

SUPREME COURT OF THE STATE OF MONTANA

State v. Strawn

2003 MT 297N (2003) · No. 02-734 · Decided October 29, 2003

SUMMARY

The Montana Supreme Court affirmed Bruce Douglas Strawn’s felony DUI conviction. The court held that his challenge to the use of prior DUI convictions for felony enhancement was controlled by settled Montana law, under which a bare assertion that a defendant was not advised of the dangers and disadvantages of self-representation does not overcome the presumption that the prior convictions were valid.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	John Warner; Jim Rice; Patricia Cotter; James C. Nelson; W. William Leaphart
JURISDICTION	Montana
DECIDED	October 29, 2003
DOCKET	02-734
DISPOSITION	affirmed
PROCEDURAL POSTURE	Strawn appealed from a judgment convicting him of felony driving under the influence after the District Court denied his motion to dismiss the felony charge. He pleaded guilty while reserving his right to appeal the denial of that motion.
STANDARD OF REVIEW	The appeal was resolved under Montana Supreme Court Internal Operating Rule § 1.3(d), which permits summary affirmance when the issue is clearly controlled by settled Montana or binding federal law and the appeal is manifestly without merit on the briefs and record.
PRECEDENTIAL VALUE	Nonprecedential; expressly designated noncitable under Montana Supreme Court Internal Operating Rules.
PARTIES	Bruce Douglas Strawn v. State of Montana

TOPICS

- criminal procedure
- right to counsel
- appellate procedure
- constitutional law

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether prior DUI convictions may be used to enhance a current DUI charge to a felony when the defendant asserts that the prior courts failed to advise him of the dangers and disadvantages of self-representation after he waived counsel and pleaded guilty.

HOLDINGS

1. A bare assertion that the defendant was not specifically advised of the dangers and disadvantages of proceeding without counsel is insufficient to overcome the presumption that the prior DUI convictions were valid and therefore could be used in charging the current DUI as a felony.

KEY QUOTATIONS

“In each instance, we held that merely stating that defendant was not advised specifically of the dangers and disadvantages of proceeding without counsel is insufficient to overcome the presumption that a prior conviction was valid.” (¶5)

FACTUAL BACKGROUND

The State charged Bruce Strawn with felony DUI in January 2002 because he had three prior DUI convictions. Strawn challenged two of those prior convictions, asserting that although he had waived his right to counsel and pleaded guilty, the prior courts had not advised him of the dangers and disadvantages of self-representation. The District Court denied his motion to dismiss the felony charge, after which he pleaded guilty while reserving his appellate challenge.

PROCEDURAL HISTORY

The State charged Strawn by information with felony DUI based on three prior DUI convictions. Strawn argued that two prior convictions were constitutionally infirm because the convicting courts failed to advise him of the dangers and disadvantages of self-representation after he waived counsel and pleaded guilty. The District Court denied dismissal, Strawn entered a conditional guilty plea, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Markuson, 2003 MT 206, 317 Mont. 43, 75 P.3d 298
- State v. Wolfe, 2003 MT 222, 317 Mont. 173, 75 P.3d 1271
- State v. Joseph, 2003 MT 226, 317 Mont. 186, 75 P.3d 1273
- State v. Sirucek, 2003 MT 269N, 77 P.3d 556

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