

## SUMMARY STATEMENT

*Smith v. State, Docket No. 52468*

Jason Kelley Smith appealed from the district court's denial of his pro se motion for extension of time and to remove counsel. In a separate appeal, Smith challenged the district court's order denying his pro se Idaho Rule of Civil Procedure 60(b)(6) motion and his Rule 59(e) motion to alter or amend the judgment. The Idaho Supreme Court affirmed the district court's decision, denying Smith's motion for an extension of time to amend his petition for post-conviction relief. The Court did so because Smith filed the motion pro se and failed to demonstrate his attorney had abandoned him. The Court further held that, because Smith failed to challenge the district court's alternative ground for denying his Rule 60(b)(6) motion, the district court's decision was affirmed on the unchallenged basis for the denial—the denial based on Smith's failure to notice the motion for hearing.

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