

SUPREME COURT OF THE STATE OF MONTANA

State of Montana v. Tyler Frederick Erickson

State v. Erickson, 2021 MT 320 · No. DA 20-0159 · Decided December 21, 2021

SUMMARY

The Montana Supreme Court affirmed Tyler Frederick Erickson’s conviction for felony assault on a peace officer. The court held that the prosecutor improperly referred to Erickson’s felony probation and elicited testimony about his prior prison incarceration, but concluded that these errors did not prejudice his right to a fair trial or constitute an abuse of discretion in denying a mistrial.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Jim Rice; Jim Rice; Laurie McKinnon; Beth Baker; James Jeremiah Shea; Dirk M. Sandefur
JURISDICTION	Montana
DECIDED	December 21, 2021
DOCKET	DA 20-0159
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a felony conviction for assault on a peace officer. The defendant challenged the denial of his motions for mistrial and new trial based on alleged prosecutorial misconduct.
STANDARD OF REVIEW	Abuse of discretion. The court applies a two-step inquiry to alleged prosecutorial misconduct: whether the conduct was improper and, if so, whether it prejudiced the defendant's right to a fair trial.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Tyler Frederick Erickson v. State of Montana

TOPICS

- prosecutorial misconduct
- criminal procedure
- evidence
- appellate procedure
- harmless error

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate litigation
- evidence

QUESTIONS PRESENTED

1. Whether the prosecutor's reference to Erickson's felony probation during opening statement violated the District Court's ruling limiting prior-crime evidence and constituted prosecutorial misconduct.
2. Whether the prosecutor improperly elicited testimony concerning Erickson's prior incarceration at Montana State Prison.
3. Whether the improper statements created a reasonable possibility that inadmissible evidence contributed to the conviction, requiring a mistrial.

HOLDINGS

1. The prosecutor acted improperly by referring to Erickson's felony probation after representing that the State only needed to inform the jury that Erickson was on probation and regularly reported to the probation office. The comment drew attention to the nature and seriousness of Erickson's prior criminal record for an improper propensity purpose.
2. The prosecutor acted improperly by questioning the witness about the 'ITU' and an alleged upgrade in treatment in a manner that prompted disclosure that the ITU was at Montana State Prison, violating the limine order.
3. The District Court did not abuse its discretion by denying the motion for mistrial because, despite the improper statements, there was no reasonable possibility that the statements contributed to Erickson's conviction.
4. The conviction was affirmed, but the court held that the prosecutor failed in the duty to seek justice rather than use improper methods calculated to produce a wrongful conviction.

KEY QUOTATIONS

“The intended inference was obvious and improper—that Erickson’s felony history made him a bad person with a propensity to commit further crimes, such as the current charged felony.” (¶ 21)

“Where there is a reasonable possibility that inadmissible evidence might have contributed to the conviction, a mistrial is appropriate.” (¶ 25)

“The prosecution’s task is unique because, more than merely representing a party to a controversy, it is the prosecutor’s job to seek justice, not simply to win cases.” (¶ 29)

FACTUAL BACKGROUND

During a June 28, 2018 probation-office appointment, Tyler Erickson admitted using methamphetamine and became upset when told he would be subject to increased supervision. He threatened to harm counselors and police, pulled a knife and displayed it toward probation officers, and later threw the knife into a wall. At trial, the prosecutor referred to Erickson as being on felony probation and elicited testimony that he had been in the Intensive Treatment Unit at Montana State Prison, despite the District Court's limitation on prior-crime evidence. The jury convicted Erickson of assault on a peace officer.

PROCEDURAL HISTORY

Erickson was charged in the Twentieth Judicial District Court of Lake County with felony assault on a peace officer after pulling a knife during a probation-office appointment. Before trial, the court limited the State's use of prior-crime evidence. During trial, the prosecutor referred to Erickson's felony probation and elicited testimony indicating that he had been incarcerated at the Montana State Prison. The District Court denied motions for mistrial and a subsequent motion for new trial, and the jury convicted Erickson. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Krause, 2021 MT 24, ¶ 11, 403 Mont. 105, 480 P.3d 222
- State v. Krause, 2021 MT 24, ¶¶ 25-26, 403 Mont. 105, 480 P.3d 222
- State v. Zimmerman, 2018 MT 94, ¶ 13, 391 Mont. 210, 417 P.3d 289
- State v. Lawrence, 2016 MT 346, ¶¶ 13, 17, 20, 386 Mont. 86, 385 P.3d 968
- State v. Hayden, 2008 MT 274, ¶ 27, 345 Mont. 252, 190 P.3d 1091
- State v. Derbyshire, 2009 MT 27, ¶ 21, 349 Mont. 114, 201 P.3d 811
- State v. Tiedemann, 139 Mont. 237, 242, 362 P.2d 529, 531 (1961)
- State v. Bollman, 2012 MT 49, ¶¶ 33-34, 364 Mont. 265, 272 P.3d 650
- State v. Michelotti, 2018 MT 158, ¶¶ 23-24, 392 Mont. 33, 420 P.3d 1020
- State v. Partin, 287 Mont. 12, 18, 20-21, 951 P.2d 1002, 1006-1007
- State v. Criswell, 2013 MT 177, ¶ 51, 370 Mont. 511, 305 P.3d 760
- State v. Dubois, 2006 MT 89, ¶ 61, 332 Mont. 44, 134 P.3d 82
- Berger v. United States, 295 U.S. 78, 88, 55 S. Ct. 629, 633 (1935)