

SUMMARY STATEMENT

Tucker v. State
Docket No. 46882

This is a permissive appeal from the district court to address a narrow question: “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?” The issue is one of first impression for the Idaho Supreme Court.

The plaintiffs are indigent criminal defendants represented by attorneys provided through Idaho’s public defense system. They allege that numerous inadequacies in Idaho’s public defense system, as administered by the State and the Idaho Public Defense Commission (“PDC” or together “Respondents”), violate the rights of the named plaintiffs, as well as those of similarly situated criminal defendants across Idaho, under the Sixth and Fourteenth Amendments to the U.S. Constitution and Article I, Section 13 of the Idaho Constitution. They seek declaratory and injunctive relief. The Idaho Supreme Court granted the district court’s request for permissive appeal to determine the standard of review.

The Idaho Supreme Court held that the applicable standard in a constitutional challenge to a public defense system is as follows:

To obtain declaratory or injunctive relief, Plaintiffs must prove by a preponderance of the evidence that Idaho’s public defense system suffers from widespread, persistent structural deficiencies that likely will result in indigent defendants suffering actual or constructive denials of counsel at critical stages of criminal proceedings.

This should be interpreted consistent with the applicable standard in a constitutional challenge to a public defense system in which injunctive relief is sought, which is: “the likelihood of substantial and immediate irreparable injury, and the inadequacy of remedies at law.”

In so ruling, the Idaho Supreme Court clarified that specific instances of past or current individual harm are necessary to establish standing. However, structural evidence, such as statistics and national standards, are appropriate to establish the existence of systemic denials of counsel and may suffice to prove harm to the certified class. Similarly, the Idaho Supreme Court held that Appellants need not establish harm in each of Idaho’s 44 counties in order to prevail, concluding that county-by-county evidence is not required by the standard.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.