

SUPREME COURT OF MONTANA

State v. Gulbranson, 316 Mont. 163

69 P.3d 1187 (2003) · No. No. 02-340 · Decided May 13, 2003

SUMMARY

The Supreme Court of Montana considered whether the district court abused its discretion by refusing to credit a defendant's sentences for time spent released on bond subject to an informal house-arrest condition. The court held that the period did not constitute incarceration or statutory home arrest and that the district court acted within its discretion in denying credit for that time.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Karla M. Gray; Patricia Cotter; Jim Regnier; W. William Leaphart; Jim Rice
JURISDICTION	Montana
DECIDED	May 13, 2003
DOCKET	No. 02-340
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gulbranson appealed the judgment of the Eleventh Judicial District Court, Flathead County, revoking his suspended sentences and denying credit for time spent released on bond subject to informal house arrest.
STANDARD OF REVIEW	A district court's sentence in a criminal case is reviewed for legality only and will not be disturbed absent an abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Kaare Douglas Gulbranson v. State of Montana

TOPICS

- sentencing
- probation
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal procedure
- sentencing
- probation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the time Gulbranson spent released on bond subject to an informal house-arrest condition constituted incarceration requiring credit under section 46-18-403(1), MCA.
2. Whether the informal house arrest imposed as a condition of pre-revocation bond constituted statutory home arrest requiring credit under section 46-18-203(7)(b), MCA.
3. Whether the District Court abused its discretion by denying credit for the period Gulbranson was released on bond.

HOLDINGS

1. Time spent released on bond, even subject to restrictions on liberty, was not incarceration within the meaning of section 46-18-403(1), MCA, and therefore that statute did not require sentence credit for the period.
2. The informal house arrest imposed as a condition of release on bond was not statutory home arrest under Title 46, chapter 18, part 10, and therefore section 46-18-203(7)(b), MCA, did not require credit for that time.
3. The District Court did not abuse its discretion by denying credit for the period Gulbranson was released on bond under informal house arrest.

KEY QUOTATIONS

“[i]f a suspended or deferred sentence is revoked, the judge shall consider any elapsed time and either expressly allow all or part of the time as a credit against the sentence or reject all or part of the time as a credit.” (§ 10)

“We conclude that the informal house arrest on which the District Court conditioned Gulbranson’s release on bond was not “house arrest” as provided for in Title 46, Chapter 18, Part 10 of the MCA.” (§ 12)

FACTUAL BACKGROUND

Gulbranson pleaded guilty to two felony driving-under-the-influence offenses and received concurrent sentences with four years suspended on each count. After probation violations, the suspended portions of his sentences were revoked. Pending the revocation hearing, he was released on a reduced bond conditioned on remaining at home except for work, court appearances, and meetings with counsel; the court characterized this as informal house arrest but did not require electronic monitoring. Following revocation, the court credited his sentences for time spent in prison and jail but not for the period of conditional release.

PROCEDURAL HISTORY

Gulbranson pleaded guilty to two felony DUI counts and received concurrent sentences with suspended portions. After an initial revocation was invalidated, the State initiated a new revocation proceeding. The District Court revoked the suspended sentences, credited Gulbranson for time spent incarcerated at the Montana State Prison and in the county jail, but denied credit for time spent released on bond under an informal house-arrest condition. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Johnson, 2002 MT 251, 312 Mont. 164, 58 P.3d 172
- Gundrum v. Mahoney, 2001 MT 246, 307 Mont. 96, 36 P.3d 890
- State v. Rodarte, 2002 MT 317, 313 Mont. 131, 60 P.3d 983

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