

## **SUMMARY STATEMENT**

*State v. Hooley*

Docket No. 47436

In an appeal arising out of Gooding County, the Idaho Supreme Court affirmed a district court's decision dismissing Thomas K. Hooley's pro se filing entitled "Motion For New Trial Based on Evidence withheld in violation of Brady with attached exhibits in support of motion." The district court treated Hooley's filing as a motion for a new trial based on newly discovered evidence under Idaho Criminal Rule 34 and denied it as untimely. Hooley appealed and argued that the district court should have construed his filing as a petition for post-conviction relief. The Idaho Court of Appeals affirmed the district court's decision. The Idaho Supreme Court granted Hooley's timely petition for review and affirmed the district court's decision. The Court held that the district court did not err in construing Hooley's filing as a Rule 34 motion for a new trial because (i) Hooley's ambiguous filing could fairly be construed as a Rule 34 motion, (ii) he failed to indicate his intention to file a petition for post-conviction relief, and (iii) he failed to comply with the procedural requirements for filing a petition for post-conviction relief.