

Exhibit B

FINDING AND ORDER APPOINTING
DEFENSE COUNSEL

Utah Second Judicial District Court
Hon. Michael D. DiReda



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IN THE SECOND JUDICIAL DISTRICT COURT

WEBER COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

DOUGLAS A. LOVELL,

Defendant,

WEBER COUNTY,

Intervenor.

**FINDINGS AND ORDER APPOINTING
DEFENSE COUNSEL**

Case No.: 921900407

Judge: MICHAEL D. DIREDA

As a result of Mr. Samuel Newton withdrawing as counsel for Defendant, Weber County was ordered to procure new counsel for Defendant. A telephone conference was held on September 20, 2017 to discuss the appointment of defense counsel. During the telephone conference Bryan Baron, counsel for Weber County, indicated that the County would be contracting with Colleen Coebergh to represent Defendant. Mr. Baron indicated on the record some of Ms. Coebergh's qualifications, and an Affidavit has been submitted detailing those qualifications that are relevant to

Rule 8 of the Utah Rules of Criminal Procedure. The court now makes the following findings and orders:

LEGAL REQUIREMENTS

1. In all cases where an indigent defendant is sentenced to death, the court is required by Rule 8 of the Utah Rules of Criminal Procedure to appoint counsel and to make certain findings regarding the qualifications of appointed counsel.
2. Pursuant to Rule 8(d), when a capital case is appealed, the court must find that appointed counsel is proficient in the appeal of capital cases. In order to be found proficient in the appeal of capital cases, Rule 8(d) requires that counsel previously serve as counsel “in at least three felony appeals;” and that counsel complete “within the past five years an approved continuing legal education course which deals, in substantial part, with the trial or appeal of death penalty cases.”

FINDINGS OF FACT

3. Douglas Lovell was sentenced to death and has appealed that sentence; therefore, the requirements of Rule 8(d) are applicable.
4. Mr. Baron indicated on the record on September 20, 2017 that Ms. Coebergh met the requirements of Rule 8(d), and an affidavit signed by Ms. Coebergh has provided to the court further indicating that she meets the requirements.
5. Based on the record, Ms. Coebergh has filed more than three felony appeals and has met the continuing legal education requirement.

ORDERS

6. Having found Colleen Coebergh proficient in the appeal of capital cases, the court appoints Ms. Coebergh to represent Douglas Lovell in the appeal of Mr. Lovell's death sentence.

EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE DATE AND SEAL
AT THE TOP OF THE FIRST PAGE OF THIS DOCUMENT