

**BOISE, WEDNESDAY, MAY 7, 2025, AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>ROBIN LEE ROW,</b>	)	
	)	
<b>Petitioner-Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 50540</b>
	)	
<b>STATE OF IDAHO,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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Appeal from the District Court of the Fourth Judicial District of the State of Idaho,  
Ada County. Derrick O'Neill, District Judge.

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

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

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This capital case concerns Robin Row's sixth petition for post-conviction relief following her conviction and sentence of death for the murder of her husband and two children. In 1993, a jury found Row guilty of aggravated arson and three counts of first-degree murder, and a sentence of death was imposed.

After five petitions for post-conviction relief and two federal habeas corpus claims, all of which were unsuccessful, Row filed another petition for post-conviction relief in the state district court. In her petition, Row contended that she was ineffectively represented at her sentencing, due to her trial counsel's failure to investigate and present mitigating evidence allegedly demonstrating that she had brain damage. Additionally, Row asserted that she was ineffectively represented by counsel in her first post-conviction relief proceeding. According to Row, this fact excuses her failure to raise the brain damage claims in her first post-conviction petition, notwithstanding the statutory requirement for her to do so. Upon a motion by the State, the district court summarily dismissed Row's petition for post-conviction relief, concluding that Row had waived her claims under the time limitations of Idaho Code section 19-2719.

On appeal, Row argues that the district court erred in dismissing her post-conviction petition. She makes three arguments. First, she asserts that her petition is timely due to a change in federal habeas law, which acted as a triggering event for the purposes of filing a state post-conviction petition. Second, she asserts that her first post-conviction counsel's ineffectiveness excused her failure to initially comply with

the time limitations of Idaho Code section 19-2719, as it relates to her brain damage claims. Finally, she contends that the time limitations in Idaho Code section 19-2719 deprive her of constitutional due process, insofar as they prevent state courts from hearing her ineffective-assistance-of-counsel claims.