

SUPREME COURT OF THE STATE OF MONTANA

State v. Bruce

2001 MT 3N (2001) · No. No. 00-192 · Decided January 11, 2001

SUMMARY

The Montana Supreme Court affirmed the denial of Wyatt Jon Bruce’s motion challenging his sentence and convictions for two felony theft counts. The court held that the motion was properly treated as a petition for post-conviction relief and was barred by the one-year statute of limitations. The court also concluded that the miscarriage-of-justice exception did not apply because Bruce did not claim actual innocence.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Jim Regnier; Jim Regnier; Karla M. Gray; Terry N. Triewelier; James C. Nelson; W. William Leaphart
JURISDICTION	Montana
DECIDED	January 11, 2001
DOCKET	No. 00-192
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bruce appealed the denial of his motion for correction of an illegal sentence, which the District Court characterized as a petition for postconviction relief.
STANDARD OF REVIEW	The court reviews the denial of a petition for postconviction relief to determine whether the trial court's findings of fact are clearly erroneous and whether its conclusions of law are correct.
PRECEDENTIAL VALUE	Noncitable; the court expressly stated that the decision shall not be cited as precedent.
PARTIES	Wyatt Jon Bruce v. State of Montana

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- appellate procedure
- preservation of error

PRACTICE AREAS

criminal procedure

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court properly characterized Bruce's motion for correction of an illegal sentence as a petition for postconviction relief.
2. Whether Bruce's petition for postconviction relief was barred by Montana's one-year statute of limitations.
3. Whether the miscarriage-of-justice exception to the postconviction-relief limitations period applied to Bruce's claims concerning alleged guilty-plea improprieties.

HOLDINGS

1. A motion challenging the legality of a conviction is properly treated as a petition for postconviction relief, even when styled as a motion for correction of an illegal sentence.
2. Bruce's petition was untimely and procedurally barred because it was filed more than one year after the time for appealing his conviction expired.
3. The miscarriage-of-justice exception to the postconviction-relief limitations bar did not apply because Bruce alleged guilty-plea improprieties rather than newly discovered evidence establishing that he was factually innocent.

KEY QUOTATIONS

“Because Bruce’s petition was not filed until November 10, 1999, it was not timely filed within the one year statute of limitations. Thus, Bruce’s petition is procedurally barred pursuant to § 46-21-102(1)(a).” (¶ 8)

“We have previously held that the “miscarriage of justice” exception does not apply to postconviction claims unless they allege newly discovered evidence which would establish that the defendant did not commit a particular offense, and shows that the defendant is likely to be actually innocent of criminal conduct, rather than legally innocent.” (¶ 9)

FACTUAL BACKGROUND

Bruce was charged with two counts of felony theft under section 45-5-301, MCA. He initially pleaded not guilty, but pursuant to a plea agreement he later pleaded guilty to both counts, was sentenced, and had judgment entered on May 8, 1998. On November 10, 1999, he filed a motion challenging the legality of his conviction and guilty pleas, but he did not claim that he was factually innocent of the charged conduct.

PROCEDURAL HISTORY

Bruce pleaded guilty to two counts of felony theft and was sentenced in the Montana District Court for Missoula County. More than one year after the time for taking a direct appeal expired, he filed a pro se motion challenging the legality of his conviction and guilty pleas. The District Court treated the motion as a petition for postconviction relief and denied it as untimely; the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hanson, 1999 MT 226, 296 Mont. 82, 988 P.2d 299
- In re Gray, 274 Mont. 1, 908 P.2d 1352 (1995)
- Hawkins v. Mahoney, 1999 MT 82, 294 Mont. 124, 979 P.2d 697
- State v. Redcrow, 1999 MT 95, 294 Mont. 252, 980 P.2d 622

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