

**F I L E D**  
 A.M. 5:00 P.M.  
**APR 29 1999**  
 CANYON COUNTY CLERK  
**J. BUCKLEY**, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTIES OF  
 ADAMS, CANYON, GEM, OWYHEE, PAYETTE & WASHINGTON

IN THE MATTER OF:	)	
	)	ADMINISTRATIVE ORDER
STATE APPELLATE PUBLIC	)	
DEFENDER/TRIAL DEFENSE COUNSEL)	)	NO. 99-1
	)	

TO: DAN KESSLER TRIAL COURT ADMINISTRATOR  
 ALL THIRD JUDICIAL DISTRICT PROSECUTORS  
 ALL THIRD JUDICIAL DISTRICT JUDGES  
 ALL THIRD JUDICIAL DISTRICT PUBLIC DEFENDERS  
 ALL APPEAL CLERK  
 PATRICIA TOBIAS, ADMINISTRATIVE DIRECTOR OF THE COURTS  
 RON COULTER, STATE APPELLATE PUBLIC DEFENDER

WHEREAS the Idaho Legislature has created the office of the State Appellate Public Defender, and

WHEREAS the State Appellate Public Defender's representation is available for all eligible convictions on or after September 15, 1998, and

WHEREAS all six counties in the Third Judicial District have agreed to participate in the Capital Crimes Defense Fund, and

WHEREAS a uniform process for addressing trial defense counsel's and State Appellate Public Defender's role is necessitated.

**NOW THEREFORE, IT IS HEREBY ORDERED:**

1. Trial defense counsel shall remain appointed counsel to handle post-trial motions, including Rule 35 motions, excepting motions directly related to the appeal such as settlement of transcripts and clerk's records pursuant to I.A.R. 29.
2. The State Appellate Public Defender shall handle appeals from Rule 35 motions.

3. Trial defense counsel shall file notices of appeal delineating the issues and specifying the reporter's transcripts and the clerk's record requested.
4. Trial defense counsel shall file a motion for the appointment of the State Appellate Public Defender along with an appropriate order in the form attached. Trial defense counsel shall provide envelopes for mailing to the State Appellate Public Defender and the defendant.
5. The State Appellate Public Defender shall obtain any necessary initial information from trial defense counsel.
6. State Appellate Public Defender shall handle post-conviction proceedings in capital cases only and appeals from all other post-conviction proceedings.

IT IS FURTHER ORDERED that the clerks handling appeals in each county shall monitor State Appellate Public Defender cases to see if there is any impact in their workload or in the costs to the counties and to convey any significant impact to the Trial Court Administrator.

Dated this 27<sup>th</sup> day of April, 1999.



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SERGIO A. GUTIERREZ  
District Judge

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

\_\_\_\_\_  
THE STATE OF IDAHO, )  
 )  
Plaintiff-Respondent, )  
 )  
-vs- )  
 )  
@ , )  
 )  
Defendant-Appellant. )  
\_\_\_\_\_ )

CASE NO. CR - @  
ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER

TO: IDAHO STATE APPELLATE PUBLIC DEFENDER

The above named Defendant-Appellant having been convicted of @ \_\_\_\_\_ on  
the \_\_\_\_\_ day of @ and having been sentenced as follows: @; and,

The Defendant-Appellant having requested the assistance of counsel in pursuing  
a direct appeal from the felony conviction in this Court, and the Court being satisfied that  
the said Defendant is an indigent person entitled to the services of the State Appellate  
Public Defender pursuant to Idaho Code § 19-870 and that the appeal is from a judgment

ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER

Attachment to  
Administrative 99-1

or order enumerated in Idaho Code § 19-870 (1); and

GOOD CAUSE APPEARING,

IT IS HEREBY ORDERED, and this does ORDER that the State Appellate Public Defender is appointed to represent the above named Defendant-Appellant on the appeal on the judgment and conviction entered in this case.

IT IS FURTHER ORDERED, and this does ORDER, that trial defense counsel shall remain as counsel as record for all post-trial motions in this case including motions pursuant to I.C.R. 35.

The State Appellate Public Defender is provided the following information concerning this case.

1. The Defendant-Appellant's trial defense counsel is: @
2. Defendant-Appellant's trial defense counsel has advised the Court that the Defendant-Appellant's current address is: @

DATED:

\_\_\_\_\_  
@  
District Judge

ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER

I HEREBY CERTIFY that a copy of the foregoing Order was forwarded by me to the following persons this \_\_\_\_ day of \_\_\_\_\_, 1999

Canyon County Prosecuting Attorney  
Canyon County Courthouse  
Caldwell, Idaho 83605

Hand Delivery

Canyon County Public Defender  
706 E. Chicago  
Caldwell, ID 83605

Hand Delivery

R. A. Coulter  
State Appellate Public Defender  
P. O. Box 83720  
Boise, Idaho 38720-0005

First Class Mail  
and

Via Fax to  
208-334-2985

Theresa Randall  
Appellate Clerk  
Courthouse  
Caldwell, ID 83605

Hand Delivery

G. NOEL HALES, Clerk

By \_\_\_\_\_  
Deputy Clerk

ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER