

SUMMARY STATEMENT

Marsalis v. State

Docket No. 49786-2022

The Idaho Supreme Court affirmed the district court's denial of Jeffrey Marsalis's petition for post-conviction relief. A jury convicted Marsalis of rape in 2009. Marsalis then filed a petition for post-conviction relief, alleging that his trial counsel was ineffective for: (1) failing to advise Marsalis that he had a 120-day speedy trial right under the Interstate Agreement on Detainers ("IAD") and assert that right on Marsalis's behalf, and (2) failing to hire an expert witness to support Marsalis's "blackout defense." After an evidentiary hearing, the district court denied Marsalis's petition for post-conviction relief.

Marsalis appealed the district court's denial and argued, in relevant part, that trial counsel was ignorant of the IAD's unique 120-day speedy trial right and, had trial counsel advised Marsalis of that right and asserted it on his behalf, there was a reasonable probability that the State would not have been able to try him within that timeframe and the charges against him would have been dismissed. Marsalis also argued that trial counsel was ineffective because he failed to hire an expert witness to support his defense at trial. Marsalis argued that, had trial counsel hired an expert, there was a reasonable probability that the jury would have acquitted him.

The Court affirmed the district court's decision. The Court concluded that Marsalis failed to demonstrate that he had suffered prejudice from either alleged deficiency. First, the Court concluded that there was not a reasonable probability that, had Marsalis asserted his IAD speedy trial right approximately two weeks before the deadline was set to expire, the trial court would have moved the trial date up. Nor had Marsalis established that, even if the trial date had been moved up, the State would have been unable to try him. Second, the Court concluded that, had trial counsel retained an expert to support Marsalis's blackout defense, there was not a reasonable probability that the jury would have acquitted Marsalis.

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