

Agency Summary And Certification

FY 2027 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: 08/29/2025

			FY 2025 Total Appropriation	FY 2025 Total Expenditures	FY 2026 Original Appropriation	FY 2026 Estimated Expenditures	FY 2027 Total Request
Appropriation Unit							
Capital and Conflict Representation			1,601,100	226,000	302,400	1,406,400	302,400
Office of the State Appellate Public Defender			3,779,300	3,536,800	4,046,900	4,034,800	4,178,400
Total			5,380,400	3,762,800	4,349,300	5,441,200	4,480,800
By Fund Source							
G	10000	General	5,380,400	3,762,800	4,349,300	5,441,200	4,480,800
Total			5,380,400	3,762,800	4,349,300	5,441,200	4,480,800
By Account Category							
Personnel Cost			3,398,000	3,177,100	3,658,700	3,646,600	3,788,600
Operating Expense			1,982,400	565,800	688,500	1,792,500	688,500
Capital Outlay			0	19,900	2,100	2,100	3,700
Total			5,380,400	3,762,800	4,349,300	5,441,200	4,480,800
FTP Positions			26	26	27	27	27
Total			26	26	27	27	27

Division Description**Request for Fiscal Year:** 2027**Agency:** Office of the State Appellate Public Defender

443

Division: Office of the State Appellate Public Defender

SD1

Statutory Authority:

Pursuant to Section 19 5905(1), Idaho Code, the State Appellate Public Defender provides legal representation to indigent persons in the following areas:

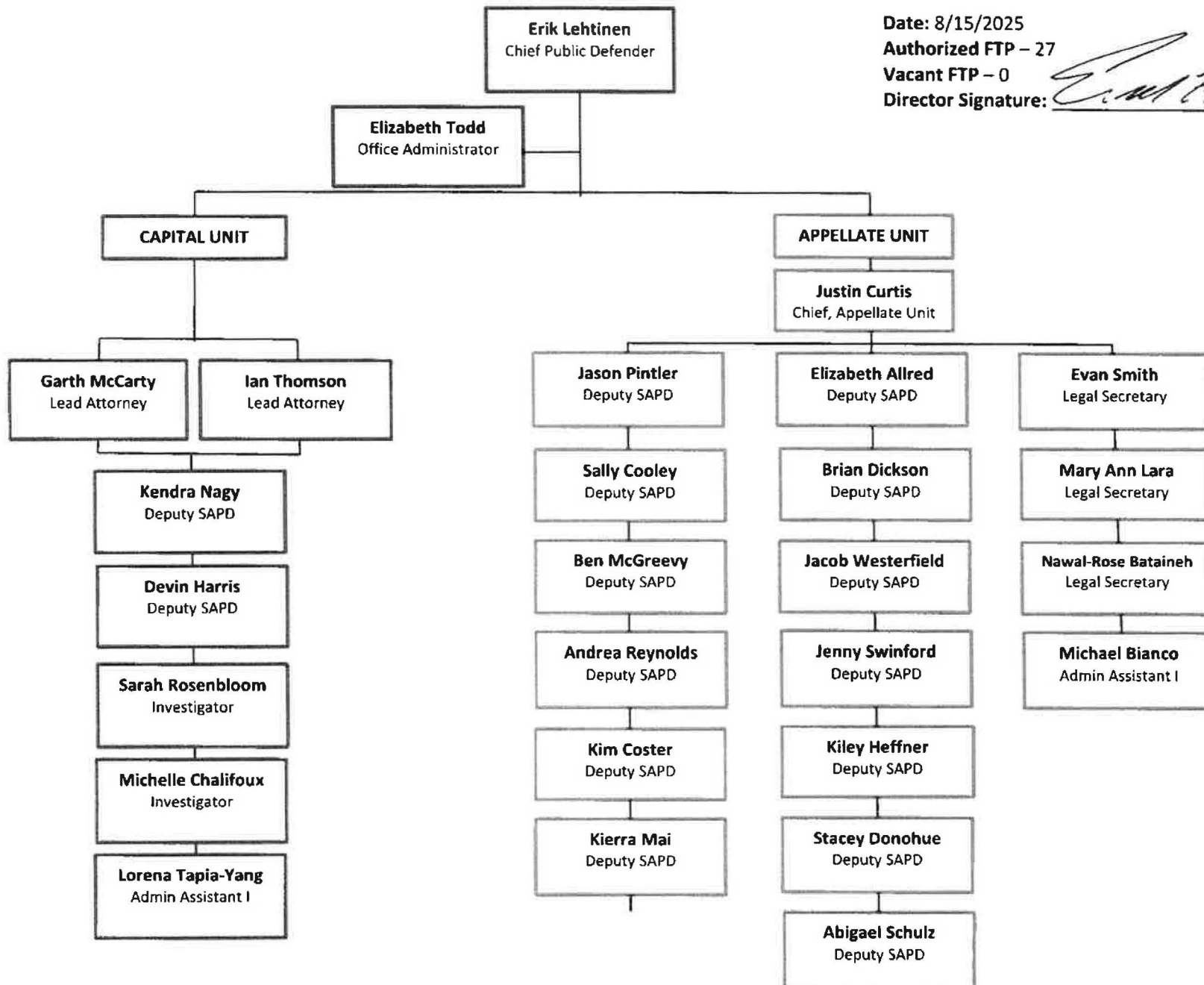
- 1) Appeals from convictions or post-judgment orders in district court
- 2) Interlocutory criminal appeals from the district court
- 3) Appeals from the district court in misdemeanor cases
- 4) Appeals from the district court of orders or final judgments affecting juvenile offenders under the Juvenile 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.

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 for (a) the cost of outside counsel for noncapital appeals in which a conflict of interest is identified; and (b) 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



Date: 8/15/2025

Authorized FTP – 27

Vacant FTP – 0

Director Signature:

		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 2025 Total Appropriation							
1.00	FY 2025 Total Appropriation						SGDA
	10000 General	26.00	3,398,000	381,300	0	0	3,779,300
		26.00	3,398,000	381,300	0	0	3,779,300
1.21	Account Transfers						SGDA
	10000 General	0.00	0	(19,900)	19,900	0	0
		0.00	0	(19,900)	19,900	0	0
1.61	Reverted Appropriation Balances						SGDA
	10000 General	0.00	(220,900)	(21,600)	0	0	(242,500)
		0.00	(220,900)	(21,600)	0	0	(242,500)
FY 2025 Actual Expenditures							
2.00	FY 2025 Actual Expenditures						SGDA
	10000 General	26.00	3,177,100	339,800	19,900	0	3,536,800
		26.00	3,177,100	339,800	19,900	0	3,536,800
FY 2026 Original Appropriation							
3.00	FY 2026 Original Appropriation						SGDA
	H0372,S1109						
	10000 General	27.00	3,658,700	382,400	0	0	4,041,100
	O* 10000 General	0.00	0	3,700	2,100	0	5,800
		27.00	3,658,700	386,100	2,100	0	4,046,900
FY 2026 Total Appropriation							
5.00	FY 2026 Total Appropriation						SGDA
	10000 General	27.00	3,658,700	382,400	0	0	4,041,100
	O* 10000 General	0.00	0	3,700	2,100	0	5,800
		27.00	3,658,700	386,100	2,100	0	4,046,900
Appropriation Adjustments							
6.61	Gov's Approved Reduction						SGDA
	O* 10000 General	0.00	(12,100)	0	0	0	(12,100)
		0.00	(12,100)	0	0	0	(12,100)
FY 2026 Estimated Expenditures							
7.00	FY 2026 Estimated Expenditures						SGDA
	10000 General	27.00	3,658,700	382,400	0	0	4,041,100
	O* 10000 General	0.00	(12,100)	3,700	2,100	0	(6,300)

		FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
		27.00	3,646,600	386,100	2,100	0	4,034,800
Base Adjustments							
8.41	Removal of One-Time Expenditures						SGDA
This decision unit removes one-time appropriation for FY 2026.							
	O* 10000 General	0.00	0	(3,700)	(2,100)	0	(5,800)
		0.00	0	(3,700)	(2,100)	0	(5,800)
FY 2027 Base							
9.00	FY 2027 Base						SGDA
	10000 General	27.00	3,658,700	382,400	0	0	4,041,100
	O* 10000 General	0.00	0	0	0	0	0
		27.00	3,658,700	382,400	0	0	4,041,100
Program Maintenance							
10.11	Change in Health Benefit Costs						SGDA
This decision unit reflects a change in the employer health benefit costs.							
	10000 General	0.00	98,300	0	0	0	98,300
		0.00	98,300	0	0	0	98,300
10.12	Change in Variable Benefit Costs						SGDA
This decision unit reflects a change in variable benefits.							
	10000 General	0.00	0	0	0	0	0
		0.00	0	0	0	0	0
10.23	Contract Inflation Adjustments						SGDA
	10000 General	0.00	0	3,700	0	0	3,700
		0.00	0	3,700	0	0	3,700
10.61	Salary Multiplier - Regular Employees						SGDA
This decision unit reflects a 1% salary multiplier for Regular Employees.							
	10000 General	0.00	31,600	0	0	0	31,600
		0.00	31,600	0	0	0	31,600
FY 2027 Total Maintenance							
11.00	FY 2027 Total Maintenance						SGDA
	10000 General	27.00	3,788,600	386,100	0	0	4,174,700
	O* 10000 General	0.00	0	0	0	0	0
		27.00	3,788,600	386,100	0	0	4,174,700
Line Items							
12.79	ITS Recommended Replacement Items Only						SGDA
ITS Hardware Refresh for 2 switches.							
	10000 General	0.00	0	0	0	0	0
	O* 10000 General	0.00	0	0	3,700	0	3,700
		0.00	0	0	3,700	0	3,700
FY 2027 Total							
13.00	FY 2027 Total						SGDA

		FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total
10000	General	27.00	3,788,600	386,100	0	0	4,174,700
O 10000	General	0.00	0	0	3,700	0	3,700
		27.00	3,788,600	386,100	3,700	0	4,178,400

		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 2025 Total Appropriation							
1.00	FY 2025 Total Appropriation						SGDB
	10000 General	0.00	0	1,601,100	0	0	1,601,100
		0.00	0	1,601,100	0	0	1,601,100
1.61	Reverted Appropriation Balances						SGDB
	10000 General	0.00	0	(152,900)	0	0	(152,900)
		0.00	0	(152,900)	0	0	(152,900)
1.71	Legislative Reappropriation						SGDB
	10000 General	0.00	0	(1,222,200)	0	0	(1,222,200)
		0.00	0	(1,222,200)	0	0	(1,222,200)
FY 2025 Actual Expenditures							
2.00	FY 2025 Actual Expenditures						SGDB
	10000 General	0.00	0	226,000	0	0	226,000
		0.00	0	226,000	0	0	226,000
FY 2026 Original Appropriation							
3.00	FY 2026 Original Appropriation						SGDB
	H0372,S1109						
	10000 General	0.00	0	302,400	0	0	302,400
		0.00	0	302,400	0	0	302,400
Appropriation Adjustment							
4.11	Legislative Reappropriation						SGDB
	This decision unit reflects reappropriation authority granted by xB xxx.						
	O* 10000 General	0.00	0	1,222,200	0	0	1,222,200
		0.00	0	1,222,200	0	0	1,222,200
FY 2026 Total Appropriation							
5.00	FY 2026 Total Appropriation						SGDB
	10000 General	0.00	0	302,400	0	0	302,400
	O* 10000 General	0.00	0	1,222,200	0	0	1,222,200
		0.00	0	1,524,600	0	0	1,524,600
Appropriation Adjustments							
6.61	Gov's Approved Reduction						SGDB
	O* 10000 General	0.00	0	(118,200)	0	0	(118,200)
		0.00	0	(118,200)	0	0	(118,200)
FY 2026 Estimated Expenditures							

			FTP	Personnel Costs	Operating Expense	Capital Outlay	Trustee Benefit	Total	
7.00	FY 2026 Estimated Expenditures								SGDB
	10000	General	0.00	0	302,400	0	0	302,400	
	O* 10000	General	0.00	0	1,104,000	0	0	1,104,000	
			0.00	0	1,406,400	0	0	1,406,400	
Base Adjustments									
8.41	Removal of One-Time Expenditures								SGDB
	This decision unit removes one-time appropriation for FY 2026.								
	O* 10000	General	0.00	0	(1,222,200)	0	0	(1,222,200)	
			0.00	0	(1,222,200)	0	0	(1,222,200)	
FY 2027 Base									
9.00	FY 2027 Base								SGDB
	10000	General	0.00	0	302,400	0	0	302,400	
	O* 10000	General	0.00	0	0	0	0	0	
			0.00	0	302,400	0	0	302,400	
FY 2027 Total Maintenance									
11.00	FY 2027 Total Maintenance								SGDB
	10000	General	0.00	0	302,400	0	0	302,400	
	O* 10000	General	0.00	0	0	0	0	0	
			0.00	0	302,400	0	0	302,400	
Line Items									
12.91	Budget Law Exemptions/Other Adjustments								SGDB
	10000	General	0.00	0	0	0	0	0	
			0.00	0	0	0	0	0	
FY 2027 Total									
13.00	FY 2027 Total								SGDB
	10000	General	0.00	0	302,400	0	0	302,400	
	O* 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

443

Decision Unit Number 12.79 Descriptive Title ITS Recommended Replacement Items Only

	General	Dedicated	Federal	Total
Request Totals				
50 -	0	0	0	0
55 - Operating Expense	0	0	0	0
70 - Capital Outlay	3,700	0	0	3,700
80 -	0	0	0	0
Totals	3,700	0	0	3,700
FTP - Permanent	0.00	0.00	0.00	0.00

Appropriation Unit: Office of the State Appellate Public Defender

SGDA

Operating Expense

590 Computer Services	0	0	0	0
Operating Expense Total	0	0	0	0

Capital Outlay

740 Computer Equipment	3,700	0	0	3,700
Capital Outlay Total	3,700	0	0	3,700
	3,700	0	0	3,700

Explain the request and provide justification for the need.

The existing switches have reached end-of-life and are no longer supported by the manufacturer, leaving the network vulnerable to security breaches due to the lack of updates and patches. As these switches age, they experience decreased performance and a higher likelihood of failures, which can disrupt essential network operations. Replacing these switches is necessary to enhance network security, improve performance, and achieve long-term cost efficiency by reducing the risk of unplanned outages and expensive emergency repairs. Additionally, updating the switches ensures compliance with IT infrastructure and data security regulations, safeguarding the overall network environment.

If a supplemental, what emergency is being addressed?

N/A

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

Per code 67-809

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

CO \$3,700

What resources are necessary to implement this request?

No additional resources are necessary.

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.

N/A

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

N/A

Provide detail about the revenue assumptions supporting this request.

N/A

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

The staff under agency 443, State Appellate.

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

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

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

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

What is the project timeline?

Identify the measure/goal/priority this will improve in the strat plan or PMR.

N/A

What is the anticipated measured outcome if this request is funded?

The 2 switches in question are replaced

PCF Detail Report

Request for Fiscal Year: 2027

Agency: Office of the State Appellate Public Defender

443

Appropriation Unit: Office of the State Appellate Public Defender

SGDA

Fund: General Fund

10000

PCN	Class	Description	FTP	Salary	Health	Variable Benefits	Total
Totals from Personnel Cost Forecast (PCF)							
		Permanent Positions	27.00	2,599,188	381,510	557,550	3,538,248
		Total from PCF	27.00	2,599,188	381,510	557,550	3,538,248
		FY 2026 ORIGINAL APPROPRIATION	27.00	2,687,301	381,510	589,889	3,658,700
		Unadjusted Over or (Under) Funded:	.00	88,113	0	32,339	120,452
Estimated Salary Needs							
		Permanent Positions	27.00	2,599,188	381,510	557,550	3,538,248
		Estimated Salary and Benefits	27.00	2,599,188	381,510	557,550	3,538,248
Adjusted Over or (Under) Funding							
		Original Appropriation	.00	88,113	0	32,339	120,452
		Estimated Expenditures	.00	76,013	0	32,339	108,352
		Base	.00	88,113	0	32,339	120,452

PCF Summary ReportRequest for Fiscal Year: 202
7**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 2026 ORIGINAL APPROPRIATION	27.00	2,687,301	381,510	589,889	3,658,700
5.00 FY 2026 TOTAL APPROPRIATION	27.00	2,687,301	381,510	589,889	3,658,700
6.61 Gov's Approved Reduction	0.00	(12,100)	0	0	(12,100)
7.00 FY 2026 ESTIMATED EXPENDITURES	27.00	2,675,201	381,510	589,889	3,646,600
9.00 FY 2027 BASE	27.00	2,687,301	381,510	589,889	3,658,700
10.11 Change in Health Benefit Costs	0.00	0	98,300	0	98,300
10.12 Change in Variable Benefit Costs	0.00	0	0	0	0
10.61 Salary Multiplier - Regular Employees	0.00	26,000	0	5,600	31,600
11.00 FY 2027 PROGRAM MAINTENANCE	27.00	2,713,301	479,810	595,489	3,788,600
13.00 FY 2027 TOTAL REQUEST	27.00	2,713,301	479,810	595,489	3,788,600

Contract Inflation

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

Request for Fiscal Year: 202
7
443
SGDA

	FY 2022 Actual	FY 2023 Actual	FY 2024 Actual	FY 2025 Actual	FY 2026 Estimated Expenditures	Contract Dates	FY 2027 Contractual % Change	FY 2027 Total
Contract								
Department of Water Resources	123,338	124,988	126,637	128,287	129,937	10/1/2015 - 9/30/2025	0	1,700
Thomson Reuters West ProFlex Licensing	0	10,372	10,835	11,319	12,018	7/1/2023-9/1/2025	9	2,000
Total	123,338	135,360	137,472	139,606	141,955			3,700
Fund Source								
General	123,338	135,360	137,472	139,606	141,955			3,700
Total	123,338	135,360	137,472	139,606	141,955			3,700

AGENCY: State Appellate Public Defender

Approp Unit: SGDB

Decision Unit No: 12.91

Title: General Fund Reappropriation Authority

	General	Dedicated	Federal	Other	Total
FULL-TIME POSITIONS (FTP)	27				27
PERSONNEL COSTS					
1. Salaries					
2. Benefits					
3. Group Position Funding					
TOTAL PERSONNEL COSTS					
OPERATING EXPENSES					
	\$0				
TOTAL OPERATING EXPENDITURES					
CAPITAL OUTLAY					
TOTAL CAPITAL OUTLAY					
T/B PAYMENTS					
GRAND TOTAL	\$0				

Explain the request and provide justification for the need.

The Office of the State Appellate Public Defender ("SAPD") requests reappropriation authority for Capital and Conflict Representation funds originally appropriated in FY 2023, the unspent and unencumbered portion of which has been reappropriated each fiscal year since.

Through a supplemental appropriation for FY 2023 (2023 SB 1115), the Idaho Legislature appropriated \$1,309,400 for litigation costs in the SAPD's capital, i.e., death penalty, cases. For FY 2024 (2023 SB 1199) the Legislature reappropriated the unexpended and unencumbered balance of that appropriation for litigation costs in capital cases. For FY 2025 (2024 SB 1425) the Legislature reappropriated the unexpended and unencumbered balance—mostly for litigation costs in capital cases (Sec. 2). However, \$100,000 of the FY 2025 reappropriation was designated to fund outside counsel costs in noncapital appeals (Sec. 3). Most recently, for FY 2026 (2025 HB 372), the Legislature reappropriated the unexpended and unencumbered balances of the appropriation for litigation costs in capital cases (Sec. 3) and outside counsel costs in non-capital appeals (Sec. 4).

The SAPD now seeks reappropriation authority for FY 2027 for any unexpended and unencumbered funds for litigation costs in capital cases and outside counsel costs in noncapital appeals.

In July 2022, the SAPD was appointed in four new capital post-conviction cases following the United States Supreme Court's decision in *Shinn v. Ramirez*, 596 U.S. 366 (2022): *Hairston v. State*, *Abdullah v. State*, *Creech v. State*, and *Row v. State*. The SAPD knew it would have to contract out one of those four cases (*Abdullah*) owing to a conflict of interest. Contract cases are generally more expensive than cases handled in-house. Regardless of the relative cost though, there were no funds earmarked to cover attorney fees for a conflict capital case. Additionally, it was anticipated that the three remaining cases could result in evidentiary hearings, which would cause the SAPD to incur travel, investigation, and expert costs.

In addition, the SAPD anticipated being appointed to two additional capital cases in FY 2023: *State v. Daybell* and *State v. Vallow*. At that time, those cases were set to go to trial in January 2023. They involved two co-defendants, which promised to create a conflict of interest for the SAPD, requiring one of those two cases to be contracted outside of the office. For whichever case would be conflicted outside the office, the SAPD anticipated paying for a team of two conflict capital attorneys, a mitigation expert, and an investigator, as well as expert witness fees and costs and general investigative costs. For the case kept in-house, the SAPD anticipated paying expert witness fees and costs and general investigative costs.

Finally, a portion of the appropriation was earmarked for costs associated with an expected evidentiary hearing in a capital case to which the SAPD had already been appointed, *Renfro v. State*.

In total, the SAPD obtained a \$1,309,410 supplemental appropriation in FY 2023, to be placed in the Capital/Conflict program (SGDB). As noted, the unused portions of those funds were reappropriated for FY 2024 and FY 2025. For FY 2025, the Legislature also gave the SAPD the flexibility to utilize up to \$100,000 of the reappropriated funds for outside counsel costs in *noncapital* cases. This was a response to an explosion of noncapital case assignments, which far outstripped the SAPD's capacity. The unused portions of these funds were reappropriated again in FY 2026.

The ongoing nature of the reappropriation has been necessitated by uncertainties in the capital litigation process—namely, delays in the capital cases for which the funds were originally appropriated, as well as new capital cases coming the SAPD’s way. For example, the trial in *Daybell* was delayed until late-spring 2024 and the SAPD’s work on that case is only now getting into full swing. Evidentiary hearings have yet to occur in *Row*, *Hairston*, or *Renfro*. And the *Vallow* and *Abdullah* cases, where the SAPD is paying for conflict counsel, are both ongoing. Additionally, the SAPD has since been appointed in two new capital post-conviction cases—*Dunlap v. State* and *Creech v. State*. And it may soon have to pay for conflict counsel for a successor case to one of its current capital cases, *State v. Hall/Hall v. State*. Finally, the SAPD may be appointed in a number of other death-noticed cases currently scheduled to go to trial in FY 2026 or early FY 2027: *State v. Meade* (trial scheduled for January 2026), *State v. Nesbitt* (trial scheduled for August 2026), and *State v. Umphenour* (trial scheduled for September 2026).

If a supplemental, what emergency is being addressed?

N/A

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

Article I, Section 13 of the Idaho Constitution. The Sixth and Fourteenth Amendments to the United States Constitution. Idaho Code §§ 19-5905(1)(a), (e) & (g), and 19-5905(4).

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

The OE General Fund appropriation from SB 1115 (FY 2023) was \$1,309,400.

What resources are necessary to implement this request?

Reappropriation an FY 2023 general fund appropriation of \$1,309,410.00, less previously expended and encumbered amounts.

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.

The SAPD is requesting reappropriation of unexpended and unencumbered funds from a one-time supplemental appropriation in FY 2023 and reappropriated each year thereafter (originally \$1,309,410) for litigation costs in its capital cases. These funds are to be used for nonrecurring expenditures, such as: travel costs for case investigation, depositions, and/or hearings; deposition transcript fees; expert witness fees and costs; and conflict attorney fees. Additionally, up to \$100,000 may be used for “overflow” contract attorney fees in non-capital cases.

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

The SAPD contracts with private attorneys for "overflow" and conflict cases at different rates, depending on whether the cases are capital or non-capital. The SAPD currently pays \$175/hour for capital cases and \$145/hour for non-capital cases. The SAPD sets its contract rates with an eye toward trying to stay competitive with the contract rates paid by the federal public defenders for similar work in federal court. Currently, the federal public defenders pay contract attorneys \$220/hour for capital cases and \$172/hour for non-capital cases.

Expert witness fees vary depending on the expert's field of expertise and experience.

Provide detail about the revenue assumptions supporting this request.

This is a reappropriation request.

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

The requested reappropriation not only serves individuals charged with or convicted of criminal offenses within the State of Idaho, but all of Idaho's citizens, as all have an interest in seeing the criminal justice system administered fairly. If this reappropriation is not funded, the SAPD will not have the resources to meet its constitutional obligation to effectively represent its death-sentenced clients. This will cause a myriad of problems. First, SAPD clients may be at risk of wrongful executions. Second, the deprivation of meaningful and fair post-conviction processes for those sentenced to the ultimate punishment risks a crisis of faith in the criminal justice system by the public. Third, the SAPD may run afoul of its obligations under Article I, Section 13 of the Idaho Constitution and the Fourteenth Amendment to the United States Constitution, thereby risking liability for the State of Idaho. Fourth, SAPD attorneys may risk sanctions by the Idaho State Bar.

AGENCY: 443

Approp
Unit: SGDA

Title: ITS
Hardware
Refresh

Decision Unit No: 12.79

	General	Dedicated	Federal	Other	Total
FULL-TIME POSITIONS (FTP)					
PERSONNEL COSTS					
1. Salaries					
2. Benefits					
3. Group Position Funding					
TOTAL PERSONNEL COSTS					
OPERATING EXPENSES					
TOTAL OPERATING EXPENDITURES					
CAPITAL OUTLAY	\$3,700				
TOTAL CAPITAL OUTLAY	\$3,700				
T/B PAYMENTS					
GRAND TOTAL	\$3,700				

Explain the request and provide justification for the need.

This is a request from ITS in their budget packet hardware refresh.

If a supplemental, what emergency is being addressed?

N/A

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

Per 67-809

Please identify the performance measure, goal, or priority this request is intended to improve in the strategic plan or performance measurement report.

N/A

What is the anticipated measured outcome if this request is funded?

The hardware will be replaced, which will allow the agency to still operate without any issues. The existing switches have reached end-of-life and are no longer supported by the manufacturer, leaving the network vulnerable to security breaches due to the lack of updates and patches. As these switches age, they experience decreased performance and a higher likelihood of failures, which can disrupt essential network operations. Replacing these switches is necessary to enhance network security, improve performance, and achieve long-term cost efficiency by reducing the risk of unplanned outages and expensive emergency repairs. Additionally, updating the switches ensures compliance with IT infrastructure and data security regulations, safeguarding the overall network environment.

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

CO \$3,700

What resources are necessary to implement this request?

No additional resources are necessary.

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.

N/A

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

N/A

Provide detail about the revenue assumptions supporting this request.

N/A

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

The staff under agency 443, State Appellate.

(1)	(2)	(3)	(4)	(5)	FY 2024 to FY 2025		(8)	(9)	(10)
Operating Expenditures Summary Object	FY 2022 Actual	FY 2023 Actual	FY 2024 Actual	FY 2025 Actual	(6) Change	(7) % Change	FY 2026 Approp	FY 2026 Exp. Adj.	FY 2026 Est. Exp.
Communication Costs	7,318	7,386	7,889	6,848	(1,041)	-13.20%	-	-	8,000
Employee Development	10,567	9,458	24,916	49,090	24,174	97.02%	-	-	25,000
General Services	15,667	35,994	29,870	10,783	(19,087)	-63.90%	-	-	15,000
Professional Services	3,509	3,985	20,984	920	(20,064)	-95.61%	-	-	1,000
Repair & Maintenance	7,387	2,880	51,880	50,238	(1,641)	-3.16%	-	-	50,000
Administrative Services	564	656	873	942	69	7.86%	-	-	1,000
Computer Services	57,419	67,833	28,951	40,394	11,443	39.53%	-	-	75,000
MISC. TRAVEL AND MOVING	1,453	1,990	-	-	-	#DIV/0!	-	-	-
EMPLOYEE IN STATE TRAVE	-	1,990	1,413	5,333	3,919	277.33%	-	-	1,000
EMPLOYEE OUT OF STATE T	-	-	611	6,383	5,771	944.06%	-	-	1,000
Employee Out Of Country Trave	-	-	-	-	-	#DIV/0!	-	-	-
Administrative Supplies	2,664	4,452	3,739	22,324	18,585	497.06%	-	-	20,000
Computer Supplies	4,679	11,508	759	933	174	22.93%	-	-	500
Repair & Maintenance Supplies	49	148	-	20	20	#DIV/0!	-	-	50
Institution & Resident Supplies	-	-	-	16	16	#DIV/0!	-	-	20
Specific Use Supplies	12	10	130	-	(130)	-100.00%	-	-	-
Insurance Costs	1,519	2,872	1,116	6,063	4,947	443.15%	-	-	8,000
Rental Costs	127,439	129,089	132,974	135,919	2,945	2.21%	-	-	138,000
Miscellaneous Expense	7,203	6,810	6,699	3,569	(3,129)	-46.71%	-	-	10,000
Total	247,448	287,059	312,804	339,774	26,970	8.62%	-	-	353,570
FundSource									
General	-	-	312,804	339,774	26,970	8.62%	386,100	-	386,100
Dedicated	-	-	-	-	-	#DIV/0!	-	-	-
Federal	-	-	-	-	-	#DIV/0!	-	-	-
Total	-	-	312,804	339,774	26,970	8.62%	386,100	-	386,100

(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
Part B: Operating Expenditures Summary Object	FY 2026 Est. Exp	Remove One Time Funding	SWCAP, Nondisc., Rent	FY 2027 Base	General Inflation (DU 12.53)	% Change	Medical Inflation (DU 12.54)	% Change	FY2027 Total
Communication Costs	8,000	-	-	8,000	-	0.00%	-	0.00%	8,000
Employee Development	25,000	-	-	25,000	1,600	6.40%	-	0.00%	26,600
General Services	15,000	-	-	15,000	500	3.33%	-	0.00%	15,500
Professional Services	1,000	-	-	1,000	-	0.00%	-	0.00%	1,000
Repair & Maintenance	50,000	-	-	50,000	-	0.00%	-	0.00%	50,000
Administrative Services	1,000	-	-	1,000	-	0.00%	-	0.00%	1,000
Computer Services	75,000	-	-	75,000	-	0.00%	-	0.00%	75,000
MISC. TRAVEL AND MOVING	-	-	-	-	-	#DIV/0!	-	0.00%	-
EMPLOYEE IN STATE TRAVE	1,000	-	-	1,000	-	0.00%	-	0.00%	1,000
EMPLOYEE OUT OF STATE T	1,000	-	-	1,000	-	0.00%	-	0.00%	1,000
Employee Out Of Country Trave	-	-	-	-	-	#DIV/0!	-	0.00%	-
Administrative Supplies	20,000	-	-	20,000	-	0.00%	-	0.00%	20,000
Computer Supplies	500	-	-	500	-	0.00%	-	0.00%	500
Repair & Maintenance Supplies	50	-	-	50	-	0.00%	-	0.00%	50
Institution & Resident Supplies	20	-	-	20	-	0.00%	-	0.00%	20
Specific Use Supplies	-	-	-	-	-	#DIV/0!	-	0.00%	-
Insurance Costs	8,000	-	-	8,000	-	0.00%	-	0.00%	8,000
Rental Costs	138,000	-	-	138,000	1,550	1.12%	-	0.00%	139,550
Miscellaneous Expense	10,000	-	-	10,000	-	0.00%	-	0.00%	10,000
Total	353,570	-	-	353,570	3,650	1.03%	-	-	357,220
FundSource									
General	386,100	-	-	386,100	-	0.00%	-	0.00%	386,100
Dedicated	-	-	-	-	-	#DIV/0!	-	0.00%	-
Federal	-	-	-	-	-	#DIV/0!	-	0.00%	-
Total	386,100	-	-	386,100	-	0.00%	-	-	386,100

A. In-State Travel

What are the primary reasons for the program's in-state travel?

This program funds litigation-related travel for the SAPD's Appellate Unit, as well as training-related travel for all the SAPD's attorneys and investigators.

Attorneys within the Appellate Unit engage in litigation-related travel very infrequently. They do not need to travel for investigative purposes because the Appellate Unit handles non-capital appeals, where new evidence is not permitted to be presented. They rarely meet with clients in-person, as they generally communicate with their clients by phone and in writing. And, while they sometimes travel for court appearances, such travel is rare. Most court appearances consist of oral arguments at the Idaho Supreme Court building in Boise. However, because the Idaho Supreme Court is constitutionally required to "ride circuit," hearing oral arguments throughout the state a few times per year, Appellate Unit attorneys occasionally travel within the State for those arguments.

This program also funds training-related travel—both for Appellate Unit attorneys and for Capital Litigation Unit attorneys and investigators. However, such travel is relatively infrequent, as relevant training is not abundant in Idaho.

How does in-state travel support the program's mission, strategic goals, or statutory requirements?

The SAPD is unusual among State agencies, in that not only is its work required under Idaho law, but also the United States Constitution. Specifically, the Fourteenth Amendment's due process clause requires that the State of Idaho provide indigent defendants with legal representation on appeal, and that such representation be effective. Idaho meets this constitutional requirement by providing quality legal representation through the SAPD.

While in-state travel does not consume a significant portion of the SAPD's budget, it is critical to the SAPD's delivery of effective legal representation. As noted, Appellate Unit attorneys sometimes travel to deliver oral arguments in the appellate cases to which they are appointed. Additionally, Appellate Unit attorneys must occasionally travel to meet with their clients, most of whom are incarcerated in the Boise area, but some of whom may be incarcerated in Pocatello, Cottonwood, Orofino, or St. Anthony. Appearing in court and meeting with clients are core duties of attorneys representing clients.

SAPD attorneys and investigators also travel in-state to attend conferences and other training opportunities. All attorneys are required to obtain continuing legal education credits to maintain their law licenses, not to mention their competence to effectively represent their clients. So, while continuing education usually is not directly related to representation in specific cases, it is critical to the SAPD's ability to function effectively and deliver constitutionally adequate representation over the long term.

Are there changes to the program's anticipated in-state travel budget for fiscal year 2027? If so, please explain.

In-state travel costs funded by this program in fiscal year 2027 will depend largely on the needs associated with individual cases and clients, and to a lesser extent on the training needs of attorneys, coupled with the training opportunities that become available to those attorneys throughout the year. Such costs vary from year to year, but the SAPD does not expect a material deviation from recent years' costs.

B. Out-of-State Travel

What are the primary reasons for the program's out-of-state travel?

The only out-of-state travel typically funded by this program is for attorneys and investigators (in both the Appellate Unit and the Capital Litigation Unit) to attend training programs held outside of Idaho.

How does out-of-state travel support the program's mission, strategic goals, or statutory requirements?

As noted, the SAPD is unusual among State agencies, in that its work required under the United States Constitution. Specifically, the Fourteenth Amendment's due process clause requires that the State of Idaho provide indigent defendants with legal representation on appeal, and that such representation be effective. Idaho meets this constitutional requirement by providing quality legal representation through the SAPD.

While out-of-state travel is infrequent and does not consume a significant portion of the SAPD's budget, it is critical to the SAPD's delivery of effective legal representation. The SAPD's practice involves two niche specialties: appellate representation and capital defense. Because Idaho is a small state, appropriate training in these niche areas is rarely available in-state. In other words, there simply is not much appellate or capital defense training available in Idaho, so the SAPD is always on the lookout for high-quality training anywhere in the nation that focuses on the SAPD's areas of practice.

SAPD attorneys are not only required to obtain continuing legal education credits to maintain their law licenses but, more importantly, they must develop the skills to effectively represent their clients in complex and highly specialized areas of law. So, while continuing education usually is not directly related to representation in specific cases, it is critical to the SAPD being able to function effectively and deliver constitutionally adequate representation over the long term.

Are there changes to the program's anticipated out-of-state travel budget for fiscal year 2027? If so, please explain.

Out-of-state travel costs for specialized training in fiscal year 2027 will depend on the training needs of attorneys and investigators, coupled with the training opportunities that become available throughout the year. Such costs vary slightly from year to year, but the SAPD does not expect a material deviation from recent years' costs.

(1)	(2)	(3)	(4)	(5)	FY 2024 to FY 2025		(8)	(9)	(10)
Operating Expenditures Summary Object	FY 2022 Actual	FY 2023 Actual	FY 2024 Actual	FY 2025 Actual	(6) Change	(7) % Change	FY 2026 Approp	FY 2026 Exp. Adj.	FY 2026 Est. Exp.
Communication Costs	175	167	13	-	(13)	-100.00%	-	-	-
Employee Development	156	1	208	-	(208)	-100.00%	-	-	-
General Services	199	60	-	-	-	#DIV/0!	-	-	-
Professional Services	155,333	181,721	167,503	186,427	18,924	11.30%	-	-	160,000
Administrative Services	-	-	39	27,616	27,577	70206.42%	-	-	-
Computer Services	10,150	-	-	-	-	#DIV/0!	-	-	-
MISC. TRAVEL AND MOVING	3,556	2,323	-	-	-	#DIV/0!	-	-	-
EMPLOYEE IN STATE TRAVE	3,556	2,323	2,575	5,033	2,458	95.47%	-	-	5,000
EMPLOYEE OUT OF STATE T	-	-	-	6,316	6,316	#DIV/0!	-	-	6,000
Employee Out Of Country Trave	-	-	-	-	-	#DIV/0!	-	-	-
Miscellaneous Expense	-	942	2,229	523	(1,706)	-76.53%	-	-	1,000
Total	173,126	187,537	172,568	225,915	53,348	30.91%	-	-	172,000
FundSource									
General	-	-	172,568	225,915	53,348	30.91%	302,400	-	302,400
Dedicated	-	-	-	-	-	#DIV/0!	-	-	-
Federal	-	-	-	-	-	#DIV/0!	-	-	-
Total	-	-	172,568	225,915	53,348	30.91%	302,400	-	302,400

(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
Part B: Operating Expenditures Summary Object	FY 2026 Est. Exp	Remove One Time Funding	SWCAP, Nondisc., Rent	FY 2027 Base	General Inflation (DU 12.53)	% Change	Medical Inflation (DU 12.54)	% Change	FY2027 Total
Communication Costs	-	-	-	-	-	#DIV/0!	-	0.00%	-
Employee Development	-	-	-	-	-	#DIV/0!	-	0.00%	-
General Services	-	-	-	500	-	0.00%	-	0.00%	500
Professional Services	160,000	-	-	190,000	-	0.00%	-	0.00%	190,000
Administrative Services	-	-	-	500	-	0.00%	-	0.00%	500
Computer Services	-	-	-	-	-	#DIV/0!	-	0.00%	-
MISC. TRAVEL AND MOVING	-	-	-	-	-	#DIV/0!	-	0.00%	-
EMPLOYEE IN STATE TRAVE	5,000	-	-	7,500	-	0.00%	-	0.00%	7,500
EMPLOYEE OUT OF STATE T	6,000	-	-	8,000	-	0.00%	-	0.00%	8,000
Employee Out Of Country Trave	-	-	-	-	-	#DIV/0!	-	0.00%	-
Miscellaneous Expense	1,000	-	-	1,500	-	0.00%	-	0.00%	1,500
Total	172,000	-	-	208,000	-	0.00%	-	-	208,000
FundSource									
General	302,400	-	-	302,400	-	0.00%	-	0.00%	302,400
Dedicated	-	-	-	-	-	#DIV/0!	-	0.00%	-
Federal	-	-	-	-	-	#DIV/0!	-	0.00%	-
Total	302,400	-	-	302,400	-	0.00%	-	-	302,400

A. In-State Travel**What are the primary reasons for the program's in-state travel?**

The SAPD's attorneys and investigators travel within the State of Idaho for four primary reasons: (1) for court appearances in both capital and non-capital cases, (2) to meet with clients, most of whom are housed in the Boise area, but some of whom are incarcerated at facilities outside of Boise, (3) for Capital Litigation Unit attorneys and investigators to engage in the required investigations of death penalty cases, and (4) for attorneys and investigators to attend training programs held outside of Boise.

This program funds only litigation-related travel for the SAPD's Capital Litigation Unit. Litigation-related travel for the SAPD's Appellate Unit, as well as training-related travel for both units, is funded through a separate program.

Focusing on in-state travel funded by this program, Capital Litigation Unit attorneys must appear in the district courts in the counties in which their death penalty cases arose. Currently, the Capital Litigation Unit has active capital post-conviction cases in Kootenai and Fremont Counties, requiring occasional travel to those counties. Additionally, Capital Litigation Unit personnel (attorneys and investigators) routinely travel for investigative purposes. Finally, Capital Litigation Unit personnel frequently travel to the Idaho Maximum Security Institution to meet with their clients on "death row."

How does in-state travel support the program's mission, strategic goals, or statutory requirements?

The SAPD is unusual among State agencies, in that not only is its work required under Idaho law, but also the United States Constitution. Specifically, the Fourteenth Amendment's due process clause requires that the State of Idaho provide indigent defendants with legal representation on appeal, and that such representation be effective. Idaho meets this constitutional requirement by providing quality legal representation through the SAPD.

While in-state travel does not consume a significant portion of the SAPD's budget, it is critical to the SAPD's delivery of effective legal representation. As noted above, Capital Litigation Unit attorneys travel for court appearances in the cases to which the SAPD is appointed, and attorneys and investigators travel to investigate the SAPD's death penalty cases. Additionally, Capital Litigation Unit personnel must meet with their clients, who are incarcerated on "death row" at the Idaho Maximum Security Institution. These are all core duties of attorneys representing clients.

Are there changes to the program's anticipated in-state travel budget for fiscal year 2027? If so, please explain.

The Capital Litigation Unit's litigation-related in-state travel costs in fiscal year 2027 will depend largely on the needs associated with individual cases and clients. Such costs vary from year to year, but the SAPD does not expect a material deviation from recent years' costs.

B. Out-of-State Travel

What are the primary reasons for the program's out-of-state travel?

This program funds out-of-state travel for Capital Litigation Unit attorneys and investigators to engage in the required investigations of death penalty cases. Capital post-conviction cases generally require the discovery and presentation of new evidence. Some of this new evidence may relate to the alleged crime, in which case it may be found in Idaho. But other evidence will relate to the client's social history, which is often found outside of Idaho. It is the SAPD's legal and ethical duty to uncover and present any such evidence as is supportive of its client's post-conviction challenges.

How does out-of-state travel support the program's mission, strategic goals, or statutory requirements?

Out-of-state travel is critical to the SAPD's delivery of effective legal representation. As noted above, Capital Litigation Unit personnel must travel to investigate the SAPD's death penalty cases. This is a core duty of post-conviction attorneys representing clients in capital cases.

Are there changes to the program's anticipated out-of-state travel budget for fiscal year 2027? If so, please explain.

Out-of-state travel costs for capital case investigations in fiscal year 2027 will depend largely on the needs associated with individual cases and clients. Such costs vary from year to year, but the SAPD does not expect a material deviation from recent years' costs.

Hardware Refresh

\$31,848

Hardware Refresh

\$ 31,848

Unless otherwise arranged, ITS uses a refresh cycle of four years for desktop and laptop computers. Generally, ITS uses manufacturer "end of support" schedules to determine refresh cycles for network equipment such as routers, switches, etc. Some equipment may be replaced earlier than manufacturer end of support due to technology advancements or continued equipment malfunction. Lists of specific devices to be replaced and their unit cost are provided below. Hardware is often a one-time budget request. Please refer to the Budget Development Manual (BDM) published by DFM for DU assignments and other information. Note: '-1' indicates the budget estimate is dependent on other factors that are not available to ITS at this time. At this time, endpoints (e.g., desktops, laptops, tablets) are not included in the current hardware refresh section. This is intentional and temporary, as we are actively reviewing and validating inventory data to ensure accuracy. Once this review is complete, the endpoint replacement needs will be incorporated into this hardware refresh section through a future update to the budget packet. Agencies will be notified when this data is finalized and available for review.

Hardware Refresh Services

Service	Count	Total Price by Service
SAPD switch and access point replacement	4	\$18,828
SAPD LAPTOP		\$13,020

Refresh Item List

Service	Current Serial Nu...	Current Model Nu...	New Model Info	Item Cost	Priority
SAPD LAPTOP	8QB8853	Latitude 5530	TBD	1,860	C4
SAPD LAPTOP	7QB8853	Latitude 5530	TBD	1,860	C4
SAPD LAPTOP	8QB8853	Latitude 5530	TBD	1,860	C4
SAPD LAPTOP	8QB8853	Latitude 5530	TBD	1,860	C4
SAPD switch and a...	TBD	Juniper Access Poi...	AP47	1,836	C1
SAPD switch and a...	TBD	Juniper Access Poi...	AP47	1,836	C1

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:	Raquel Ceklovsky	E-mail Address:	raquel.ceklovsky@dfm.idaho.gov
Telephone Number:	208-854-3044	Fax Number:	208-555-1213
DFM Analyst:	Adam Jarvis	LSO/BPA Analyst:	Janica
Date Prepared:	8/28/2025	Fiscal Year:	2027

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

Facility Name:	Idaho Water Center				
City:	Boise	County:			
Property Address:	332 E Front Street			Zip Code:	
Facility Ownership (could be private or state-owned)	Private Lease:	<input checked="" type="checkbox"/>	State Owned:	<input type="checkbox"/>	Lease Expires:

FUNCTION/USE OF FACILITY

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COMMENTS

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WORK AREAS

FISCAL YR:	ACTUAL 2025	ESTIMATE 2026	REQUEST 2027	REQUEST 2028	REQUEST 2029	REQUEST 2030
Total Number of Work Areas:	26	26	26	26	26	26
Full-Time Equivalent Positions:	26	26	26	26	26	26
Temp. Employees, Contractors, Auditors, etc.:						

SQUARE FEET

FISCAL YR:	ACTUAL 2025	ESTIMATE 2026	REQUEST 2027	REQUEST 2028	REQUEST 2029	REQUEST 2030
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 2025	ESTIMATE 2026	REQUEST 2027	REQUEST 2028	REQUEST 2029	REQUEST 2030
Total Facility Cost/Yr:	\$128,288	\$129,938	\$131,588	\$133,000	\$135,000	\$137,000

SURPLUS PROPERTY

FISCAL YR:	ACTUAL 2025	ESTIMATE 2026	REQUEST 2027	REQUEST 2028	REQUEST 2029	REQUEST 2030
	<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 Grace.Paduano@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:

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Part I – Agency Profile

Agency Overview

The Office of the State Appellate Public Defender (SAPD), located at 322 East Front Street, Suite 570, Boise, Idaho, provides appellate representation in the Idaho Supreme Court and Idaho Court of Appeals to indigent clients in felony, misdemeanor, juvenile cases, post-conviction, and state habeas corpus cases. For individuals who have been sentenced to death, the SAPD provides district court representation in post-conviction cases and appellate representation in direct and post-conviction appeals.

The SAPD must provide timely, effective assistance of counsel to its clients, as mandated by both the United States and Idaho Constitutions, as well as various Idaho statutes and court rules. Ethically, SAPD attorneys must serve the best interests of their clients first and foremost. However, the SAPD remains mindful of the significant cost to Idaho's taxpayers of providing legal representation to indigent defendants on appeal, and it is committed to delivering its legal services in an efficient and cost-effective manner. The SAPD is also supportive of efforts to strengthen Idaho's criminal justice system to ensure it: (1) is fair to defendants and crime victims, (2) leads to accurate/reliable case outcomes, and (3) utilizes financial resources responsibly.

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.

On September 25, 2023, Governor Little appointed Erik R. Lehtinen as the Interim Director of the SAPD. Governor Little made that appointment permanent on January 7, 2024, and Mr. Lehtinen was confirmed by the Idaho Senate on February 1, 2024.

As of July 1, 2025, the SAPD had 27 FTPs, including Mr. Lehtinen. Other than Mr. Lehtinen and an office administrator, the SAPD's employees are divided between two units. The Capital Litigation Unit consists of four attorneys, a mitigation specialist, an investigator, and one administrative assistant. The Appellate Unit consists of a unit chief, thirteen additional attorneys, and four legal assistants.

Core Functions/Statutory Mandate

The right of indigent defendants to the assistance of counsel in their criminal cases has a long tradition in Idaho, dating all the way back to Territorial days. The Revised Statutes of Idaho, dated 1884, provided that if a defendant "desires and is unable to employ counsel, the court must assign counsel to defend him."

Fifty years later, the United States Supreme Court recognized in *Alabama v. Powell*, 287 U.S. 45, 68-69 (1932), that the basic fairness guaranteed by the United States Constitution meant indigent defendants facing capital charges had the right to the assistance of counsel. 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 provide trial counsel to non-capital indigent defendants facing a loss of liberty. In *Douglas v. California*, 372 U.S. 353 (1963), the Court ruled that an indigent defendant is also entitled to the assistance of counsel in a first appeal granted as a matter of right from his criminal conviction. Finally, in *Evitts v. Lucey*, 469 U.S. 387 (1985), the Court held that the right to counsel on appeal contemplated in *Douglas* is the right to *effective* counsel.

Even absent these bedrock constitutional requirements for counsel, Idaho continues to adhere to the core value of ensuring that indigent criminal defendants facing a loss of life or liberty are represented by counsel "to the same extent as a person having his own counsel is so entitled." I.C. § 19-6009(1)(a). In capital cases, the need for counsel is particularly acute. In accordance with Idaho Criminal Rule 44.2, immediately after the imposition of a death sentence, the court must appoint counsel to represent the defendant for purposes of seeking post-conviction relief pursuant to Idaho Code § 19-2719.

A quarter century ago, the Idaho Legislature recognized that the cost of providing appellate representation to indigent defendants, while critical, 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. § 19-5902. The powers and duties of the SAPD are enumerated in I.C. §19-5905.

Revenue and Expenditures

Revenue	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$3,312,000	\$3,402,900	\$3,951,000	\$4,081,700
Dedicated	\$0	\$0	\$0	\$0
Total	\$3,312,000	\$3,402,900	\$3,951,000	\$4,081,700
Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Personnel Costs	\$2,580,600	\$2,826,900	\$2,898,901	\$3,177,093
Operating Expenditures	\$432,400	\$471,100	\$485,371	\$489,237
Capital Outlay	\$3,700	\$104,900	\$16,719	\$19,938
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
Total	\$3,016,700	\$3,402,900	\$3,400,991	\$3,686,268

Profile of Cases Handled

Cases Managed	FY 2022	FY 2023	FY 2024	FY 2025
Capital Cases* Managed	3	7	8	7
Non-Capital Cases Opened	571	719	676	637

* For purposes of this measure, a "Capital Case" encompasses all legal proceedings relating to a particular conviction and death sentence for a single capital client even if those proceedings could otherwise be considered separate cases. For example, if the SAPD handles two different post-conviction cases arising out of the same death sentence for the same client, that is considered one "Capital Case" for this measure.

FY 2025 Performance Highlights

In FY 2025, the SAPD obtained relief for its clients in twenty-four cases. Those included the following significant wins:

- In *State v. Karst*, 174 Idaho 276 (2024), the Idaho Supreme Court held that when a defendant has her conviction overturned on appeal, she is entitled to return of the fees she paid to the court as a result of the since-invalidated conviction.
- In *State v. Smith*, ___ Idaho ___, 569 P.3d 137 (2025), the Idaho Supreme Court held that police violated the defendant's Fourth Amendment right to be free from unreasonable searches when they impounded and searched his vehicle. Specifically, the Court reasoned that where the vehicle was lawfully parked in a parking lot, and it was not obstructing traffic or otherwise presenting a safety risk, impoundment of the vehicle was not a valid "community caretaking" function by the police.

The SAPD was also partially successful in litigation relating to itself. In *State v. Blazek*, ___ Idaho ___, ___ P.3d ___, 2024 WL 4982927 (Dec. 5, 2024), the SAPD successfully argued that nothing about the State Public Defender Act shifted financial responsibility for preparation of trial/hearing transcripts to the SAPD.

Finally, the SAPD continues to partner with the University of Idaho Law School's Appellate Clinic. Through this partnership, SAPD attorneys work with a law professor and small groups of law students on SAPD cases. The program was instituted as a way of supporting the Law School in its mission of training the next generation of lawyers, while also fostering interest in appellate defense and identifying potential future hires for the SAPD. Following a successful pilot semester, the SAPD and the Law School decided to continue (and, in fact, grow) the program for the 2024-2025 school year (FY 2025). It is now a tremendous success, as the SAPD, the Law School, and students are thrilled with the program. Additionally, the Idaho Supreme Court has expressed its gratitude to the SAPD for undertaking a partnership with the Law School.

Part II – Performance Measures

Performance Measure		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
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	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
Goal 2						
<i>Provide Services In An Efficient Manner</i>						
4. New contract cases assigned by fiscal year.	actual	0	0	11	3	
	target	0 Cases	0 Cases	0 Cases	0 Cases	0 Cases
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%	90%**	65%**	
	target	100%	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	84/425 (19.8%)	137/462 (29.7%)	264/592 (44.6%)	292/468 (62.4%)	
	target	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.	No more than 10% of Initial Appellant's Briefs Filed on > 2 Ext.	No more than 20% of Initial Appellant's Briefs Filed on > 2 Ext.
7. Reduce the average Appellant Unit attorneys' workloads to an appropriate level of no more than 35 units per year.	actual	36.56 units	48.30 units	57.52 units***	43.15 units	
	target	35.00 Unit Average	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. Provide education and training to other attorneys.	actual	N/A	N/A	N/A	100%	

Performance Measure		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
	target	N/A	N/A	N/A	Provide training at the State Public Defender's trial college, the Idaho Association of Criminal Defense Lawyers' annual conference or other programs, and/or any relevant programs sponsored by the Idaho State Bar or other organizations.	Provide training at the State Public Defender's trial college, the Idaho Association of Criminal Defense Lawyers' annual conference or other programs, and/or any relevant programs sponsored by the Idaho State Bar or other organizations.
9. Participate in various governmental committees, commissions, councils, working groups, etc. to improve Idaho's criminal justice system.	actual	100%	100%	100%	100%	
	target	Participate in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	Participate in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	Participate in the ICJC, IPDC, the Grant Council, the Technology Committee, the Appellate Rules Committee, and the NAPD	Participate in the Idaho Criminal Justice Commission, the Idaho Grant Council, the Idaho Behavioral Health Council Advisory Board, and the Idaho Supreme Court's Appellate Rules Committee, Criminal Rules Committee, Rules of Evidence Committee, and Jury Instruction Committee	Participate in the Idaho Criminal Justice Commission, the Idaho Grant Council, the Idaho Behavioral Health Council Advisory Board, and the Idaho Supreme Court's Appellate Rules Committee, Criminal Rules Committee, Rules of Evidence Committee, and Jury Instruction Committee

** Estimated

*** Workload data for FY 2024 considers only cases handled by AU attorneys who remained with the SAPD throughout the bulk of the year. It omits a handful of AU cases handled by the Director and various CLU attorneys, as well as the cases handled by an attorney who left the SAPD in the first quarter of the fiscal year.

Performance Measure Explanatory Notes

In FY 2023, the SAPD experienced dramatic growth in its noncapital caseload. That year, the SAPD was appointed to an unprecedented 718 new noncapital appeals. In FY 2024 and FY 2025, the SAPD's caseload moderated slightly, but remained high. In FY 2024 it was appointed to 676 new noncapital appeals, and in FY 2025 it was appointed to 637 new noncapital appeals. Those slightly reduced caseloads, while certainly an improvement over FY 2023, still exceeded the SAPD's fully-staffed capacity (approximately 600 cases per year). Compounding the challenges associated with an excessive caseload, the SAPD also experienced unprecedented hiring challenges throughout FY 2024 and into early FY 2025. These factors led to a large backlog of cases.

In an effort to ensure clients' needs were met, the SAPD contracted eleven cases out to private attorneys in FY 2024, and it contracted another three cases out in FY 2025. (See Performance Measure 4.) While somewhat helpful, this measure was inadequate in and of itself and the SAPD's backlog of cases has remained. Thus, the SAPD has been seeking an ever-increasing number of extensions of time from the Idaho Supreme Court. (See Performance Measure 6.)

For FY 2026, the Legislature provided the SAPD with an additional attorney FTP. That additional FTP has allowed the SAPD to increase its caseload capacity to approximately 650 cases per year. Thus, so long as the SAPD's caseload remains at or below FY 2025 levels, the SAPD should be able to begin working through its case backlog and eventually reduce the number of extensions of time it seeks from the Supreme Court. This will be a multi-year effort though.

In the meantime, the average attorney workload, which peaked at 57.52 work units per attorney in FY 2024, dropped to 43.15 work units per attorney in FY 2025. (See Performance Measure 7.) Because workload data is a lagging indicator compared to caseload data (because there is typically a significant delay between the time the SAPD is appointed on a case and the time that case is assigned to a handling attorney), the decreased workloads are generally reflective of the reduction in case appointments in FY 2024. Thus, while attorney workloads remain high, they are suggestive of the SAPD's caseload peak having passed.

While case work on behalf of individual clients is always the SAPD's foremost priority, the SAPD also seeks to improve the criminal justice system generally by offering education/training for other attorneys and by participating in a host of governmental groups that seek to improve various aspects of Idaho's criminal justice system. In FY 2025, SAPD attorneys provided education and training at events hosted by a wide range of organizations, including the Idaho State Public Defender, the Idaho State Bar, the University of Idaho School of Law, the Portneuf American Inn of Court, the Idaho Trial Lawyers Association, and the Idaho Association of Criminal Defense Lawyers. SAPD attorneys also participated in various governmental committees, commissions, councils, working groups, etc. that seek to improve various aspects of Idaho's criminal justice system. These included the Idaho Criminal Justice Commission, the Idaho Grant Council, the Idaho Behavioral Health Council Advisory Board, and multiple Idaho Supreme Court committees.

For More Information Contact

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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: **State Appellate Public Defender**



Erik R. Lehtinen, Director

August 28, 2025

Date

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