

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45932

JONAS,	)
	) <b>Filed: December 4, 2018</b>
<b>Petitioner-Appellant,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>STATE OF IDAHO,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Respondent.</b>	)
_____	)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Eric J. Wildman, District Judge.

Judgment of the district court dismissing petition, affirmed.

Jonas, Pocatello, pro se appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

GRATTON, Chief Judge

Jonas appeals from the district court’s judgment dismissing her petition to vacate/return of property. For the reasons set forth below, we affirm.

**I.**

**FACTUAL AND PROCEDURAL BACKGROUND**

Jonas pled guilty to second degree murder and was sentenced to a unified term of life with twenty-five years determinate. This Court affirmed her judgment of conviction and sentence. *State v. Jonas*, Docket No. 26014 (Ct. App. Dec. 15, 2000) (unpublished). Later, Jonas filed her initial petition for post-conviction relief. The district court summarily dismissed her petition and this Court affirmed the dismissal. *Jonas v. State*, Docket No. 35748 (Ct. App. April 14, 2010) (unpublished). Jonas filed a successive petition for post-conviction relief which the district court summarily dismissed. On appeal, this Court reversed, concluding that the district court failed to provide adequate notice of the basis of its dismissal. *Jonas v. State*,

Docket No. 40382 (Ct. App. Oct. 3, 2013) (unpublished). On remand, the district court summarily dismissed the successive petition and this Court affirmed the dismissal. *Jonas v. State*, Docket No. 42272 (Ct. App. Aug. 31, 2015) (unpublished).

In 2017, Jonas filed a petition to vacate/return of property (petition). She then filed a petition for an entry of default judgment on the same matter. The district court treated the petition as a petition for post-conviction relief and notified Jonas of its intent to dismiss the petition because it failed to meet the requirements of Idaho Code § 19-4901. Thereafter, Jonas filed a response and request for appointment of counsel. Jonas asserted that the district court incorrectly treated the petition as a successive petition for post-conviction relief. The district court granted Jonas's request and treated the petition as a separate civil claim against the State. Because Jonas had not paid the filing fees or properly served the State, the district court denied Jonas's motion for appointment of counsel, denied her petition for default judgment, and dismissed the petition. The district court entered judgment based on its order. Jonas timely appeals.

## **II.**

### **ANALYSIS**

The district court dismissed Jonas's petition because she failed to pay the required filing fees. On appeal, Jonas does not mention the district court nor challenge its decisions relative to her claims raised below. Her appellate brief is a claim of innocence and a narrative of complaints with the legal system, her trial attorney, police officers, and prosecuting attorneys all of which is unsupported by any legal argument or authority. This Court has long stated that a party waives an issue on appeal if either argument or authority is lacking. *Powell v. Sellers*, 130 Idaho 122, 128, 937 P.2d 434, 440 (Ct. App. 1997). Jonas's appellate brief lacks both argument and authority and will, therefore, not be considered. Moreover, Jonas fails to address the basis for the district court's decision, failure to pay the filing fee, and serve the State. Therefore, as argued by the State, Jonas has failed to show any error by the district court in dismissing her petition.

**III.**  
**CONCLUSION**

Jonas has failed to present adequate authority or argument for this Court to consider or address the basis for the district court's dismissal. Therefore, the district court's judgment dismissing Jonas's petition to vacate/return of property is affirmed.

Judge GUTIERREZ and Judge Pro Tem WALTERS **CONCUR.**