

SUPREME COURT OF WYOMING

Dennis Anthony Poitra, Jr. v. State

2016 WY 20 (Wyo. 2016) · No. S-15-0115 · Decided February 17, 2016

SUMMARY

The Wyoming Supreme Court affirmed the denial of Dennis Anthony Poitra, Jr.'s motion to reduce his sentence of life without the possibility of parole to life imprisonment as a matter of law. The court held that Poitra had not preserved his Eighth Amendment and Fourteenth Amendment claims, that his equal protection argument was not cogently presented, and that his Eighth Amendment claim was not sufficiently fundamental to warrant consideration for the first time on appeal. The court also concluded that the district court did not abuse its discretion in denying the sentence-reduction motion.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Davis, Justice; Burke, C.J.; Hill, J.; Davis, J.; Fox, J.; Kautz, J.
JURISDICTION	Wyoming
DECIDED	February 17, 2016
DOCKET	S-15-0115
DISPOSITION	affirmed
PROCEDURAL POSTURE	Poitra appealed the Sheridan County District Court's denial of his Wyoming Rule of Criminal Procedure 35(b) motion to reduce his sentence of life imprisonment without the possibility of parole to life imprisonment as a matter of law.
STANDARD OF REVIEW	Constitutional questions would ordinarily be reviewed de novo, while denial of a motion for sentence reduction is reviewed for abuse of discretion. Because Poitra did not preserve his constitutional claims and the claims were either not cogently presented or not fundamental, the court applied the preservation rules and reviewed the sentence-reduction ruling for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Dennis Anthony Poitra, Jr. v. State of Wyoming

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QUESTIONS PRESENTED

1. Whether Poitra could raise an Eighth Amendment cruel-and-unusual-punishment claim for the first time on appeal.
2. Whether Poitra could raise a Fourteenth Amendment equal-protection claim for the first time on appeal.
3. Whether, notwithstanding the lack of preservation, the district court abused its discretion in denying Poitra's motion to reduce his sentence.

HOLDINGS

1. Poitra waived his Eighth Amendment claim because he did not sufficiently present it to the district court, and the claim was not of such a fundamental nature that the court was required to consider it for the first time on appeal.
2. Poitra waived and inadequately presented his equal-protection claim; the court declined to consider it because he did not identify the relevant classification, legislative objectives, or rational relationship and did not support the claim with pertinent authority.
3. The district court did not abuse its discretion in denying Poitra's motion to reduce his sentence.

KEY QUOTATIONS

“Nonetheless, the law has drawn a bright line at the age of eighteen, and Poitra simply falls on the side of the line allowing a life sentence without the possibility of parole when it might have required a meaningful chance at parole if he was only a little more than a year younger.” (¶ 25)

“It would be at least equally unwise to do so when arguments for an abuse of discretion are cloaked in ill-fitting constitutional garb, and in the face of precious little commendable conduct in prison at that.” (¶ 28)

FACTUAL BACKGROUND

Poitra had just turned nineteen when he participated with two juvenile codefendants in a planned series of nighttime home-invasion robberies. During the August 26, 2009, invasion of Robert Ernst's home, Poitra entered while carrying a handgun and knife, and one of the codefendants took the gun and shot Ernst three times, killing him. Poitra was convicted of felony first-degree murder, aggravated burglary, and conspiracy to commit aggravated burglary and sentenced to consecutive terms, including life without the possibility of parole. He later sought a reduction based on his conduct in prison and the more favorable sentencing treatment potentially available to his juvenile codefendants under *Miller v. Alabama*.

PROCEDURAL HISTORY

Poitra was convicted of felony first-degree murder, aggravated burglary, and conspiracy to commit aggravated burglary and received consecutive sentences, including life without the possibility of parole for murder. The Wyoming Supreme Court affirmed his convictions and sentences in *Poitra v. State*, 2012 WY 58. After his juvenile codefendants obtained sentencing relief under *Miller v. Alabama*, Poitra moved for a sentence reduction, arguing that his sentence violated the Eighth and Fourteenth Amendments. The district court denied the motion, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Poitra v. State*, 2012 WY 58, 275 P.3d 478 (Wyo. 2012)
- *Bear Cloud v. State*, 2012 WY 16, 275 P.3d 377 (Wyo. 2012)
- *Bear Cloud v. State*, 2013 WY 18, 294 P.3d 36 (Wyo. 2013)
- *Bear Cloud v. State*, 2014 WY 113, 334 P.3d 132 (Wyo. 2014)
- *Sen v. State*, 2013 WY 47, 301 P.3d 106 (Wyo. 2013)
- *Sen v. State*, 2014 WY 148, 337 P.3d 1156 (Wyo. 2014)
- *Miller v. Alabama*, *Miller v. Alabama*, 567 U.S. ---, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)
- *Roper v. Simmons*, 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005)
- *Montgomery v. Louisiana*, 577 U.S. ---, 136 S. Ct. 718 (2016)
- *Silva v. State*, 2014 WY 155, 338 P.3d 934 (Wyo. 2014)
- *Beldon v. Lampert*, 2011 WY 83, 251 P.3d 325 (Wyo. 2011)
- *Statezny v. State*, 2001 WY 22, 18 P.3d 641 (Wyo. 2001)
- *Bhutto v. State*, 2005 WY 78, 114 P.3d 1252 (Wyo. 2005)
- *Kenyon v. State*, 2004 WY 100, 96 P.3d 1016 (Wyo. 2004)
- *Apodaca v. State*, 571 P.2d 603 (Wyo. 1977)
- *Crofts v. State ex rel. Department of Game & Fish*, 2016 WY 4
- *Krenning v. Heart Mountain Irrigation District*, 2009 WY 11, 200 P.3d 774 (Wyo. 2009)
- *Cathcart v. Meyer*, 2004 WY 49, 88 P.3d 1050 (Wyo. 2004)
- *Manzanares v. State*, 2015 WY 63, 349 P.3d 969 (Wyo. 2015)
- *Boucher v. State*, 2012 WY 145, 288 P.3d 427 (Wyo. 2012)
- *Chapman v. State*, 2015 WY 15, 342 P.3d 388 (Wyo. 2015)
- *Conkle v. State*, 2013 WY 1, 291 P.3d 313 (Wyo. 2013)
- *Erwin v. State, Department of Family Services*, 2010 WY 117, 237 P.3d 409 (Wyo. 2010)

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