

## **SUMMARY STATEMENT**

*Thompson v. State*

Docket No. 45954

Michael Jared Thompson appealed the Minidoka County district court's order summarily dismissing his petition for post-conviction relief based on ineffective assistance of counsel. Thompson was charged and convicted of involuntary manslaughter with an enhancement for use of a deadly weapon. Thompson's direct appeal was unsuccessful and he filed a petition for post-conviction relief based on ineffective assistance of counsel at trial and on appeal. Thompson argued his trial counsel was ineffective for failing to request proximate and intervening cause jury instructions. He also argued his appellate counsel was ineffective for failing to raise a claim of fundamental error as to the jury instructions. The district court granted the State's motion for summary dismissal of Thompson's petition for post-conviction relief. The Court of Appeals reversed the district court's order summarily dismissing Thompson's petition. The Idaho Supreme Court affirmed the district court's order of summary dismissal. The Court noted that Thompson's counsel was not required to request proximate or intervening cause instructions, and thus, Thompson's counsel was not ineffective. Accordingly, the judgement of the district court was affirmed.