State Appellate Public Defender (SAPD)
FY 2023 Budget Hearing
February 14, 2022

Legislative Budget Book, 5-83
Agency Summary & Statutory Authority
Pursuant to Section 19-5905, Idaho Code, 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. In capital cases, where a defendant has been sentenced to death, the SAPD provides district court representation for post-conviction cases. There are two budgeted programs within the SAPD division: the Office of the State Appellate Public Defender, and Capital and Conflict Representation.

Agency Highlights
• The SAPD has averaged 3.3 capital cases, and 564.3 new non-capital cases over the past four years.
• From FY 2018 to FY 2021, on average, the agency expended 95% of its appropriated personnel costs, and 81.5% of its operating expenditures.
• The SAPD has one vacant FTP as of October 1, 2021.
• There are no open audit findings to report.

Please see publications from the Legislative Services, Budget & Policy Analysis Division for additional details: https://legislature.Idaho.gov/lso/bpa/pubs/
The United States Constitution and the Idaho Constitution require effective assistance of counsel on an appeal from a felony conviction. The right to counsel in a post-conviction action is provided by Idaho statute and is discretionary in felony cases and mandatory in capital cases.

The State Appellate Public Defender was created in 1998 by I.C. § 19863A. The Legislative Intent counsels that the cost of providing legal representation to indigent defendants on appeal is “an extraordinary burden on the counties....” The State Appellate Public Defender was created to:

1. Relieve that burden;
2. Provide competent counsel; and
3. Avoid paying high hourly rates to independent counsel.

To gain access to State Appellate Public Defender services, counties must participate in the Capital Crimes Defense Fund (CCDF). All 44 counties have joined the CCDF and receive the services of this agency.
Appellate Unit

The Appellate Unit handles indigent appeals stemming from a:

- Felony, misdemeanor, or juvenile conviction;
- Denial of a petition for post-conviction relief; or
- Habeas Corpus petition.

FY 2021 Performance

- Cases opened – 435 (FY 2020 – 618)
- Contract cases – 0
- Workload units – 43
- Briefs filed – 477 (Initial Brief); 649 (Total)
- Affirmed findings of IAC - 0
Performance Report

Capital Unit

The Capital Unit handles:
• Post-conviction actions in the district court where a death sentence has been imposed; or
• Direct appeal and appeal from the denial of petition for post-conviction relief where a death sentence has been imposed.

FY 2021 Performance

• Active death penalty cases - 3
• Evidentiary hearing - 1
  *Erick Hall v. State of Idaho (CV-PC-08-03085)*
• Post-conviction conflict cases - 2

2022 and Beyond

• Notice of Intent to Seek Death - 4 (statewide)
• 44 Active 1st Degree Murder Cases – 13 Different Counties
FY 2022 Supplemental

Decision Unit 4.31 – Extraordinary Capital Costs

Capital Evidentiary Hearing - $98,000

Onetime operating expenditure to pay for extraordinary representation costs associated with the agency’s death penalty caseload.

- Funds will go towards paying the costs of:
  (1) Expert witnesses;
  (2) Court reporters and transcripts (60 hours of depositions);
  (3) Deposition travel and accommodations; and
  (4) Evidentiary hearing travel and accommodations (Coeur d’Alene, ID).
FY 2023 Line Item Request

Decision Unit 12.01 – Capital Costs Restoration

Ongoing Capital Conflict Representation- $18,700

- FY 2022 Appropriation - $76,200
- Prior to FY 2021, the agency was allocated $94,900 in ongoing capital representation costs
- Line item would restore the agency’s original allocation for capital representation costs to pre-FY 2021 levels
FY 2023 Line Item Request

Decision Unit 12.61 – ITS Phase 3 Conversion

Information Technology Systems - $135,400

- $62,300 in ongoing operating expenditures for software licensing
- $73,100 in onetime capital outlay for printers, network equipment, and computers
Thank you for your continued support of the State Appellate Public Defender and for supporting Change in Employee Compensation for the upcoming budget.

Questions?