

SUPREME COURT OF MONTANA

State v. Walker

2007 MT 34 (Mont. 2007) · No. No. 05-704 · Decided February 13, 2007

SUMMARY

The Supreme Court of Montana affirmed the denial of John D. Walker’s motion to dismiss a felony DUI charge enhanced by prior convictions. The court held that Walker’s prior Fort Belknap Tribal Court DUI conviction could be used for enhancement because its validity was governed by tribal law and comity principles, rather than state or federal Sixth Amendment standards.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Brian Morris; Karla M. Gray; James C. Nelson; W. William Leaphart; Jim Rice
JURISDICTION	Montana
DECIDED	February 13, 2007
DOCKET	No. 05-704
DISPOSITION	affirmed
PROCEDURAL POSTURE	Walker appealed from the Twelfth Judicial District Court of Hill County's order denying his motion to dismiss a felony DUI charge. After the denial, he entered a plea of nolo contendere to the charges and appealed the court's ruling.
STANDARD OF REVIEW	Whether a prior conviction may be used to enhance a criminal sentence is a question of law reviewed for correctness. Findings of fact are reviewed for clear error.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	John D. Walker v. State of Montana

TOPICS

- tribal sovereignty
- right to counsel
- sentencing
- criminal procedure
- appellate procedure

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Indian law
- Sentencing and sentence enhancement
- Appellate practice

QUESTIONS PRESENTED

1. Whether Walker's 1992 Fort Belknap Tribal Court DUI conviction could be used to enhance his current DUI charge despite his claim that the tribal court failed to provide or advise him of a constitutional right to counsel.
2. Whether the validity and regularity of a tribal-court conviction used for state sentencing enhancement must be determined under federal and Montana constitutional standards or under the law of the tribe that rendered the conviction.
3. Whether the District Court properly denied Walker's motion to dismiss the felony DUI charge.

HOLDINGS

1. A valid tribal-court DUI conviction may be used to enhance a Montana DUI charge when the conviction was regular under the law of the tribe that rendered it, even if the proceeding would not satisfy the Sixth Amendment or Montana constitutional standards applicable in Montana courts.
2. The District Court properly denied Walker's motion to dismiss because the Fort Belknap DUI conviction, together with two unchallenged prior DUI convictions, supported enhancement of the current DUI charge to a felony.

KEY QUOTATIONS

“We held that comity required us “to give full effect to the valid judgments of a foreign jurisdiction according to that sovereign's laws, rather than the Sixth Amendment standard that applies to proceedings in Montana” courts.” (¶ 18)

“We must evaluate Walker's underlying tribal conviction, therefore, according to the laws of the sovereign, not the standards embodied in state and federal law.” (¶ 20)

FACTUAL BACKGROUND

The State charged Walker with felony DUI based on four prior DUI convictions, including a 1992 conviction from Fort Belknap Tribal Court. Walker argued that the tribal conviction could not be used for enhancement because he was not advised of or provided a right to counsel before pleading guilty. The tribal records indicated that Walker had been advised of a right to counsel and the option of using a Tribal Defender, while Walker disputed the records and his recollection of the proceeding. The District Court found that the tribal conviction was valid under applicable tribal law and could be used to enhance the current DUI charge.

PROCEDURAL HISTORY

The State charged Walker with felony DUI, fourth or subsequent offense, and four misdemeanor offenses, relying on four prior DUI convictions for enhancement. Walker moved to dismiss the felony charge, arguing that two prior convictions were constitutionally infirm because he had not been advised of or provided a right to counsel. The District Court denied the motion, concluding that both convictions could be used for enhancement. The Montana Supreme Court affirmed, resolving the appeal on the Fort Belknap tribal conviction and declining to address the challenge to the Garfield County conviction.

DISPOSITION

affirmed

CASES CITED

- State v. Spotted Eagle, 2003 MT 172, 316 Mont. 370, 71 P.3d 1239
- State v. Okland, 283 Mont. 10, 14, 941 P.2d 431, 433 (1997)
- State v. Howard, 2002 MT 276, 312 Mont. 359, 59 P.3d 1075
- State v. Craig, 274 Mont. 140, 148, 906 P.2d 683, 690 (1995)
- Gideon v. Wainwright, Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792 (1963)
- Talton v. Mayes, 163 U.S. 376, 384, 16 S. Ct. 986, 989 (1896)
- United States v. Wheeler, 435 U.S. 313, 322, 98 S. Ct. 1079, 1086