

UTAH SUPREME COURT

State v. Samora

2023 UT 5 (2023) · Decided April 27, 2023

SUMMARY

The Utah Supreme Court, in a per curiam opinion, reviews a criminal case involving a challenge to a conviction and issues concerning eyewitness identification evidence and post-conviction proceedings. The court addresses whether the asserted facts and supporting materials warranted relief and affirms the lower court's ruling.

CASE DETAILS

COURT	Utah Supreme Court
JURISDICTION	Utah
DECIDED	April 27, 2023
DISPOSITION	affirmed
PROCEDURAL POSTURE	Utah Supreme Court review of an appellate ruling concerning a criminal defendant's motion for remand under Utah Rule of Appellate Procedure 23B to develop an ineffective-assistance-of-counsel claim.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

ineffective assistance criminal procedure post-conviction relief

PRACTICE AREAS

criminal procedure post-conviction relief appellate procedure

QUESTIONS PRESENTED

- What factual showing must a criminal appellant make in a motion under Utah Rule of Appellate Procedure 23B seeking a remand to develop an ineffective-assistance-of-counsel claim?
- Whether the court of appeals properly denied Samora's rule 23B motion.

HOLDINGS

- A Rule 23B motion must allege and support the facts necessary to establish the asserted ineffective-assistance-of-counsel claim; the appellate court need not grant a remand based on conclusory allegations or facts insufficient to demonstrate deficient performance and resulting prejudice.

FACTUAL BACKGROUND

Samora was convicted in a criminal proceeding after presenting a mistaken-identity defense. On appeal, he sought a rule 23B remand to develop facts supporting a claim that trial counsel was ineffective for failing to present evidence concerning Samora's tattoos and related identification evidence. The court of appeals denied the motion, concluding that the rule 23B submission did not adequately allege the facts necessary to establish ineffective assistance.

PROCEDURAL HISTORY

Samora sought a remand under rule 23B in connection with his criminal appeal, alleging ineffective assistance of trial counsel. The court of appeals denied the motion, and the Utah Supreme Court reviewed that ruling.

DISPOSITION

affirmed

OPINION

PER CURIAM.

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