

SUMMARY STATEMENT

State of Idaho v. Steven Michael Rankin

Docket No. 47517

Steve Michael Rankin appeals from the district court's order dismissing his petition for post-conviction relief as untimely. Rankin contends he is entitled to equitable tolling of the statute of limitation because he was incarcerated out-of-state in Colorado without legal representation or access to Idaho legal materials. On appeal, Rankin argues the court erred as a matter of law by considering his access to Idaho legal materials during his entire fourteen-month incarceration in Idaho versus during his incarceration in Idaho between the issuance of the remittitur in his underlying criminal case, which triggered the statute of limitation, and his transfer to Colorado. Further, Rankin argues the court clearly erred by finding he was transferred to Colorado subsequent to the remittitur's issuance.

The Idaho Court of Appeals concluded Rankin failed to satisfy his burden to prove the period of time during which he actually had access to Idaho legal materials. Specifically, Rankin failed to present substantial and competent evidence of when he was transferred to Colorado. Thus, he failed to meet his burden of proving the amount of time during which he had access to Idaho legal materials before his transfer and that this unspecified access was inadequate to protect his due process rights and justified equitable tolling. Accordingly, the Court affirms the district court's order dismissing Rankin's petition for post-conviction relief as untimely.

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