

SUPREME COURT OF THE STATE OF MONTANA

State of Montana v. Bryce Everett Peterson

372 Mont. 382, 2013 MT 329 (Mont. 2013) · No. DA 12-0079 · Decided November 5, 2013

SUMMARY

The Montana Supreme Court reviews Bryce Everett Peterson’s motion to withdraw Alford pleas to multiple criminal charges. The court affirms the denial of plea withdrawal, concluding that the pleas were knowingly and voluntarily entered and that Peterson did not establish ineffective assistance of counsel. The court remands solely for determination of the amount of restitution for the victim’s future counseling expenses.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Laurie McKinnon; Mike McGrath; Beth Baker; Patricia Cotter; Michael E. Wheat
JURISDICTION	Montana
DECIDED	November 5, 2013
DOCKET	DA 12-0079
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Peterson appealed the denial of his motion to withdraw Alford pleas entered to multiple criminal charges. He also sought remand for determination of the total amount of restitution for the victim's future counseling expenses.
STANDARD OF REVIEW	The Court reviews factual findings for clear error, conclusions of law for correctness, and the ultimate question of plea voluntariness, a mixed question of fact and law, de novo.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Bryce Everett Peterson v. State of Montana

TOPICS

- post-conviction relief
- restitution criminal
- plea bargaining
- ineffective assistance
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court properly denied Peterson's motion to withdraw his Alford pleas.
2. Whether Peterson's plea-withdrawal counsel was ineffective for failing to challenge the intimidation charge and for failing to present additional mental-health evidence.
3. Whether the restitution order had to specify the total amount of restitution for the victim's future counseling expenses.

HOLDINGS

1. The Court would not consider Peterson's claim that his trial or plea counsel was ineffective because that issue was not raised in the District Court in connection with the motion to withdraw the pleas.
2. Peterson failed to establish good cause to withdraw his Alford pleas because the record showed that he understood the direct consequences of the pleas and entered them knowingly, intelligently, and voluntarily.
3. Peterson did not demonstrate deficient performance because the record supported an inference that he acted purposely or knowingly to hinder law enforcement and prevent his arrest.
4. The restitution matter had to be remanded because the District Court was required to determine and specify the total amount of restitution for the victim's future counseling expenses.

KEY QUOTATIONS

“The ultimate question of voluntariness is a mixed question of fact and law that this Court reviews de novo to determine whether the district court was correct.” (2013 MT 329, ¶ 23)

“This matter is remanded to the District Court for the sole purpose of determining the amount of restitution for the victim’s future counseling costs that Peterson is required to pay.” (2013 MT 329, ¶ 42)

FACTUAL BACKGROUND

Peterson was charged with aggravated kidnapping, aggravated assault, assault with a weapon, intimidation, aggravated burglary, and partner or family member assault after an extended assault and hostage-like incident involving H.P. and an eighteen-hour standoff with law enforcement. Mental-health evaluations concluded that Peterson was competent to stand trial and capable of forming the requisite mental states, although a defense psychiatrist diagnosed bipolar disorder and a mood disorder. Peterson entered Alford pleas on the eve of trial, was sentenced to seventy years with twenty years suspended, and later sought to withdraw the pleas. The District Court denied withdrawal but had ordered Peterson to pay the victim's future counseling costs in an unlimited amount.

PROCEDURAL HISTORY

The District Court accepted Peterson's Alford pleas in 2009 and sentenced him to a total of 70 years in prison with 20 years suspended. In 2010, Peterson moved to withdraw the pleas, arguing that they were involuntary,

that he was mentally incapable of entering them knowingly, that the plea colloquy was inadequate, and that counsel was ineffective. The District Court denied the motion, and Peterson appealed. The Montana Supreme Court affirmed denial of plea withdrawal but remanded for determination of the total amount of restitution for future counseling costs.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the District Court solely to determine the total amount of restitution for the victim's future counseling costs that Peterson is required to pay. The denial of the motion to withdraw the Alford pleas is affirmed.

CASES CITED

- North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970)
- State v. Locke, 2008 MT 423, ¶ 18, 347 Mont. 387, 198 P.3d 316
- State v. Usrey, 2009 MT 227, ¶¶ 17, 24, 351 Mont. 341, 212 P.3d 279
- State v. Warclub, 2005 MT 149, ¶¶ 18, 24, 327 Mont. 352, 114 P.3d 254
- Brady v. United States, 397 U.S. 742, 90 S. Ct. 1463 (1970)
- Burns v. State, 2012 MT 100, ¶ 7, 365 Mont. 51, 277 P.3d 1238
- State v. Ostrerloth, 2000 MT 129, ¶ 20, 299 Mont. 517, 1 P.3d 946
- State v. McFarlane, 2008 MT 18, ¶ 12, 341 Mont. 166, 176 P.3d 1057
- State v. Otto, 2012 MT 199, ¶¶ 18-19, 366 Mont. 209, 285 P.3d 583
- State v. Swensen, 2009 MT 42, ¶ 14, 349 Mont. 268, 203 P.3d 786
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)
- Whitlow v. State, 2008 MT 140, ¶¶ 10, 14-15, 343 Mont. 90, 183 P.3d 861
- State v. Bomar, 2012 MT 163, ¶¶ 7-8, 365 Mont. 474, 285 P.3d 396
- State v. Briscoe, 2012 MT 152, ¶ 10, 365 Mont. 383, 282 P.3d 657
- State v. Main, 2011 MT 123, ¶ 48, 360 Mont. 470, 255 P.3d 1240
- State v. Claussell, 2001 MT 62, ¶ 31, 305 Mont. 1, 22 P.3d 1111
- State v. McCarthy, 2004 MT 312, ¶ 47, 324 Mont. 1, 101 P.3d 288