

MONTANA SUPREME COURT

In re H.C.R.

336 Mont. 369 (2007) · Decided March 13, 2007

SUMMARY

The Montana Supreme Court held that the State breached a sentencing stipulation by seeking a custodial sentence rather than adult probation after H.C.R. violated sentencing conditions. The court reversed and remanded for resentencing in accordance with the stipulation incorporated into the Youth Court’s prior order.

CASE DETAILS

COURT	Montana Supreme Court
WRITING FOR THE COURT	Justice Rice; Justice Nelson; Justice Leaphart; Justice Cotter; Justice Morris
JURISDICTION	Montana
DECIDED	March 13, 2007
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	H.C.R. appealed a Youth Court sentence committing him to the custody of the Department of Corrections until age twenty-five, with the last three years suspended, after the Youth Court found that he violated conditions of a prior sentencing order.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion
PARTIES	H.C.R. v. State of Montana

TOPICS

- plea bargaining
- sentencing
- probation
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- juvenile law
- sentencing
- plea bargaining
- appellate procedure

QUESTIONS PRESENTED

1. Whether the State breached the sentencing stipulation, incorporated into the Youth Court's 2004 Order, by seeking a custodial sentence rather than adult probation supervision after H.C.R. violated the order.
2. Whether the Youth Court imposed an illegal sentence greater than the original sentence.

HOLDINGS

1. The State breached the sentencing stipulation by seeking a custodial Department of Corrections sentence instead of petitioning for transfer to district court and adult probation supervision as agreed.
2. Because the Youth Court approved and incorporated the sentencing stipulation into the 2004 Order, H.C.R. was entitled upon resentencing to receive the sentence specified by the parties' approved stipulation.

KEY QUOTATIONS

“Prosecutors who engage in plea bargaining must meet strict and meticulous standards of both promise and performance as a plea of guilty resting in any significant degree on an unfulfilled plea bargain is involuntary and subject to vacation.” (336 Mont. at 373)

“As we have frequently stated, prosecutors as well as defendants are bound by the agreements they make with each other.” (336 Mont. at 374)

FACTUAL BACKGROUND

H.C.R. became involved with the Youth Court at age fifteen after findings that he committed offenses including theft, criminal mischief, and being an ungovernable youth. Following later probation-revocation proceedings, H.C.R. admitted allegations involving disorderly conduct, illegal drug use, treatment-plan violations, and sexual assault. In exchange for those admissions, the State agreed that upon a later violation the parties would jointly seek transfer to district court and adult probation supervision, but the State instead sought a custodial Department of Corrections sentence after H.C.R. violated the conditions.

PROCEDURAL HISTORY

H.C.R. had been placed on probation and committed to the Department of Corrections through prior Youth Court proceedings. After H.C.R. admitted allegations supporting another revocation petition, the parties stipulated that any later violation would result in a joint petition to transfer the case to district court and transfer supervision to adult probation services; the Youth Court incorporated that stipulation into its 2004 Order. When H.C.R. later violated the order, the State sought a custodial sentence rather than adult supervision, and the Youth Court imposed the custodial sentence. The Montana Supreme Court reversed and remanded for resentencing consistent with the stipulation.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Twelfth Judicial District Court, Hill County, for resentencing in accordance with the sentencing stipulation as incorporated by the 2004 Order.

CASES CITED

- State v. Rardon, 1999 MT 220, 296 Mont. 19, 986 P.2d 424
- State v. Munoz, 2001 MT 85, 305 Mont. 139, 23 P.3d 922
- State v. Rardon, 2002 MT 345, 313 Mont. 321, 61 P.3d 132
- State v. Schoonover, 1999 MT 7, 293 Mont. 54, 973 P.2d 230
- State v. Bowley, 282 Mont. 298, 938 P.2d 592 (1997)