

SUMMARY STATEMENT

Abdullah v. State
Docket No. 48677

This appeal arises from the summary dismissal of Azad Abdullah's second successive petition for post-conviction relief in a capital case. In 2004, Abdullah was convicted and sentenced to death for the first-degree murder of his wife, and given consecutive prison sentences for first-degree arson, three counts of attempted first-degree murder, and felony injury to a child. In a consolidated appeal related to his trial and the dismissal of his first petition for post-conviction relief, Abdullah's convictions and sentences were affirmed. *See State v. Abdullah*, 158 Idaho 396, 348 P.3d 1 (2015) ("*Abdullah I*").

Prior to the release of *Abdullah I*, but after his first petition for post-conviction relief had been dismissed, Abdullah filed a successive petition for post-conviction relief. The dismissal of his successive petition was later affirmed. *See Abdullah v. State*, 169 Idaho 711, 503 P.3d 182 (2021) ("*Abdullah II*"). Prior to the release of *Abdullah II*, but after his successive petition had been dismissed, Abdullah filed a second successive petition for post-conviction relief. Abdullah alleged two claims: (1) the State suppressed material impeachment information pertaining to its lead investigator in violation of his due process rights as explained in *Brady v. Maryland*, 373 U.S. 83 (1963); and (2) ineffective assistance of trial counsel for failure to investigate and discover the impeachment information.

The district court summarily dismissed both claims. On appeal, Abdullah argued the district court erred in dismissing his claims because neither is time-barred or otherwise procedurally barred by Idaho Code section 19-2719, and neither claim fails on the merits. This Court affirmed the district court's summary dismissal of both claims in Abdullah's petition, concluding: (1) the claims are time barred under Idaho Code section 19-2715(5) because Abdullah's prior counsel could or should have known back in 2007 about the claims Abdullah now raises, and (2) even if the factual allegations in Abdullah's second successive petition are true and the information involving the lead investigator's conduct could have been used to impeach that lead investigator at trial or sentencing, the impeachment information is neither material nor prejudicial to the guilt or penalty phase. The Court determined that Abdullah's challenge to the district court's decision to deny discovery was moot.

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