

SUMMARY STATEMENT

Abdullah v. State
Docket No. 52130

This is a capital case. Abdullah was sentenced to death in 2004 for murdering his wife and given consecutive prison sentences for first-degree arson, three counts of attempted first-degree murder, and felony injury to a child. Abdullah's third successive petition for post-conviction relief, filed the better part of two decades after Abdullah was sentenced, raised numerous ineffective assistance of counsel claims under various theories. The district court dismissed Abdullah's petition as untimely under Idaho Code section 19-2719, which requires capital defendants to submit claims for post-conviction relief "[w]ithin forty-two (42) days of the filing of the judgment imposing the punishment of death" for "any legal or factual challenge to the sentence or conviction that is known or reasonably should be known." I.C. § 19-2719(3).

On appeal to the Idaho Supreme Court, Abdullah advanced three arguments for his contention that the district court erred when it determined that his claims were time barred. First, he urged this Court to reconsider our decisions in *Fields v. State*, 151 Idaho 18, 253 P.3d 692 (2011), and *Hooley v. State*, 172 Idaho 906, 537 P.3d 1267 (2023), and recognize an "actual innocence" exception to the 42-day limitation period set forth in section 19-2719(3). Second, he argued that section 19-2719 violates his right to equal protection of the law under both the United States Constitution and Idaho Constitution. Third, he claimed that section 19-2719 violates the Idaho Constitution's separation of powers provisions because section 19-2719 limits the constitutionally defined jurisdiction of the district court.

The Idaho Supreme Court affirmed the district court's dismissal of Row's petition as untimely under Idaho Code section 19-2719. First, the Court declined to overrule its holdings in *Fields* and *Hooley* because Abdullah failed to demonstrate they are manifestly wrong. The Court noted that it is not in the business of rewriting statutes; "the right to post-conviction relief is proscribed by what the statute provides." *Hooley*, 172 Idaho at 915, 537 P.3d at 1276. Second, the Court rejected Abdullah's equal protection challenge to section 19-2719 because he failed to establish that the State engaged in the disparate treatment of similarly situated individuals. Finally, after noting that the Court had recently "reaffirm[ed] [its] longstanding interpretation of Idaho Code section 19-2719 as a statute of limitations, not a jurisdictional bar" in *Row v. State*, ___ Idaho ___, ___, 575 P.3d 887, 894 (2025), the Court rejected Abdullah's contention that section 19-2719 limits the constitutionally defined jurisdiction of the district court.

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