

SUMMARY STATEMENT

Schiermeier v. State

Docket No. 49128

Chad Schiermeier appealed from the summary disposition of his petition for post-conviction relief. In 2017, Schiermeier was charged and convicted of one count of grand theft for stealing money from the Blaine County Sheriff's DARE/PAL program. Schiermeier, a Blaine County Deputy Sheriff, had been the manager of the program for several years and had spent large sums of the program's money on various items for his personal use. Schiermeier appealed his conviction and sentence to this Court, which we affirmed. *State v. Schiermeier*, 165 Idaho 447, 447 P.3d 895 (2019).

In 2020, Schiermeier, through the same private attorney who had represented him during his trial, petitioned for post-conviction relief, arguing that his appellate counsel (a Deputy State Appellate Public Defender (Deputy SAPD)) had been ineffective for failing to raise several issues in his direct appeal. The State moved for summary disposition, which the district court granted. Schiermeier timely appealed.

The Idaho Supreme Court affirmed the district court's grant of the State's motion for summary disposition of Schiermeier's petition for post-conviction relief. Schiermeier failed to raise a genuine issue of material fact that his representation by the SAPD had been ineffective. The Court further held that the district court retained subject matter jurisdiction for the duration of Schiermeier's initial trial. Finally, the Court issued a written warning to both local and *pro hac vice* counsel to abide by the Idaho Rules of Professional Conduct.

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