

## SUMMARY STATEMENT

*State v. Wurdemann*

*Docket No. 43384*

The Court affirmed the Canyon County district court's grant of post-conviction relief for John David Wurdemann. Wurdemann was convicted on seven felony counts related to the June 2000 attack of Linda LeBrane. The Court held that the lineup in which Wurdemann was identified as one of LeBrane's attackers was clearly improper because, among other things, Wurdemann was the only participant in the lineup who met LeBrane's description of her attacker. Even under the legal standards of 2002, the time of Wurdemann's trial, the lineup was clearly improper. The Court held the district court did not err in finding that Wurdemann was denied his Sixth Amendment right to the effective assistance of counsel when his trial attorney failed to challenge the improper lineup.