

SUMMARY STATEMENT

Jimenez v. State, Docket No. 48423

Juan Roberto Jimenez appealed from the district court's order dismissing his petition for post-conviction relief. Jimenez filed a pro se petition and requested that counsel be appointed to represent him under Idaho Code section 19-4904. The district court appointed an attorney to represent Jimenez but limited the scope of representation to a single claim. Jimenez argues the district court abused its discretion by limiting appointed counsel's representation after it found one claim in his post-conviction petition was non-frivolous.

The Idaho Supreme Court agreed that the district court erred in limiting the scope of appointed counsel's representation. The Court held that the district court's order was contrary to the applicable standard for the appointment of counsel in post-conviction cases, was contrary to the admonition in *Charboneau v. State*, 140 Idaho 789, 102 P.3d 1108 (2004), that trial courts remain mindful of the difficulties faced by pro se petitioners, and contrary to the prohibition of "hybrid representation" in civil cases, as discussed in *Ward v. State*, 166 Idaho 330, 458 P.3d 199 (2020). Thus, the Court vacated the dismissal of Jimenez's petition and remanded the case for further proceedings.

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