# Office of The State Appellate Public Defender

I.C. § 19-868: Statement of Legislative Intent in creating the SAPD: The cost of legal representation for indigent defendants on appeal "is an extraordinary burden on the counties...."

- ▶ to reduce that burden
- ► to provide competent counsel
- avoid paying high hourly rates to independent counsel

### **Capital Crimes Defense Fund**

- Created in 1998 by I.C.§19-863A
- CCDF acts like an insurance program
  - Counties pay an annual premium based upon population
  - The counties pay a \$10K deductible per case, then the fund covers the additional defense costs
- As of December 2016, all 44 counties participate
- CCDF is managed by a 7 member Board of Directors elected by the counties
- Counties that participate in the fund also receive the services of the SAPD as defined in I.C.§19-868, et. seq.



- The right to effective assistance of counsel in an appeal of right from a felony conviction is guaranteed by the United States and Idaho Constitutions.
- 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.

## SAPD Staff

#### Administrative

 Eric D. Fredericksen, State Appellate Public Defender, 1 office administrator, 1 part-time runner

### Capital Litigation Unit

 2 lead attorneys (1 is Chief of CLU), 1 staff attorney, 1 mitigation specialist, 1 investigator, 1 support staff

#### ► Appellate Unit

▶ 1 Chief of AU, 11 staff attorneys, 3 support staff, 1 receptionist

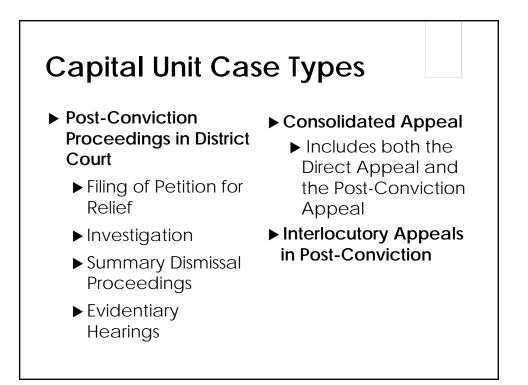
▶ Total: 24 Full-Time Employees, 1 Part-Time Employee

#### **Appellate Unit Case Types** Direct Appeals Post-Conviction Appeals I.C. §19-4901, et. seq. ► An appeal from the felony conviction itself or grant of Civil Action in which the motion in a felony case on former defendant sues the appeal by the State of Idaho State asserting specific errors Review of what occurred in Allows the petitioner to court, on the record provide evidence of things that occurred out of court Reviewing whether the district and off the record court did its job consistently with the law Proper vehicle to raise claims of Ineffective Assistance of Review of some unpreserved Counsel Constitutional violations Habeas Corpus Appeals ► Generally limited to claims regarding conditions of confinement Some claims regarding parole processes

### Appellate Unit Caseload vs. Workload

- Caseload measures the number of cases opened by the SAPD within a given fiscal year. The opened date is the date the Notice of Appeal is filed.
- ► FY2015: 702
- ▶ FY2016: 568
- ▶ FY2017: 537
- ▶ FY2018: 604

- Workload measures the average weighted value of case work handled by an Appellate Unit attorney.
- ▶ FY2015: 49.70
- ▶ FY2016: 52.80
- ▶ FY2017: 42.00
- ▶ FY2018: 53.30



### Active Death Penalty Litigation - Idaho

- SAPD has 3 active cases in its Capital Litigation Unit:
  - Timothy Dunlap On remand from Supreme Court partial grant of Post Conviction Relief.
  - Erick Virgil Hall (Hall II) Pending Evidentiary Hearing in Post Conviction.
  - ▶ Jonathan David Renfro Death Verdict 11/6/17.
- 30 active First Degree Murder cases in Idaho's district courts.
- Death Notice filed in 6 cases.



