

**BOISE, THURSDAY, FEBRUARY 13, 2020, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 46600**

**BRYCE CODY TRANSUE,** )  
 )  
 **Petitioner-Appellant,** )  
 )  
 **v.** )  
 )  
 **STATE OF IDAHO,** )  
 )  
 **Respondent.** )  
 )  
 \_\_\_\_\_ )

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. George A. Southworth, District Judge.

Robyn A. Fyffe, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Bryce Cody Transue appeals the district court’s summary dismissal of his successive petition for post-conviction relief. Transue’s underlying criminal case involved a complicated procedural history, including two mistrials, Transue’s withdrawal of a guilty plea, and a third trial. At the conclusion of the third trial, a jury convicted Transue of two counts of lewd conduct with a minor and one count of sexual abuse of a child. On direct appeal, this Court affirmed Transue’s conviction for lewd conduct, ruled the district court did not abuse its discretion by admitting video interviews of the minor victims, but vacated Transue’s conviction for sexual abuse concluding it was not supported by sufficient evidence.

Transue also filed a pro se petition for post-conviction relief, and the district court appointed counsel to represent Transue. Appointed counsel filed an amended petition on Transue’s behalf but failed to incorporate his initial pro se petition, failed to have him verify the amended petition, and failed to submit any supporting affidavits. As a result, the district court summarily dismissed Transue’s amended petition for failing to provide any supporting facts.

Thereafter, Transue filed a successive petition for post-conviction relief, which is at issue in this case. In his successive petition, Transue asserted claims for ineffective assistance of trial counsel, of post-conviction counsel, and of appellate counsel. The district court summarily dismissed all these claims, concluding that Transue’s claims of ineffective assistance of trial counsel and of post-conviction counsel were already raised or should have been raised through

direct appeal and that his ineffective assistance of appellate counsel claims were “bare and conclusory” and not supported by allegations or evidence.

On appeal, Transue challenges the district court’s summary dismissal of his successive petition for post-conviction relief. He asserts the district court erred by concluding he failed to provide a sufficient reason under I.C. § 19-4908 for a successive petition challenging his trial counsel’s and post-conviction counsel’s effectiveness. Further, he argues he established issues of fact entitling him to an evidentiary hearing.