

**17-1026 GARZA V. IDAHO**

DECISION BELOW: 405 P.3d576

LOWER COURT CASE NUMBER: 44991

QUESTION PRESENTED:

Does the "presumption of prejudice" recognized in *Roe v. Flores-Ortega*, 528 U.S. 470 (2000), apply where a criminal defendant instructs his trial counsel to file a notice of appeal but trial counsel decides not to do so because the defendant's plea agreement included an appeal waiver?

CERT. GRANTED 6/18/2018