

SUMMARY STATEMENT

Thomas Buck Chaput v. State
Docket No. 47459

Thomas Buck Chaput pled guilty to grand theft in his underlying criminal case. The district court entered a unified sentence of ten years with five years determinate to run concurrently with Chaput's prior sentence for aggravated assault. Thereafter, Chaput filed a pro se petition for post-conviction relief challenging his conviction for grand theft and alleging ineffective assistance of trial counsel. He also filed a motion for the appointment of post-conviction counsel.

The district court entered a notice of intent to dismiss Chaput's post-conviction petition. In this notice, the district court took judicial notice of the entire contents of Chaput's grand theft and aggravated assault cases. After receiving Chaput's response, the district court entered an order summarily dismissing his petition. Additionally, the court denied Chaput's request for appointment of counsel, concluding his claims were frivolous and without merit.

The Idaho Court of Appeals holds Chaput failed to preserve the issue of judicial notice for appeal by failing to timely request to be heard on the matter, as required by Idaho Rule of Evidence 201(e). Additionally, the Court holds Chaput's claim of ineffective assistance of counsel did not require appointment of post-conviction counsel because his allegations were inadequate to demonstrate the possibility of a valid claim.

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