

SUPREME COURT OF MONTANA

State v. Workman, 326 Mont. 1

107 P.3d 462 (2005) · No. No. 03-359 · Decided February 15, 2005

SUMMARY

The Supreme Court of Montana affirmed Jack Leroy Workman's convictions for three counts of burglary and the order holding him jointly and severally responsible for \$26,840.33 in restitution. The court held that the 2003 amendments to Montana's restitution statutes applied retroactively and that the presentence investigation and restitution order complied with those provisions. It also concluded that the district court could impose full restitution on Workman and that he had not asserted available civil-law defenses or challenged the stipulated restitution amount.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Jim Rice; Karla M. Gray; James C. Nelson; W. William Leaphart
JURISDICTION	Montana
DECIDED	February 15, 2005
DOCKET	No. 03-359
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a criminal judgment imposing a six-year sentence and joint and several restitution of \$26,840.33 after guilty pleas to three burglary counts.
STANDARD OF REVIEW	The legality of a criminal sentence is reviewed to determine whether it falls within statutory parameters. Factual findings, including the amount of restitution, are reviewed for clear error.
PRECEDENTIAL VALUE	Published opinion; precedential Montana Supreme Court decision.
PARTIES	Jack Leroy Workman v. State of Montana

TOPICS

- restitution criminal
- sentencing
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- restitution

QUESTIONS PRESENTED

1. Whether the district court imposed restitution in violation of Montana Code Annotated §§ 46-18-242(1) (a) and (b) and 46-18-244(1).
2. Whether the district court erred by ordering Workman to pay full restitution of \$26,840.33 jointly and severally rather than only a proportionate share.

HOLDINGS

1. The district court's restitution order complied with the 2003 version of § 46-18-242 because the presentence investigation report included information concerning Workman's assets and documentation describing the victims' pecuniary losses and replacement values; the statute did not require consideration of his future ability to pay.
2. The district court did not violate § 46-18-244(1) because the 2003 statute required the court to specify the total restitution amount but did not require it to establish a payment schedule or installment amounts.
3. A sentencing court may impose joint and several liability on one offender for the full pecuniary loss caused by the offenses rather than limiting restitution to a proportionate share among co-defendants.

KEY QUOTATIONS

“Thus, the District Court's order imposing restitution satisfied these provisions, as Workman's financial resources and his future ability to pay a restitution obligation were not considerations under § 46-18-242, MCA (2003).” (¶ 15)

“Therefore, we conclude that the District Court did not err in imposing joint and several liability for the full restitution obligation on Workman for the pecuniary loss suffered by his victims.” (¶ 20)

FACTUAL BACKGROUND

In March 2002, Workman participated with different accomplices in three Billings burglaries involving firearms and other personal property. The victims' total pecuniary loss was \$35,771.08, and the parties stipulated that Workman owed \$26,840.33 in restitution. The district court ordered Workman jointly and severally responsible for that full amount rather than limiting his obligation to a proportionate share.

PROCEDURAL HISTORY

Workman was charged with three felony burglaries and entered a plea agreement pleading guilty to all three counts. At sentencing, the Thirteenth Judicial District Court rejected his request to limit restitution to a proportionate share and ordered him jointly and severally liable for \$26,840.33. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Heath, 2004 MT 126, ¶ 13, 321 Mont. 280, 90 P.3d 426

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