

SUPREME COURT OF MONTANA

State v. Marble

119 P.3d 88 (Mont. 2005) · No. No. 04-280 · Decided August 23, 2005

SUMMARY

The Supreme Court of Montana affirmed Cody William Marble’s conviction and sentence for sexual intercourse without consent. The court held that the trial court did not abuse its discretion in denying a challenge for cause to a juror who expressed moral and religious repugnance toward the alleged conduct but stated he could remain impartial. The court also held that the jury instructions, viewed as a whole, fairly instructed the jury on witness credibility.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Karla M. Gray; W. William Leaphart; Brian Morris; Patricia O. Cotter; Jim Rice
JURISDICTION	Montana
DECIDED	August 23, 2005
DOCKET	No. 04-280
DISPOSITION	affirmed
PROCEDURAL POSTURE	Marble appealed his conviction and sentence for sexual intercourse without consent, challenging the denial of a challenge for cause to a prospective juror and the jury instruction on witness credibility.
STANDARD OF REVIEW	The denial of a challenge for cause is reviewed for abuse of discretion. Jury instructions are reviewed to determine whether, viewed in their entirety, they fully and fairly instruct the jury on the applicable law; the trial court has broad discretion in formulating instructions, and reversal requires prejudice to the defendant's substantial rights.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Cody William Marble v. State of Montana

TOPICS

- jury selection
- jury instructions
- witness credibility instructions
- standard of review
- appellate procedure

PRACTICE AREAS

criminal procedure

criminal evidence

jury selection

jury instructions

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by denying Marble's motion to excuse prospective juror John Stoner for cause.
2. Whether the District Court abused its discretion by giving the State's witness-credibility instruction rather than Marble's proposed alternative instruction.

HOLDINGS

1. The District Court did not abuse its discretion because, under the totality of the circumstances, Stoner did not exhibit actual bias that would prevent him from acting impartially and without prejudice.
2. The District Court did not abuse its discretion in giving the State's witness-credibility instruction because the instructions, viewed as a whole, fully and fairly instructed the jury on assessing witness credibility.

KEY QUOTATIONS

“In the context of challenges for cause, a court abuses its discretion if it fails to excuse a prospective juror whose actual bias is discovered during voir dire.” (§ 10)

“Furthermore, we have held that a trial court's failure to dismiss a biased juror for cause constitutes structural error, which is presumptively prejudicial and requires automatic reversal if the following three requirements are met” (§ 11)

“We conclude that the instructions given by the District Court, when viewed as a whole, fully and fairly instructed the jury on the applicable law, including the determination of witness credibility.” (§ 28)

FACTUAL BACKGROUND

Marble was charged with knowingly having anal sexual intercourse without consent with another inmate while confined at the Missoula County Juvenile Detention Facility. During voir dire, prospective juror John Stoner stated that his religious and moral beliefs made the alleged act repugnant, but he also stated that he could follow the law, remain impartial, and fairly weigh the evidence. Marble used a peremptory challenge to remove Stoner and used all of his allotted peremptory challenges. The jury convicted Marble, and the District Court sentenced him.

PROCEDURAL HISTORY

The State charged Marble by information in the Fourth Judicial District Court, Missoula County. Following a jury trial, the jury found him guilty of sexual intercourse without consent, and the District Court entered judgment and imposed sentence. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Heath, 2004 MT 58, 320 Mont. 211, 89 P.3d 947
- State v. Freshment, 2002 MT 61, 309 Mont. 154, 43 P.3d 968
- State v. Burkhardt, 2004 MT 372, 325 Mont. 27, 103 P.3d 1037
- State v. Grindheim, 2004 MT 311, 323 Mont. 519, 101 P.3d 267
- United States v. McDonald, 620 F.2d 559 (5th Cir. 1980)

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