

SUPREME COURT OF THE STATE OF MONTANA

State v. Hastings

2016 MT 199N · No. DA 15-0258 · Decided August 16, 2016

SUMMARY

The Montana Supreme Court affirmed the denial of Dan Eugene Hastings’s motion to withdraw his guilty plea to felony theft by accountability. The Court held that the plea was knowing and voluntary, supported by an adequate factual basis, and entered in exchange for substantial benefits under the plea agreement.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Justice James Jeremiah Shea; Justice Beth Baker; Justice Patricia Cotter; Justice Jim Rice
JURISDICTION	Montana
DECIDED	August 16, 2016
DOCKET	DA 15-0258
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the District Court's denial of Hastings's motion to withdraw his guilty plea to felony theft by accountability.
STANDARD OF REVIEW	The Supreme Court stated that the District Court's findings were supported by substantial evidence and that the legal issues were controlled by settled law properly applied by the District Court.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion expressly designated noncitable under Montana Supreme Court Internal Operating Rules § I(3)(c).
PARTIES	Dan Eugene Hastings v. State of Montana

TOPICS

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PRACTICE AREAS

[criminal procedure](#) [plea withdrawal](#) [post-conviction relief](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the District Court erred by denying Hastings's motion to withdraw his guilty plea under section 46-16-105(2), MCA.
2. Whether the District Court should have granted the motion because the State allegedly filed an untimely response.
3. Whether the District Court improperly treated the motion as untimely rather than deciding it on the merits.
4. Whether the record established that Hastings's plea was voluntary, intelligent, and supported by an adequate factual basis.

HOLDINGS

1. The District Court did not abuse its discretion or otherwise err in denying Hastings's motion to withdraw his guilty plea because the record showed that the plea was knowing and voluntary, had an adequate factual basis, and produced substantial benefits under the plea agreement.
2. The District Court properly refused to grant relief based on the State's allegedly untimely response.
3. The District Court did not deny the motion on a procedural timeliness ground; it considered the motion on its merits.

KEY QUOTATIONS

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

“A plea is voluntary if the defendant is fully aware of the consequences of the plea, and of any commitments made to him.” (¶ 6)

FACTUAL BACKGROUND

Hastings entered a plea agreement under which he pleaded guilty to felony theft by accountability arising from his participation in an attempt to sell a stolen orange-and-black surfer bong valued at more than \$1,500. In exchange, the State agreed to dismiss misdemeanor obstruction and resisting-arrest charges and to amend a felony robbery charge in another case to misdemeanor theft and misdemeanor assault. Hastings acknowledged in writing and in open court that he understood the factual basis and consequences of the pleas, was not coerced, had received discovery and adequate preparation time, and was satisfied with counsel's services.

PROCEDURAL HISTORY

Hastings entered a plea agreement resolving charges in two criminal cases and pleaded guilty to felony theft by accountability in the case on appeal. The District Court sentenced him to five years with the Department of Corrections, with two years suspended. Hastings later moved under section 46-16-105(2), MCA, to withdraw his guilty plea; the District Court denied the motion after finding the plea voluntary, intelligent, supported by a factual basis, and beneficial to Hastings. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. McFarlane, 2008 MT 18, 341 Mont. 166, 176 P.3d 1057
- State v. Lone Elk, 2005 MT 56, 326 Mont. 214, 108 P.3d 500
- State v. Garner, 2014 MT 312, 377 Mont. 173, 339 P.3d 1

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