

SUPREME COURT OF MONTANA

State of Montana v. Thomas Lee Bateman

2004 MT 281 · No. No. 03-851 · Decided October 14, 2004

SUMMARY

The Supreme Court of Montana affirmed Thomas Lee Bateman's convictions and sentence. The court held that officers acted reasonably when they mistakenly arrested Bateman based on similarities between him and the person named in an arrest warrant, and that evidence discovered afterward was admissible. The court declined to review an unpreserved state constitutional privacy claim and dismissed Bateman's ineffective-assistance claim without prejudice because it was not sufficiently developed in the appellate record.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                          |
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| COURT                 | Supreme Court of Montana                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Justice W. William Leaphart; Justice John Warner; Justice Patricia O. Cotter; Justice James C. Nelson; Justice Jim Rice                                                                                                                                                  |
| JURISDICTION          | Montana                                                                                                                                                                                                                                                                  |
| DECIDED               | October 14, 2004                                                                                                                                                                                                                                                         |
| DOCKET                | No. 03-851                                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Bateman appealed his conviction and sentence after entering a guilty plea under a plea agreement that preserved his right to appeal pretrial rulings. He challenged the legality of his arrest, the search of his residence, and the effectiveness of his trial counsel. |
| STANDARD OF REVIEW    | The court reviewed the denial of the criminal motion to dismiss de novo and plenary determined whether the District Court's conclusion was correct.                                                                                                                      |
| PRECEDENTIAL VALUE    | Published Montana Supreme Court opinion; precedential                                                                                                                                                                                                                    |
| PARTIES               | Thomas Lee Bateman v. State of Montana                                                                                                                                                                                                                                   |

TOPICS

- criminal procedure
- fourth amendment
- search and seizure
- ineffective assistance
- plea bargaining

## PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

post-conviction relief

## QUESTIONS PRESENTED

1. Whether the officers' arrest of Bateman was reasonable despite being based on a mistaken identity under an arrest warrant issued for another person with the same name and similar identifying characteristics.
2. Whether Bateman's Montana constitutional right to privacy was violated by the search of his residence and whether the claim could be considered for the first time on appeal.
3. Whether Bateman received ineffective assistance of counsel when counsel advised him to accept a plea agreement and ten-year sentence.

## HOLDINGS

1. An arrest based on a reasonable mistake of identity is constitutionally reasonable when the officers possess sufficiently consistent identifying information, including the same name and similar age and physical characteristics, even though the warrant was issued for a different person.
2. The court would not consider Bateman's state constitutional privacy claim because he failed to raise it in the District Court, and the circumstances did not warrant application of the plain-error exception.
3. The ineffective-assistance claim was dismissed without prejudice because the appellate record did not disclose counsel's reasons for advising Bateman to accept the plea agreement, and the claim therefore was not properly resolvable on direct appeal.

## KEY QUOTATIONS

“sufficient probability, not certainty, is the touchstone of reasonableness under the Fourth Amendment” (¶ 15)

“The question is, how much investigation does the Constitution require?” (¶ 17)

## FACTUAL BACKGROUND

Police went to Bateman's apartment after the owner reported unusual conditions and learned that a person named Thomas Bateman had an outstanding misdemeanor drug-possession warrant. Bateman confirmed his name when officers contacted him, and officers attempted to arrest him based on the warrant because his age and physical description matched the warrant subject. Bateman then dropped an apparent marijuana pipe, and officers observed additional drug paraphernalia and smelled smoke; after determining that he was a different Thomas Bateman, they obtained a search warrant and discovered a methamphetamine laboratory in the apartment crawl space.

## PROCEDURAL HISTORY

Bateman was charged with eight offenses, including felony drug-manufacturing and unlawful-laboratory offenses. The District Court denied his motion to dismiss based on an allegedly illegal arrest. Bateman then pleaded guilty to all charges in exchange for a ten-year prison sentence, reserving the right to appeal the pretrial

rulings. The Montana Supreme Court affirmed the conviction and sentence, declining to reach the unpreserved privacy claim and dismissing the ineffective-assistance claim without prejudice.

## DISPOSITION

affirmed

## CASES CITED

- State v. Wolfe, 2003 MT 222, 317 Mont. 173, 75 P.3d 1271
- State v. Adgerson, 2003 MT 284, 318 Mont. 22, 78 P.3d 850
- Payton v. New York, 445 U.S. 573 (1980)
- Hill v. California, 401 U.S. 797 (1971)
- Hill v. Scott, 349 F.3d 1068 (8th Cir. 2003)
- Rodriguez v. Farrell, 280 F.3d 1341 (11th Cir. 2002)
- Blackwell v. Barton, 34 F.3d 298 (5th Cir. 1994)
- Patton v. Przybylski, 822 F.2d 697 (7th Cir. 1987)
- Brown v. Byer, 870 F.2d 975 (5th Cir. 1989)
- Simons v. Marin County, 682 F. Supp. 1463 (N.D. Cal. 1987)
- State v. Weaselboy, 1999 MT 274, 296 Mont. 503, 989 P.2d 836
- State v. Godfrey, 2004 MT 197, 322 Mont. 254, 95 P.3d 166
- State v. Finley, 276 Mont. 126, 915 P.2d 208 (1996)
- State v. Turnsplenty, 2003 MT 159, 316 Mont. 275, 70 P.3d 1234
- State v. Harris, 2001 MT 231, 306 Mont. 525, 36 P.3d 372
- State v. Herrman, 2003 MT 149, 316 Mont. 198, 70 P.3d 738
- State v. Jefferson, 2003 MT 90, 315 Mont. 146, 69 P.3d 641
- State v. Rose, 1998 MT 342, 292 Mont. 350, 972 P.2d 321