

BOISE, IDAHO, FEBRUARY 12, 2024, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JEFFREY MARSALIS,)	
)	
Petitioner-Appellant,)	Docket No. 49786-2022
)	
v.)	
)	
STATE OF IDAHO,)	
)	
Respondent.)	
)	

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Blaine County. Jonathan P. Brody, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This case concerns Appellant Jeffrey Marsalis’s petition for post-conviction relief based on ineffective assistance of counsel. A jury convicted Marsalis of rape in 2009. Prior to trial, Marsalis’s counsel agreed to a trial date more than 120 days after Marsalis was transferred from a Pennsylvania correctional institution to stand trial in Idaho. Marsalis was transferred pursuant to the Interstate Agreement on Detainers (“IAD”), which requires transferees to be tried in the receiving state within 120 days of being transferred. The Idaho Court of Appeals affirmed his conviction on direct appeal. Marsalis then filed a petition for post-conviction relief, arguing that his trial counsel was ineffective (1) for failing to recognize that the IAD contains a 120-day speedy trial clock; and (2) for failing to hire an expert witness to support his trial defense, which was that the victim consented to sexual intercourse with him but could not remember consenting because she was blacked out.

After an evidentiary hearing, the district court denied Marsalis’s petition for post-conviction relief because, even if counsel was ineffective, Marsalis failed to establish that either deficiency prejudiced him. On appeal, Marsalis first argues that the district court erred because his counsel could not provide effective assistance regarding his speedy trial rights under the IAD if his counsel was unaware of the 120-day deadline and that Marsalis was prejudiced because the remedy for failing to meet the deadline is dismissal with prejudice. Marsalis also argues that the district court erred because, had counsel hired an expert to support Marsalis’s trial defense, there is a reasonable probability the jury would have found him not guilty.