

BOISE, THURSDAY, APRIL 16, 2026, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51538

CHENG YANG,)
)
 Petitioner-Appellant-)
 Cross Respondent,)
)
 v.)
)
 STATE OF IDAHO,)
)
 Respondent-Cross Appellant.)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. Jonathan P. Brody, District Judge.

Thomas Monaghan Law; Thomas Monaghan, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen and Kale D. Gans, Deputy Attorneys General, Boise, for respondent.

Law enforcement officers arrested Cheng Yang during an undercover drug operation after he and two other individuals delivered more than 100 pounds of marijuana to an undercover officer. The State charged Yang with conspiracy to traffic in marijuana. At trial, Yang testified that he did not know marijuana was in his vehicle. The jury found Yang guilty of conspiracy to traffic in marijuana. Prior to sentencing and upon advice of trial counsel, Yang submitted a written statement acknowledging that he had been aware that marijuana was in his vehicle, which the sentencing court later characterized as a significant aggravating factor. Yang subsequently filed a pro se petition for post-conviction relief alleging ineffective assistance of counsel in multiple respects. Post-conviction counsel later filed an amended petition that condensed Yang’s claims and omitted certain allegations raised in the original petition. Following a hearing, the district court denied most of Yang’s claims but granted relief on a claim related to trial counsel’s advice prior to sentencing and ordered resentencing. Specifically, that trial counsel encouraged Yang to accept responsibility for the crime in a written statement included in the presentence investigation report, which contradicted Yang’s trial testimony.

On appeal, Yang argues the district court erred by not addressing his claim that trial counsel was ineffective for failing to object to the conspiracy jury instruction, asserting that the claim was raised in his original petition and remained properly before the district court. The State responds that the amended petition superseded the original petition and that the claim was not properly

before the district court because it was omitted from the amended petition. In reply, Yang asserts post-conviction counsel was ineffective for omitting the claim and contends the omission should not preclude review. On cross-appeal, the State argues the district court erred by relying on transcripts from the underlying criminal proceedings because those transcripts were not formally admitted into evidence and were not the proper subject of judicial notice. The State further argues that trial counsel's advice prior to sentencing constituted a reasonable strategy and did not amount to ineffective assistance of counsel. Yang responds that the transcripts were referenced during the hearing and the district court took judicial notice of them. Yang further states that trial counsel's advice exposed him to additional aggravating consequences at sentencing.