In the Court of Appeals of the State of Alaska

Ralph Lafavour, Appellant, v. **State of Alaska,** Appellee.	Court of Appeals No. **A-13419** **Order** Request for Review of Clerk's Intention to Enter Judgment for Costs of Appointed Attorney Date of Order: **December 9, 2021**

Trial Court Case No. **1JU-05-01283CR**

The Appellant, Ralph Lafavour, filed a merit appeal in this Court challenging the superior court's decision to revoke Lafavour's probation. In *Lafavour v. State*, Summary Disposition No. 0222 (Alaska App. October 13, 2021), this Court affirmed the decision to revoke LaFavour's parole.

Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Lafavour was represented by court-appointed counsel in this appeal, because Lafavour's appeal was a felony merit appeal, and because his conviction was not reversed, the Appellate Court Clerk's Office intends to enter judgment against Lafavour in the amount of $1500 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Lafavour now seeks judicial review of the Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A).

In his opposition to the entry of judgment for the cost of appellate counsel, Lafavour primarily opposes the Clerk's judgment on the ground that he was appointed counsel because he had no money — in other words, he was appointed counsel because he was indigent. In his request for judicial review, he also asserts he was never informed that he might be responsible for paying for the cost of court-appointed counsel.

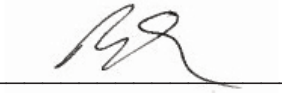
Appellate Rule 209(b)(5) requires entry of judgment for the cost of appointed counsel unless the conviction is reversed. Because nearly all persons with appointed counsel are indigent, a statement of indigence is not, as a general matter, grounds for relief from the rule's requirement. As for Lafavour's assertion that he was not informed that he might be responsible for paying for the cost of his court-appointed counsel, the Appellate Court File for this case shows that notice regarding this obligation was mailed to Lafavour on April 29, 2019.

Because Lafavour was represented by counsel at public expense, Appellate Rule 209(b)(5) requires entry of judgment for the cost of appointed counsel unless the conviction is reversed. Because this Court did not reverse Lafavour's conviction in this appeal, Lafavour is required to reimburse to the government a portion of the cost of the attorney who represented her at public expense. Under these circumstances, the Clerk's Office was required to enter judgment against Lafavour for $1500, the amount corresponding to a felony merit appeal set out in the payment schedule under Appellate Rule 209(b)(6).

Accordingly, the decision of the Appellate Court Clerk to enter judgment against Lafavour for the cost of counsel under Appellate Rule 209(b) is AFFIRMED.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Ralph Lafavour at 433 Eagle St., Apt. 111, Anchorage, AK 99501

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