

SUMMARY STATEMENT

Best v. State

Docket No. 53233

Wade Alexzander Best appeals from the district court's judgment summarily dismissing his petition for post-conviction relief. In the underlying criminal case, Best entered a guilty plea pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), to lewd and lascivious conduct with a child under sixteen. He later filed a pro se petition for post-conviction relief asserting several claims that fall into two categories: five claims alleging trial error and ineffective assistance of counsel. The district court appointed counsel, and appointed counsel certified that the pro se petition adequately set forth Best's claims.

The State moved for summary disposition under Idaho Code section 19-4906(c), arguing generally that Best failed to raise a genuine issue of material fact. The State further asserted that Best had not presented evidence establishing a prima facie case of ineffective assistance of counsel. The district court granted the State's motion, concluding that (1) the trial-error claims were precluded under Idaho Code section 19-4901(b) because they could have been raised on direct appeal, and (2) the ineffective-assistance claim was either disproven by the record or unsupported by admissible evidence.

On appeal, Best contends the district court erred in this dismissal of his claims. The Idaho Supreme Court affirmed in part and reversed in part. It held that the district court dismissed Best's trial-error claims sua sponte because the State's motion for summary disposition failed to address them, leaving Best without notice of the grounds for dismissal. Under Idaho Code section 19-4906(b), the district court was required to give Best twenty days to respond before dismissing those claims. The Court also held that Best was not required to preserve this lack-of-notice notice challenge by moving for reconsideration or to vacate the judgment. Finally, the Court affirmed the dismissal of Best's ineffective-assistance claim because the district court's reasoning tracked the grounds the State had raised in its motion. The Court remanded the matter to the district court so that it can afford Best the twenty-day response period required by Idaho Code section 19-4906(b) to contest the dismissal of his trial-error claims.

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