

SUPREME COURT OF MONTANA

State v. Vangilder

2016 MT 252N (2015) · No. DA 13-0840 · Decided August 25, 2015

SUMMARY

The Montana Supreme Court considered whether the district court properly inquired into Wanda VanGilder’s ability to pay before imposing a fine and fees as part of a deferred sentence. The court held that the record did not demonstrate the required serious inquiry into her financial resources, expenses, and the burden on her ability to provide basic necessities. It reversed and remanded, while upholding the fees VanGilder had expressly agreed to pay in the plea agreement.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice James Jeremiah Shea; James Jeremiah Shea; Mike McGrath; Beth Baker; Patricia Cotter; Jim Rice
JURISDICTION	Montana
DECIDED	August 25, 2015
DOCKET	DA 13-0840
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a deferred-sentence order imposing a fine and fees, arguing that the District Court failed to adequately inquire into her ability to pay and the burden of the financial obligations.
STANDARD OF REVIEW	The court reviews the legality of a criminal sentence imposing more than one year of incarceration and reviews de novo whether the sentencing court adhered to applicable sentencing statutes.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Wanda Mardella Vangilder v. State of Montana

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- appellate procedure
- remedies

PRACTICE AREAS

- criminal law
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court adequately determined Vangilder's ability to pay and the nature of the burden imposed before imposing fines and fees under §§ 46-18-231(3) and 46-18-232(2), MCA.
2. Whether the felony-conviction surcharge could be imposed after the District Court determined that Vangilder could pay the underlying fine.
3. Whether Vangilder was bound by the plea agreement's mandatory provisions requiring payment of \$180 in specified administrative and prosecution fees.

HOLDINGS

1. Before imposing fines or costs, the sentencing court must make a serious inquiry into the defendant's ability to pay, including consideration of financial resources and the nature of the burden payment will impose. That inquiry must include consideration of how the obligations affect the defendant's ability to provide basic necessities for herself and her dependent.
2. The felony-conviction surcharge could not be sustained on the District Court's determination that Vangilder could pay the underlying fine because that determination itself was legally insufficient; the court had not adequately inquired into the burden payment would impose.
3. Vangilder was bound by the plea agreement's mandatory and unambiguous provisions requiring payment of \$80 in administrative fees and \$100 in prosecutor fees, notwithstanding the agreement's provision allowing the parties to argue for any appropriate disposition.

KEY QUOTATIONS

“The purpose of the restrictions the legislature has placed on the imposition of fines and costs is apparent—a defendant may not be ordered to meet impossible financial obligations.” (¶ 13)

“At a minimum, a serious inquiry requires that the sentencing court determine whether and to what extent fines and fees will affect the defendant’s ability to provide for herself and her dependent.” (¶ 16)

“The District Court could not make that determination without knowing how the fine and fees would impact VanGilder’s ability to provide basic necessities for herself and her daughter.” (¶ 19)

FACTUAL BACKGROUND

Vangilder pleaded guilty to felony criminal endangerment. The record showed that she had completed nine grades of school, possessed a GED, was disabled and suffered from various ailments, and relied on \$629 in Social Security disability benefits and \$289 in TANF benefits as her sole income while supporting herself and her teenage daughter. The District Court imposed a \$500 fine and multiple fees after making a conclusory finding that she could pay them without undue hardship, but the record did not show consideration of her monthly living expenses or the effect of payment on her ability to provide basic necessities.

PROCEDURAL HISTORY

Vangilder pleaded guilty to felony criminal endangerment under a plea agreement. The Sixteenth Judicial District Court deferred imposition of sentence for five years and imposed a \$500 fine, surcharges, fees, and

monthly supervision fees, while waiving court-appointed counsel and presentence-investigation fees. The Montana Supreme Court reversed the sentence and remanded for further proceedings concerning Vangilder's ability to pay, while holding that she remained bound by \$180 in fees expressly required by the plea agreement.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The District Court must conduct further proceedings to determine Vangilder's ability to pay and the nature of the burden that the imposed fine and fees would place on her, including the effect on her ability to provide basic necessities for herself and her dependent. The \$180 in fees expressly required by the plea agreement remains enforceable.

CASES CITED

- State v. Gunderson, 2010 MT 166, 357 Mont. 142, 237 P.3d 74
- State v. McMaster, 2008 MT 268, 345 Mont. 172, 190 P.3d 302
- State v. McLeod, 2002 MT 348, 313 Mont. 358, 61 P.3d 126