

SUMMARY STATEMENT

Bahr v. State

Docket. No. 49305

This appeal concerned the standard for equitably tolling the statute of limitations applicable to a petition for post-conviction relief. Bahr filed his untimely petition roughly two years after the one-year statute of limitations had expired. The State moved to summarily dismiss Bahr's petition as untimely. Bahr opposed dismissal and argued that the limitations period should be equitably tolled based on his alleged lack of access to the Idaho courts while transferred to, and incarcerated in, Texas prison facilities. The district court granted the State's motion for summary dismissal. Bahr appealed to the Idaho Supreme Court and argued that the district court erred by denying him equitable tolling, and by declining to hold an evidentiary hearing to resolve whether Bahr had in fact lacked access to the Idaho courts while incarcerated in Texas.

The Idaho Supreme Court affirmed the district court's summary dismissal. The Court explained that, generally, a petitioner seeking equitable tolling bears the burden of establishing: (1) that he has been pursuing his rights diligently; and (2) that some extraordinary circumstance stood in his way. The Court explained that, even if the extraordinary circumstance of Bahr being denied access to the Idaho courts while in Texas was true, Bahr was not entitled to equitable tolling because he failed to allege any diligent efforts to pursue his post-conviction rights while in Texas. Without a basis for equitable tolling, Bahr's petition was untimely and properly dismissed.

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