

SUPREME COURT OF MONTANA

State v. Robinson, 2008 MT 34

177 P.3d 488, 341 Mont. 300 (2008) · No. DA 06-0283 · Decided February 5, 2008

SUMMARY

The Supreme Court of Montana affirmed Frank Leroy Robinson's convictions and sentences for felony assault, failure to register as a sexual offender, and resisting arrest. The court held that the district court did not abuse its discretion in denying Robinson's challenge for cause to a prospective juror. It also held that the aggregate sentence imposed under Montana's persistent felony offender statute was within statutory limits and therefore was not illegal.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice John Warner; Karla M. Gray, C.J.; W. William Leaphart, J.; James C. Nelson, J.; Jim Rice, J.
JURISDICTION	Montana
DECIDED	February 5, 2008
DOCKET	DA 06-0283
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robinson appealed his convictions and sentences from the Twenty-First Judicial District Court, Ravalli County, challenging the denial of a challenge for cause to a prospective juror and the legality of his persistent-felony-offender sentences.
STANDARD OF REVIEW	The denial of a challenge for cause to a prospective juror is reviewed for abuse of discretion. A criminal sentence is reviewed for legality, and a sentence within statutory parameters is legal.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Frank Leroy Robinson v. State of Montana

TOPICS

- jury selection
- criminal procedure
- sentencing
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by denying Robinson's challenge for cause to a prospective juror who expressed doubts about his innocence but stated she could be impartial and follow the law.
2. Whether the District Court imposed an illegal sentence by imposing sentences for Robinson's offenses together with additional sentences based on his persistent felony offender status.

HOLDINGS

1. The District Court did not abuse its discretion in denying Robinson's challenge for cause because, considering the totality of the circumstances, the prospective juror did not express a fixed opinion of Robinson's guilt and repeatedly stated that she could be impartial, apply the presumption of innocence, and require proof beyond a reasonable doubt.
2. Robinson's sentence was not illegal because the aggregate sentences imposed for his offenses and persistent felony offender status were within the statutory parameters of § 46-18-502(2), MCA.

KEY QUOTATIONS

“To determine whether a juror must be excused for cause, courts must examine both the statutory language and the totality of the circumstances in a given situation.” (¶ 8)

“The sentencing statute for persistent felony offenders replaces the maximum sentence for an offense, rather than creating a sentence that is imposed in addition to the offense.” (¶ 16)

FACTUAL BACKGROUND

The charges arose from an altercation occurring when Ravalli County Sheriff's deputies served Robinson with a California arrest warrant. During voir dire, a prospective juror repeatedly stated that Robinson's presence at trial gave her some reason to suspect his guilt, but also stated that she understood the presumption of innocence and could fairly consider the evidence. Robinson used a peremptory challenge to remove the juror and exhausted his peremptory challenges. The District Court later imposed an aggregate thirty-year sentence, including consecutive terms based on Robinson's undisputed persistent felony offender designation.

PROCEDURAL HISTORY

The State charged Robinson with three counts of assault on a peace officer, failure to register as a sexual offender, and resisting arrest. One assault count was dismissed at the close of the State's case, and the jury convicted Robinson of the remaining charges. The District Court sentenced him to an aggregate thirty years in prison, including additional consecutive terms based on his persistent felony offender designation. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Golie, 2006 MT 91, ¶ 6, 332 Mont. 69, 134 P.3d 95
- State v. Heath, 2004 MT 58, ¶¶ 7, 16, 29, 320 Mont. 211, 89 P.3d 947
- State v. DeVore, 1998 MT 340, ¶¶ 18-21, 28, 292 Mont. 325, 972 P.2d 816
- State v. Good, 2002 MT 59, ¶¶ 54, 63, 309 Mont. 113, 43 P.3d 948
- State v. Hausauer, 2006 MT 336, ¶ 28, 335 Mont. 137, 149 P.3d 895
- State v. Falls Down, 2003 MT 300, ¶¶ 27, 30, 32, 318 Mont. 219, 79 P.3d 797
- State v. Marble, 2005 MT 208, ¶¶ 20-21, 328 Mont. 223, 9 P.3d 88
- State v. Freshment, 2002 MT 61, ¶ 18, 309 Mont. 154, 43 P.3d 968
- State v. Wright, 2002 MT 275, ¶ 14, 312 Mont. 352, 59 P.3d 432
- State v. English, 2006 MT 177, ¶ 55, 333 Mont. 23, 140 P.3d 454
- State v. Ford, 278 Mont. 353, 364, 926 P.2d 245, 251 (1996)
- State v. Fitzpatrick, 247 Mont. 206, 207-08, 805 P.2d 584, 585-86 (1991)
- State v. Gunderson, 282 Mont. 183, 188, 936 P.2d 804, 806-07 (1997)
- State v. Montoya, 1999 MT 180, ¶ 15, 295 Mont. 288, 983 P.2d 937