

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,

Plaintiff,

vs.

No. C130935CR (DA 310247)  
No. C053243CR (DA 208333)  
No. 23CR16895 (DA 420661)

SCOTT GARNETT BOYD,  
CARLOS SMITH,  
JEFFREY MICHAEL APPELEGATE,

Defendants.

**DECLARATION OF JAMES JENSEN**

I, James Jensen, make the following declaration in support of the State's Motion to Identify Defense Counsel Without Delay and Increase Defense Attorney Compensation:

1. I am a licensed attorney in good standing with the Oregon State Bar, and I have been so since 2004. Criminal law has always been one of my areas of focus since my date of admission.
2. I worked as a Deputy District attorney in Lincoln County, Oregon from late 2004 to late 2005, and I then worked as a Deputy District Attorney in Lane County, Oregon from late 2005 to early 2007. Since mid-2007 I have worked in private practice in Washington County, Oregon, with an emphasis on criminal defense work. Over my time in private practice, I have been lead defense counsel on a large number of criminal cases that I was appointed to by the Washington County Circuit Court. I am currently an associate attorney at the Gilroy Napoli Short law firm, or GNS. I am active in the Washington County legal community.

- 1 3. Prior to joining GNS, I practiced extensively in the field of indigent criminal defense, and for  
2 several years I was a member of the Oregon Defense Attorney Consortium, or ODAC, which is a  
3 major provider of indigent defense services in Washington County Circuit Court. To that end I  
4 am familiar with the legal and administrative framework underpinning the appointment and  
5 compensation of indigent defense counsel in Oregon. I also have experience representing clients  
6 in criminal matters in Washington County Circuit Court who have privately retained me as legal  
7 counsel, so I am familiar with the local market for such services.
- 8 4. I am familiar with the public defense crisis in Oregon, and I am aware that there are a number  
9 defendants in Washington County currently facing criminal charges without representation.  
10 These include the defendants in the instant cases.
- 11 5. I know the compensation rate for indigent defense is set by the Office Public Defense Services  
12 (OPDS), and I believe that the hourly rate set by OPDS for complex or difficult cases is  
13 inadequate. I know the hourly rate set by OPDS in such cases to be substantially lower than that  
14 paid by privately retained clients in similar cases.
- 15 6. I know that OPDS has been unable to identify defense counsel able to represent the defendants at  
16 the current hourly rate.
- 17 7. I know there are defense attorneys who routinely practice in Washington County that are  
18 qualified to represent the defendants, and that those attorneys may be able to accept these cases  
19 if compensated at a higher hourly rate than the rate currently offered by OPDS.  
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1 8. I am familiar with the content of the State's requested order and I believe that the proposed  
2 structure of compensation increases is likely to lead to qualified defense counsel accepting  
3 appointment to these cases.  
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5 Date: June 10, 2023.

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7 James Jensen  
8 Oregon State Bar #043249  
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