

SUPREME COURT OF MONTANA

State v. Campa

213 P.3d 1102 (Mont. 2009) · No. No. DA 07-0762 · Decided July 28, 2009

SUMMARY

The Montana Supreme Court addressed whether defense counsel was ineffective for failing to attach an affidavit concerning the justification for a probationary vehicle stop and whether the trial court improperly admitted evidence of prior probation violations and sanctions. The court held that the search was supported by reasonable cause, so counsel's omission did not prejudice the defendant. It nevertheless reversed and remanded for a new trial because the State failed to provide the required notice before introducing evidence of the intervention hearing and resulting sanctions.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	John Warner; W. William Leaphart; Patricia O. Cotter; James C. Nelson; Jim Rice
JURISDICTION	Montana
DECIDED	July 28, 2009
DOCKET	No. DA 07-0762
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Campa appealed his jury convictions for two felony counts of possession of dangerous drugs, challenging the denial of his motion to suppress, alleging ineffective assistance of counsel, and challenging the admission of evidence concerning prior probation violations and sanctions.
STANDARD OF REVIEW	The denial of a motion to suppress is reviewed for clear error as to factual findings and correctness as to legal conclusions; interpretation and application of law are reviewed de novo. Ineffective-assistance claims are reviewed de novo because they present mixed questions of law and fact. Evidentiary rulings, including rulings under Montana Rule of Evidence 404(b), are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Gilbert Campa v. State of Montana

TOPICS

criminal procedure

suppression of evidence

ineffective assistance

evidence

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

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QUESTIONS PRESENTED

1. Whether counsel provided ineffective assistance by failing to attach an affidavit stating that the person associated with the house was not a felon, thereby allegedly undermining the justification for the stop and search.
2. Whether the District Court erred by admitting evidence of Campa's prior probation violations, intervention hearing, and resulting sanctions without the notice required for other-acts evidence.

HOLDINGS

1. Campa failed to establish prejudice because the probation officer had reasonable cause to stop and search the vehicle based on the totality of the circumstances, even without considering whether Rodriguez was a felon.
2. The District Court erred by admitting the evidence because it constituted evidence of prior wrongs subject to Montana Rule of Evidence 404(b) and section 46-13-109, MCA, and the State failed to provide the required timely written notice.

KEY QUOTATIONS

“Without consideration of whether Rodriguez was a felon, we conclude that Welling had reasonable cause to stop Campa’s vehicle and conduct a search.” (213 P.3d at 1105)

“The transaction rule is not a basis for admitting evidence of the intervention hearing and sanctions.” (213 P.3d at 1107)

“The judgment of the District Court is reversed and this case is remanded for a new trial conducted in conformity with applicable law and this opinion.” (213 P.3d at 1108)

FACTUAL BACKGROUND

Probation officers observed Campa, a probationer under supervision with a recent history of drug use, enter and quickly leave a house the supervising officer associated with drug activity. At the officers' request, police stopped and searched Campa's vehicle, finding a drug pipe, methamphetamine, and pills. Before trial, the State gave notice of intent to introduce certain prior drug convictions, but it did not timely notify Campa that it intended to introduce evidence of recent probation violations, an intervention hearing, and resulting sanctions.

PROCEDURAL HISTORY

After probation officers requested a traffic stop, police stopped and searched Campa's vehicle and found drug paraphernalia, methamphetamine, and pills. The District Court denied Campa's suppression motion and admitted

evidence of an intervention hearing and resulting probation sanctions despite the State's failure to provide timely notice under Montana law. Following conviction, Campa appealed. The Montana Supreme Court rejected the ineffective-assistance claim but reversed and remanded for a new trial because the probation-violation evidence was improperly admitted.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for a new trial conducted in conformity with applicable law and the opinion.

CASES CITED

- State v. Hilgendorf, 2009 MT 158, ¶ 11, 350 Mont. 412, 208 P.3d 401
- State v. Thomas, 2008 MT 206, ¶ 9, 344 Mont. 150, 186 P.3d 864
- Whitlow v. State, 2008 MT 140, ¶¶ 9-10, 343 Mont. 90, 183 P.3d 861
- State v. Bar-Jonah, 2004 MT 344, ¶ 97, 324 Mont. 278, 102 P.3d 1229
- State v. Ford, 278 Mont. 353, 361, 926 P.2d 245, 249-50 (1996)
- State v. Crosley, 2009 MT 126, ¶¶ 26, 48, 350 Mont. 223, 206 P.3d 932
- State v. Aakre, 2002 MT 101, ¶ 8, 309 Mont. 403, 46 P.3d 648
- Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064, 80 L. Ed. 2d 674 (1984)
- Hammer v. State, 2008 MT 342, ¶¶ 10-11, 346 Mont. 279, 194 P.3d 699
- State v. Smith, 2008 MT 7, ¶ 15, 341 Mont. 82, 176 P.3d 258
- State v. Beaudry, 282 Mont. 225, 230, 937 P.2d 459, 462 (1997)
- State v. Just, 184 Mont. 262, 602 P.2d 957 (1979)
- State v. Matt, 249 Mont. 136, 814 P.2d 52 (1991)
- State v. Derbyshire, 2009 MT 27, ¶¶ 29, 34, 349 Mont. 114, 201 P.3d 811
- State v. Lozon, 2004 MT 34, ¶ 12, 320 Mont. 26, 85 P.3d 753