

**BOISE, FRIDAY, NOVEMBER 6, 2020 AT 11:10 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**TRACY TUCKER, JASON SHARP, NAOMI )  
MORLEY, and JEREMY PAYNE, on behalf of )  
themselves and all others similarly situated, )**

**Plaintiffs-Appellants, )**

**v. )**

**Docket No. 46882**

**STATE OF IDAHO; DARRELL G. BOLZ, in his )  
official capacity as Chair of the Idaho State Public )  
Defense Commission; ERIC FREDERICKSEN, in )  
his official capacity as a member of the Idaho )  
State Public Defense Commission; PAIGE )  
NOLTA, in her official capacity as a member of )  
the Idaho State Public Defense Commission; )  
ANGELA BARKELL, in her official capacity as a )  
member of the Idaho State Public Defense )  
Commission; DAN DINNING, in his official )  
capacity as a member of the Idaho State Public )  
Defense Commission; JONATHAN LOSCHI, in )  
his official capacity as a member of the Idaho )  
State Public Defense Commission; SEN. CHUCK )  
WINDER, in his official capacity as a member of )  
the Idaho State Public Defense Commission; REP. )  
MELISSA WINTROW, in her official capacity as )  
a member of the Idaho State Public Defense )  
Commission; and HON. LINDA COPPLE )  
TROUT, in her official capacity as a member of )  
the Idaho State Public Defense Commission, )**

**Defendants-Respondents. )**

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Samuel Hoagland, District Judge.

American Civil Liberties Union of Idaho Foundation, Boise; Idaho Coalition Against Sexual and Domestic Violence, Boise; American Civil Liberties Union Foundation, New York; Hogan Lovells US LLP, Washington DC, and Denver, for Appellants.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondents State of Idaho, Hon. Linda Copple Trout, Darrel G. Bolz, Angela Barkell, Sen. Chuck Winder, Rep. Melissa Wintrow and Dan Dinning.

Lawrence G. Wasden, Idaho Attorney General, Boise and Parsons, Behle & Latimer, Special Deputy Attorney General, Boise, for Respondents Eric Don Fredericksen, Paige Nolta, and Jonathan Loschi.

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This is a permissive appeal made by the district court in a class action case. Plaintiffs are indigent persons represented through Idaho's public defense system. They allege the public defense system, as administered by the State and Idaho Public Defense Commission, violates the Sixth and Fourteenth Amendments to the U.S. Constitution and Article I, Section 13 of the Idaho Constitution. On March 19, 2019, the district court denied cross motions for summary judgment, citing a lack of precedent as to the controlling standard to be applied. On April 11, 2019, the Idaho Supreme Court granted permission to appeal, stating: "The singular issue to be presented to the Court is, what is the standard to be used in a lawsuit challenging the public defense system for the State of Idaho? What is the burden of the respective parties going forward?"