

SUPREME COURT OF MONTANA

State v. Shields

328 Mont. 509 (Mont. 2005) · No. 04-036 · Decided October 17, 2005

SUMMARY

The Supreme Court of Montana affirmed Benjamin Timothy Shields's conviction for sexual intercourse without consent. The court held that sufficient evidence supported the jury's finding that the victim was sleeping during the intercourse and therefore physically helpless and incapable of consent under Montana law. The court deferred to the jury's credibility determinations and rejected Shields's sufficiency-of-the-evidence arguments.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Montana                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | James C. Nelson; Karla M. Gray; John Warner; Jim Rice; Brian Morris                                                                                                                                                                                    |
| JURISDICTION          | Montana                                                                                                                                                                                                                                                |
| DECIDED               | October 17, 2005                                                                                                                                                                                                                                       |
| DOCKET                | 04-036                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Defendant appealed from a judgment entered after a jury convicted him of sexual intercourse without consent. He challenged the sufficiency of the evidence supporting the conviction.                                                                  |
| STANDARD OF REVIEW    | The court reviews the sufficiency of the evidence by viewing the evidence in the light most favorable to the prosecution and asking whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. |
| PRECEDENTIAL VALUE    | Published Montana Supreme Court opinion; precedential.                                                                                                                                                                                                 |
| PARTIES               | Benjamin Timothy Shields v. State of Montana                                                                                                                                                                                                           |

TOPICS

- criminal procedure
- standard of review
- appellate procedure
- evidence
- statutory interpretation

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate litigation

## QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Shields's conviction for sexual intercourse without consent by proving that the victim was physically helpless and therefore incapable of consent because she was asleep.
2. Whether conflicting testimony concerning the victim's awareness and participation rendered the evidence insufficient as a matter of law.

## HOLDINGS

1. Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could find beyond a reasonable doubt that the victim was asleep during the intercourse, was therefore physically helpless, and was incapable of consent. The evidence was sufficient to support the conviction.

## KEY QUOTATIONS

*“In other words, a sleeping victim cannot consent to sexual intercourse.”* (§ 16)

*“Determining the credibility of witnesses and the weight to be given to their testimony is exclusively the province of the trier of fact.”* (§ 19)

*“As we held in Stevens, a sleeping victim cannot consent to sexual intercourse.”* (§ 29)

## FACTUAL BACKGROUND

Shields and the victim had previously dated but were no longer in a relationship. After the victim became intoxicated at a party, Shields drove her and Arrow Hoehn to the victim's home; Hoehn slept in the living room while the victim went to bed. The victim testified that she awoke to sexual intercourse, realized she was being raped, and did not identify Shields until she turned on a light. Shields testified that the victim participated in the intercourse. The jury credited evidence sufficient to find that the victim was asleep and physically helpless when the intercourse began.

## PROCEDURAL HISTORY

The State charged Shields with burglary and sexual intercourse without consent. After a jury trial, he was acquitted of burglary and criminal trespass but convicted of sexual intercourse without consent. The District Court sentenced him to thirty years in the Montana State Prison, with twenty-nine years suspended. The Montana Supreme Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- State v. Stevens, 2002 MT 181, 311 Mont. 52, 53 P.3d 356
- State v. McCaslin, 2004 MT 212, 322 Mont. 350, 96 P.3d 722

- State v. Gladue, 1999 MT 1, 293 Mont. 1, 972 P.2d 827
- State v. Bailey, 2003 MT 150, 316 Mont. 211, 70 P.3d 1231
- State v. Azure, 2002 MT 22, 308 Mont. 201, 41 P.3d 899
- State v. Bauer, 2002 MT 7, 308 Mont. 99, 39 P.3d 689
- State v. Whitcher, 248 Mont. 183, 810 P.2d 751 (1991)
- State v. Taylor, 163 Mont. 106, 515 P.2d 695 (1973)