

SUMMARY STATEMENT

Stark v. State, Docket No. 49886

This case came to the Idaho Supreme Court on a petition for review from the Idaho Court of Appeals. Robert Lee Stark appealed from the district court judgment dismissing his petition for post-conviction relief. In his petition, Stark alleged his trial counsel rendered ineffective assistance for failing to file a motion to suppress the contents of a backpack that was searched incident to his arrest. The district court dismissed Stark's ineffective assistance of counsel claim, finding Stark failed to show deficient performance or prejudice. Stark appealed to the Court of Appeals, which affirmed the dismissal. The Idaho Supreme Court affirmed, holding that Stark relinquished his interest in the backpack, and therefore lacked standing to challenge the search. Without standing to contest the search, the Court held that Stark could not show he would have succeeded on a motion to suppress. Additionally, the Court concluded that Stark failed to show that, but for his attorney's decision not to file the motion to suppress, Stark would have pleaded guilty.

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