

BOISE, WEDNESDAY, APRIL 17, 2024 at 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BRIAN ERIC HOLLIS,

Petitioner-Appellant,

V.

STATE OF IDAHO,

Respondent.

Docket No. 50971

Appeal from the District Court of the First Judicial District of the State of Idaho,
Kootenai County, John T. Mitchell, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This case concerns the denial of an attorney’s motion for leave to withdraw as counsel and motion to continue a summary disposition hearing in a post-conviction case. In two underlying criminal cases, Brian Eric Hollis pled guilty to one count of lewd conduct and four counts of sexual exploitation of a child and admitted to being a repeat sexual offender. In 2021, Hollis filed a pro se petition for post-conviction relief, alleging various instances of ineffective assistance of trial counsel, and requested the appointment of counsel. The district court granted Hollis’ request and he was subsequently represented by a conflict public defender.

The State moved for summary dismissal of Hollis’ petition. On the deadline to respond, Hollis’ conflict counsel filed a motion for leave to withdraw, stating that could “no longer ethically or effectively represent” Hollis based on the district court’s accusations that counsel had lied to the court in a separate but similar post-conviction case. Conflict counsel also filed an unopposed motion for a continuance, but did not otherwise file a response to the State’s motion for summary disposition. During the hearing on the State’s motion, the district court denied the motion to withdraw and motion to continue the hearing. Following argument on the State’s motion, the district court summarily dismissed Hollis’ petition.

Hollis has appeal, arguing that the district court abused its discretion by denying the motion to withdraw and motion to continue.