

SUPREME COURT OF THE STATE OF MONTANA

State v. Miller

2003 MT 311N (2003) · No. No. 02-318 · Decided November 13, 2003

SUMMARY

The Montana Supreme Court affirmed the denial of John O. Miller IV’s second petition for postconviction relief. Miller alleged ineffective assistance of counsel, mental disease or defect affecting his guilty pleas, improper additional punishment, and inability to timely file. The court held that the District Court properly applied the statutory filing requirements, did not abuse its discretion in denying an evidentiary hearing, and made no clearly erroneous findings or legal errors.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	W. William Leaphart; James C. Nelson; Jim Regnier; John Warner; Patricia Cotter
JURISDICTION	Montana
DECIDED	November 13, 2003
DOCKET	No. 02-318
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the District Court's denial, without an evidentiary hearing, of Miller's second petition for postconviction relief.
STANDARD OF REVIEW	The court reviews a district court's denial of postconviction relief for correctness of its conclusions of law and clear error in its findings of fact. Discretionary rulings, including whether to hold an evidentiary hearing, are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion
PARTIES	John O. Miller, IV v. State of Montana

TOPICS

- state post-conviction relief
- successive petitions
- ineffective assistance
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court properly denied Miller's second petition for postconviction relief as barred by the applicable statutory time limit.
2. Whether the District Court abused its discretion by denying the second petition without holding an evidentiary hearing.
3. Whether the District Court's findings of fact were clearly erroneous or its conclusions of law incorrect.

HOLDINGS

1. The District Court followed the statutory guidelines governing postconviction-relief claims, and its denial of Miller's second petition was proper.
2. The District Court did not abuse its discretion in denying Miller's second postconviction petition without an evidentiary hearing.
3. The District Court's findings of fact were not clearly erroneous and its conclusions of law were correct.

KEY QUOTATIONS

“we determine that the legal issues raised in this appeal are clearly controlled by settled Montana law” (§ 1)

“We review a district court’s denial of a petition for postconviction relief to determine if the court’s conclusions of law are correct and whether its findings of fact are clearly erroneous.” (§ 5)

“Discretionary rulings in postconviction relief proceedings, including rulings relating to whether to hold an evidentiary hearing, are reviewed for abuse of discretion.” (§ 5)

FACTUAL BACKGROUND

Miller was charged with two deliberate homicides arising from events on or about September 14, 1990. He entered one Alford plea and one guilty plea, and the District Court imposed two concurrent life sentences. After his first postconviction petition was denied and affirmed on appeal, he filed a second petition alleging ineffective assistance, mental disease or defect affecting his pleas and sentence, and an inability to file timely because of that condition. The District Court denied the second petition without an evidentiary hearing after reviewing the submitted documentation.

PROCEDURAL HISTORY

Miller was convicted after entering one Alford plea and one guilty plea to two deliberate-homicide counts and received two concurrent life sentences. His first petition for postconviction relief was denied by the District Court, and the Montana Supreme Court affirmed in 1996. Miller filed a second petition in 2002, alleging ineffective assistance, mental disease or defect affecting the validity of his pleas and sentencing, and inability to file timely; the District Court denied the petition as barred and unsupported without an evidentiary hearing. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Miller (1996), 278 Mont. 231, 924 P.2d 690
- State v. Root, 2003 MT 28, ¶ 7, 314 Mont. 186, 64 P.3d 1035
- State v. Hanson, 1999 MT 226, ¶ 9, 296 Mont. 82, 988 P.2d 299

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