

BOISE, THURSDAY, AUGUST 24, 2017, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44164

TODD WILLIAM CARVER,)
)
 Petitioner-Appellant,)
)
 v.)
)
 STATE OF IDAHO,)
)
 Respondent.)
)

Appeal from the District Court of the Second Judicial District, State of Idaho, Idaho County. Hon. Gregory Fitzmaurice, District Judge.

Nevin, Benjamin, McKay & Bartlett LLP; Dennis Benjamin, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Todd William Carver was found guilty by a jury of murder in the first degree. The victim was the three-year-old son of Carver’s live-in girlfriend. The district court sentenced Carver to life in prison without the possibility of parole. The Idaho Supreme Court affirmed the conviction and sentence on appeal.

Carver filed a petition for post-conviction relief alleging the following: (1) trial counsel was ineffective in failing to assert a peremptory challenge to prospective juror V.L.; (2) trial counsel was ineffective in failing to challenge V.L. for cause; (3) the district court erred by failing to excuse sua sponte V.L. for cause; and (4) Carver was denied his due process right to a fair trial because the jury was not impartial. The State filed a motion for summary dismissal which the district court granted. Carver timely appeals.

BOISE, THURSDAY, AUGUST 24, 2017, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44522

PATRICIA J. THOMPSON,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 RONALD L. THOMPSON,)
)
 Defendant-Respondent.)
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. D. Duff McKee, District Judge; Hon. Debra A. Orr, Magistrate.

Strother Law Office; Jeffrey A. Strother, Boise, for appellant.

Ludwig, Shoufler, Miller, Johnson, PLLC; Daniel A. Miller, Boise, for respondent.

Patricia J. Thompson and Ronald L. Thompson stipulated to a judgment and decree of divorce, and the magistrate entered its judgment and decree of divorce. The judgment states, “[Patricia] shall own, control and as beneficiary be entitled to continue in effect, at her sole expense, the current Term Life Policy on [Ronald].”

Patricia filed a motion for relief from judgment, asserting Ronald cancelled or allowed the policy to lapse without assigning it to Patricia. Ronald moved to dismiss, arguing Patricia’s motion failed to state claims upon which relief could be granted. Patricia moved for time to conduct discovery. The magistrate held a hearing on all the motions and entered an order granting Ronald’s motion to dismiss, denying Patricia’s motion to continue and, in effect, denying Patricia’s motion for relief from judgment.

Patricia appealed to the district court. The district court affirmed the magistrate, holding Ronald did not owe Patricia any duty with regard to the life insurance policy and awarding attorney fees to Ronald.

On appeal to this Court, Patricia asserts the district court erred in affirming the magistrate’s denial of her motion for relief from judgment and granting of Ronald’s motion to dismiss and award of attorney fees. Ronald seeks attorney fees on appeal.