

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:

Date:

			FY 2022 Total Appropriation	FY 2022 Total Expenditures	FY 2023 Original Appropriation	FY 2023 Estimated Expenditures	FY 2024 Total Request
Appropriation Unit							
Capital and Conflict Representation			340,100	185,000	260,800	1,597,200	260,800
Office of the State Appellate Public Defender			2,929,500	2,831,700	3,286,600	3,354,100	3,400,764
Total			3,269,600	3,016,700	3,547,400	4,951,300	3,661,564
By Fund Source							
G	10000	General	3,269,600	3,016,700	3,547,400	4,951,300	3,661,564
Total			3,269,600	3,016,700	3,547,400	4,951,300	3,661,564
By Account Category							
Personnel Cost			2,651,700	2,580,600	2,870,800	2,870,800	3,032,964
Operating Expense			617,900	432,400	603,500	2,007,400	616,300
Capital Outlay			0	3,700	73,100	73,100	12,300
Total			3,269,600	3,016,700	3,547,400	4,951,300	3,661,564
FTP Positions			25.00	25.00	25.00	25.00	26.00
Total			25.00	25.00	25.00	25.00	26.00

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.

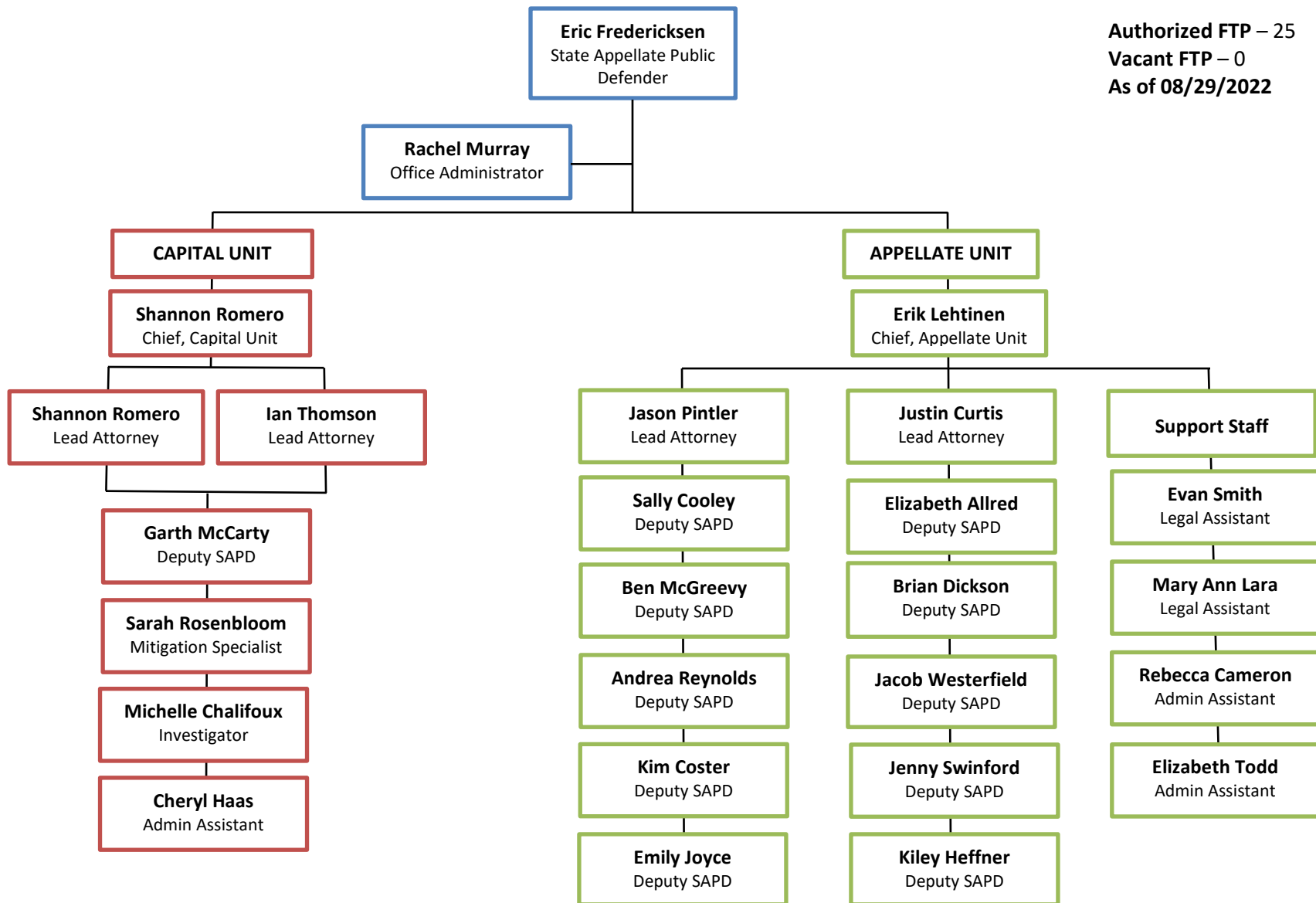
There are two budgeted programs within this division:

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.

443 – STATE APPELLATE PUBLIC DEFENDER

Authorized FTP – 25
Vacant FTP – 0
As of 08/29/2022



			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 2022 Total Appropriation								
1.00	FY 2022 Total 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
1.21	Account Transfers							SGDA
	10000	General	0.00	0	(3,700)	3,700	0	0
			0.00	0	(3,700)	3,700	0	0
1.61	Reverted Appropriation Balances							SGDA
	10000	General	0.00	(71,100)	(26,700)	0	0	(97,800)
			0.00	(71,100)	(26,700)	0	0	(97,800)
FY 2022 Actual Expenditures								
2.00	FY 2022 Actual Expenditures							SGDA
	10000	General	25.00	2,580,600	247,400	3,700	0	2,831,700
			25.00	2,580,600	247,400	3,700	0	2,831,700
FY 2023 Original Appropriation								
3.00	FY 2023 Original Appropriation							SGDA
	S1388							
	10000	General	25.00	2,870,800	342,700	0	0	3,213,500
	OT 10000	General	0.00	0	0	73,100	0	73,100
			25.00	2,870,800	342,700	73,100	0	3,286,600
Appropriation Adjustment								
4.31	ITS increased storage capacity							SGDA
	OT 10000	General	0.00	0	67,500	0	0	67,500
			0.00	0	67,500	0	0	67,500
FY 2023Total Appropriation								
5.00	FY 2023 Total Appropriation							SGDA
	10000	General	25.00	2,870,800	342,700	0	0	3,213,500
	OT 10000	General	0.00	0	67,500	73,100	0	140,600
			25.00	2,870,800	410,200	73,100	0	3,354,100
FY 2023 Estimated Expenditures								
7.00	FY 2023 Estimated Expenditures							SGDA
	10000	General	25.00	2,870,800	342,700	0	0	3,213,500
	OT 10000	General	0.00	0	67,500	73,100	0	140,600

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
			25.00	2,870,800	410,200	73,100	0	3,354,100
Base Adjustments								
8.41	Removal of One-Time Expenditures							SGDA
This decision unit removes one-time appropriation for FY 2023.								
OT 10000	General		0.00	0	(67,500)	(73,100)	0	(140,600)
			0.00	0	(67,500)	(73,100)	0	(140,600)
FY 2024 Base								
9.00	FY 2024 Base							SGDA
10000	General		25.00	2,870,800	342,700	0	0	3,213,500
OT 10000	General		0.00	0	0	0	0	0
			25.00	2,870,800	342,700	0	0	3,213,500
Program Maintenance								
10.11	Change in Health Benefit Costs							SGDA
10000	General		0.00	31,300	0	0	0	31,300
			0.00	31,300	0	0	0	31,300
10.12	Change in Variable Benefit Costs							SGDA
10000	General		0.00	(15,100)	0	0	0	(15,100)
			0.00	(15,100)	0	0	0	(15,100)
10.23	Contract Inflation Adjustments							SGDA
10000	General		0.00	0	5,100	0	0	5,100
			0.00	0	5,100	0	0	5,100
10.31	Repair, Replacement Items/Alteration Req #1							SGDA
6 Desktop Computer Replacements								
OT 10000	General		0.00	0	0	10,200	0	10,200
			0.00	0	0	10,200	0	10,200
10.61	Salary Multiplier - Regular Employees							SGDA
10000	General		0.00	25,100	0	0	0	25,100
			0.00	25,100	0	0	0	25,100
FY 2024 Total Maintenance								
11.00	FY 2024 Total Maintenance							SGDA
10000	General		25.00	2,912,100	347,800	0	0	3,259,900
OT 10000	General		0.00	0	0	10,200	0	10,200
			25.00	2,912,100	347,800	10,200	0	3,270,100
Line Items								
12.01	New Capital Litigation Attorney							SGDA
10000	General		1.00	120,864	5,100	0	0	125,964

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
OT 10000 General			0.00	0	1,900	2,100	0	4,000
			1.00	120,864	7,000	2,100	0	129,964
12.02	HVAC Maintenance		SGDA					
10000 General			0.00	0	700	0	0	700
			0.00	0	700	0	0	700
FY 2024 Total								
13.00	FY 2024 Total		SGDA					
10000 General			26.00	3,032,964	353,600	0	0	3,386,564
OT 10000 General			0.00	0	1,900	12,300	0	14,200
			26.00	3,032,964	355,500	12,300	0	3,400,764

			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 2022 Total Appropriation								
1.00	FY 2022 Total Appropriation							SGDB
	H0230,S1203							
	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
1.13	PY Executive Carry Forward							SGDB
	10000	General	0.00	0	42,400	0	0	42,400
			0.00	0	42,400	0	0	42,400
1.61	Reverted Appropriation Balances							SGDB
	10000	General	0.00	0	(72,500)	0	0	(72,500)
	OT 10000	General	0.00	0	(98,000)	0	0	(98,000)
			0.00	0	(170,500)	0	0	(170,500)
1.81	CY Executive Carry Forward							SGDB
	10000	General	0.00	0	(27,000)	0	0	(27,000)
			0.00	0	(27,000)	0	0	(27,000)
FY 2022 Actual Expenditures								
2.00	FY 2022 Actual Expenditures							SGDB
	10000	General	0.00	0	185,000	0	0	185,000
	OT 10000	General	0.00	0	0	0	0	0
			0.00	0	185,000	0	0	185,000
FY 2023 Original Appropriation								
3.00	FY 2023 Original Appropriation							SGDB
	S1388							
	10000	General	0.00	0	260,800	0	0	260,800
			0.00	0	260,800	0	0	260,800
Appropriation Adjustment								
4.32	Capital Conflict Case & Renfro Evidentiary Hearing							SGDB
	OT 10000	General	0.00	0	1,309,400	0	0	1,309,400
			0.00	0	1,309,400	0	0	1,309,400
FY 2023Total Appropriation								
5.00	FY 2023 Total Appropriation							SGDB
	10000	General	0.00	0	260,800	0	0	260,800
	OT 10000	General	0.00	0	1,309,400	0	0	1,309,400

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
			0.00	0	1,570,200	0	0	1,570,200
Appropriation Adjustments								
6.11	Executive Carry Forward (ECF)							SGDB
	10000	General	0.00	0	27,000	0	0	27,000
			0.00	0	27,000	0	0	27,000
FY 2023 Estimated Expenditures								
7.00	FY 2023 Estimated Expenditures							SGDB
	10000	General	0.00	0	287,800	0	0	287,800
	OT 10000	General	0.00	0	1,309,400	0	0	1,309,400
			0.00	0	1,597,200	0	0	1,597,200
Base Adjustments								
8.41	Removal of One-Time Expenditures							SGDB
This decision unit removes one-time appropriation for FY 2023.								
	OT 10000	General	0.00	0	(1,309,400)	0	0	(1,309,400)
			0.00	0	(1,309,400)	0	0	(1,309,400)
FY 2024 Base								
9.00	FY 2024 Base							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
FY 2024 Total Maintenance								
11.00	FY 2024 Total Maintenance							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
FY 2024 Total								
13.00	FY 2024 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

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Appropriation Office of the State Appellate Public Defender
Unit:

SGDA

Decision Unit Number	4.31	Descriptive Title	ITS increased storage capacity	General	Dedicated	Federal	Total
Operating Expense							
	590	Computer Services		67,500	0	0	67,500
		Operating Expense Total		67,500	0	0	67,500
				67,500	0	0	67,500

Explain the request and provide justification for the need.

In July of 2022, the SAPD received 4 new capital cases following the United States Supreme Court decision in Shinn v. Ramirez, 142 S.Ct. 1718 (2022). In addition, the SAPD anticipates it could be appointed to two additional capital cases in the next fiscal year. Given the size of the recent cases, and anticipated server space necessary to handle any new appointments, the SAPD will need to increase its usable storage space with ITS.

If a supplemental, what emergency is being addressed?

Need for additional storage capacity with ITS after the appointment to 4 new capital cases in July of 2022 and anticipation of the possibility of two new cases in February of 2023.

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

Idaho Code §19-5905(a), (e), and (g).

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

General Fund - \$323,836.23

What resources are necessary to implement this request?

\$67,500 – General Fund

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.

No

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

One-time cost. \$67,500 from general fund for OE. Not expected to have any ongoing expenses with ITS related to management of additional storage.

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

NASPO/ValuePoint State of Idaho Contract – ITS requested quote, see attached.

Provide detail about the revenue assumptions supporting this request.

Please see attached quote from ITS.

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

The citizens of the State of Idaho and those individuals charged or convicted of a criminal offense within the State of Idaho.

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

This request will ensure that the SAPD's network remains operational and has sufficient storage space to handle its large caseload. Additionally, ITS has recommended this hardware as the best option to meet the needs of the agency.

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.

See attached.

What is the project timeline?

We ask for executive carry-over authority given supply chain issues related to obtaining the requested storage.



Quote # 94640

Date 7/8/2022

QUOTATION

Page 1 of 1

Quoted To:

Brian Smith
State of Idaho - IT Services
brian.smith@its.idaho.gov
(208) 605-4051

From:

Randy Inglis
Toll Free: (866) 424-2766 ext 2275
Fax: (888) 349-2801
Email: ringlis@gcsit.com

We are pleased to Quote as follows:

RE: State of Idaho - IT Services - EMC VCF VxRail Capa

Itm	Qty	Description	Unit Price	Amount
1	10	SERVICE: EMC VxRail After Point of Sale Upgrade (210-AWMI)		
2	10	SOFTWARE: EMC No Transformational License Agreement (379-BDYQ)		
3	20	HARDWARE: EMC VxRail 3.84TB Solid State Drive SATA Read Intensive 6Gbps 512e 2.5in Hot-Plug, CUS Kit (400-BJJQ)	\$2,590.00	\$51,800.00
4	20	SOFTWARE: EMC VxRail HCI System Software, Capacity Drive 3.84TB SATA, SSD (634-BRIJ)	\$785.00	\$15,700.00
5	10	SERVICE: EMC Thank you for Your Order (929-3709)		
6	10	SERVICE: EMC Thank you for Your Order (935-6720)		

Notes

Price is delivered.

NASPO/ValuePoint State Contract EMC: ID PADD15201190
NASPO/ValuePoint Contract EMC: MNWNC-109
NASPO ID EMC: C000000854501

Above Pricing good for 20 days Unless otherwise noted quoted prices include shipping.
Please reference Quote # 94640 when placing orders or making inquiries. All product
and pricing information is based on latest information available. Subject to change
without notice or obligation.

TOTAL: \$67,500.00

Agency: Office of the State Appellate Public Defender

443

Appropriation Unit: Capital and Conflict Representation

SGDB

Decision Unit Number	4.32	Descriptive Title	Capital Conflict Case & Renfro Evidentiary Hearing	General	Dedicated	Federal	Total
Operating Expense							
	587	Administrative Services		1,309,400	0	0	1,309,400
		Operating Expense Total		1,309,400	0	0	1,309,400
				1,309,400	0	0	1,309,400

Explain the request and provide justification for the need.

In July of 2022, the SAPD received 4 new capital cases following the United States Supreme Court decision in Shinn v. Ramirez, 142 S.Ct. 1718 (2022). The SAPD has to conflict out one of the four new capital cases it received in July of 2022. In addition, the SAPD anticipates it could be appointed to two additional capital cases this fiscal year. These cases are set to go to trial in January of 2023. The cases involve two co-defendants. As a result, the SAPD will be required to conflict one of these new cases. The supplemental request includes funds necessary to pay for two conflict capital attorneys, a mitigation expert, an investigator, and expert funds for the case that is conflicted out of the office. Additionally, the supplemental request includes funds necessary to hire experts to litigate the new capital cases retained by the SAPD.

Additionally, the SAPD is requesting \$98,000 to handle the evidentiary hearing in State v. Renfro. The SAPD requested this \$98,000 last year in anticipation of an evidentiary hearing, but that evidentiary hearing was delayed, and all funds were reverted at the end of the fiscal year. The SAPD will need \$98,000 near the end of this fiscal year, or at the start of the next fiscal year, with carry over authority into the next fiscal year.

In total, the SAPD requests a \$1,309,410 supplemental, with continuing carry-over authority, to be placed in the Capital/Conflict Budget.

If a supplemental, what emergency is being addressed?

Four new capital cases, with the SAPD having to conflict one case out of the office. The potential of receiving two additional large capital cases in February of 2023, with the SAPD anticipating conflicting out one of those new cases. Additionally, the SAPD is anticipating a capital evidentiary hearing in Jonathan Renfro v. State of Idaho, CV17-9393 (Kootenai County).

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

Article I, Section 13 of the Idaho Constitution. The Sixth Amendment to the United States Constitution. Idaho Code §19-5905(a), (e), and (g).

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

General Fund – Operating Expenses - \$94,900 (\$39,879 remaining)

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 \$94,900 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 6 active capital cases, including, but not limited to employee and lay witness travel/lodging, investigations, depositions, and all costs associated with retaining experts for all of its active capital cases, including the 2 capital cases it is currently conflicting to outside counsel.

What resources are necessary to implement this request?

General Fund - \$1,309,410.00

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 of \$1,309,410 with executive carry over authority to handle all aspects of up to six new capital cases, with two of those cases having to be assigned to conflict counsel. This supplemental will cover the following:

- 1 lead capital attorney (conflict)
- 1 second-chair capital attorney (conflict)
- 1 mitigation expert (conflict)
- 1 investigator (conflict)
- 5 Expert Witnesses (to prepare for and testify at Renfro evidentiary hearing);
- 8-10 Experts Witnesses (to litigate new anticipated capital cases);
- Court reporters 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 capital cases.

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

The SAPD anticipates having to hire two capital conflict attorneys, a mitigating expert, and an investigator. Please see below. The capital conflict fees are based on the rate of pay established by the Criminal Justice Act panel rates for the U.S. District Court, District of Idaho for lead capital counsel and a second chair attorney. The mitigation specialist and investigator rates are calculated based on current contract rates for those respective positions.

Conflict Attorneys and Staff:

Lead Attorney:	\$197/hr.
Second Chair Attorney:	\$155/hr.
Capital Investigator:	\$100/hr.
Mitigation Specialist:	\$100/hr.

The SAPD also anticipates having to retain or fund 8-10 new experts for the 2 new capital cases it anticipates it will receive in February of 2023.

Additionally, the SAPD anticipates having an evidentiary hearing in State v. Renfro, near the end of this fiscal year or at the beginning of FY2024. The SAPD anticipates the following:

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 its current capital cases or those it anticipates receiving in February of 2023 and that the SAPD is not appointed to any additional, unanticipated capital cases.

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

The citizens of the State of Idaho, those individuals charged or convicted of a criminal offense within the State of Idaho, and the criminal justice system generally. If not funded, and the SAPD is appointed to a fifth new capital case, and required to conflict out a sixth case, the SAPD will not have the resources or personnel to meet its obligations under Article I, Section 13 of the Idaho Constitution, and the Sixth Amendment to the United States Constitution. Additionally, if not funded, the SAPD may not be able to effectively represent its current capital clients, 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: Office of the State Appellate Public Defender

SGDA

Decision Unit Number	12.01	Descriptive Title	New Capital Litigation Attorney				
				General	Dedicated	Federal	Total
Personnel Cost							
500	Employees			89,440	0	0	89,440
512	Employee Benefits			17,674	0	0	17,674
513	Health Benefits			13,750	0	0	13,750
	Personnel Cost Total			120,864	0	0	120,864
Operating Expense							
570	Professional Services			2,800	0	0	2,800
587	Administrative Services			100	0	0	100
590	Computer Services			1,200	0	0	1,200
613	Administrative Supplies			1,000	0	0	1,000
625	Computer Supplies			100	0	0	100
664	Rental Costs			1,800	0	0	1,800
	Operating Expense Total			7,000	0	0	7,000
Capital Outlay							
740	Computer Equipment			1,700	0	0	1,700
764	Office Equipment			400	0	0	400
	Capital Outlay Total			2,100	0	0	2,100
Full Time Positions							
	FTP - Permanent			1.00	0.00	0.00	1.00
	Full Time Positions Total			1	0	0	1
				129,964	0	0	129,964

Explain the request and provide justification for the need.

In July of 2022, the State Appellate Public Defender (SAPD) received 4 new capital cases following the United States Supreme Court decision in *Shinn v. Ramirez*, 142 S.Ct. 1718 (2022). The SAPD has to conflict out one of the four new capital cases it received in July of 2022. As a result, the SAPD has 6 active capital cases. In addition, the SAPD anticipates it could be appointed to two additional capital cases this fiscal year. These cases are set to go to trial in January of 2023. The cases involve two co-defendants. As a result, the SAPD will be required to conflict one of these new cases. This ongoing request is necessary to add one new full-time employee - a capital litigation attorney, to meet Idaho and Constitutional workload requirements for capital cases.

The new position will require:

- \$120,864 ongoing for salary and benefits;
- \$5,100 for ongoing operating expenses;
- \$1,900 one-time operating expenses; and
- \$2,100 one-time capital outlay costs for a new FTP.

If a supplemental, what emergency is being addressed?

Not applicable

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

Article I, Section 13 of the Idaho Constitution. The Sixth Amendment to the United States Constitution. Idaho Code §19-5905(a), (e), and (g).

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

General Fund – Personnel Costs: \$2,870,800

Covers 25 FTP: 17 Attorneys, 1 Office Administrator, 5 Legal Assistants, 1 Investigator, and 1 Mitigation Specialist.

What resources are necessary to implement this request?

- \$120,864 ongoing for salary and benefits;
- \$5,150 for ongoing operating expenses;
- \$1,900 one-time operating expenses; and
- \$2,100 one-time capital outlay costs for a new FTP.

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

Capital Litigation Attorney (Permanent):
Employee Salary: \$43.00/hr. - \$89,440 Annually (Full-Time)
Employee Benefits: \$17,674
Health Benefits: \$13,750

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.

Ongoing Operating Expenses: \$5,100
One-Time Operating Expenses: \$1,900
One-Time Capital Outlay: \$2,100

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

The SAPD anticipates having to pay \$43.00/hour to hire an attorney competent to handle a capital case. The SAPD will be required cover bar dues, training, computer services, and administrative supplies for the new attorney. The SAPD will also provide computer and office equipment at the rates established under applicable state contracts.

Provide detail about the revenue assumptions supporting this request.

See above.

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

The citizens of the State of Idaho, those individuals charged or convicted of a criminal offense within the State of Idaho, and the criminal justice system generally. If not funded, and the SAPD is appointed to a seventh capital case the SAPD will not have the resources or personnel to meet its obligations under Article I, Section 13 of the Idaho Constitution, and the Sixth Amendment to the United States Constitution. Additionally, if not funded, the SAPD may not be able to effectively represent its current capital clients, potentially creating additional claims to be raised against the SAPD in the future.



STATE OF IDAHO
OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
Defending Zealously, Advancing Fairness, and Advocating with Integrity.

August 2, 2022

Delivery Via E-mail: dhrr@dhrr.idaho.gov

Lori Wolff, Administrator
Idaho Division of Human Resources
304 N. 8th Street
Boise, Idaho 83720

Re: FY 2024 Budget Request – Line Item Request

Dear Ms. Wolff:

Per the Division of Financial Management's FY 2024 Budget Overview memo dated June 2, 2022, I am submitting this letter as notification of my line-item request to include an additional full-time position (FTP) in my FY 2024 budget request. This new FTP will be responsible for litigating death penalty cases within the State Appellate Public Defender's Capital Litigation Unit. The State Appellate Public Defender does not have any FTP vacant positions; therefore, there are no unused personnel funds that can be used to cover the costs of this request.

If you have any questions, please do not hesitate to call me at 208-334-2712.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric D. Fredericksen", is located below the word "Sincerely,".

ERIC D. FREDERICKSEN
State Appellate Public Defender



State of Idaho

DIVISION OF HUMAN RESOURCES

Executive Office of the Governor

BRAD LITTLE
Governor
LORI A. WOLFF
Administrator

Idaho Personnel Commission
Mike Brassey, Chair
Mark Holubar
Sarah E. Griffin
Amy Manning
Nancy Merrill

August 19, 2022

State Appellate Public Defender (SAPD)
Rachel Murray, rmurray@sapd.state.id.us

Dear Rachel Murray:

This letter is in response to your FY 2024 Budget request. Your request was received August 2, 2022 listed the following requested item(s) for your FY 2024 budget:

- One (1) new FTP for a SAPD Deputy Attorney, funded at \$43.00/ hour

After review of your request, DHR concurs with classification and compensation for the position above.

This letter attests that SAPDs request is in alignment with Division of Human Resources (DHR) policies. Please include this letter with your final budget submission to the Division of Financial Management (DFM).

If you have any questions or concerns about your requests, please do not hesitate to contact me at Janelle.mcdonald@dhr.idaho.gov, or 208-854-3077.

Sincerely,

A handwritten signature in black ink, appearing to read "Janelle McDonald".

Janelle McDonald
DHR Program Manager

CC: Lori Wolff, DHR Administrator
Eric D. Fredericksen, State Appellate Public Defender

Agency: Office of the State Appellate Public Defender

443

Appropriation Office of the State Appellate Public Defender
Unit:

SGDA

Decision Unit Number	12.02	Descriptive Title	HVAC Maintenance	General	Dedicated	Federal	Total
Operating Expense							
	578	Repair & Maintenance		700	0	0	700
		Operating Expense Total		700	0	0	700
				700	0	0	700

Explain the request and provide justification for the need.

The SAPD is responsible for annual service and maintenance of the air conditioning units in its server room. The SAPD has contracted with Oppenheimer Development Corporation for the HVAC service and maintenance. The annual cost is \$700 for all necessary maintenance of service. This is an ongoing request.

If a supplemental, what emergency is being addressed?

Not Applicable.

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

Idaho Code 19-5905 (6)

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

The SAPD is appropriated \$342,700 annually for all operating expenses.

What resources are necessary to implement this request?

General Fund: \$700

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

Not Applicable

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.

\$700 ongoing operating expenses.

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

Current contract rates as negotiated with Oppenheimer Development Corporation for the HVAC service and maintenance.

Provide detail about the revenue assumptions supporting this request.

See above.

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

The citizens of the State of Idaho and employees at the State Appellate Public Defender. The SAPD will have to divert previously appropriated funds to HVAC maintenance or risk significant future expenses related to its failure to properly maintain and service its air conditioning units.

[illegible]

FORM B6: WAGE & SALARY RECONCILIATION

		Rounded Appropriation		25.00	2,119,900	316,800	434,100	2,870,800			
4.11		Appropriation Adjustments:									
		Reappropriation		0.00	0	0	0	0			
4.31		Supplemental		0.00	0	0	0	0			0
5.00		FY 2023 TOTAL APPROPRIATION		25.00	2,119,900	316,800	434,100	2,870,800			
		Expenditure Adjustments:									
6.31		Transfer between programs		0.00	0	0		0			0
6.41		FTP or Fund Adjustment		0.00	0	0	0	0			0
7.00		FY 2023 ESTIMATED EXPENDITURES		25.00	2,119,900	316,800	434,100	2,870,800			
		Base Adjustments:									
8.31		Transfer Between Programs		0.00	0	0	0	0			0
8.41		Removal of One-Time Expenditures		0.00	0	0	0	0			0
8.51		Base Reduction		0.00	0	0	0	0			0
9.00		FY 2024 BASE		FTP	FY 24 Salary	FY24 Health Ben	FY 24 Var Ben	FY 2024 Total			
				25.00	2,119,900	316,800	434,100	2,870,800			
10.11		Change in Health Benefit Costs				31,300		31,300			
10.12		Change in Variable Benefits Costs					(15,100)	(15,100)			
		Indicator Code						0			
10.51		Annualization			0	0	0	0			
10.61		CEC for Permanent Positions	1.00%		20,900		4,200	25,100			
10.62		CEC for Temp/Group Positions	1.00%		0		0	0			
10.63		CEC for Elected Officials & Commissioners			0		0	0			
11.00		FY 2024 PROGRAM MAINTENANCE		25.00	2,140,800	348,100	423,200	2,912,100			
		Line Items:									
12.01		DEPUTY SAPD CAPITAL LITIGATION ATTORNEY		1.00	89,440	13,750	17,673	120,900			
12.02								0			
12.03								0			
13.00		FY 2024 TOTAL REQUEST		26.00	2,230,240	361,850	440,873	3,033,000			

Employee Bonus - Detail Report (B6)

For Agency 443

Begin Date Jul 1, 2021, End Date Jun 30, 2022

Pay Rate shows rate in effect as of the selected end date and may not reflect current pay rate.

Bonus for Below Policy shows bonus amount if pay rate is less than policy rate.

Change Reason	Class	Name	PCN	Appt Type	Job Description	Eff. Date	Rate Ind	Policy Rate	Pay Rate	Total Bonus Amount	Bonus for Below Policy
BS - PERFORMANCE BONUS	20974 - LEGAL SECRETARY	LARA, MARY A.	1101	NRR	LEGAL SECRETARY	May 15, 2022	H		\$22.50	\$2000.00	\$0.00
		SMITH, EVAN A.	1104	NRR	LEGAL SECRETARY	May 15, 2022	H		\$27.48	\$2000.00	\$0.00
	20974 - LEGAL SECRETARY									\$4000.00	\$0.00
	20978 - INVESTIGATOR	CHALIFOUX, MICHELLE K.	1017	NRR	INVESTIGATOR	May 15, 2022	H		\$33.19	\$2000.00	\$0.00
	20978 - INVESTIGATOR									\$2000.00	\$0.00
	24401 - OFFICE ADMINISTRATOR	MURRAY, RACHEL A.	1007	NRR	OFFICE ADMINISTRATOR	May 15, 2022	H		\$34.58	\$2000.00	\$0.00
	24401 - OFFICE ADMINISTRATOR									\$2000.00	\$0.00
BS - PERFORMANCE BONUS									\$8000.00	\$0.00	
Summary										\$8000.00	\$0.00

PCF Detail Report

Request for Fiscal Year: 202
4

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

443
 SGDA
 10000

PCN	Class	Description	FTP	Salary	Health	Variable Benefits	Total
Totals from Personnel Cost Forecast (PCF)							
		Permanent Positions	25.00	2,090,379	312,500	428,129	2,831,008
		Total from PCF	25.00	2,090,379	312,500	428,129	2,831,008
		FY 2023 ORIGINAL APPROPRIATION	25.00	2,123,405	312,500	434,895	2,870,800
		Unadjusted Over or (Under) Funded:	.00	33,026	0	6,766	39,792
Other Adjustments							
	501	Employees - Temp	.00	900	0	0	900
	512	Employee Benefits	.00	0	0	100	100
Estimated Salary Needs							
		Board, Group, & Missing Positions	.00	900	0	100	1,000
		Permanent Positions	25.00	2,090,379	312,500	428,129	2,831,008
		Estimated Salary and Benefits	25.00	2,091,279	312,500	428,229	2,832,008
Adjusted Over or (Under) Funding							
		Original Appropriation	.00	32,126	0	6,666	38,792
		Estimated Expenditures	.00	32,126	0	6,666	38,792
		Base	.00	32,126	0	6,666	38,792

PCF Summary ReportRequest for Fiscal Year: 202
4

Agency: Office of the State Appellate Public Defender

443

Appropriation Unit: Office of the State Appellate Public Defender

SGDA

Fund: General Fund

10000

DU	FTP	Salary	Health	Variable Benefits	Total
3.00 FY 2023 ORIGINAL APPROPRIATION	25.00	2,123,405	312,500	434,895	2,870,800
5.00 FY 2023 TOTAL APPROPRIATION	25.00	2,123,405	312,500	434,895	2,870,800
7.00 FY 2023 ESTIMATED EXPENDITURES	25.00	2,123,405	312,500	434,895	2,870,800
9.00 FY 2024 BASE	25.00	2,123,405	312,500	434,895	2,870,800
10.11 Change in Health Benefit Costs	0.00	0	31,300	0	31,300
10.12 Change in Variable Benefit Costs	0.00	0	0	(15,100)	(15,100)
10.61 Salary Multiplier - Regular Employees	0.00	20,900	0	4,200	25,100
11.00 FY 2024 PROGRAM MAINTENANCE	25.00	2,144,305	343,800	423,995	2,912,100
12.01 New Capital Litigation Attorney	1.00	89,440	13,750	17,674	120,864
13.00 FY 2024 TOTAL REQUEST	26.00	2,233,745	357,550	441,669	3,032,964

Contract Inflation

Request for Fiscal Year: 2024
443
SGDA

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

	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimated Expenditures	Contract Dates	FY 2024 Contractual % Change	FY 2024 Total
Contract								
Corporate Translation Services - Interpretation/Translation Services	0	0	100	200	200	07/01/2023 - 06/30/2024	100	2,000
Idaho Water Center Lease	120,038	121,688	123,338	124,988	126,638	10/1/2016 - 9/30/2025	1	1,700
Thomson Reuters - West ProFlex Licensing	0	0	0	0	30,000	07/01/2023 - 06/30/2024	3	1,000
Thomson Rueters - ProLaw Licensing	6,246	6,558	6,800	7,230	7,600	07/01/2023 - 06/30/2024	1	400
Total	126,284	128,246	130,238	132,418	164,438			5,100
Fund Source								
General	126,284	128,246	130,238	132,418	164,438			5,100
Total	126,284	128,246	130,238	132,418	164,438			5,100

One-Time Operating & One-Time Capital Outlay Summary

Request for Fiscal Year: 2024

Agency: Office of the State Appellate Public Defender

443

Priority	Appropriation Unit	DU	Fund	Summary Account	Item Description	Current Mileage	Date Acquired	Quantity in Stock	Request Quantity Desired	Request Unit Cost	Request Total Cost	
Detail												
0	SGDA	10.31	10000	740	Computer Replacement - Laptops	0		0.00	6.00	1,700.00	10,200	
Subtotal								0.00	6.00		10,200	
Grand Total by Appropriation Unit												
SGDA											10,200	
Subtotal											10,200	
Grand Total by Decision Unit												
10.31											10,200	
Subtotal											10,200	
Grand Total by Fund Source												
			10000									10,200
Subtotal											10,200	
Grand Total by Summary Account												
				740				0.00	6.00		10,200	
Subtotal								0.00	6.00		10,200	

Close

Agency	State Appellate Public Defender's Office
Request for the Purchase of	Laptop Computers
Agency Purchasing Representative	Rachel Murray
Agency Purchasing Representative Email Address	rmurray@sapd.state.id.us
Total Value of Request	\$10,200.00
Comments	In FY 2024, the SAPD would like to replace 6 desktop computers with laptop computers. At the time of replacement, the PC's will be 4 years old or older. Standard Laptop - \$1,400/ea Docking Station & Peripherals - \$300/ea Total - \$1,700 x 6 = \$10,200
ITS Comments	
Analyst Comments	
ITS Approval Status	Reviewed & Recommended

Version: 3.0

Created at 8/29/2022 9:46 AM by SAPD Idaho

Last modified at 8/29/2022 9:49 AM by Chris Carlisle

Close

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:	208-5551213		
DFM Analyst:	Adam Jarvis		LSO/BPA Analyst:	Tim Hibbard		
Date Prepared:	8/15/2022		For Fiscal Year:	2024		
FACILITY INFORMATION (please list each facility separately by city and street address)						
Facility Name:	Idaho Water Center					
City:	Boise		County:	Ada		
Property Address:	332 E. Front Street				Zip Code:	83702
Facility Ownership (could be private or state-owned)	Private Lease:	<input checked="" type="checkbox"/>	State Owned:	<input type="checkbox"/>	Lease Expires:	2026
FUNCTION/USE OF FACILITY						
Administrative Space, State Appellate Public Defender						
COMMENTS						
WORK AREAS						
FISCAL YR:	ACTUAL 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026	REQUEST 2027
Total Number of Work Areas:	25	25	26	26	26	
Full-Time Equivalent Positions:	25	25	26	26	26	
Temp. Employees, Contractors, Auditors, etc.:	0	0	0	0	0	
SQUARE FEET						
FISCAL YR:	ACTUAL 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026	REQUEST 2027
Square Feet:	6600	6600	6600	6600	6600	
FACILITY COST (Do NOT use your old rate per sq ft; it may not be a realistic figure)						
FISCAL YR:	ACTUAL 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026	REQUEST 2027
Total Facility Cost/Yr:	\$123,337.50	\$124,987.50	\$126,637.50	\$128,287.50	\$129,937.50	
SURPLUS PROPERTY						
FISCAL YR:	ACTUAL 2022	REQUEST 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026	REQUEST 2027
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IMPORTANT NOTES:						
1. Upon completion, please send to Leasing Manager at the State Leasing Program in the Division of Public Works via email to Caitlin.Cox@adm.idaho.gov . Please e-mail or call 208-332-1933 with any questions.						
2. 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.						
3. Attach a hardcopy of this submittal, as well as the Facility Information Summary Sheet, if applicable, with your budget request. DPW LEASING DOES NOT NEED A COPY OF YOUR BUDGET REQUEST, JUST THIS FORM.						
AGENCY NOTES:						

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. The office has 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 2019	FY 2020	FY 2021	FY 2022
General Fund	\$2,948,100	\$3,099,100	\$3,091,200	\$3,312,000
Dedicated	\$0	\$0	\$0	\$0
Total	\$2,948,100	\$3,099,100	\$3,091,200	\$3,312,000
Expenditures	FY 2019	FY 2020	FY 2021	FY 2022
Personnel Costs	\$2,303,900	\$2,368,800	\$2,409,400	\$2,580,600
Operating Expenditures	\$405,100	\$407,500	\$488,400	\$432,400
Capital Outlay	\$17,100	\$19,400	\$71,300	\$3,700
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
Total	\$2,726,100	\$2,795,700	\$2,969,100	\$3,016,700

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2019	FY 2020	FY 2021	FY 2022
Capital Cases Managed	3	3	3	3
Non-Capital Cases Opened	600	618	435	568

FY 2022 Performance Highlights

The SAPD had a number of significant legal victories over the past fiscal year, including the following notable developments in Idaho jurisprudence. In *State v. Randall*, 169 Idaho 358 (2021) and *State v. Howard*, 169 Idaho 379 (2021), the Idaho Supreme Court overturned an Idaho Court of Appeals opinion from 2015, finding that decision to be inconsistent with United States Supreme Court precedent. In *Randall* and *Howard*, the Court held that when a drug-sniffing canine trespasses into the interior of a vehicle it is a “search” within the meaning of the Fourth Amendment. In *State v. Paulson*, the Idaho Supreme Court overturned a vehicular manslaughter conviction finding that the jury was incorrectly instructed. The *Paulson* Court clarified that in order to render a guilty verdict for vehicular manslaughter under an impairment theory, the jury has to be instructed and find that the defendant must have caused the collision *because of* his impairment. Finally, in *State v. Diaz*, 170 Idaho 79 (2022), the Idaho Supreme Court held that expert testimony may be admitted to try to show the defendant’s mental condition prevented him from forming the requisite *mens rea* for the charged offense.

Part II – Performance Measures

Performance Measure		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
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	8	0	0	0	
	target	0 Cases	0 Cases	0 Cases	0 Cases	

Performance Measure		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
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	521/57	559/110	476/103	425/84	
	target	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.	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	51.81 units	58.08 units	43.30 units	36.56 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*	100%**	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	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 FY2022, the SAPD was appointed to 568 criminal appeals from the district court, which is a significant case increase from FY2021 (435), but more on target with caseloads from previous years. 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 36.56 units, which marks a second year of an average workload decrease. The decrease is largely attributed to the Corona Virus pandemic which significantly slowed the litigating of cases in the district court over the past two years. The SAPD anticipates the workload will increase as district courts process through the backlog of cases created by the pandemic. While 36.56 units slightly 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 are 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
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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

8/17/22

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