

SUMMARY STATEMENT

Dunlap v. State

Docket No. 47179

This is an appeal from an order dismissing a petition for post-conviction relief. Timothy Dunlap was sentenced to death by a Caribou County jury in 2006. In 2008, Dunlap filed a petition for post-conviction relief, asserting that numerous errors had occurred at his 2006 sentencing hearing. The district court dismissed the petition in its entirety. Dunlap appealed to this Court. In *State v. Dunlap*, 155 Idaho 345, 313 P.3d 1 (2013) (“*Dunlap V*”), this Court affirmed the dismissal of all but two of Dunlap’s claims. These were: (1) multiple claims of prosecutorial misconduct under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Napue v. Illinois*, 360 U.S. 264 (1959); and (2) ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984).

Upon remand, the district court held two evidentiary hearings, one involving each of Dunlap’s remaining claims. The district court found that Dunlap had failed to establish either claim and denied Dunlap’s request for post-conviction relief. Dunlap timely appealed.

The Idaho Supreme Court affirmed the district court’s dismissal of Dunlap’s petition for post-conviction relief. The Court held that the district court did not err in denying relief on Dunlap’s prosecutorial misconduct claims under *Brady* and *Napue*. The Court further held that the district court did not err in denying relief on Dunlap’s ineffective assistance of counsel claims under *Strickland*.

******This summary constitutes no part of the Court’s opinion. It has been prepared by court staff for the convenience of the public.******