

SUPREME COURT OF THE STATE OF MONTANA

State v. Bradford

2001 MT 48N (2001) · No. No. 99-652 · Decided March 20, 2001

SUMMARY

The Montana Supreme Court affirmed Ty Bradford’s convictions for two counts of felony assault. The court held that Bradford’s post-trial letter did not constitute a motion for a new trial and that the District Court did not abuse its discretion by declining to conduct a further inquiry into Bradford’s complaints about trial counsel.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	James C. Nelson; W. William Leaphart; Patricia Cotter; Terry N. Trieweiler
JURISDICTION	Montana
DECIDED	March 20, 2001
DOCKET	No. 99-652
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bradford appealed his felony assault convictions, arguing that a post-trial letter should have been treated as a motion for a new trial and that the district court should have conducted a further inquiry into his complaints about trial counsel.
STANDARD OF REVIEW	The court reviews the denial of a motion for a new trial and the district court's treatment of concerns regarding counsel for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ty Bradford v. State of Montana

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- right to counsel
- evidence

PRACTICE AREAS

- criminal procedure
- appellate procedure
- criminal defense

QUESTIONS PRESENTED

1. Whether Bradford's post-trial letter should have been treated as a motion for a new trial.
2. Whether the district court was required to conduct a further inquiry into Bradford's complaints about trial counsel.

HOLDINGS

1. The letter was not a properly filed motion for a new trial because it did not satisfy the statutory requirement that the motion be in writing and specify the grounds for a new trial; in any event, the district court did not abuse its discretion in refusing to grant a new trial.
2. The district court did not abuse its discretion by declining to conduct a more detailed inquiry into Bradford's post-trial complaints about counsel.

KEY QUOTATIONS

“Following a verdict or finding of guilty, the court may grant the defendant a new trial if required in the interest of justice.” (¶ 13)

“The District Court did not abuse its discretion and did not err when it declined to inquire in any greater detail into Bradford's complaints regarding counsel in his post-trial letter.” (¶ 23)

FACTUAL BACKGROUND

Bradford and Dixie Brown had a contentious relationship involving physical altercations. During the final altercation, Bradford called 911 and allegedly threatened Brown with a butcher knife; the 911 recording was introduced by stipulation, although a small portion at the beginning appeared garbled or missing. Bradford was convicted of two felony assault counts involving the knife and later sent the court a letter alleging that the tape had been tampered with and that trial counsel had failed him.

PROCEDURAL HISTORY

Bradford was charged in the Montana District Court for Gallatin County with three counts of partner or family member assault and two counts of felony assault. The jury acquitted him of two partner-assault counts, failed to reach a verdict on another, and convicted him of both felony-assault counts. After trial, Bradford sent the court a letter alleging tampering with the 911 tape and inadequate representation; the court advised him that no action could be taken without a formal filing and later confirmed at sentencing that he wished to proceed with existing counsel. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Cline (1996), 275 Mont. 46, 51, 909 P.2d 1171, 1174
- State v. Gallagher, 1998 MT 70, ¶ 10, 288 Mont. 180, ¶ 10, 955 P.2d 1371, ¶ 10

