

## **SUMMARY STATEMENT**

*Bracali-Gambino v. State*

Docket No. 50430

This case deals with a petition for post-conviction relief. In 2017, Guy Bracali-Gambino pleaded guilty to possession of major contraband in a correctional facility in violation of Idaho Code section 18-2510(3). On direct appeal, the Idaho Court of Appeals, affirmed his conviction and sentence. *State v. Bracali-Gambino*, No. 45885, 2018 WL 6616256, at \*1 (Idaho Ct. App. Dec. 18, 2018). Bracali-Gambino subsequently filed a petition for post-conviction relief, asserting in relevant part that his trial counsel had coerced him into pleading guilty, provided erroneous legal advice regarding sentencing enhancements for persistent violators, and failed to investigate the prosecution's evidence. Except for a portion of one of Bracali-Gambino's claims, the district court summarily dismissed all his claims relevant to this appeal without conducting an evidentiary hearing. After conducting an evidentiary hearing, the district court dismissed the remainder of Bracali-Gambino's petition.

Bracali-Gambino appealed the summary dismissal of his petition for post-conviction relief, which the Idaho Court of Appeals also affirmed. *Bracali-Gambino v. State*, No. 48632, 2022 WL 3909358, at \*1 (Idaho Ct. App. Aug. 31, 2022). Bracali-Gambino then petitioned this Court for review, which we granted.

On appeal, Bracali-Gambino asserted that the district court erred in concluding that his trial counsel had been ineffective for: (1) coercing him to plead guilty; (2) providing incorrect legal advice regarding the persistent violator statute; and (3) failing to interview two witnesses. This Court first concluded that the district court did not err in dismissing Bracali-Gambino's claim that his trial counsel had been ineffective for allegedly coercing him into pleading guilty. Next, this Court held that the district court did not err in dismissing Bracali-Gambino's claim that his trial counsel had been ineffective for providing incorrect legal advice regarding the persistent violator statute. Third, this Court determined that the district court did not err in dismissing Bracali-Gambino's claim that his trial counsel had been ineffective for failing to interview two witnesses. For those reasons, the Idaho Supreme Court affirmed the district court's dismissal of Bracali-Gambino's petition for post-conviction relief.

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