

## SUMMARY STATEMENT

*Ezequiel Adan Campos v. State*

Docket No. 45591

Ezequiel Adan Campos pled guilty to unlawful possession of a weapon, Idaho Code § 18-3316. At sentencing, the district court imposed a unified term of five years with four years determinate to run consecutive to a sentence that was imposed on Campos resulting from a case in another county. In 2017, Campos filed a pro se petition for post-conviction relief raising numerous claims. As relevant to his claim on appeal, Campos alleged that his trial counsel was ineffective for leading him to believe that he would receive a concurrent unified sentence and advising him to “simply agree in the ‘positive’ with whatever was asked at pleading” and counsel would address Campos’ sentencing questions later pursuant to an Idaho Criminal Rule 35 motion. The State filed a motion for summary dismissal of Campos’ claim. After a hearing on the motion, the district court summarily dismissed Campos’ petition finding that Campos’ claim was disproved by the record. Campos timely appealed.

The Idaho Court of Appeals held that Campos failed to present genuine issues of material fact for his ineffective assistance of counsel claim because his allegations were disproved by the underlying criminal record. On appeal, Campos argued that the district court was required to conduct an evidentiary hearing when, as here, the statements he made in post-conviction were contrary to the statements he made incident to the guilty plea. However, the Court held that without more, the district court is not, contrary to Campos’ assertion, required to conduct an evidentiary hearing to determine which of Campos’ contrary statements is more credible. The Court affirmed the district court’s order summarily dismissing Campos’ petition for post-conviction relief.