

SUPREME COURT OF MONTANA

State v. Muhammad, 2005 MT 234, 328 Mont. 397

121 P.3d 521 (2005) · No. No. 03-594 · Decided September 20, 2005

SUMMARY

The Supreme Court of Montana affirmed the denial of Car-Los A-Lail Muhammad’s motion to withdraw his guilty plea to sexual intercourse without consent. The court held that the plea was voluntary because Muhammad acknowledged the plea’s voluntariness, understood the charge, waived an age-related defense, received the benefit of his plea agreement, and had not shown good cause for withdrawal.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	RICE, Justice; Rice; Cotter; Nelson; Leaphart
JURISDICTION	Montana
DECIDED	September 20, 2005
DOCKET	No. 03-594
DISPOSITION	affirmed
PROCEDURAL POSTURE	Muhammad appealed the Eighth Judicial District Court's denial of his motion to withdraw his guilty plea to sexual intercourse without consent.
STANDARD OF REVIEW	The voluntariness of a guilty plea and the denial of a motion to withdraw the plea present a mixed question of law and fact reviewed de novo.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Car-Los A-Lail Muhammad v. State of Montana

TOPICS

- plea bargaining
- criminal procedure
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- plea withdrawal
- appellate review

QUESTIONS PRESENTED

1. Whether the District Court erred in denying Muhammad's motion to withdraw his guilty plea on the ground that the plea was involuntary.
2. Whether the plea colloquy established an adequate factual basis and Muhammad's understanding and waiver of the available defense concerning the victim's age.

HOLDINGS

1. The guilty plea was voluntary because Muhammad repeatedly affirmed under oath that he was not threatened or promised anything outside the written plea agreement, understood the proceedings, was satisfied with counsel, and was knowingly choosing to plead guilty.
2. The plea colloquy adequately established the elements of the offense and the factual basis for the guilty plea; a colloquy need not extract an admission to every element of the crime.

KEY QUOTATIONS

"By entering a guilty plea, a defendant waives numerous afforded constitutional rights and protections, and therefore the plea "must be a knowing and intelligent choice among the alternative courses of action open to the defendant."" (121 P.3d at 523-524)

"The defendant, before entering the plea, must be "fully aware of the direct consequences, including the actual value of any commitments made to him by the court, prosecutor, or his own counsel"" (121 P.3d at 524)

" "[F]ear of the legal consequences of one's actions lies central to the criminal law purpose of deterrence."" (121 P.3d at 525)

FACTUAL BACKGROUND

Muhammad was charged with having sexual intercourse without consent with a fourteen-year-old girl. He entered a written plea agreement and repeatedly acknowledged that his plea was voluntary, that he understood the proceedings, that he was satisfied with counsel, and that he was waiving defenses concerning the victim's age. He was released on bail before sentencing and did not move to withdraw his plea until more than four years later, after repeated sentence-revocation proceedings and while facing imprisonment.

PROCEDURAL HISTORY

Muhammad pleaded guilty pursuant to a plea agreement and received a deferred sentence. After multiple revocation proceedings, he moved more than four years after entering the plea to withdraw it. Following an evidentiary hearing, the District Court denied the motion, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Warclub, 2005 MT 149, 327 Mont. 352, 114 P.3d 254
- State v. Lone Elk, 2005 MT 56, 326 Mont. 214, 108 P.3d 500
- State v. Ereth, 1998 MT 197, 290 Mont. 294, 964 P.2d 26
- Brady v. United States, 397 U.S. 742, 755, 90 S. Ct. 1463, 25 L. Ed. 2d 747 (1970)
- Shelton v. United States, 246 F.2d 571, 572 n. 2 (5th Cir. 1957), rev'd on other grounds, 356 U.S. 26, 78 S. Ct. 563, 2 L. Ed. 2d 579 (1958)
- State v. Schaff, 1998 MT 104, 288 Mont. 421, 958 P.2d 682
- State v. Lance, 201 Mont. 30, 651 P.2d 1003 (1982)
- State v. Huttinger, 182 Mont. 50, 595 P.2d 363 (1979)
- State v. Muhammad, 2002 MT 47, 309 Mont. 1, 43 P.3d 318