BOISE, TUESDAY, FEBRUARY 11, 2025, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51308

IVAN MARROQUIN VALDOVINOS,	)
	)
Petitioner-Appellant,	)
	)
v.	)
	)
STATE OF IDAHO,	)
	)
Respondent.	)
	)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia K.C. Meyer, District Judge.

Hawley Troxell Ennis & Hawley LLP; Alycia T. Moss, Catherine Yenne, Coeur d'Alene, for appellant.

Hon. Raúl R. Labrador, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

Ivan Marroquin Valdovinos appeals from the district court's judgment summarily dismissing his petition for post-conviction relief. In his petition, Valdovinos argues that his claim of ineffective assistance of counsel should be tolled because his trial counsel failed to advise him of the immigration consequences of pleading guilty. The district court summarily dismissed Valdovinos' equitable tolling argument. The district court held that trial counsel's failure to advise Valdovinos of adverse immigration consequences was not an adequate due process violation to warrant equitable tolling. The district court emphasized that it had admonished Valdovinos of the potential immigration consequences at the time he entered his guilty plea, which placed Valdovinos on notice. The district court also held that, even if equitable tolling applied, Valdovinos failed to file his petition within a reasonable time.

Valdovinos argues that trial counsel's failure to advise him of the adverse immigration consequences, pursuant to *Padilla v. Kentucky*, 559 U.S. 356 (2010), constituted ineffective assistance of counsel. Valdovinos also argues that ineffective assistance of counsel claims should be tolled until the discovery of counsel's deficient performance. In the alternative, Valdovinos argues that the district court erred by failing to conduct an evidentiary hearing to determine whether his trial counsel properly advised him of the adverse immigration consequences of pleading guilty.