

SUMMARY STATEMENT

Savage v. State, Docket No. 48338

After he was convicted of first-degree arson, Melvin Savage filed a post-conviction petition alleging his trial counsel was ineffective for failing to advise him of his right against self-incrimination during a deposition that took place in a civil lawsuit involving the arson allegation. Following an evidentiary hearing, the district court found that counsel's failure to advise Savage of his right to remain silent constituted deficient performance; however, Savage failed to prove he was prejudiced by that deficient performance because he was already intent on resolving his criminal case by entering a guilty plea at the time of the civil deposition. Savage appealed to the Idaho Supreme Court, arguing that the district court erred by limiting its prejudice analysis to an evaluation of whether Savage would have gone to trial instead of considering whether Savage demonstrated that the outcome of the plea process would have been different with competent advice. The Court affirmed, holding Savage failed to meet his burden of proving that, but for counsel's advice regarding the deposition, the plea negotiations would have produced a different result – either at trial or through a more favorable agreement.

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