

## **SUMMARY STATEMENT**

*Abdullah v. State*

Docket No. 46497

This appeal concerns a successive petition for post-conviction relief in a capital case. In 2004, a jury found Azad Haji Abdullah guilty of first-degree murder, first-degree arson, three counts of attempted first-degree murder, and felony injury to a child. He was sentenced to death for the murder. Abdullah filed a petition for post-conviction relief, which was dismissed by the district court in 2011. Abdullah then filed a consolidated appeal that included a direct appeal from his convictions and sentences and an appeal from the district court's dismissal of his petition for post-conviction relief. The Idaho Supreme Court, in *State v. Abdullah*, 158 Idaho 386, 348 P.3d 1 (2015), affirmed the convictions, sentences, and denial of post-conviction relief.

In 2013—after the district court dismissed the petition for post-conviction relief, but prior to the issuance of *State v. Abdullah* in 2015—Abdullah filed a successive petition for post-conviction relief. The successive petition was subsequently amended in 2016 and 2017. Abdullah also filed a pro se supplement to the successive petition in 2017. The successive petition and supplement included substantive claims, claims of ineffective assistance of trial counsel, and claims of ineffective assistance of appellate counsel. The district court dismissed the successive petition and supplement, and Abdullah timely appealed.

The Idaho Supreme Court held that Abdullah's substantive claims and ineffective assistance of trial counsel claims were time-barred. Next, the Court rejected Abdullah's ineffective assistance of appellate counsel claims because he failed to establish that, but for appellate counsel's alleged errors, the result of his consolidated appeal would have been different. Finally, the Court held that Abdullah had waived any potential conflict of interest involving the State Appellate Public Defender's Office. Consequently, the Idaho Supreme Court affirmed the district court's dismissal of Abdullah's successive petition and supplement.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*