

**Agency Summary And Certification**

**FY 2025 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:**

ERIK LEHTINEN

**Date:** 10/19/2023

			<b>FY 2023 Total Appropriation</b>	<b>FY 2023 Total Expenditures</b>	<b>FY 2024 Original Appropriation</b>	<b>FY 2024 Estimated Expenditures</b>	<b>FY 2025 Total Request</b>
<b>Appropriation Unit</b>							
Capital and Conflict Representation			1,570,200	186,000	260,800	1,570,200	302,400
Office of the State Appellate Public Defender			3,354,100	3,216,900	3,690,200	3,690,200	3,740,400
<b>Total</b>			<b>4,924,300</b>	<b>3,402,900</b>	<b>3,951,000</b>	<b>5,260,400</b>	<b>4,042,800</b>
<b>By Fund Source</b>							
G	10000	General	4,924,300	3,402,900	3,951,000	5,260,400	4,042,800
<b>Total</b>			<b>4,924,300</b>	<b>3,402,900</b>	<b>3,951,000</b>	<b>5,260,400</b>	<b>4,042,800</b>
<b>By Account Category</b>							
Personnel Cost			2,870,800	2,826,900	3,313,600	3,313,600	3,378,000
Operating Expense			1,980,400	471,100	625,100	1,934,500	664,800
Capital Outlay			73,100	104,900	12,300	12,300	0
<b>Total</b>			<b>4,924,300</b>	<b>3,402,900</b>	<b>3,951,000</b>	<b>5,260,400</b>	<b>4,042,800</b>
FTP Positions			25.00	25.00	26.00	26.00	26.00
<b>Total</b>			<b>25.00</b>	<b>25.00</b>	<b>26.00</b>	<b>26.00</b>	<b>26.00</b>

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

443

**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.

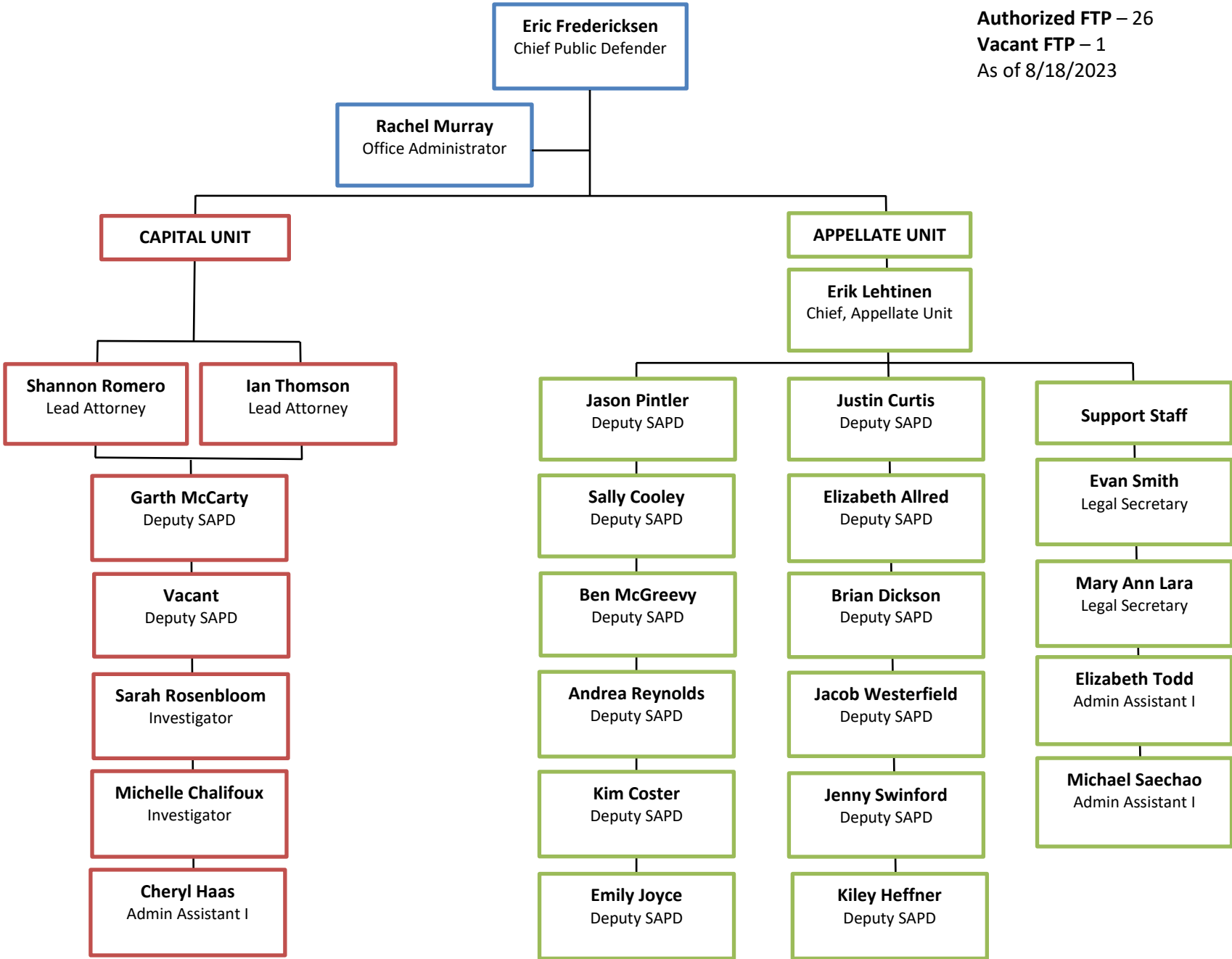
There are two budgeted programs within this division:

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 – 26  
Vacant FTP – 1  
As of 8/18/2023



		FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
<b>Agency</b>	Office of the State Appellate Public Defender						443
<b>Division</b>	Office of the State Appellate Public Defender						SD1
<b>Appropriation Unit</b>	Office of the State Appellate Public Defender						SGDA
<b>FY 2023 Total Appropriation</b>							
1.00	FY 2023 Total Appropriation						SGDA
	S1388						
	10000 General	25.00	2,870,800	410,200	73,100	0	3,354,100
		25.00	2,870,800	410,200	73,100	0	3,354,100
1.21	Account Transfers						SGDA
	10000 General	0.00	0	(67,500)	67,500	0	0
		0.00	0	(67,500)	67,500	0	0
1.61	Reverted Appropriation Balances						SGDA
	10000 General	0.00	(43,900)	(57,600)	(35,700)	0	(137,200)
		0.00	(43,900)	(57,600)	(35,700)	0	(137,200)
<b>FY 2023 Actual Expenditures</b>							
2.00	FY 2023 Actual Expenditures						SGDA
	10000 General	25.00	2,826,900	285,100	104,900	0	3,216,900
		25.00	2,826,900	285,100	104,900	0	3,216,900
<b>FY 2024 Original Appropriation</b>							
3.00	FY 2024 Original Appropriation						SGDA
	10000 General	26.00	3,313,600	362,400	0	0	3,676,000
	OT 10000 General	0.00	0	1,900	12,300	0	14,200
		26.00	3,313,600	364,300	12,300	0	3,690,200
<b>FY 2024 Total Appropriation</b>							
5.00	FY 2024 Total Appropriation						SGDA
	10000 General	26.00	3,313,600	362,400	0	0	3,676,000
	OT 10000 General	0.00	0	1,900	12,300	0	14,200
		26.00	3,313,600	364,300	12,300	0	3,690,200
<b>FY 2024 Estimated Expenditures</b>							
7.00	FY 2024 Estimated Expenditures						SGDA
	10000 General	26.00	3,313,600	362,400	0	0	3,676,000
	OT 10000 General	0.00	0	1,900	12,300	0	14,200
		26.00	3,313,600	364,300	12,300	0	3,690,200
<b>Base Adjustments</b>							
8.41	Removal of One-Time Expenditures						SGDA
	This decision unit removes one-time appropriation for FY 2024.						
	OT 10000 General	0.00	0	(1,900)	(12,300)	0	(14,200)

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
			0.00	0	(1,900)	(12,300)	0	(14,200)
<b>FY 2025 Base</b>								
9.00	FY 2025 Base							SGDA
10000	General	26.00	3,313,600	362,400	0	0	3,676,000	
OT 10000	General	0.00	0	0	0	0	0	
			26.00	3,313,600	362,400	0	0	3,676,000
<b>Program Maintenance</b>								
10.11	Change in Health Benefit Costs							SGDA
10000	General	0.00	18,200	0	0	0	18,200	
			0.00	18,200	0	0	0	18,200
10.12	Change in Variable Benefit Costs							SGDA
10000	General	0.00	17,100	0	0	0	17,100	
			0.00	17,100	0	0	0	17,100
10.61	Salary Multiplier - Regular Employees							SGDA
10000	General	0.00	29,100	0	0	0	29,100	
			0.00	29,100	0	0	0	29,100
<b>FY 2025 Total Maintenance</b>								
11.00	FY 2025 Total Maintenance							SGDA
10000	General	26.00	3,378,000	362,400	0	0	3,740,400	
OT 10000	General	0.00	0	0	0	0	0	
			26.00	3,378,000	362,400	0	0	3,740,400
<b>FY 2025 Total</b>								
13.00	FY 2025 Total							SGDA
10000	General	26.00	3,378,000	362,400	0	0	3,740,400	
OT 10000	General	0.00	0	0	0	0	0	
			26.00	3,378,000	362,400	0	0	3,740,400

		FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
<b>Agency</b>	Office of the State Appellate Public Defender						443
<b>Division</b>	Office of the State Appellate Public Defender						SD1
<b>Appropriation Unit</b>	Capital and Conflict Representation						SGDB
<b>FY 2023 Total Appropriation</b>							
1.00	FY 2023 Total Appropriation						SGDB
	S1388						
	10000 General	0.00	0	1,570,200	0	0	1,570,200
		0.00	0	1,570,200	0	0	1,570,200
1.13	PY Executive Carry Forward						SGDB
	10000 General	0.00	0	27,000	0	0	27,000
		0.00	0	27,000	0	0	27,000
1.61	Reverted Appropriation Balances						SGDB
	10000 General	0.00	0	(101,800)	0	0	(101,800)
		0.00	0	(101,800)	0	0	(101,800)
1.71	Legislative Reappropriation						SGDB
	10000 General	0.00	0	(1,309,400)	0	0	(1,309,400)
		0.00	0	(1,309,400)	0	0	(1,309,400)
<b>FY 2023 Actual Expenditures</b>							
2.00	FY 2023 Actual Expenditures						SGDB
	10000 General	0.00	0	186,000	0	0	186,000
		0.00	0	186,000	0	0	186,000
<b>FY 2024 Original Appropriation</b>							
3.00	FY 2024 Original Appropriation						SGDB
	10000 General	0.00	0	260,800	0	0	260,800
		0.00	0	260,800	0	0	260,800
<b>Appropriation Adjustment</b>							
4.11	Legislative Reappropriation						SGDB
	This decision unit reflects reappropriation authority granted by SB 1115						
	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
<b>FY 2024 Total Appropriation</b>							
5.00	FY 2024 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
		0.00	0	1,570,200	0	0	1,570,200
<b>FY 2024 Estimated Expenditures</b>							
7.00	FY 2024 Estimated Expenditures						SGDB

		FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
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
		0.00	0	1,570,200	0	0	1,570,200

**Base Adjustments**

8.41 Removal of One-Time Expenditures SGDB

This decision unit removes one-time appropriation for FY 2024.

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 2025 Base**

9.00 FY 2025 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 2025 Total Maintenance**

11.00 FY 2025 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

**Line Items**

12.01 Appellate Conflict budget increase SGDB

Appellate Conflict budget increase

10000	General	0.00	0	41,600	0	0	41,600
		0.00	0	41,600	0	0	41,600

12.91 Budget Law Exemptions/Other Adjustments SGDB

The Office of the State Appellate Public Defender is requesting Reappropriation authority for the Capital and Conflict Representation funding from SB 1115. In the amount of \$1,309,400

10000	General	0.00	0	0	0	0	0
		0.00	0	0	0	0	0

**FY 2025 Total**

13.00 FY 2025 Total SGDB

10000	General	0.00	0	302,400	0	0	302,400
OT 10000	General	0.00	0	0	0	0	0
		0.00	0	302,400	0	0	302,400

Agency: Office of the State Appellate Public Defender

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Decision Unit Number 12.01 Descriptive Title Appellate Conflict budget increase

	General	Dedicated	Federal	Total
Request Totals				
50 - Personnel Cost	0	0	0	0
55 - Operating Expense	41,600	0	0	41,600
70 - Capital Outlay	0	0	0	0
80 - Trustee/Benefit	0	0	0	0
Totals	41,600	0	0	41,600
Full Time Positions	0.00	0.00	0.00	0.00

Appropriation Unit: Capital and Conflict Representation SGDB

Operating Expense				
570 Professional Services	41,600	0	0	41,600
Operating Expense Total	41,600	0	0	41,600
	<b>41,600</b>	<b>0</b>	<b>0</b>	<b>41,600</b>

**Explain the request and provide justification for the need.**

The SAPD is seeking a \$41,600 increase in our appellate conflict budget, Program 44302. Prior to FY2021, the SAPD was appropriated \$207,500 to pay for conflict appellate representation. However, in FY2021, the appellate conflict budget was reduced to \$165,900 to adjust for a 5% state budget holdback. The SAPD is seeking to restore its appellate conflict budget to accommodate for market increases to retain conflict attorneys. The SAPD has paid its conflict appellate attorneys \$125/hr. for over 10 years. In the meantime, the Federal CJA panel has increased rates from \$125/hr. to \$164/hr. The SAPD is seeking to restore its appellate conflict budget to retain competent appellate conflict counsel at competitive rates.

Additionally, the SAPD's workloads have returned to pre-COVID 19 levels. This past year, the SAPD was appointed to its highest caseload in the 25-year history of the office. Likewise, the SAPD is seeing an increase in the number of cases it is required to assign to conflict counsel.

**If a supplemental, what emergency is being addressed?**

N/A

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

Idaho Code Sec. 19-5906:

"Should the state appellate public defender be unable to carry out the duties required in this chapter because of a conflict of interest or any other reason, the state appellate public defender shall arrange for counsel for indigent defendants to be compensated out of the budget of the state appellate public defender."

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

Program 44302 - \$165,900 – Operating Expenses

**What resources are necessary to implement this request?**

\$41,600 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.**

Program 44302: \$41,600 Ongoing Operating Expenses



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

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N/A

**Provide detail about the revenue assumptions supporting this request.**

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In calculating the requested increase, the SAPD assumed it will not have another large increase in the number of appellate cases it is required to send out of the office to conflict counsel.

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

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The people of the State of Idaho, all the SAPD's appellate clients, crime victims, and the criminal justice system will all be served if this funding request is fulfilled. If granted, the SAPD will be fully funded and will proceed without delay in all 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 State Appellate Public Defender which relieves counties of the substantial financial burdens associated with the defense of appellate cases.

If the request is not funded, the SAPD may not be able to effectively represent all its appellate 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.

**PCF Detail Report**

Request for Fiscal Year: 2025

**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
<b>Totals from Personnel Cost Forecast (PCF)</b>							
		Permanent Positions	25.00	2,309,070	343,750	479,386	3,132,206
		Total from PCF	<b>25.00</b>	<b>2,309,070</b>	<b>343,750</b>	<b>479,386</b>	<b>3,132,206</b>
		<b>FY 2024 ORIGINAL APPROPRIATION</b>	<b>26.00</b>	<b>2,468,333</b>	<b>357,500</b>	<b>487,767</b>	<b>3,313,600</b>
		<b>Unadjusted Over or (Under) Funded:</b>	<b>1.00</b>	<b>159,263</b>	<b>13,750</b>	<b>8,381</b>	<b>181,394</b>
<b>Adjustments to Wage and Salary</b>							
VAC 443000 1	2563N R90	Deputy SAPD	1.00	89,000	13,750	17,587	120,337
<b>Estimated Salary Needs</b>							
		Board, Group, & Missing Positions	1.00	89,000	13,750	17,587	120,337
		Permanent Positions	25.00	2,309,070	343,750	479,386	3,132,206
		<b>Estimated Salary and Benefits</b>	<b>26.00</b>	<b>2,398,070</b>	<b>357,500</b>	<b>496,973</b>	<b>3,252,543</b>
<b>Adjusted Over or (Under) Funding</b>							
		<b>Original Appropriation</b>	<b>.00</b>	<b>70,263</b>	<b>0</b>	<b>(9,206)</b>	<b>61,057</b>
		<b>Estimated Expenditures</b>	<b>.00</b>	<b>70,263</b>	<b>0</b>	<b>(9,206)</b>	<b>61,057</b>
		<b>Base</b>	<b>.00</b>	<b>70,263</b>	<b>0</b>	<b>(9,206)</b>	<b>61,057</b>

**PCF Summary Report**

Request for Fiscal Year: 2025

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

443  
 SGDA  
 10000

DU		FTP	Salary	Health	Variable Benefits	Total
<b>3.00</b>	<b>FY 2024 ORIGINAL APPROPRIATION</b>	<b>26.00</b>	<b>2,468,333</b>	<b>357,500</b>	<b>487,767</b>	<b>3,313,600</b>
<b>5.00</b>	<b>FY 2024 TOTAL APPROPRIATION</b>	<b>26.00</b>	<b>2,468,333</b>	<b>357,500</b>	<b>487,767</b>	<b>3,313,600</b>
<b>7.00</b>	<b>FY 2024 ESTIMATED EXPENDITURES</b>	<b>26.00</b>	<b>2,468,333</b>	<b>357,500</b>	<b>487,767</b>	<b>3,313,600</b>
<b>9.00</b>	<b>FY 2025 BASE</b>	<b>26.00</b>	<b>2,468,333</b>	<b>357,500</b>	<b>487,767</b>	<b>3,313,600</b>
10.11	Change in Health Benefit Costs	0.00	0	18,200	0	18,200
10.12	Change in Variable Benefit Costs	0.00	0	0	17,100	17,100
10.61	Salary Multiplier - Regular Employees	0.00	24,000	0	5,100	29,100
<b>11.00</b>	<b>FY 2025 PROGRAM MAINTENANCE</b>	<b>26.00</b>	<b>2,492,333</b>	<b>375,700</b>	<b>509,967</b>	<b>3,378,000</b>
<b>13.00</b>	<b>FY 2025 TOTAL REQUEST</b>	<b>26.00</b>	<b>2,492,333</b>	<b>375,700</b>	<b>509,967</b>	<b>3,378,000</b>



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 30, 2023

Eric Fredericksen  
State Appellate Public Defender

Dear Director Fredericksen:

This letter is in response to your FY 2025 Budget request. State Appellate Public Defender did not request any additional FTP for FY 2025.

This letter attests that State Appellate Public Defender request(s) are 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 [Michael.evans@dhr.idaho.gov](mailto:Michael.evans@dhr.idaho.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Evans".

Mike Evans  
Human Resource Manager

Cc: Adam Jarvis, Division of Financial Management

**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:	<a href="mailto:jason.martinez@dfm.idaho.gov">jason.martinez@dfm.idaho.gov</a>
Telephone Number:	208-854-3063	Fax Number:	208-555-1213
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 2023	REQUEST 2024	REQUEST 2025	REQUEST 2026	REQUEST 2027	REQUEST 2028
Total Number of Work Areas:	25	26	26	26	26	26
Full-Time Equivalent Positions:	25	26	26	26	26	26
Temp. Employees, Contractors, Auditors, etc.:	0	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	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	\$133,835.63

**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:**

- 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](mailto:Caitlin.Cox@adm.idaho.gov). Please e-mail or call 208-332-1933 with any questions.
- 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.
- 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. As of July 1, 2023, the office has 26 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 2020	FY 2021	FY 2022	FY 2023
General Fund	\$3,099,100	\$3,091,200	\$3,312,000	\$3,402,900
Dedicated	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$3,099,100</b>	<b>\$3,091,200</b>	<b>\$3,312,000</b>	<b>\$3,402,900</b>
Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Personnel Costs	\$2,368,800	\$2,409,400	\$2,580,600	\$2,826,900
Operating Expenditures	\$407,500	\$488,400	\$432,400	\$471,100
Capital Outlay	\$19,400	\$71,300	\$3,700	\$104,900
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$2,795,700</b>	<b>\$2,969,100</b>	<b>\$3,016,700</b>	<b>\$3,402,900</b>

**Profile of Cases Managed and/or Key Services Provided**

Cases Managed and/or Key Services Provided	FY 2020	FY 2021	FY 2022	FY 2023
Capital Cases Managed	3	3	3	7
Non-Capital Cases Opened	618	435	568	712

**FY 2023 Performance Highlights**

In FY2023, the SAPD obtained relief for its clients in 25 cases. The SAPD had a number of significant wins during the year. In *State v. Dorff*, 171 Idaho 818 (2022), the Idaho Supreme Court held that a Fourth Amendment search occurs when a police drug-sniffing dog trespasses on the exterior of a vehicle and the police drug dog trespassed in *Dorff* by jumping up and sniffing seams while paws were planted on the vehicle’s exterior. The State has filed a Petition for Writ of Certiorari in this case, which is currently pending in the United States Supreme Court. In *State v. Blancas*, 170 Idaho 631 (2022), the Idaho Supreme Court held that an office placing one unanswered phone call to the on-duty magistrate does not create an exigency sufficient to justify a warrantless blood draw in a DUI case.

**Part II – Performance Measures**

Performance Measure		FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>Goal 1</b>						
<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	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	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	100% License Renewal
<b>Goal 2</b>						
<i>Provide Services In An Efficient Manner</i>						
4. New contract cases assigned by fiscal year.	actual	0	0	0	0	
	target	0 Cases	0 Cases	0 Cases	0 Cases	0 Cases

Performance Measure		FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
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	559/110	476/103	425/84	459/137	
	target	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.	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	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	
<b>Goal 3</b>						
<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	100%**	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	Assess SAPD jurisdiction under Idaho Code § 19-5905 to determine whether the SAPD should be appointed to additional appellate cases.	Assess SAPD jurisdiction under Idaho Code § 19-5905 to determine whether the SAPD should be appointed to additional appellate cases.
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	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 FY2023, the SAPD was appointed to 712 criminal appeals from the district court, which is a significant case increase from FY2021 (435), and FY2022 (568). In fact, this is the highest caseload the SAPD has had in its 25 year existence. 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 \_\_\_\_\_ units, which marks an increase in deputy attorney's workload. The increase in the number of cases and workload is largely attributed to the district court's resuming previously scheduled cases suspending during the COVID-19 pandemic. The SAPD anticipates the workload may continue to increase as district courts process through the backlog of cases created by the pandemic. While \_\_\_\_\_ units exceeds the SAPD's goal to average 35 workload units per attorney, it is certainly a manageable workload especially considering 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**

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## ***Director Attestation for Performance Report***

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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: State Appellate Public Defender



\_\_\_\_\_  
Director's Signature

8/31/2023

\_\_\_\_\_  
Date

Please return to:

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