

SUPREME COURT OF WYOMING

Reece v. State

193 P.3d 274 (Wyo. 2008) · No. S-07-0296 · Decided October 9, 2008

SUMMARY

The Supreme Court of Wyoming affirmed the revocation of Dawson A. Reece's probation after he failed to complete an inpatient treatment program. The court held that the probation condition provided adequate notice and that the district court had a sufficient factual basis and did not abuse its discretion in revoking probation.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Hill, Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	October 9, 2008
DOCKET	S-07-0296
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the revocation of probation and reinstatement of Reece's sentences.
STANDARD OF REVIEW	Constitutional due-process claims are reviewed de novo. Sentencing and probation-revocation decisions are generally reviewed for abuse of discretion, subject to the limitation that a court may not impose an illegal sentence. Unpreserved errors are reviewed for plain error.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential
PARTIES	Dawson A. Reece v. State of Wyoming

TOPICS

- probation
- due process
- criminal procedure
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal procedure
- probation
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the terms of Reece's probation provided sufficient notice of the required and prohibited conduct to satisfy due process.
2. Whether the district court abused its discretion or acted arbitrarily and capriciously by revoking probation without making more specific findings concerning the violation, willfulness, and reasons for revocation.

HOLDINGS

1. The probation terms were sufficiently specific to satisfy due process because the probation order expressly required Reece to successfully complete the WYSTAR Resident Treatment Program, and he understood that failure to complete it would violate probation.
2. The district court did not abuse its discretion in revoking probation because the record adequately established that Reece violated the explicit condition requiring completion of WYSTAR, and the court had a sufficient factual basis for the revocation.

KEY QUOTATIONS

“The proceedings for probation revocation consist of a two-part process. The first part, the adjudicatory phase, requires the district court to determine by a preponderance of the evidence whether a condition of probation was violated.” (193 P.3d at 277)

“Conditions of probation do not have to be cast in letters six feet high, or to describe every possible permutation, or to spell out every last, self-evident detail.” (193 P.3d at 278)

FACTUAL BACKGROUND

Reece pleaded guilty to one count each of felonious restraint and aggravated assault after other charges were dismissed. Following successful completion of Boot Camp, he was placed on probation and required to successfully complete the WYSTAR residential treatment program. WYSTAR discharged him because clinicians determined he was unsuccessful under its readiness-for-change criteria and because his intimidating verbal behavior required immediate discharge. At the revocation hearing, Reece admitted that he had not completed WYSTAR and knew completion was a condition of probation.

PROCEDURAL HISTORY

Reece pleaded guilty to felonious restraint and aggravated assault pursuant to a plea agreement and received concurrent prison sentences. After successfully completing Boot Camp, he was released to probation and placed in the WYSTAR residential treatment program. The State petitioned to revoke probation after WYSTAR discharged him for failure to meet readiness-for-change criteria and intimidating verbal behavior. The district court revoked probation, reinstated both sentences, and again suspended the five-to-eight-year sentence in favor of supervised probation. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re C.T., 2006 WY 101, ¶ 8, 140 P.3d 643, 646 (Wyo. 2006)
- Meyers v. State, 2005 WY 163, ¶ 8, 124 P.3d 710, 714 (Wyo. 2005)
- DH v. Wyoming Department of Family Services (In re "H" Children), 2003 WY 155, ¶ 38, 79 P.3d 997, 1008 (Wyo. 2003)
- Bitz v. State, 2003 WY 140, ¶ 7, 78 P.3d 257, 259 (Wyo. 2003)
- White v. State, 934 P.2d 745, 746 (Wyo. 1997)
- Martinez v. State, 2002 WY 10, ¶ 9, 39 P.3d 394, 396 (Wyo. 2002)
- Garcia v. State, 777 P.2d 603, 607 (Wyo. 1989)
- Butcher v. State, 2005 WY 146, ¶¶ 29, 33, 123 P.3d 543, 552-553 (Wyo. 2005)
- Messer v. State, 2006 WY 141, ¶ 9, 145 P.3d 457, 460 (Wyo. 2006)
- Mapp v. State, 929 P.2d 1222, 1226 (Wyo. 1996)
- Sinning v. State, 2007 WY 193, ¶ 10, 172 P.3d 388, 390 (Wyo. 2007)
- Edrington v. State, 2008 WY 70, 185 P.3d 1264 (Wyo. 2008)
- United States v. Gallo, 20 F.3d 7, 12 (1st Cir. 1994)

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