

SUPREME COURT OF MONTANA

State v. Maloney

78 P.3d 1214 (Mont. 2003), 2003 MT 288 · No. No. 02-442 · Decided October 21, 2003

SUMMARY

The Montana Supreme Court affirmed Dawn Maloney's felony attempted theft conviction arising from a false automobile theft insurance claim. The court held that the value of the attempted theft was the amount Maloney sought from the insurer and that the jury instructions adequately addressed the value element and lesser-included offense.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; Karla M. Gray; W. William Leaphart; Jim Regnier; James C. Nelson
JURISDICTION	Montana
DECIDED	October 21, 2003
DOCKET	No. 02-442
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dawn Maloney appealed her felony attempted-theft conviction after the Eighteenth Judicial District Court denied her motion for a directed verdict and refused to give her proposed jury instruction concerning valuation of the property.
STANDARD OF REVIEW	The denial of a criminal defendant's motion for a directed verdict is reviewed for abuse of discretion, viewing the evidence in the light most favorable to the State. Jury instructions are reviewed to determine whether they fully and fairly instructed the jury on the applicable law; because trial courts have broad discretion, reversal requires prejudice to the defendant's substantial rights.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Dawn Maloney v. State of Montana

TOPICS

- jury instructions
- criminal procedure
- statutory interpretation
- appellate procedure
- insurance

PRACTICE AREAS

criminal law

criminal procedure

jury instructions

insurance fraud

appellate practice

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by denying Maloney's motion for a directed verdict on the felony attempted-theft charge because the State allegedly failed to prove that the property at issue exceeded \$1,000 in value.
2. Whether the district court prejudicially affected Maloney's substantial rights by refusing to give her proposed instruction explaining how to determine the property's value.

HOLDINGS

1. The district court did not abuse its discretion in denying the directed-verdict motion because sufficient evidence permitted the jury to find that Maloney attempted to obtain more than \$1,000 from State Farm; the relevant property was the insurance claim, not the automobile.
2. The district court did not prejudicially affect Maloney's substantial rights by refusing her proposed valuation instruction because the lesser-included-offense instruction adequately informed the jury that value was an element and that the greater offense required a finding that the value exceeded \$1,000.

KEY QUOTATIONS

“When it cannot be determined if the value of the property is more or less than \$1,000 ... its value is considered to be an amount less than \$1,000.” (78 P.3d at 1217)

“Although Maloney's proposed instruction did more precisely follow the language of § 45-2-101(76)(b), MCA, it would have been largely redundant to Instruction 13 and would have added little to the jury's understanding of the law.” (78 P.3d at 1219)

FACTUAL BACKGROUND

Maloney purchased a 1986 Chrysler Fifth Avenue for \$150 and later pledged its title as security for a \$200 loan. After the vehicle was repossessed when she failed to repay the loan, she reported it stolen to State Farm and submitted an affidavit claiming \$2,575, despite having asked Montana Title Pawn how to redeem the car shortly beforehand. State Farm discovered the repossession and denied the claim. The State argued that the attempted theft concerned the \$2,575 insurance claim rather than the vehicle itself.

PROCEDURAL HISTORY

Maloney was charged with attempted felony theft, false reports to law enforcement authorities, and false swearing. The false-swearing charge was dropped during trial. A jury convicted her of attempted theft and false reporting; she appealed only the attempted-theft conviction. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Brady, 2000 MT 282, 302 Mont. 174, 13 P.3d 941
- State v. Strauss, 2003 MT 195, 317 Mont. 1, 74 P.3d 1052
- State v. Courville, 2002 MT 330, 313 Mont. 218, 61 P.3d 749
- State v. DuBray, 2003 MT 255, 317 Mont. 377, 77 P.3d 247
- State v. Martin, 2001 MT 83, 305 Mont. 123, 23 P.3d 216
- State v. Campbell, 160 Mont. 111, 500 P.2d 801 (1972)
- State v. Long, 274 Mont. 228, 907 P.2d 945 (1995)