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# MINUTES

## Capital Counsel Review and Recommendation Committee of the Idaho State Public Defense Commission Meeting

Attendance via Zoom meeting was encouraged

Masks and social distancing were encouraged at meeting site

Idaho Public Defense Commission Office Conference Room

816 W. Bannock St., Ste 201

Boise, Idaho 83702

October 10, 2023 at 3:00 pm

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### *Committee Members Present (via Zoom):*

Commissioner Linda Trout, Bruce Livingston, James Siebe, Brady Ward King

*Committee Members Absent:* Andrew Parnes

### *PDC Staff Members Present (via Zoom):*

Kathleen Elliott (at meeting site) and Jennifer Cichocki, Tammy Zokan (via Zoom)

*Members of the Public Present (via Zoom):* None

### *Welcome and Call to Order:*

Commissioner Trout called the meeting to order at 3:00 pm

Commissioner Trout reported she will be acting as Chair of this Committee because Eric Fredericksen has been appointed State Public Defender. She said she is delighted with the Governor's appointment and wishes him well.

### *Approval of August 16, 2023 Meeting Minutes:*

Committee member Livingston moved to approve the August 16, 2023 minutes. Committee member Ward King seconded. All in favor. The motion carried.

### *Executive Session:*

Committee member Ward King moved that pursuant to Idaho Code 74-206, the Committee convene in executive session under Idaho Code 74-206(1)(d) to discuss records exempt from disclosure under Idaho Code 74-105(18)(a). Committee member Livingston seconded.

And the roll call vote to do so was as follows:

Brady Ward King, Member	Yes
Bruce Livingston, Member	Yes

Andrew Parnes, Member	Absent
James Siebe, Member	Yes
Linda Trout, Member	Yes

The Committee went into executive session at 3:06 pm.

Executive session ended at 3:38 pm.

Commissioner Trout called the meeting back to order at 3:39 pm.

*Final Action or Decision on Items Considered During Executive Session:*

Committee member Ward King moved to recommend the Commission request additional information from applicant 53 about their experience as lead counsel in capital or federal capital habeas corpus cases. Committee member Livingston seconded.

All in favor. The motion carried.

Committee member Ward King moved to recommend the Commission deny applicant 55's application for lead counsel for capital trials under the alternate requirements and approve applicant 55's application for co-counsel for capital trials. Committee member Siebe seconded.

All in favor. The motion carried.

Committee member Livingston moved to recommend the Commission approve applicant 52's continuing eligibility as co-counsel for capital trials. Committee member Ward King seconded.

All in favor. The motion carried.

Committee member Livingston moved to recommend the Commission approve applicant 54's continuing eligibility as lead counsel for capital trials. Committee member Ward King seconded.

All in favor. The motion carried.

Committee member Ward King moved to recommend the Commission approve applicant 56's continuing eligibility as lead counsel for capital trials. Committee member Livingston seconded.

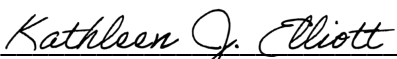
All in favor. The motion carried.

*Future meetings:* Ms. Zokan reported the PDC has received some new applications and the PDC will contact the Committee once the investigator has reviewed and reported on these.

*Adjournment:*

Commissioner Trout adjourned the meeting at 3:45 pm.

Minutes approved by the Committee on November 28, 2023.

  
Kathleen J. Elliott, Executive Director