

SUPREME COURT OF IDAHO

Gilpin-Grubb v. State, 138 Idaho 76

57 P.3d 787 (2002) · No. No. 28391 · Decided October 23, 2002

SUMMARY

The Idaho Supreme Court affirmed the dismissal of Laura Gilpin-Grubb's application for post-conviction relief and denial of reconsideration. The court held that she failed to establish a genuine issue of material fact regarding ineffective assistance of counsel or the reliability and identity of the blood-alcohol evidence. The court also concluded that her allegations concerning counsel's advice and her assertion that she would have proceeded to trial were insufficient to establish deficient performance or prejudice.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Walters, Justice; Trout, Chief Justice; Schroeder, Justice; Kidwell, Justice; Meehl, Justice Pro Tem
JURISDICTION	Idaho
DECIDED	October 23, 2002
DOCKET	No. 28391
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the summary dismissal of her application for post-conviction relief and the denial of her motion for reconsideration. The Idaho Supreme Court granted review after the Idaho Court of Appeals affirmed.
STANDARD OF REVIEW	The Supreme Court reviews the trial court's decision directly when reviewing a case from the Court of Appeals. In reviewing summary dismissal of a post-conviction application without an evidentiary hearing, the court determines whether a genuine issue of material fact exists, liberally construing facts and reasonable inferences in favor of the nonmoving party. Factual findings are reviewed for clear error.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Laura Gilpin-Grubb v. State of Idaho

TOPICS

post-conviction relief

ineffective assistance

plea bargaining

appellate procedure

evidence

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance of counsel

plea bargaining

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court properly summarily dismissed Gilpin-Grubb's post-conviction application because the record showed no genuine issue of material fact concerning deficient performance or prejudice.
2. Whether counsel was ineffective in connection with the proposed testimony of toxicologist Loring Beals and the advice leading to Gilpin-Grubb's guilty plea.
3. Whether the district court erred in denying reconsideration after considering affidavits submitted by Gilpin-Grubb.

HOLDINGS

1. A post-conviction ineffective-assistance claim may be summarily dismissed when the applicant fails to establish a genuine issue of material fact as to either deficient performance or prejudice. Gilpin-Grubb failed to establish such an issue, so summary dismissal was proper.
2. To establish ineffective assistance involving a guilty plea, the applicant must show that counsel's advice fell below the range of competence demanded of criminal attorneys and a reasonable probability that, but for counsel's errors, the applicant would not have pleaded guilty and would have insisted on going to trial. Gilpin-Grubb did not make that showing.
3. The district court did not err in denying reconsideration because it considered the submitted evidence and correctly found no genuine issue of material fact concerning the reliability of the blood evidence, counsel's performance, or prejudice.

KEY QUOTATIONS

"Bare assertions or speculation, unsupported by specific facts, do not suffice to prove ineffective assistance." (*793)

"An application for post-conviction relief is civil in nature." (*791)

FACTUAL BACKGROUND

After Laura Gilpin-Grubb was injured in a vehicle rollover accident that killed her youngest child, hospital personnel drew and tested her blood, which showed a blood-alcohol level of .22. The blood sample was identified through hospital records and wristband numbers associated with a temporary patient identity. Before entering a conditional guilty plea to vehicular manslaughter, Gilpin-Grubb challenged the foundation and identity of the blood sample, and the challenge was rejected. In post-conviction proceedings, she claimed

counsel had failed to disclose or adequately investigate proposed testimony from toxicologist Loring Beals concerning possible chain-of-custody and sample-identification issues.

PROCEDURAL HISTORY

Gilpin-Grubb pleaded guilty conditionally to vehicular manslaughter after the district court denied her motion in limine challenging the foundation for blood-alcohol test results; the Idaho Court of Appeals affirmed the conviction-related ruling. She later filed an application for post-conviction relief alleging ineffective assistance based on counsel's handling of potential expert testimony concerning the blood sample. The district court summarily dismissed the application and denied reconsideration, and the Court of Appeals affirmed. The Idaho Supreme Court affirmed the district court's decisions.

DISPOSITION

affirmed

CASES CITED

- State v. Gilpin, 132 Idaho 643, 977 P.2d 905 (Ct. App. 1999)
- Raudebaugh v. State, 135 Idaho 602, 603, 21 P.3d 924, 925 (2001)
- Stuart v. State, 136 Idaho 490, 495, 36 P.3d 1278, 1282 (2001)
- Grube v. State, 134 Idaho 24, 995 P.2d 794 (2000)
- LaBelle v. State, 130 Idaho 115, 118, 937 P.2d 427, 430 (Ct. App. 1997)
- Pratt v. State, 134 Idaho 581, 583-84, 6 P.3d 831, 833-34 (2000)
- Paradis v. State, 110 Idaho 534, 537, 716 P.2d 1306, 1309 (1986)
- Whitehawk v. State, 116 Idaho 831, 833, 780 P.2d 153, 155 (Ct. App. 1989)
- Banuelos v. State, 127 Idaho 860, 863-64, 908 P.2d 162, 165-66 (Ct. App. 1995)
- Jakoski v. State, 136 Idaho 280, 282, 32 P.3d 672, 674 (Ct. App. 2001)
- Aragon v. State, 114 Idaho 758, 760, 764, 760 P.2d 1174, 1176, 1180 (1988)
- Russell v. State, 118 Idaho 65, 67, 794 P.2d 654, 656 (Ct. App. 1990)
- Matthews v. State, 136 Idaho 46, 49, 28 P.3d 387, 390 (Ct. App. 2001)
- Howard v. State, 126 Idaho 231, 233, 880 P.2d 261, 263 (Ct. App. 1994)
- Hill v. Lockhart, 474 U.S. 52, 56, 59, 106 S. Ct. 366, 369-70, 88 L. Ed. 2d 203, 208, 210 (1985)
- McMann v. Richardson, 397 U.S. 759, 771, 90 S. Ct. 1441, 1449, 25 L. Ed. 2d 763, 773 (1970)