renfro v. State of Idaho, CV17-9393 (Kootenai County). With courthouse shutdowns related to COVID-19 and discovery complications, Mr. Renfro’s evidentiary hearing has been pushed back indefinitely. While difficult to predict, the SAPD anticipates the evidentiary hearing will be set for the end of FY2022 or sometime in FY2023. In the event the Renfro evidentiary hearing is not set until FY2023, the SAPD will likely begin spending supplemental funds in preparation for the hearing in FY2023.

If a supplemental, what emergency is being addressed?

With the uncertainty surrounding COVID-19 and ongoing discovery disputes in the case, the SAPD was unable to adequately forecast for the Renfro evidentiary hearing at the time of the SAPD’s FY2022 budget submission in September of 2020. This supplemental will allow the SAPD to meet the financial obligations for filing and hearing deadlines as they are set by the district court in the coming months.

Specify the authority in statute or rule that supports this request.

IDAHO CODE §19-5905(1) provides that the “state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants in the following cases . . . (g) Post-Conviction relief proceedings in the district court in capital cases.” Additionally, the Sixth Amendment to the United States Constitution grants capital defendants the right to effective assistance of counsel in the litigation of actions under Idaho’s Uniform Post-Conviction Procedure Act (IDAHO CODE § 19-4901). “[P]ost-conviction petitioners sentenced to death have a statutory right to counsel when seeking a remedy referred to in I.C. § 19-2719(4).” Statutory right to counsel in proceedings other than a direct appeal carry with it the correlative right to effective assistance of counsel. Hall v. State, 155 Idaho 610, 616 (2013)

Indicate existing base of PC, OE, and/or CO by source for this request.

PCA 30001 Capital Budget - \$76,200

The SAPD currently has 3 capital qualified attorneys, an investigator, a mitigation specialist, and an administrative assistant for the Capital Litigation Unit. The salaries and benefits for these non-classified employees are included within the SAPD’s personnel costs. However, the SAPD is appropriated \$76,200 annually to represent capital defendants receiving a sentence of death in the district court. This appropriation covers all facets of the SAPD’s current representation of 3 active capital cases, including, but not limited to employee and lay witness travel/lodging, investigations, depositions, and all costs associated with retaining experts to support Mr. Renfro’s Petition for Post-Conviction Relief and testimony at Mr. Renfro’s post-conviction evidentiary hearing.

Additionally, the SAPD uses its annual appropriation to cover conflict-counsel costs for those capital cases in which the SAPD has a conflict of interest. The SAPD is currently paying for conflict counsel in two active capital conflict cases.

What resources are necessary to implement this request?

The SAPD is requesting a one-time supplemental of \$98,000, with carry over authority to FY2023. This is a general fund appropriation.

List positions, pay grades, full/part-time status, benefits, terms of service.

Not applicable. The SAPD will not be adding any full or part-time employees pursuant to this supplemental request.

Will staff be re-directed? If so, describe impact and show changes on org chart.

No.

Detail any current one-time or ongoing OE or CO and any other future costs.

The SAPD is requesting a one-time supplemental appropriation of \$98,000 in its operating expenses for the SAPD’s PCA 30001 Capital Budget, with carry over authority. This supplemental appropriation will cover all expenses for the following:

- 5 Expert Witnesses (to prepare for and testify at Renfro evidentiary hearing);
- Court reporter/s and completed transcripts for approximately 60 hours of depositions;
- Deposition travel and accommodations for 3 attorneys (2 trips; 4 nights);
- Mitigation and investigation travel and accommodations (2 investigators, 2 trips; 8 nights);
- Travel and accommodation costs for evidentiary hearing in Coeur d’Alene (3 attorneys, 2 investigators).

Due to attorney-client privilege and work product protections, the names and identification of the specialties of the expert witnesses cannot be disclosed until discovery responses are required in advance of the Renfro evidentiary hearing.

Describe method of calculation (RFI, market cost, etc.) and contingencies.

Expert Witnesses: For each expert witness, the SAPD used their hourly rate of pay multiplied by the anticipated number of hours necessary to complete their obligations. The SAPD also included travel reservations (plane flight and rental cars) and lodging (\$110/night).

Court Reporter/Depositions: \$5,000 reporter time (\$85/hour – 60 hour estimate);
 \$16,875 hearing transcripts (\$6.25/page);
 \$3,080 Hotel (\$110/night/person).

Mitigation/Investigation Trips: \$4,000 Flight (\$400/person)
\$1,715 Per Diem
\$492.52 Rental Car (\$35.18/Day)
\$3,080 Hotel (\$110/night/28 total nights (3 attorneys, 2 investigators))

Evidentiary Hearing Costs: \$1,000 Airfare
\$12,100 hotel (22 days, 5 people, \$110/night/person)
\$1,618.28 (2 rental cars, 23 days)
\$5,635 per diem (\$49/day – 5 people, 23 days)

Provide detail about the revenue assumptions supporting this request.

The present supplemental appropriation request is based upon the assumption that the SAPD does not uncover additional legal arguments in Mr. Renfro's case. Additionally, presently there is substantial litigation involving the scope of permissible discovery in Mr. Renfro's case. Depending on how those issues are resolved, the SAPD may be required to identify and employ additional experts related to pre-hearing discovery. Finally, the present request is premised upon all of the identified legal claims proceeding to evidentiary hearing. The SAPD will not have any of these issues resolved until near the end of the 2022 fiscal year.

Who is being served by this request and what is the impact if not funded?

The people of the State of Idaho, Jonathan Renfro, Mr. Renfro's crime victims, and the criminal justice system will all be served if this supplemental funding request is fulfilled. If granted, Mr. Renfro's hearings will be fully funded and will proceed without delay, thereby serving the interests of the client, crime victims and other stakeholders in ensuring that cases are resolved in a fair and efficient manner. Funding will also serve to fulfill the intentions behind the establishment of the Capital Crimes Defense Fund (CCDF) which relieves counties of the substantial financial burdens associated with the defense of capital cases.

If the request is not funded, the SAPD may not be able to effectively represent Mr. Renfro at his evidentiary hearing, potentially creating additional claims to be raised against the SAPD in the future.

DU 4.31 Capital Evidentiary Hearing \$98,000

Explain the request and provide justification for the need.

The State Appellate Public Defender (SAPD) is requesting \$98,000 to cover the costs of an upcoming capital evidentiary hearing in *Jonathan Renfro v. State of Idaho*, CV17-9393 (Kootenai County). With courthouse shutdowns related to COVID-19 and discovery complications, Mr. Renfro's evidentiary hearing has been pushed back indefinitely. While difficult to predict, the SAPD anticipates the evidentiary hearing will be set for the end of FY2022 or sometime in FY2023. In the event the *Renfro* evidentiary hearing is not set until FY2023, the SAPD will likely begin spending supplemental funds in preparation for the hearing in FY2023.

If a supplemental what emergency is being addressed?

With the uncertainty surrounding COVID-19 and ongoing discovery disputes in the case, the SAPD was unable to adequately forecast for the *Renfro* evidentiary hearing at the time of the SAPD's FY2022 budget submission in September of 2020. This supplemental will allow the SAPD to meet the financial obligations for filing and hearing deadlines as they are set by the district court in the coming months.

Specify the authority in statute or rule that supports this request.

IDAHO CODE §19-5905(1) provides that the "state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants in the following cases . . . (g) Post-Conviction relief proceedings in the district court in capital cases."

Additionally, the Sixth Amendment to the United States Constitution grants capital defendants the right to effective assistance of counsel in the litigation of actions under Idaho's Uniform Post-Conviction Procedure Act (IDAHO CODE § 19-4901). "[P]ost-conviction petitioners sentenced to death have a statutory right to counsel when seeking a remedy referred to in I.C. § 19-2719(4)." Statutory right to counsel in proceedings other than a direct appeal carry with it the correlative right to effective assistance of counsel. *Hall v. State*, 155 Idaho 610, 616 (2013)

Indicate existing base of PC, OE, and/or CO by source for this request.

PCA 30001 Capital Budget - \$76,200

The SAPD currently has 3 capital qualified attorneys, an investigator, a mitigation specialist, and an administrative assistant for the Capital Litigation Unit. The salaries and benefits for these non-classified employees are included within the SAPD's personnel costs. However, the SAPD is appropriated \$76,200 annually to represent capital defendants receiving a sentence of death in the district court. This appropriation covers all facets of the SAPD's current representation of 3 active capital cases, including, but not limited to employee and lay witness travel/lodging, investigations, depositions, and all costs associated with retaining experts to support Mr. Renfro's Petition for Post-Conviction Relief and testimony at Mr. Renfro's post-conviction evidentiary hearing.

Additionally, the SAPD uses its annual appropriation to cover conflict-counsel costs for those capital cases in which the SAPD has a conflict of interest. The SAPD is currently paying for conflict counsel in two active capital conflict cases.

What resources are necessary to implement this request?

The SAPD is requesting a one-time supplemental of \$98,000, with carry over authority to FY2023. This is a general fund appropriation.

List positions, pay grades, full/part-time status, benefits, terms of service.

Not applicable. The SAPD will not be adding any full or part-time employees pursuant to this supplemental request.

Will staff be redirected? If so, describe impact and show changes on org chart.

No.

Detail any current one-time or ongoing OE or CO and any other future costs.

The SAPD is requesting a one-time supplemental appropriation of \$98,000 in its operating expenses for the SAPD's PCA 30001 Capital Budget, with carry over authority. This supplemental appropriation will cover all expenses for the following:

- 5 Expert Witnesses (to prepare for and testify at *Renfro* evidentiary hearing);
- Court reporter/s and completed transcripts for approximately 60 hours of depositions;
- Deposition travel and accommodations for 3 attorneys (2 trips; 4 nights);
- Mitigation and investigation travel and accommodations (2 investigators, 2 trips; 8 nights);
- Travel and accommodation costs for evidentiary hearing in Coeur d'Alene (3 attorneys, 2 investigators).

Due to attorney-client privilege and work product protections, the names and identification of the specialties of the expert witnesses cannot be disclosed until discovery responses are required in advance of the *Renfro* evidentiary hearing.

Describe method of calculation.

Expert Witnesses: For each expert witness, the SAPD used their hourly rate of pay multiplied by the anticipated number of hours necessary to complete their obligations. The SAPD also included travel reservations (plane flight and rental cars) and lodging (\$110/night).

Court Reporter/Depositions: \$5,000 reporter time (\$85/hour – 60 hour estimate);

\$16,875 hearing transcripts (\$6.25/page);

\$3,080 Hotel (\$110/night/person).

Mitigation/Investigation Trips: \$4,000 Flight (\$400/person)

\$1,715 Per Diem

\$492.52 Rental Car (\$35.18/Day)

\$3,080 Hotel (\$110/night/28 total nights (3 attorneys, 2 investigators))

Evidentiary Hearing Costs: \$1,000 Airfare

\$12,100 hotel (22 days, 5 people, \$110/night/person)

\$1,618.28 (2 rental cars, 23 days)

\$5,635 per diem (\$49/day – 5 people, 23 days)

Provide detail about revenue assumptions supporting this request.

The present supplemental appropriation request is based upon the assumption that the SAPD does not uncover additional legal arguments in Mr. Renfro’s case. Additionally, presently there is substantial litigation involving the scope of permissible discovery in Mr. Renfro’s case. Depending on how those issues are resolved, the SAPD may be required to identify and employ additional experts related to pre-hearing discovery. Finally, the present request is premised upon all of the identified legal claims proceeding to evidentiary hearing. The SAPD will not have any of these issues resolved until near the end of the 2022 fiscal year.

Who is being served by this request and what is the impact if not funded?

The people of the State of Idaho, Jonathan Renfro, Mr. Renfro’s crime victims, and the criminal justice system will all be served if this supplemental funding request is fulfilled. If granted, Mr. Renfro’s hearings will be fully funded and will proceed without delay, thereby serving the interests of the client, crime victims and other stakeholders in ensuring that cases are resolved in a fair and efficient manner. Funding will also serve to fulfill the intentions behind the establishment of the Capital Crimes Defense Fund (CCDF) which relieves counties of the substantial financial burdens associated with the defense of capital cases.

If the request is not funded, the SAPD may not be able to effectively represent Mr. Renfro at his evidentiary hearing, potentially creating additional claims to be raised against the SAPD in the future.

Agency: Office of the State Appellate Public Defender

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Appropriation Unit: Capital and Conflict Representation

SGDB

Decision Unit Number	12.01	Descriptive Title	Capital Conflict Representation			
			General	Dedicated	Federal	Total
Operating Expense						
	570	Professional Services	18,700	0	0	18,700
Operating Expense Total			18,700	0	0	18,700
			18,700	0	0	18,700

Explain the request and provide justification for the need.

Prior to FY2022, the State Appellate Public Defender (SAPD) was annually appropriated \$94,900 to cover all operating expense costs related to its capital representation and capital conflict cases. This appropriation covers all facets of the SAPD’s current representation of 3 active capital cases, including, but not limited to employee and lay witness travel/lodging, investigation, depositions and costs associated with retaining experts. Additionally, the SAPD uses its annual appropriation to cover conflict-counsel costs for those capital cases in which the SAPD has a conflict of interest. The SAPD is currently paying for conflict counsel in two active capital conflict cases. In FY2022, the SAPD was appropriated \$76,200 to cover these costs. The ongoing increase of \$18,700 will return the SAPD’s annual PCA 30001 Capital Budget to \$94,900. This will allow the SAPD to continue its high standard of representation, as required by the Sixth Amendment to the United States Constitution and limit the number of future supplemental requests to only those years with where extraordinary litigation costs are incurred.

If a supplemental, what emergency is being addressed?

N/A

Specify the authority in statute or rule that supports this request.

IDAHO CODE §19-5905(1) provides that the “state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants in the following cases . . . (g) Post-Conviction relief proceedings in the district court in capital cases.” Additionally, the Sixth Amendment to the United States Constitution grants capital defendants the right to effective assistance of counsel in the litigation of actions under Idaho’s Uniform Post-Conviction Procedure Act (IDAHO CODE § 19-4901). “[P]ost-conviction petitioners sentenced to death have a statutory right to counsel when seeking a remedy referred to in I.C. § 19-2719(4).” Statutory right to counsel in proceedings other than a direct appeal carry with it the correlative right to effective assistance of counsel. Hall v. State, 155 Idaho 610, 616 (2013)

Indicate existing base of PC, OE, and/or CO by source for this request.

PCA 30001 Capital Budget - \$76,200

What resources are necessary to implement this request?

The SAPD is requesting an increase in its PCA 30001 Capital Budget in the amount of \$18,700 to return the Capital Budget to \$94,900. This is a general fund appropriation.

List positions, pay grades, full/part-time status, benefits, terms of service.

N/A

Will staff be re-directed? If so, describe impact and show changes on org chart.

N/A

Detail any current one-time or ongoing OE or CO and any other future costs.

The SAPD is requesting a one-time supplemental appropriation of \$98,000 in its operating expenses for the SAPD’s PCA 30001 Capital Budget, with carry over authority to FY2023 to cover the costs of litigating an upcoming capital evidentiary hearing in Jonathan Renfro v. State of Idaho, CV17-9393 (Kootenai County).

Describe method of calculation (RFI, market cost, etc.) and contingencies.

Traditionally, except in those years where extraordinary litigation is necessary, the SAPD has managed to meet its Constitutional obligations when its PCA 30001 Capital Budget was \$94,900, without requesting a supplemental appropriation.

Provide detail about the revenue assumptions supporting this request.

This appropriation request assumes the SAPD is not appointed any new capital cases, while its current caseload remains active.

Who is being served by this request and what is the impact if not funded?

The people of the State of Idaho, all of the SAPD’s capital clients, crime victims, and the criminal justice system will all be served if this supplemental funding request is fulfilled. If granted, the SAPD will be fully funded and will proceed without delay in all of its cases, thereby serving the interests of the client, crime victims and other stakeholders in ensuring that cases are resolved in a fair and efficient manner. Funding will also serve to fulfill the intentions behind the establishment of the Capital Crimes Defense Fund (CCDF) which relieves counties of the substantial financial burdens associated with the defense of capital cases. If the request is not funded, the SAPD may not be able to effectively represent all of its capital clients at the level required by the Sixth Amendment to the United States Constitution, which could potentially create legal claims to be raised against the SAPD in the future.

DU 12.01 Capital Conflict Representation \$18,700 on going

Explain the request and provide justification for the need.

Prior to FY2022, the State Appellate Public Defender (SAPD) was annually appropriated \$94,900 to cover all operating expense costs related to its capital representation and capital conflict cases. This appropriation covers all facets of the SAPD's current representation of 3 active capital cases, including, but not limited to employee and lay witness travel/lodging, investigation, depositions and costs associated with retaining experts. Additionally, the SAPD uses its annual appropriation to cover conflict-counsel costs for those capital cases in which the SAPD has a conflict of interest. The SAPD is currently paying for conflict counsel in two active capital conflict cases.

In FY2022, the SAPD was appropriated \$76,200 to cover these costs. The ongoing increase of \$18,700 will return the SAPD's annual PCA 30001 Capital Budget to \$94,900. This will allow the SAPD to continue its high standard of representation, as required by the Sixth Amendment to the United States Constitution and limit the number of future supplemental requests to only those years with where extraordinary litigation costs are incurred.

If a supplemental what emergency is being addressed?

N/A

Specify the authority in statute of rule that supports this request.

IDAHO CODE §19-5905(1) provides that the "state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants in the following cases . . . (g) Post-Conviction relief proceedings in the district court in capital cases."

Additionally, the Sixth Amendment to the United States Constitution grants capital defendants the right to effective assistance of counsel in the litigation of actions under Idaho's Uniform Post-Conviction Procedure Act (IDAHO CODE § 19-4901). "[P]ost-conviction petitioners sentenced to death have a statutory right to counsel when seeking a remedy referred to in I.C. § 19-2719(4)." Statutory right to counsel in proceedings other than a direct appeal carry with it the correlative right to effective assistance of counsel. *Hall v. State*, 155 Idaho 610, 616 (2013)

Indicate existing base of PC, OE, and/or CO by source for this request.

PCA 30001 Capital Budget - \$76,200

What resources are necessary to implement this request?

The SAPD is requesting an increase in its PCA 30001 Capital Budget in the amount of \$18,700 to return the Capital Budget to \$94,900. This is a general fund appropriation.

List positions, pay grades, full/part-time status, benefits, terms of service.

N/A

Will staff be redirected? If so, describe impact and show changes on org chart.

N/A

Detail any current one-time or ongoing OE or CO and any other future costs.

The SAPD is requesting a one-time supplemental appropriation of \$98,000 in its operating expenses for the SAPD's PCA 30001 Capital Budget, with carry over authority to FY2023 to cover the costs of litigating an upcoming capital evidentiary hearing in *Jonathan Renfro v. State of Idaho*, CV17-9393 (Kootenai County).

Describe method of calculation.

Traditionally, except in those years where extraordinary litigation is necessary, the SAPD has managed to meet its Constitutional obligations when its PCA 30001 Capital Budget was \$94,900, without requesting a supplemental appropriation.

Provide detail about revenue assumptions supporting this request.

This appropriation request assumes the SAPD is not appointed any new capital cases, while its current caseload remains active.

Who is being served by this request and what is the impact if not funded?

The people of the State of Idaho, all of the SAPD's capital clients, crime victims, and the criminal justice system will all be served if this supplemental funding request is fulfilled. If granted, the SAPD will be fully funded and will proceed without delay in all of its cases, thereby serving the interests of the client, crime victims and other stakeholders in ensuring that cases are resolved in a fair and efficient manner. Funding will also serve to fulfill the intentions behind the establishment of the Capital Crimes Defense Fund (CCDF) which relieves counties of the substantial financial burdens associated with the defense of capital cases.

If the request is not funded, the SAPD may not be able to effectively represent all of its capital clients at the level required by the Sixth Amendment to the United States Constitution, which could potentially create legal claims to be raised against the SAPD in the future.

Agency: Office of the State Appellate Public Defender

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Appropriation Unit: Office of the State Appellate Public Defender

SGDA

Decision Unit Number	12.61	Descriptive Title	ITS Phase 3 Conversion	General	Dedicated	Federal	Total
Operating Expense							
	590	Computer Services		12,200	0	0	12,200
		Operating Expense Total		12,200	0	0	12,200
Capital Outlay							
	740	Computer Equipment		73,100	0	0	73,100
		Capital Outlay Total		73,100	0	0	73,100
				85,300	0	0	85,300

Explain the request and provide justification for the need.

If a supplemental, what emergency is being addressed?

Specify the authority in statute or rule that supports this request.

Indicate existing base of PC, OE, and/or CO by source for this request.

What resources are necessary to implement this request?

List positions, pay grades, full/part-time status, benefits, terms of service.

Will staff be re-directed? If so, describe impact and show changes on org chart.

Detail any current one-time or ongoing OE or CO and any other future costs.

Describe method of calculation (RFI, market cost, etc.) and contingencies.

Provide detail about the revenue assumptions supporting this request.

Who is being served by this request and what is the impact if not funded?

How does this request conform with your agency's IT plan?

It is part of the ITS Phase 3 conversion for FY2023.

Is your IT plan approved by the Office of Information Tech. Services?

Yes.

Does the request align with the state's IT plan standards?

Yes.

Attach any supporting documents from ITS or the Idaho Tech. Authority.

Attached are the One-Time Infrastructure Costs

What is the project timeline?

FY2023.

STATE APPELLATE PUBLIC DEFENDER

FY 2023 - IT Direct Costs

DIRECT COSTS				
	QUANTITY	UNIT COST	TOTAL COST	NOTES
Adobe Pro ETLA -Enterprise Agreement	26	---	\$ 1,250.00	Billed Annually <i>New Annual Cost</i>
DUO -VPN Multi-Factor Authentication	26	---	\$ 561.60	Billed Annually Per User \$1.80 per user, per month <i>Current Annual Cost</i> FY 2021 - \$600.00
Cortex Pro Endpoint Protection -Anti-virus, malware, ransomware protection. -Devices include desktop computers, remote computers, laptops, and servers.	55	\$ 22.00	\$ 1,210.00	Billed Annually Per Device <i>New Annual Cost</i>
Ivanti -IT asset & service management solution	26	\$ 47.50	\$ 1,235.00	Billed Annually Per User <i>New Annual Cost</i>
Microsoft Office 365	27	\$ 315.00	\$ 8,505.00	Licensing quantity includes 26 employees, 1 license for documents@sapd.state.id.us Billed annually per user/account <i>New Annual Cost</i>
Tenable The SAPD's Tenable licensing is running off of the ITS Tenable tenancy. FY 2023 cover July 1, 2022 - June 30, 2023, all Tenable licensing has been paid with CARES funds and is paid for through December 2023. Tenable licensing costs should be included in the FY 2024 budget request.	---	---	---	
Web Site Hosting -Billing for website and database hosting	1	\$ -	\$ -	This fee will be eliminated when SAPD become an ITS customer, as it is part of the annual IT support billing cost.
			\$ 12,200.00	On-going Annual Cost

STATE APPELLATE PUBLIC DEFENDER

FY 2023 - IT Infrastructure Costs

INFRASTRUCTURE COSTS					
	QUANTITY	UNIT COST	TOTAL COST	NOTES	
Single Function Printer -ITS Recommended -HP M610dn Includes additional paper drawer and envelop feeder	4	\$ 1,893.55	\$ 7,574.20	<i>One-Time Cost</i>	
Laptop Computers -ITS recommended laptop	10	\$ 1,400.00	\$ 14,000.00	<i>One-Time Cost</i>	
Switch, Router, Licensing	1	\$ 40,000.00	\$ 40,000.00	<i>One-Time Cost</i>	
Bandwidth Increase	1	\$ 8,000.00	\$ 8,000.00	<i>One-Time Cost</i>	
MISCELLANEOUS					
	QUANTITY	UNIT COST	TOTAL COST	NOTES	
ProLaw Server Migration -Costs for migrating ProLaw to new server	1	\$ 3,500.00	\$ 3,500.00	<i>One-Time Cost</i>	

Contract Inflation

Request for Fiscal Year: 202
3

Agency: Office of the State Appellate Public Defender
Office of the State Appellate Public Defender

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SGDA

Appropriation Unit:

Contract	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated Expenditures	Contract Dates	FY 2023 Contractual % Change	FY 2023 Total
Department of Water Resources State of Idaho	118,388	120,038	121,688	123,338	124,988	10/01/2016 to 09/30/2025	1	1,700
Total	118,388	120,038	121,688	123,338	124,988			1,700
Fund Source								
General	118,388	120,038	121,688	123,338	124,988			1,700
Total	118,388	120,038	121,688	123,338	124,988			1,700

C. Increases in the Lease Payments. The lease payment shall increase according to the following schedule:

Period			Rent/Sq Ft	Rent/Yr	Rent/Mo.
10/1/2016	to	9/30/2017	\$17.75	\$117,150.00	\$9,762.50
10/1/2017	to	9/30/2018	\$18.00	\$118,800.00	\$9,900.00
10/1/2018	to	9/30/2019	\$18.25	\$120,450.00	\$10,037.50
10/1/2019	to	9/30/2020	\$18.50	\$122,100.00	\$10,175.00
10/1/2020	to	9/30/2021	\$18.75	\$123,750.00	\$10,312.50
10/1/2021	to	9/30/2022	\$19.00	\$125,400.00	\$10,450.00
10/1/2022	to	9/30/2023	\$19.25	\$127,050.00	\$10,587.50
10/1/2023	to	9/30/2024	\$19.50	\$128,700.00	\$10,725.00
10/1/2024	to	9/30/2025	\$19.75	\$130,350.00	\$10,862.50

D. Lessor's Work. Lessor shall, on Lessee's behalf, reconfigure the space as depicted on Exhibit A (the "Work"). Lessor hereby agrees to commence work upon receipt of an executed Lease Agreement and to substantially complete the Work on or before October 1, 2015. The Work shall be built to the Lessor's architects' specifications, subject to Lessee's approval. Lessee shall review and approve the final plans and specifications prior to commencement of the Work. Lessor will allow the Lessee to enter upon the Premises during the construction period for inspection purposes.

The Lessor agrees to maintain any and all insurance coverages applicable to this construction, including worker's compensation and liability insurance. The Lessor further agrees to indemnify, defend and save harmless the Lessee from and against any and all claims, damages, costs, legal fees, expenses, actions and suits whatsoever, including injury or death of others or any employee of the Lessor, subcontractors, agents or employees, caused directly or indirectly by the carrying out of the Work, or caused by any matter or thing done, permitted or omitted to be done by the Lessor, his agents, subcontractors or employees and occasioned by the negligence of the Lessor, his agents, subcontractors or employees.

All Work shall be done in a workmanlike manner and must comply with all applicable codes, ordinances, rules and regulations. Lessor shall obtain any and all permits and inspections applicable to this Work which must comply with all applicable codes, ordinances, rules and regulations. Lessor shall warrant and guaranty all materials, equipment and workmanship for a period of one (1) year.

Upon completion of the Work, Lessor shall furnish to the Lessee a listing of products, subcontractors, supplier and/or manufacturers and maintenance manuals relative to the Work. Lessor shall complete a final cleaning upon completion of the Work.

The trade fixtures installed by Lessor and reimbursed by the Lessee shall, at the option of the Lessee, not become the property of the Lessor. Upon the termination of the Lease Agreement, the Lessee may remove the trade fixtures installed by Lessor and return the Premises in as close to original condition as possible, reasonable wear and tear excepted.

E. Signs. No permanent signs shall be affixed to the Premises or installed, replaced or improved by Lessee without Lessor's prior written consent, which may not be unreasonably withheld, delayed or conditioned. All replacement, improvement or maintenance of signs shall be at Lessee's sole expense. All signs placed or maintained on the Premises are subject to and shall comply with all rules, applicable ordinance and public regulations, including standards and requirement established by the Civic Plaza Condominium Declaration.

F. Taxes. Lessor shall pay and discharge all taxes and assessments whatsoever charged against the Premises whether charged by federal, state, county, city or other public authority.

G. Proration of Rent. The first month's lease payment shall be based upon the actual date Lessee accepts and takes possession of the Premises. The first month's lease payment shall be divided by the

PCF Detail Report

Request for Fiscal Year: 2023

Agency: Office of the State Appellate Public Defender
Appropriation Unit: Office of the State Appellate Public Defender
Fund: General Fund

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 SGDA
 10000

PCN	Class	Description	FTP	Salary	Health	Variable Benefits	Total
Totals from Personnel Cost Forecast (PCF)							
		Permanent Positions	25.00	1,907,174	291,250	398,988	2,597,412
		Total from PCF	25.00	1,907,174	291,250	398,988	2,597,412
		FY 2022 ORIGINAL APPROPRIATION	25.00	1,952,526	295,214	403,960	2,651,700
		Unadjusted Over or (Under) Funded:	.00	45,352	3,964	4,972	54,288
Estimated Salary Needs							
		Permanent Positions	25.00	1,907,174	291,250	398,988	2,597,412
		Estimated Salary and Benefits	25.00	1,907,174	291,250	398,988	2,597,412
Adjusted Over or (Under) Funding							
		Original Appropriation	.00	45,352	3,964	4,972	54,288
		Estimated Expenditures	.00	45,352	3,964	4,972	54,288
		Base	.00	45,352	3,964	4,972	54,288

PCF Summary Report

Request for Fiscal Year: 202
3

Agency: Office of the State Appellate Public Defender
Appropriation Unit: Office of the State Appellate Public Defender
Fund: General Fund

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SGDA
10000

DU		FTP	Salary	Health	Variable Benefits	Total
3.00	FY 2022 ORIGINAL APPROPRIATION	25.00	1,952,526	295,214	403,960	2,651,700
5.00	FY 2022 TOTAL APPROPRIATION	25.00	1,952,526	295,214	403,960	2,651,700
7.00	FY 2022 ESTIMATED EXPENDITURES	25.00	1,952,526	295,214	403,960	2,651,700
9.00	FY 2023 BASE	25.00	1,952,526	295,214	403,960	2,651,700
10.12	Change in Variable Benefit Costs	0.00	0	0	(8,400)	(8,400)
10.61	Salary Multiplier - Regular Employees	0.00	19,100	0	4,000	23,100
11.00	FY 2023 PROGRAM MAINTENANCE	25.00	1,971,626	295,214	399,560	2,666,400
13.00	FY 2023 TOTAL REQUEST	25.00	1,971,626	295,214	399,560	2,666,400

		Rounded Appropriation					
Appropriation Adjustments:		25.00	1,947,000	297,300	407,300	2,651,700	
4.11	Reappropriation	0.00	0	0	0	0	
4.31	Supplemental	0.00	0	0	0	0	
5.00	TOTAL APPROPRIATION	25.00	1,947,000	297,300	407,300	2,651,700	
Expenditure Adjustments:							
6.31	FTP or Fund Adjustment	0.00	0	0	0	0	
6.51	Transfer Between Programs	0.00	0	0	0	0	
7.00	ESTIMATED EXPENDITURES	25.00	1,947,000	297,300	407,300	2,651,700	
Base Adjustments:							
8.31	Transfer Between Programs	0.00	0	0	0	0	
8.41	Removal of One-Time Expenditures	0.00	0	0	0	0	
8.51	Base Reduction	0.00	0	0	0	0	
		FTP	FY 23 Salary	FY23 Health Ben	FY 23 Var Ben	FY 2023 Total	
9.00	BASE	25.00	1,947,000	297,300	407,300	2,651,700	
10.11	Change in Health Benefit Costs			0		0	
10.12	Change in Variable Benefits Costs				(8,400)	(8,400)	
	Indicator Code						
10.51	Annualization		0	0	0	0	
10.61	CEC for Permanent Positions		19,100		4,000	23,100	
10.62	CEC for Group Positions		0		0	0	
10.63	CEC for Elected Officials & Commissioners		0		0	0	
11.00	PROGRAM MAINTENANCE	25.00	1,966,100	297,300	402,900	2,666,400	
Line Items:							
12.01						0	
12.02						0	
12.03						0	
13.00	TOTAL REQUEST	25.00	1,966,100	297,300	402,900	2,666,400	