

SUPREME COURT OF MONTANA

State v. Rave

2005 MT 78 (2005) · No. No. 03-786 · Decided March 29, 2005

SUMMARY

The Supreme Court of Montana held that Chad Alan Rave's guilty plea was not knowing, intelligent, and voluntary because the plea agreement incorrectly characterized the lesser included offense and failed to accurately state its potential penalties. The court reversed the denial of Rave's motion to withdraw his guilty plea and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice John Warner; Chief Justice Karla M. Gray; Justice W. William Leaphart; Justice James C. Nelson; Justice Jim Rice
JURISDICTION	Montana
DECIDED	March 29, 2005
DOCKET	No. 03-786
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed the District Court's denial of his presentence motion to withdraw his guilty plea and the resulting sentence imposed pursuant to the plea agreement.
STANDARD OF REVIEW	The court reviewed whether the guilty plea was voluntary and reviewed the District Court's determination of voluntariness in plea agreements de novo.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Chad Alan Rave v. State of Montana

TOPICS

- plea bargaining
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- plea bargaining
- appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court erred in denying Rave's presentence motion to withdraw his guilty plea when the plea agreement misstated the nature and penalty of the lesser included offense and the court did not fully advise him of that alternative.

HOLDINGS

1. The District Court erred in denying Rave's motion to withdraw his guilty plea because misinformation in the plea agreement, compounded by the court's incomplete advisement concerning the misdemeanor lesser included offense and its penalty, created genuine doubt that the plea was knowing, intelligent, and voluntary.

KEY QUOTATIONS

"A guilty plea is valid only if it represents a "voluntary, knowing, and intelligent choice among the alternative courses of action open to the defendant."" (¶ 14)

"The record leaves a doubt whether, at the time he entered his plea, Rave understood that if he went to trial he might be convicted of a lesser included offense for which the maximum punishment was six months in the county jail, and not the 30 years in Montana State Prison with 20 years suspended provided in the plea agreement." (¶ 19)

FACTUAL BACKGROUND

Rave was charged with felony sexual assault with bodily injury and pleaded guilty under a written plea agreement. The agreement incorrectly described misdemeanor sexual assault as a felony lesser included offense and stated that its maximum penalty was the same as the greater offense. At the plea hearing, the District Court advised Rave only that a jury could consider lesser included offenses, without specifically explaining that misdemeanor sexual assault carried a maximum penalty of six months in jail and/or a \$500 fine.

PROCEDURAL HISTORY

Rave was charged by Information with felony sexual assault with bodily injury and initially pleaded not guilty. He later pleaded guilty pursuant to a plea agreement. Before sentencing, he sought new counsel and moved to withdraw his plea, asserting that he had not been properly advised about the charge, plea agreement, and lesser included offenses. The District Court denied the motion and sentenced him to thirty years in prison with twenty years suspended; the Montana Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion, including granting Rave's motion to withdraw his guilty plea.

CASES CITED

- State v. Lone Elk, 2005 MT 56, ¶¶ 10, 14, 326 Mont. 214
- State v. Keys, 1999 MT 10, ¶ 12, 293 Mont. 81, 973 P.2d 812
- State v. Sanders, 1999 MT 136, ¶ 22, 294 Mont. 539, 982 P.2d 1015
- Anders v. California, 386 U.S. 738, 744, 87 S. Ct. 1396, 1400, 18 L. Ed. 2d 493 (1967)

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