

SUPREME COURT OF THE STATE OF IDAHO

Savage v. State

Savage · No. 46266 · Decided January 31, 2020

SUMMARY

The Idaho Supreme Court reversed the summary dismissal of Melvin Jeremy Savage’s petition for post-conviction relief. Savage alleged that trial counsel provided ineffective assistance by failing to adequately advise him about his Fifth Amendment rights during a related civil deposition, and the court held that he raised a genuine issue of material fact regarding deficient performance. The case was remanded for further proceedings, and the issue concerning the district court’s refusal to consider Savage’s Rule 60(b) motion was deemed moot.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Brody, Justice; Burdick, Chief Justice; Bevan, Justice; Stegner, Justice; Moeller, Justice
JURISDICTION	Idaho
DECIDED	January 31, 2020
DOCKET	46266
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Savage appealed the district court's summary dismissal of his petition for post-conviction relief and its refusal to consider his pro se motion for relief from judgment under Idaho Rule of Civil Procedure 60(b).
STANDARD OF REVIEW	The Idaho Supreme Court reviews a summary dismissal of a post-conviction petition to determine whether a genuine issue of material fact exists based on the pleadings, depositions, admissions, and affidavits, liberally construing facts and reasonable inferences in favor of the nonmoving party. Unrebutted allegations must be accepted as true, although legal conclusions need not be accepted.
PRECEDENTIAL VALUE	published opinion
PARTIES	Melvin Jeremy Savage v. State of Idaho

TOPICS

post-conviction relief

ineffective assistance

fifth amendment

standard of review

appellate procedure

PRACTICE AREAS

state post-conviction relief

criminal defense

ineffective assistance of counsel

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court erred by summarily dismissing Savage's claim that trial counsel was ineffective for failing to adequately advise him of his Fifth Amendment rights during a related civil deposition.
2. Whether the district court erred by refusing to consider Savage's pro se Rule 60(b) motion while he was represented by post-conviction counsel.

HOLDINGS

1. The district court erred in summarily dismissing Savage's post-conviction claim because Savage raised a genuine issue of material fact regarding whether counsel's advice about his Fifth Amendment rights constituted deficient performance.
2. Summary dismissal is improper when the petitioner's evidence, viewed under the applicable liberal-construction standard, raises a genuine issue of material fact and the alleged facts, if true, could entitle the petitioner to relief.
3. The issue of whether the district court erred by refusing to consider Savage's Rule 60(b) motion was moot.

KEY QUOTATIONS

“Summary disposition of a petition for post-conviction relief is appropriate if the applicant’s evidence raises no genuine issue of material fact.” (5)

“Because the district court did not analyze the resulting prejudice prong, we decline to analyze in the first instance whether Savage failed to raise a genuine issue of material fact regarding resulting prejudice.” (6)

FACTUAL BACKGROUND

Savage was charged with first-degree arson after a fire at the home of an attorney representing his wife in a divorce proceeding. While the criminal case was pending, the alleged victims filed a civil action and Savage was compelled to attend a deposition without counsel, where he made incriminating statements. Savage alleged that his criminal defense attorney failed to advise him adequately that he could invoke the privilege against self-incrimination and failed to seek a stay of the deposition. He later pleaded guilty and sought post-conviction relief based on ineffective assistance of counsel.

PROCEDURAL HISTORY

After Savage was convicted following guilty pleas to first-degree arson and misdemeanor offenses, the Idaho Court of Appeals affirmed his conviction and sentence, and review was denied. Savage then filed a post-conviction petition alleging ineffective assistance based on counsel's advice concerning his Fifth Amendment rights during a related civil deposition. The district court granted summary dismissal without an evidentiary hearing and refused to consider Savage's Rule 60(b) motion because he was represented by counsel. The Idaho Supreme Court reversed the summary dismissal and remanded; it held that the Rule 60(b) issue was moot.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including consideration of Savage's post-conviction claim after the reversal of summary dismissal. The court did not direct a particular result on the prejudice prong of the ineffective-assistance claim.

CASES CITED

- Thumm v. State, 165 Idaho 405, 447 P.3d 853 (2019)
- Johnson v. State, 162 Idaho 213, 395 P.3d 1246 (2017), cert. denied, 138 S. Ct. 470, 199 L. Ed. 2d 357 (2017)
- Kelly v. State, 149 Idaho 517, 236 P.3d 1277 (2010)
- Strickland v. Washington, 466 U.S. 668 (1984)