

SUPREME COURT OF MONTANA

State v. Brown

342 Mont. 476 (Mont. 2008) · No. Nos. DA 07-0275, DA 07-0412 · Decided April 9, 2008

SUMMARY

The Supreme Court of Montana held that restitution obligations imposed as part of criminal sentences survive an offender's discharge from prison because they constitute civil judgments and remain due until fully paid. The court further held that the Montana Department of Corrections was authorized to deduct a percentage of the defendant's prison wages and other funds in his account to satisfy those existing restitution obligations.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice James C. Nelson; James C. Nelson; Patricia Cotter; John Warner; Jim Rice; Brian Morris
JURISDICTION	Montana
DECIDED	April 9, 2008
DOCKET	Nos. DA 07-0275, DA 07-0412
DISPOSITION	reversed
PROCEDURAL POSTURE	The Montana Department of Corrections appealed two district court orders directing it to stop garnishing Brown's prison wages to satisfy restitution obligations imposed in two prior criminal cases and to reimburse funds collected after Brown's sentence discharge.
STANDARD OF REVIEW	The court reviewed the district court's conclusion of law plenaryly to determine whether it was correct.
PRECEDENTIAL VALUE	published Montana Supreme Court opinion
PARTIES	State of Montana v. James Joseph Brown

TOPICS

restitution criminal statutory interpretation remedies appellate procedure criminal procedure

PRACTICE AREAS

criminal law criminal procedure restitution statutory interpretation appellate procedure

QUESTIONS PRESENTED

1. Whether restitution obligations imposed in Brown's two prior criminal sentences survived his discharge from those sentences.
2. Whether the Department of Corrections was authorized to take a percentage of Brown's prison wages and other money in his Department of Corrections account to satisfy those existing restitution obligations.

HOLDINGS

1. The restitution obligations imposed in cause numbers BDC-87-121 and CDC-95-265 survived Brown's February 28, 2001 discharge and were not discharged or fulfilled by the Department of Corrections' notice of discharge.
2. The Department of Corrections was authorized to take a percentage of Brown's prison wages and other money in his Department of Corrections account to pay his existing restitution obligations, even though those obligations arose from sentences that had been discharged and were not part of his current sentence.

KEY QUOTATIONS

"Accordingly, we conclude that the restitution obligations imposed in BDC-87-121 and CDC-95-265 were not "discharged" or otherwise "fulfilled" on February 28, 2001, by virtue of the DOC's Notice of Discharge issued to Brown." (182 P.3d at 79)

"We conclude that the DOC is authorized to take a percentage of Brown's prison wages and other money in his DOC account for purposes of paying down his restitution obligations in BDC-87-121 and CDC-95-265." (182 P.3d at 80)

FACTUAL BACKGROUND

Brown incurred restitution obligations of \$4,765.85 and \$1,600 in two Montana criminal cases. Although he completed his prison terms and received a Department of Corrections notice of discharge on February 28, 2001, the restitution amounts remained unpaid. After Brown later returned to Department of Corrections custody, the Department collected payments through a prerelease program and garnished portions of his prison wages, prompting Brown to seek an order stopping collection and returning funds collected after his discharge.

PROCEDURAL HISTORY

Brown moved in the Eighth Judicial District Court, Cascade County, for an order waiving payment of restitution and returning collected funds. The district court granted the motion, concluding that Brown's restitution obligations had been discharged and that the Department of Corrections lacked authority to garnish his wages. The Montana Supreme Court consolidated the Department's appeals and reversed both orders.

DISPOSITION

reversed

CASES CITED

- City of Billings v. Gonzales, 2006 MT 24, 331 Mont. 71, 128 P.3d 1014
- State v. Field, 2005 MT 181, 328 Mont. 26, 116 P.3d 813
- United States v. George, 403 F.3d 470 (7th Cir. 2005)

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