

**RESOLUTION # \_\_\_\_\_**

**“RESOLUTION RECOMMENDING THE APPOINTMENT OF ERICKA SMITH AS AN ASSISTANT PUBLIC DEFENDER IN LARAMIE COUNTY, WYOMING, AS REQUIRED BY W. S. §7-6-103(f).”**

**WHEREAS**, W.S. §7-6-103(f) authorizes the County to advise the Governor of Wyoming concerning the appointment of Assistant Public Defenders; and

**WHEREAS**, the Board of County Commissioners has reviewed Ericka Smith’s qualifications and has considered the recommendation of Diane Lozano, the Wyoming Public Defender;

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING**, that it recommends the appointment of Ericka Smith as an Assistant Public Defender.

**PRESENTED, READ AND ADOPTED** this \_\_\_\_ day of February, 2019.

BOARD OF LARAMIE COUNTY COMMISSIONERS

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Debra Lee, Laramie County Clerk

Reviewed and approved as to form only:

  
\_\_\_\_\_  
Laramie County Attorney’s Office



# OFFICE *of the* WYOMING STATE PUBLIC DEFENDER

ADMINISTRATION OFFICE

ROGERS BUILDING, 316 WEST 22ND STREET, CHEYENNE, WY 82002  
PHONE: (307) 777-7519 | FAX: (307) 777-8742 | WEB: [wyodefender.wyo.gov](http://wyodefender.wyo.gov)

Mark Gordon  
GOVERNOR

Diane M. Lozano  
STATE PUBLIC DEFENDER

Ryan R. Roden  
DEPUTY STATE  
PUBLIC DEFENDER

January 16, 2019

Mr. K.N. Holmes, Chairman  
Laramie County Commissioner  
310 West 19<sup>th</sup> Street, Ste. 300  
Cheyenne, WY 82001

Dear Commissioner Holmes:

I am writing to notify you that the Office of the State Public Defender intends to contract with Ericka Smith, as a Part Time Assistant Public Defender for the First Judicial District. I am notifying you pursuant to Wyoming Statutes §7-6-103(f), which reads:

The governor may appoint full or part-time assistant public defenders in each judicial district with the advice of the state public defender, the district judge of the district and the boards of county commissioners in the district. In appointing assistant public defenders the governor shall consider the recommendations submitted to him, the demand for legal services, the criminal case load statistics, the population, the geographical characteristics and any other relevant factors.

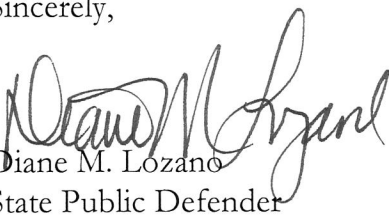
Ms. Smith will share the criminal caseload with the other assistant public defenders in the First Judicial District. She may also be asked to assist with conflict cases or assignments in other Judicial Districts. Ms. Smith is a 2000 graduate of the University Of Wyoming College Of Law, Laramie, Wyoming. She was admitted to the Wyoming State Bar in 2001. Her résumé is enclosed for your perusal.

Please submit any input that you may have about this pending appointment to me prior to January 30, 2019. Upon that date, I will present Ms. Smith to Governor Gordon for appointment as Part Time Assistant Public Defender. I will forward your input to the Governor at that time.

me a call at 777-7519. Also, my email address is [diane.lozano@wyo.gov](mailto:diane.lozano@wyo.gov). I am available at your convenience to discuss this appointment.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane M. Lozano". The signature is fluid and cursive, with the first name "Diane" being more prominent.

Diane M. Lozano  
State Public Defender

Enclosure  
DML/gl

# ERICKA SMITH

409 E. 17th St., Cheyenne, Wyoming, 82001 \* 307.421.8357 \* wyolaw@gmail.com

## WORK EXPERIENCE

### STATE OF WYOMING OFFICE OF THE DISTRICT ATTORNEY, CHEYENNE, WYOMING

*Deputy District Attorney, May 2018 – January 2019*

- Mentor and manager of all attorneys.
- Prosecute high level felony cases including bench and jury trials when necessary.
- Work with law enforcement to review and help investigation of cases.
- Make charging decisions and file all motions necessary for cases.

### FIRST JUDICIAL DISTRICT CIRCUIT COURT, CHEYENNE, WYOMING

*Magistrate Judge, Oct 2015 – May 2018*

- Presided over civil and criminal matters when a Circuit Judge was unable to perform the duties for a variety of reasons – conflicts of interest or scheduling issues.

### SMITH TORTORICH LLC, CHEYENNE, WYOMING

*Partner, Feb 2014 – May 2018*

- Partner of litigation firm and oversaw the paralegal staff.
- Advocated for criminal defendants for both paid clients and indigent clients through the Federal CJA Defender program. Cases ranged from Federal tax fraud and major drug conspiracies to State sexual assaults on minors and kidnapping to misdemeanor DUIs.
- Advocated in civil litigation cases and defense of physicians and nurses before their respective licensing boards.

### UNITED STATES DISTRICT COURT - WYOMING CJA PANEL, CHEYENNE, WYOMING

*CJA Panel Attorney, May 2010 – May 2018*

- Advocated for indigent criminal defendants in approximately 35 cases in a broad range of charges from revocations to large scale drug conspiracies, and tax fraud, including cases with firearms and major amounts of illegal substances.

### LATHROP AND RUTLEDGE PC, CHEYENNE, WYOMING

*Senior Associate, Mar 2011 – Feb 2014*

- Litigated civil and criminal cases including advocating in medical malpractice claims, personal injury claims, criminal prosecutions and professional claims against physicians and nurses, including defending clients in depositions, motions hearings, and jury trial. Wrote motions and discovery necessary to facilitate cases, and defended clients in depositions.

### STATE OF WYOMING OFFICE OF THE PUBLIC DEFENDER, WHEATLAND, WYOMING

*Senior Assistant Public Defender, Jul 2008 – Mar 2011*

- Advocated for indigent clients from filing to jury trial in all levels of cases -- misdemeanor, juvenile, and felony in 4 Wyoming counties – Niobrara, Platte, Converse and Goshen – the Eighth Judicial District.

### IGC MANAGEMENT, CHEYENNE, WYOMING

*General Counsel, Jan 2008 – Jun 2008*

- Ran the operations of the land development company including governmental affairs with city and State agencies. The owner was undergoing cancer treatment so the work was demanding. The owner eventually passed away.

### GO21, ALEXANDRIA, VIRGINIA

*Advocate, Aug 2006 – Dec 2007*

- Advocated and educated individuals at the Federal, State, City and grass roots level on behalf of railroad transportation in Washington D.C., Colorado, New Mexico, Arizona, and Oregon.

### PETROLEUM ASSOCIATION OF WYOMING, CASPER, WYOMING

*Vice President, Jul 2005 – Apr 2006*

- Advocated on behalf of members of the association with the Federal Government and the Bureau of Land Management for access to lands for the purpose of oil and gas exploration and development.

LARAMIE COUNTY COMMUNITY COLLEGE, CHEYENNE, WYOMING

*Adjunct Professor, Jan 2004 – May 2005*

- Taught Juvenile Justice for students seeking their paralegal and criminal justice degrees at the College.

STATE OF WYOMING OFFICE OF THE DISTRICT ATTORNEY, CHEYENNE, WYOMING

*Assistant District Attorney, Sep 2002 – Mar 2005*

- Prosecuted juvenile cases (CHINS, delinquency, abuse, and neglect), was the State's representative for the felony Drug Court, and also prosecuted crimes against women and children, including sexual assault, sexual assault on minors, and homicide which included prosecution at both jury and (one) bench trial(s).

WYOMING ATTORNEY GENERAL'S OFFICE, CHEYENNE, WYOMING

*Assistant Attorney General, Jan 2002 – Sep 2002*

- Advocated on behalf of the State of Wyoming in front of the Wyoming Supreme Court including writing of briefs submitted to the Court for review. Represented the Wyoming Department of Corrections in internal affairs, in front of District Courts and in administrative hearings.

FIRST JUDICIAL DISTRICT COURT, CHEYENNE, WYOMING

*Law Clerk, Jun 2000 – Jan 2002*

- Provided legal support to the Honorable Nicholas Kalokathis and Edward Grant (and for a short time E. James Burke after the third judge was added to the local bench). The support included legal writing and research, review of files (including all probate and family law filings), and drafting of orders for the Judge's consideration.

**EDUCATION**

UNIVERSITY OF WYOMING, LARAMIE, WYOMING

*Juris Doctor -2000*

UNIVERSITY OF WYOMING, LARAMIE, WYOMING

*Bachelor of Arts - Political Science – 1997*

BAYLOR UNIVERSITY, WACO, TEXAS

*Undeclared Bachelor of Arts – No Degree Received – 1993-1994*

**COMMUNITY ASSOCIATIONS**

Cheyenne Chamber Singers  
President of the Board and Singer

Recover Wyoming  
Board Member

Black Dog Animal Rescue  
Former Board Member

**REFERENCES**

Honorable Catherine Rogers  
District Court Judge  
307-633-4533

Honorable Thomas Campbell  
District Court Judge  
307-633-4291

Honorable Denise Nau  
Circuit Court Judge  
307-633-4298