

SUPREME COURT OF MONTANA

State v. Gallmeier, 2009 MT 68

203 P.3d 852 (2009) · No. DA 08-0227 · Decided March 4, 2009

SUMMARY

The Supreme Court of Montana reviewed Felicia Gallmeier's challenge to a prison sentence imposed after her robbery conviction. Gallmeier argued that her mental condition required sentencing to the Department of Public Health and Human Services rather than prison. The court held that the District Court independently evaluated her mental condition, that she failed to prove the statutory basis for commitment, and that the sentence was not an abuse of discretion.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Brian Morris; Patricia Cotter; W. William Leaphart; James C. Nelson
JURISDICTION	Montana
DECIDED	March 4, 2009
DOCKET	DA 08-0227
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gallmeier appealed her sentence following her guilty plea to robbery, challenging the district court's refusal to sentence her to the Department of Public Health and Human Services rather than prison based on her alleged mental disease or defect.
STANDARD OF REVIEW	The legality of a criminal sentence is reviewed to determine whether it falls within the parameters of the applicable sentencing statutes. A district court's determination regarding the existence of a mental disease or defect under § 46-14-311, MCA, is reviewed for abuse of discretion. The court will not disturb that determination unless it is unsupported by the record.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Felicia Gallmeier v. State of Montana

TOPICS

- sentencing
- criminal procedure
- standard of review
- cruel and unusual punishment
- appellate procedure

PRACTICE AREAS

criminal law

criminal sentencing

mental disease or defect

appellate review

QUESTIONS PRESENTED

1. Whether the district court abused its discretion in determining that Gallmeier failed to prove that she suffered from a qualifying mental disease or defect under § 46-14-311, MCA, and in sentencing her to prison rather than committing her to the Department of Public Health and Human Services.
2. Whether Gallmeier's sentence was illegal or constituted cruel and unusual punishment because the district court did not expressly use the statutory language of § 46-14-312, MCA.

HOLDINGS

1. A sentencing court must consider a defendant's mental condition when the defendant claims to have suffered from a qualifying mental disease or defect at the time of the offense, but the defendant bears the burden of proving that the condition rendered the defendant unable to appreciate the criminality of the conduct or conform the conduct to the law. The district court properly determined that Gallmeier did not meet that burden and therefore did not abuse its discretion by sentencing her to prison rather than to the Department of Public Health and Human Services.
2. A sentencing court must independently evaluate the defendant's mental condition, and the record must reflect the court's deliberative process. The district court satisfied that duty here.

KEY QUOTATIONS

“The defendant has the burden of proving to the trial court that he or she suffered from the type of mental disease or defect defined in § 46-14-311, MCA, at the time of the offense.” (203 P.3d 855)

“We will not disturb a district court's conclusion as to mental disease or defect unless it is unsupported by the record.” (203 P.3d 856)

FACTUAL BACKGROUND

Gallmeier robbed a credit union after presenting a note demanding money and threatening that she would do what she had to do if the teller sought help. She attempted to conceal her identity, fled in a stolen car, spent robbery proceeds, and later confessed, stating that she knew the robbery was wrong. Psychological evaluations identified paranoid schizophrenia and led to competency-restoration commitments, but the evidence at sentencing did not establish that her mental condition rendered her unable to appreciate the criminality of her conduct or conform her conduct to the law.

PROCEDURAL HISTORY

Gallmeier was charged with robbery, was initially found unfit to proceed, and was committed for competency restoration. After treatment she was found competent, waived a jury trial, and pleaded guilty under a plea agreement. The Eighth Judicial District Court, Cascade County, sentenced her to twenty years in prison with ten years suspended instead of committing her to the Department of Public Health and Human Services. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Rathbun, 2003 MT 210, 317 Mont. 66, 75 P.3d 334
- State v. Burke, 2005 MT 250, 329 Mont. 1, 122 P.3d 427
- State v. Smith, 2000 MT 57, 299 Mont. 6, 997 P.2d 768
- State v. Korell, 213 Mont. 316, 690 P.2d 992 (1984)
- State v. Raty, 214 Mont. 114, 692 P.2d 17 (1984)
- State v. Pittman, 2005 MT 70, 326 Mont. 324, 109 P.3d 237