

SUPREME COURT OF MONTANA

State v. Wells

21 P.3d 610 (Mont. 2001) · No. No. 00-099 · Decided April 5, 2001

SUMMARY

The Supreme Court of Montana affirmed the denial of Alannah Wells's petition for postconviction relief. The court held that her challenge to a weapons-enhancement sentence under the Montana Constitution's double-jeopardy provision was untimely and procedurally barred because it could have been raised on direct appeal. The court also declined to apply the miscarriage-of-justice exception because Wells did not present newly discovered evidence establishing actual innocence.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Jim Regnier; Karla M. Gray; Terry N. Triewelier; James C. Nelson; W. William Leaphart
JURISDICTION	Montana
DECIDED	April 5, 2001
DOCKET	No. 00-099
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wells appealed the Eighth Judicial District Court's denial of her petition for postconviction relief challenging a weapon-enhancement portion of her sentence on double-jeopardy grounds.
STANDARD OF REVIEW	The court reviews the denial of postconviction relief to determine whether the district court's findings are clearly erroneous and whether it correctly interpreted the law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Alannah M. Wells v. State of Montana

TOPICS

- state post-conviction relief
- double jeopardy
- sentencing
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Wells's postconviction petition was timely under Montana's one-year postconviction-relief limitation period.
2. Whether the miscarriage-of-justice exception permitted review of Wells's untimely petition despite her failure to allege newly discovered evidence establishing actual innocence.
3. Whether Wells was procedurally barred from raising a double-jeopardy challenge in postconviction proceedings because the claim could have been raised on direct appeal.

HOLDINGS

1. Wells's petition was untimely because her conviction became final on March 3, 1998, and she did not file her petition until December 22, 1999, more than one year after finality.
2. The limitation period is jurisdictional and may be waived only for a clear miscarriage of justice; that exception did not apply because Wells did not allege newly discovered evidence establishing that she was actually innocent.
3. Wells was additionally barred from raising her double-jeopardy claim in postconviction proceedings because she could have raised it on direct appeal.

FACTUAL BACKGROUND

In 1997, Montana charged Alannah Wells with felony assault, and she pleaded guilty on December 18, 1997. The district court sentenced her to five years in prison, with two years suspended, plus an additional two-year sentence for use of a weapon during the offense. After the Montana Supreme Court decided *State v. Guillaume*, Wells sought postconviction relief, arguing that the weapon enhancement violated double jeopardy.

PROCEDURAL HISTORY

Wells pleaded guilty to felony assault in 1997 and received a prison sentence that included an additional two-year weapon enhancement. She did not appeal. She filed a postconviction petition in December 1999, which the district court sua sponte dismissed as procedurally barred. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *State v. Wilson*, 1999 MT 52, ¶ 11, 293 Mont. 429, 976 P.2d 962
- *State v. Guillaume*, 1999 MT 29, ¶ 16, 293 Mont. 224, 975 P.2d 312
- *State v. Nichols*, 1999 MT 212, ¶¶ 16, 20, 295 Mont. 489, 986 P.2d 1093
- *State v. Rosales*, 2000 MT 89, ¶ 7, 299 Mont. 226, 999 P.2d 313
- *In re Manula*, 263 Mont. 166, 169, 866 P.2d 1127, 1129 (1993)
- *Gollehon v. State*, 1999 MT 210, ¶ 55, 296 Mont. 6, 986 P.2d 395

- *Gollehon v. Montana*, 529 U.S. 1041, 120 S. Ct. 1539, 146 L. Ed. 2d 353 (2000)

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