

## SUMMARY STATEMENT

*Creech v. State, Docket No. 50336*

Thomas Eugene Creech appealed from the district court's order dismissing his successive post-conviction petition as untimely under Idaho Code section 19-2719. Creech argued that his petition was timely because the United States Supreme Court's decision in *Shinn v. Ramirez*, 596 U.S. 366 (2022), represented a triggering event that re-started the forty-two-day period for filing a petition under Idaho Code section 19-2719. As a result, Creech argued that the district court should hear his ineffective assistance of counsel ("IAC") claim. The Idaho Supreme Court affirmed the district court's judgment dismissing Creech's petition as untimely. In doing so, the Court first held that the district court did not err in dismissing Creech's successive petition as untimely because *Shinn* was not a triggering event that offered Creech a new opportunity to seek post-conviction relief in state court. Second, the Court declined Creech's request to excuse his untimely IAC claim because his claim was or reasonably should have been known when he filed his petition. Finally, the Idaho Supreme Court denied Creech's motion to stay execution.

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