

SUPREME COURT OF THE STATE OF MONTANA

State v. Jason Christ

Christ, 2015 MT 333N (Supreme Court of the State of Montana 2015) · No. DA 13-0410 · Decided December 1, 2015

SUMMARY

The Montana Supreme Court affirmed Jason Christ’s conviction for intimidation under § 45-5-203(2), MCA, based on threats to bomb a Verizon store. The court declined to review unpreserved facial-overbreadth and jury-instruction claims under plain-error review and held that sufficient evidence supported the conviction.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Justice James Jeremiah Shea; Justice Patricia Cotter; Justice Laurie McKinnon; Justice Michael E. Wheat
JURISDICTION	Montana
DECIDED	December 1, 2015
DOCKET	DA 13-0410
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a jury conviction for intimidation under § 45-5-203(2), MCA.
STANDARD OF REVIEW	Issues raised for the first time on appeal are generally not considered. Plain-error review is discretionary and requires a showing that failure to review the alleged error would result in a manifest miscarriage of justice, leave unsettled the fundamental fairness of the proceeding, or compromise the integrity of the judicial process. The sufficiency-of-the-evidence claim was reviewed under the applicable settled standards.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion designated noncitable under Montana Supreme Court Internal Operating Rules § I, ¶ 3(c).
PARTIES	Jason Christ v. State of Montana

TOPICS

criminal procedure

free speech

first amendment

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Christ's facial overbreadth challenge to § 45-5-203(2), MCA, and his challenge to the jury instruction could be considered for the first time on appeal.
2. Whether the Supreme Court should exercise plain-error review over the unpreserved constitutional and instructional claims.
3. Whether sufficient evidence supported Christ's conviction for knowingly communicating a threat of a pending explosion endangering life or property.

HOLDINGS

1. The court would not consider the facial-overbreadth and jury-instruction claims because Christ did not raise them in the District Court.
2. The court declined to exercise plain-error review because failure to review the alleged errors would not result in a manifest miscarriage of justice, leave unsettled the fundamental fairness of the proceeding, or compromise the integrity of the judicial process.
3. The evidence was sufficient to sustain Christ's conviction for knowingly communicating a threat to bomb the Verizon store under § 45-5-203(2), MCA.

KEY QUOTATIONS

“Any reasonable person would understand the explicit threat in Christ’s statement that unless he got someone to talk to he could come down and bomb the Verizon store.” (§ 8)

“The State has a fundamental interest in prohibiting terroristic threats, and there is no First Amendment right to threaten to bomb someone.” (§ 8)

“this case is decided by memorandum opinion and shall not be cited and does not serve as precedent.” (§ 1)

FACTUAL BACKGROUND

Christ made repeated hostile telephone calls to Verizon employees after becoming dissatisfied with Verizon's service. During one call, he threatened to come to the store and bomb it, although he later claimed he was not serious. Verizon employees feared for their safety, contacted law enforcement, and the bomb squad searched the store without finding a bomb. Evidence also showed that Christ later played a recording of the threat to his employees and coached them regarding their testimony.

PROCEDURAL HISTORY

A Missoula County jury convicted Jason Christ of intimidation based on a threat to bomb a Verizon store. Christ appealed, arguing that the intimidation statute was facially overbroad, that the jury instruction was improper, and that the evidence was insufficient. The Supreme Court declined to review the unpreserved constitutional and instructional claims under plain-error review and affirmed the conviction.

DISPOSITION

affirmed

CASES CITED

- State v. Taylor, 2010 MT 94, ¶ 12, 356 Mont. 167, 231 P.3d 79
- State v. Taylor, 2010 MT 94, ¶¶ 12-13, 17, 356 Mont. 167, 231 P.3d 79
- State v. Finley, 276 Mont. 126, 134-35, 915 P.2d 208, 214, 216 (1996)
- State v. McCarthy, 2004 MT 312, ¶ 47, 324 Mont. 1, 101 P.3d 288
- State v. Lance, 222 Mont. 92, 101-02, 721 P.2d 1258, 1264-65 (1986)
- State v. Ross, 269 Mont. 347, 358-59, 889 P.2d 161, 168 (1995)