Defending Attorney Application for

Extraordinary Litigation Funds

Pursuant to [Idaho Code §19-850(2)(e)](https://legislature.idaho.gov/statutesrules/idstat/Title19/T19CH8/SECT19-850/), [IDAPA 61.01.04.020.06](https://adminrules.idaho.gov/rules/current/61/610104.pdf) and [PDC ELF Policy 600](https://pdc.idaho.gov/wp-content/uploads/2021/08/600-ELF-PolicyAPPROVED20210819.pdf)

**This application is confidential and exempt from public records requests pursuant to Idaho Code §74-105(18)(b).**

## **General Information**

Is the State legally entitled to seek the death penalty in the case for which you are seeking ELF funds?

 Yes**\*** No **\*Capital cases are not eligible for ELF funds.** [Idaho Code 19-850(2)(e)](https://legislature.idaho.gov/statutesrules/idstat/Title19/T19CH8/SECT19-850/)

Are you seeking ELF funds for prospective extraordinary litigation costs occurring in the next six (6) months?

 Yes No**\*** **\*Costs already incurred are not eligible.** [PDC ELF Policy 600](https://pdc.idaho.gov/wp-content/uploads/2021/08/600-ELF-PolicyAPPROVED20210819.pdf)

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| --- | --- |
| County |  |
| Defending Attorney(s) appointed to case for which ELF funds are sought |  |
| Contact person (Name of person completing this application)  |  |
| Contact phone |  |
| Contact email |  |

**Requested Costs**

Enter the prospective anticipated litigation services and costs for which you are seeking ELF funds. Detail each litigation cost type separately and include the vendor’s name and contact information.

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| --- | --- | --- | --- | --- |
| **Cost type (expert, investigator, etc.)** | **Vendor information (name and phone number)** | **Description of services** | **Anticipated cost** | **Anticipated date cost will be incurred** |
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|  |  |  |  |  |
| Total Anticipated Costs: |  |  |

## **Reasons for the Request**

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| Case number and charges: |  |
| Number of Defendants: |  |
| Brief general overview of the case: |  |
| Current stage of the case (arraignment, pre-trial, etc.): |  |
| Type and dates of upcoming hearings or other proceedings relevant your request for litigation costs: |  |
| Describe why the requested litigation costs are extraordinary litigation costs. See [IDAPA 61.01.04.020.06](https://adminrules.idaho.gov/rules/current/61/610104.pdf) and the [PDC ELF Policy 600](https://pdc.idaho.gov/wp-content/uploads/2021/08/600-ELF-PolicyAPPROVED20210819.pdf): |  |

**Additional Eligibility Requirements**

Are all the Defending Attorneys listed in this application on the PDC Defending Attorney Roster?

 Yes No

If any Defending Attorney listed in this application is not on the PDC Defending Attorney Roster, did the Court appoint the attorney under IDAPA 61.01.02.050.01? Yes No

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| Are all Defending Attorneys listed on this application in compliance with PDC Rules? See <https://adminrules.idaho.gov/rules/current/61/index.html>.  Yes NoIf no, describe why all Defending Attorneys listed on this application are not in compliance with PDC Rules. |
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| Did you make a motion in the appropriate Court for funds for the requested litigation costs? (This is not required in order to be eligible for ELF.) Yes No If yes, describe the Court’s ruling on the motion. If no, explain why you did not make a motion. |
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| Have you met with the County Clerk or BOCC to discuss the funds available in the County’s indigent defense budget for the requested litigation costs? (This is not required in order to be eligible for ELF.)  Yes NoIf yes, explain why the County did not provide funds to cover the requested litigation costs. If no, explain why you did not meet with the County.  |
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**Certification**

**Every attorney listed in this application must certify and sign below.**

I certify (or declare) under penalty of perjury pursuant to the law of the state of Idaho that the foregoing is correct. This certification or declaration is made pursuant to Idaho Code § 9-1406.

**Submitted** this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, .

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|  | day |  |  | month |  | year |

# X

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| Printed Name: |  |
| Title/Position: |  |

# X

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| Printed Name: |  |
| Title/Position: |  |