

## SUMMARY STATEMENT

*Ward v. State*  
Case No. 46265

The Idaho Supreme Court vacated the district court's order construing an improper communication between a represented party and the court as a motion to proceed pro se and denying it as moot. The Court affirmed the district court's separate order and judgment dismissing Glen Jones Ward's petition for post-conviction relief.

Ward filed a pro se petition for post-conviction relief on July 8, 2016. He subsequently moved for appointment of counsel to represent him in his post-conviction action and a public defender was appointed by the district court. Despite the appointment of counsel, Ward continued to send pro se documents to the district court. After a hearing on a motion for summary dismissal filed by the State, Ward sent a written communication to the district court "respectfully invoking his right to self-representation." The district court construed Ward's request as a motion, denied it as moot, and entered an order and final judgment granting the State's motion for summary dismissal and dismissing Ward's petition for post-conviction relief.

On appeal, Ward argued the district court abused its discretion by denying his request to represent himself as moot because post-conviction petitioners have a right to proceed pro se. The Idaho Supreme Court held that post-conviction petitioners do not have the same Sixth Amendment right to proceed pro se as criminal defendants because post-conviction actions are civil proceedings. The Court further explained that the proper avenues for proceeding without one's attorney in a civil case are provided for in the Idaho Rules of Civil Procedure, and that Ward's communication was not a motion properly before the district court. Accordingly, the Court vacated the district court's order construing the communication as a motion and denying it as moot, but affirmed the district court's separate order and final judgment dismissing Ward's petition for post-conviction relief.