

SUPREME COURT OF THE STATE OF MONTANA

State v. Wilson

2003 MT 325N (2003) · No. No. 03-253 · Decided November 25, 2003

SUMMARY

The Montana Supreme Court dismissed Richard Earl Wilson’s appeal from his misdemeanor conviction and sentence for violating Montana’s no-passing-zone statute. The court declined to reach the merits because Wilson failed to provide a trial transcript, identify specific appellate issues, adequately develop his arguments, or cite supporting authority and the record.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	James C. Nelson; Jim Regnier; Patricia Cotter; John Warner; Jim Rice
JURISDICTION	Montana
DECIDED	November 25, 2003
DOCKET	No. 03-253
DISPOSITION	dismissed
PROCEDURAL POSTURE	Wilson appealed his misdemeanor judgment and sentence after a bench trial in the Montana Fourteenth Judicial District Court. The Supreme Court dismissed the appeal because he failed to provide the required trial transcript and failed to comply with appellate briefing requirements.
STANDARD OF REVIEW	The court did not reach the merits because the appellant failed to provide an adequate record and failed to comply with the Montana Rules of Appellate Procedure.
PRECEDENTIAL VALUE	Nonprecedential; the court directed that the decision not be cited as precedent.
PARTIES	Richard Earl Wilson v. State of Montana

TOPICS

- appellate procedure
- preservation of error
- evidence
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Supreme Court could review Wilson's asserted evidentiary errors when he failed to provide a transcript of the trial as required by the Montana Rules of Appellate Procedure.
2. Whether the appeal should be dismissed because Wilson failed to state specific issues, summarize and support his arguments, and cite the record as required by the Montana Rules of Appellate Procedure.

HOLDINGS

1. An appellant who fails to provide the required transcript or otherwise comply with the transcript requirements cannot obtain appellate review of evidentiary issues that allegedly occurred during the trial.
2. An appeal may be dismissed when the appellant fails to state the issues presented, articulate contentions with reasonable precision, cite supporting authorities, and cite the record.

KEY QUOTATIONS

“As a result of Wilson’s failure to comply with the Montana Rules of Appellate Procedure, we are unable to address the merits of the arguments which he raises on appeal. Therefore, this appeal is dismissed with prejudice to the merits.” (¶ 8)

FACTUAL BACKGROUND

Following a bench trial on March 18, 2003, the District Court found Wilson guilty of the misdemeanor offense of no passing zones under section 61-8-326, MCA. The court imposed a \$250 fine, a \$20 surcharge, and six months in jail, with the jail term suspended upon timely payment. On appeal, Wilson challenged evidentiary rulings concerning his asserted citizenship in a fictitious kingdom and his claimed status as a freeman or person with diplomatic immunity, but he supplied no transcript of the trial.

PROCEDURAL HISTORY

The District Court found Wilson guilty after a bench trial of violating Montana Code Annotated section 61-8-326, the misdemeanor offense of driving in a no-passing zone, and imposed a fine, surcharge, and suspended jail sentence. Wilson appealed without filing a transcript of the bench trial and did not clearly identify appellate issues or support his contentions with record citations and legal authorities. The Montana Supreme Court dismissed the appeal with prejudice to the merits.

DISPOSITION

dismissed

CASES CITED

- State v. Whipple, 2001 MT 16, ¶ 34, 304 Mont. 118, ¶ 34, 19 P.3d 228, ¶ 34

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