

SUMMARY STATEMENT

Araiza v. State, Docket No. 51046

On a petition for review from the Idaho Court of Appeals, the Idaho Supreme Court affirmed a district court's dismissal of Rodney Araiza's petition for post-conviction relief as untimely. After the district court entered a final judgment dismissing Araiza's petition, Araiza filed a motion for relief from judgment under Idaho Rules of Civil Procedure 60(b)(1) and 60(b)(6), claiming his attorney did not provide him with a copy of the court's judgment until after the time to appeal had expired. Araiza was appointed counsel who stipulated with the State to reenter the district court's judgment to resolve Araiza's Rule 60(b) motion. The district court reentered judgment, entitling the document as an "amended judgment." Araiza appealed from the amended judgment on the same day.

The Idaho Supreme Court determined that, although Araiza phrased his motion as a Rule 60(b)(6) motion based on "ineffective assistance of counsel," the substance of his motion was based upon a claim of mistake, surprise, or excusable neglect, which falls squarely under Rule 60(b)(1). A Rule 60(b) motion based on subsection (1) must be filed "no more than 6 months after the entry of the judgment[.]" I.R.C.P. 60(c)(1). Araiza's motion was filed seven months after the district court's original judgment, which placed it outside the time constraint identified in Rule 60(c)(1) for any grounds based on "mistake, inadvertence, surprise, or excusable neglect." I.R.C.P. 60(b)(1). Because Araiza's motion for relief from the district court's judgment under Rule 60(b)(1) was untimely, the Idaho Supreme Court held it did not have jurisdiction to consider the merits of Araiza's petition for post-conviction relief.

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