

SUPREME COURT OF MONTANA

In the Matter of J.D.N.

2008 MT 420 (Mont. 2008) · No. DA 07-0246 · Decided December 16, 2008

SUMMARY

The Montana Supreme Court held that a youth court could not designate J.D.N.'s criminal mischief offense as a felony based on a finding that the vehicle's value was "at least \$1,000." Because Montana law required pecuniary loss "in excess of \$1,000" for felony criminal mischief, the court reversed the disposition and remanded for a new disposition based on an offense that would be a misdemeanor if committed by an adult.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	John Warner; Karla M. Gray; Patricia Cotter; Brian Morris; James C. Nelson
JURISDICTION	Montana
DECIDED	December 16, 2008
DOCKET	DA 07-0246
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	J.D.N. appealed from the Montana Seventh Judicial District Youth Court's determination that his criminal-mischief offense was a felony and from the resulting disposition.
STANDARD OF REVIEW	Statutory interpretation and construction are reviewed de novo.
PRECEDENTIAL VALUE	published Montana Supreme Court opinion
PARTIES	J.D.N. v. State of Montana

TOPICS

- statutory interpretation
- plain meaning rule
- standard of review
- appellate procedure
- criminal procedure

PRACTICE AREAS

- juvenile law
- criminal law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Youth Court erred by determining that J.D.N. committed felony criminal mischief under Montana Code Annotated § 45-6-101(3) when it found only that the pecuniary loss was at least \$1,000.
2. Whether the case should be dismissed rather than remanded after the felony designation was found legally insufficient.

HOLDINGS

1. It does not. Criminal mischief is a felony under § 45-6-101(3), MCA, only when it causes a pecuniary loss in excess of \$1,000; a finding that the loss was at least \$1,000 is insufficient as a matter of law.
2. The Supreme Court declined to dismiss the petition and instead remanded for entry of a disposition based on a finding that J.D.N. committed an act that would constitute a misdemeanor if committed by an adult.

KEY QUOTATIONS

“A criminal mischief offense must cause pecuniary loss “in excess of \$1,000” to constitute a felony.” (¶ 14)

“We conclude this finding is insufficient, as a matter of law, to support the Youth Court’s legal conclusion that J.D.N. committed felony criminal mischief as defined in § 45-6-101(3), MCA.” (¶ 14)

FACTUAL BACKGROUND

A vehicle belonging to Matthew Loomer was damaged during an incident involving J.D.N. and three other young men. The vehicle was later sold for \$500, while testimony placed the cost of repairs at more than \$8,000; the Youth Court found the vehicle's value at the time of damage was at least \$1,000. Based on that finding, the Youth Court designated the criminal-mischief offense a felony.

PROCEDURAL HISTORY

The Richland County Youth Court adjudicated J.D.N. a delinquent youth after finding that he committed criminal mischief causing a pecuniary loss of at least \$1,000. The court designated the offense a felony, imposed juvenile probation through J.D.N.'s twenty-first birthday, and ordered restitution. J.D.N. challenged only the felony designation. The Montana Supreme Court reversed the disposition and remanded for entry of a disposition based on an act that would constitute a misdemeanor if committed by an adult.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Youth Court's March 2, 2007 disposition and remand for entry of a disposition upon a finding that J.D.N. committed an act that would be a misdemeanor if committed by an adult.

CASES CITED

- State v. Triplett, 2008 MT 360, ¶ 13, 346 Mont. 383, 195 P.3d 819

- State v. Farmer, 2008 MT 354, ¶ 13, 346 Mont. 335, 195 P.3d 800
- State v. Torgerson, 2008 MT 303, ¶ 36, 345 Mont. 532, 192 P.3d 695

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/montana-supreme-court-of-montana/2008/in-the-matter-of-j-d-n-8sdpjyk2>