

8-28-2012

## Hansen v. State Appellant's Brief Dckt. 39779

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RECEIVED  
SUPREME COURT  
2012 AUG 28 A 9:46

Inmate name Beau Hansen  
IDOC No. 62222  
Address TCC/D-2/214A  
P.O. Box 70010 / Boise, ID 83707

Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

Beau Hansen )  
 )  
Appellant, )  
 )  
vs. )  
 )  
State of Idaho )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 39779-2012  
**APPELLANT'S BRIEF**

Appeal from the District Court of the 6th Judicial District  
for Bannock County.  
The Honorable Judge Nye, District Judge presiding.

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TABLE OF CASES AND AUTHORITIES

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- State v. Staha, 114 Idaho 114, 753 P.2d 1265 (Ct App 1988)
- State v. Tyler, 139 Idaho 631, 84 P.3d 567 (Ct. App 1997)
- Nellsch v. State, 122 Idaho 426, 835 P.2d 661 (Ct. App 1992)
- State v. Fertig, 126 Idaho 364, 883 P.2d 722 (Ct. App 1994) [Rule 11(d)(1)(b)]
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- 28 USC § 2241-2254-2255
- Borker v. Wingo / 407 US 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)  
407 US 514, 528-29, 92 S. Ct. 2182, 33 L. Ed. 2d 101  
407 US 514, 532, 92 S. Ct. 2182, 33 L. Ed. 2d 101

## STATEMENT OF THE CASE

### A. Introduction

### B. Statement of Facts and Course of Proceedings

on October 30, 2011, I filed a pro se petition and affidavit for post conviction relief. The State submitted its answer on November 17, 2011, asking that the petition be dismissed. The court denied appointment of counsel on December 8, 2011, then issued an intent to dismiss the petition on December 13, 2011. I filed an objection to the intent to dismiss on January 4, 2012. The court then ordered its dismissal on January 17, 2012. Order conditionally dismissing appeal stating that appeal was not filed in time. On the 26th day of April 2012. Response to order conditionally dismissing appeal filed May 15, 2012. Withdrawal reinstating appeal filed 5th day of ~~May~~ June, 2012. Clerks record received 07-23-12, Appellant brief ordered to be filed by 08-28-12

ISSUES PRESENTED ON APPEAL

Did the court look into all the issues with the information provided in the petition for post conviction relief filed October 30, 2011? Would like the court to appoint counsel.

## ARGUMENT

### A. Introduction

### B. Argument

I asked for relief because of 3 issues.

(a) My constitutional rights were violated by the state going against the agreements made between us on the Riddell plea agreement.

(b) Ineffective assistance of counsel

(c) my right to speedy trial was abused - (case filed)

02/04/04 (trial date) 04/03/04.

CONCLUSION

Therefore, appellant respectfully requests that this court [what court should do].

I request that somebody please take the actual time to look at these violations. I asked for an ~~attorney~~ attorney to help me with my post conviction and believe that the lack of counsel weighed heavily on the quickness and ease that the court awarded the State with a dismissal,

Respectfully submitted this 23 day of August, 2012.

Bear Hansen

Appellant



**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 24 day of August, 2012, I mailed a true and correct copy of the APPELLANT'S BRIEF via prison mail system for processing to the United States mail system, postage prepaid, addressed to:

Deputy Attorney General  
Criminal Division  
P.O. Box 83720  
Boise, ID 83720-0010

Beau Hansen  
Appellant