

SUMMARY STATEMENT

Rodriquez v. State, Docket No. 49703

This case came to the Idaho Supreme Court on a petition for review from the Idaho Court of Appeals. Jorge Rodriquez was convicted of domestic battery with traumatic injury in the presence of a child. His first trial ended with a hung jury. In the second trial, the jury found Rodriquez guilty. The district court sentenced Rodriquez to eighteen years, with eight years determinate. Rodriquez directly appealed his conviction, and the Idaho Court of Appeals affirmed. Rodriquez then petitioned for post-conviction relief alleging ineffective assistance of counsel, prosecutorial misconduct, and the denial of his right to a fair trial following various rulings from the district court. After reviewing his petition, and several dispositive filings, the district court served Rodriquez with a notice of intent to dismiss on October 6, 2020. Rodriquez amended his petition the next day, and the district court served Rodriquez with its second notice of intent to dismiss on October 15, 2020. Rodriquez filed a supplemental brief five days after his response was due. The district court dismissed the petition after concluding Rodriquez failed to timely respond. Rodriquez appealed to the Idaho Court of Appeals, which affirmed. Rodriquez then petitioned for review to this Court, which was granted. The Idaho Supreme Court held that the district court erred in concluding Rodriquez's response to the court's second notice of intent to dismiss was not timely filed. Even still, the Court concluded that none of Rodriquez's post-conviction claims had merit. As a result, the Court affirmed the district court's decision to summarily dismiss Rodriquez's petition for post-conviction relief.

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