

SUPREME COURT OF MONTANA

State of Montana v. Matthew Calvin Courville

313 Mont. 218 (Mont. 2002) · No. No. 00-800 · Decided December 20, 2002

SUMMARY

The Supreme Court of Montana affirmed Matthew Courville's conviction for felony assault on a police officer and the denial of his motions to suppress and for a new trial. The court held that evidence of criminal conduct committed in response to a claimed unlawful investigatory stop was not subject to the exclusionary rule. It also upheld jury instructions addressing self-defense and the statutory prohibition on using force to resist arrest.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	James C. Nelson; Karla M. Gray; W. William Leaphart; Jim Rice; Terry N. Triewelier
JURISDICTION	Montana
DECIDED	December 20, 2002
DOCKET	No. 00-800
DISPOSITION	affirmed
PROCEDURAL POSTURE	Courville appealed the Twentieth Judicial District Court's denial of his motion to suppress and motion for a new trial following his conviction for felony assault on a police officer.
STANDARD OF REVIEW	The denial of a motion to suppress is reviewed for clear error in factual findings and correctness of the legal application. Jury instructions are reviewed to determine whether, considered as a whole, they fully and fairly instructed the jury on the applicable law; reversal requires prejudice to the defendant's substantial rights.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Matthew Calvin Courville v. State of Montana

TOPICS

- suppression of evidence
- exclusionary rule
- fourth amendment
- jury instructions
- self defense

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

criminal evidence

jury instructions

sentencing

QUESTIONS PRESENTED

1. Whether evidence of Courville's violent criminal conduct following an allegedly unsupported investigatory stop was subject to the exclusionary rule.
2. Whether the district court properly instructed the jury on the statutory prohibition against using force to resist arrest in conjunction with Courville's self-defense theory.
3. Whether the prohibition against using force to resist arrest violated equal protection by limiting self-defense against peace officers.
4. Whether the weapon-sentence enhancement issue under Apprendi was preserved for appellate review.

HOLDINGS

1. Evidence of criminal conduct committed in response to a claimed Fourth Amendment violation is not subject to the exclusionary rule. The court reaffirmed *State v. Ottwell* and held that Courville's violent conduct against Kirby was admissible without deciding whether the initial stop was supported by particularized suspicion.
2. On the facts of this case, the district court properly submitted both instructions to the jury, and neither instruction nullified or confused the other or prejudicially affected Courville's substantial rights.
3. Montana Code Annotated § 45-3-108 does not violate equal protection because it does not create two similarly situated classes receiving different treatment. The self-defense rule applies equally regardless of whether the alleged aggressor is a peace officer; the jury must determine whether the defendant reasonably believed that defense was necessary against imminent unlawful force.
4. The court declined to consider Courville's Apprendi challenge because he did not preserve the issue in the district court by presenting an argument analyzing the enhancement under Apprendi.

KEY QUOTATIONS

“No good public policy is served by encouraging persons stopped by law enforcement to respond with violence—even where the stop may later be determined to have not been supported by particularized suspicion.” (61 P.3d at 754)

“A person is not authorized to use force to resist an arrest which he knows is being made by a peace officer, even if he believes that the arrest is unlawful and the arrest in fact is unlawful.” (61 P.3d at 755)

“If Courville had been able to satisfy the jury that he reasonably believed that his conduct was necessary to defend himself against the imminent use of unlawful force by Kirby, then he would have been entitled to acquittal.” (61 P.3d at 756)

FACTUAL BACKGROUND

Deputy Larry Kirby pursued Courville's truck after tribal and county officers received information suggesting that occupants of departing trucks may have been underage and drinking, and after the trucks failed to stop when an officer activated his overhead lights. Courville eventually stopped, was removed from the truck, and engaged in a violent struggle with Kirby, striking him repeatedly and using Kirby's gun to hit him before fleeing. Kirby suffered extensive injuries, the encounter was substantially recorded by a patrol-car camera, and Courville later admitted striking Kirby with the gun.

PROCEDURAL HISTORY

Courville was charged with two counts of felony assault on a police officer, felony criminal endangerment, misdemeanor reckless driving, and misdemeanor resisting arrest. He pleaded guilty to the two misdemeanor offenses. After the district court and the Montana Supreme Court denied his double-jeopardy motion, the district court denied his motion to suppress evidence based on an allegedly unsupported investigatory stop. A jury convicted him of one count of felony assault on a police officer and acquitted him on the other felony counts. The district court denied his renewed suppression motion and motion for a new trial, imposed a twenty-year sentence with eight years suspended, and imposed a consecutive ten-year weapon enhancement with six years suspended. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Unified Indus., Inc. v. Easley, 1998 MT 145, 289 Mont. 255, 961 P.2d 100
- Day v. Payne, 280 Mont. 273, 929 P.2d 864 (1996)
- Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000)
- State v. Dawson, 1999 MT 171, 295 Mont. 212, 983 P.2d 916
- State v. Parker, 1998 MT 6, 287 Mont. 151, 953 P.2d 692
- State v. Hall, 1999 MT 297, 297 Mont. 111, 991 P.2d 929
- State v. Goulet, 283 Mont. 38, 938 P.2d 1330 (1997)
- State v. Jarman, 1998 MT 277, 291 Mont. 391, 967 P.2d 1099
- State v. Pipkin, 1998 MT 143, 289 Mont. 240, 961 P.2d 733
- State v. New, 276 Mont. 529, 917 P.2d 919 (1996)
- United States v. Leon, 468 U.S. 897, 104 S. Ct. 3405, 82 L. Ed. 2d 677 (1984)
- State v. Therriault, 2000 MT 286, 302 Mont. 189, 14 P.3d 444
- State v. Ottwell, 239 Mont. 150, 779 P.2d 500 (1989)
- In re C.H., 210 Mont. 184, 683 P.2d 931 (1984)
- State v. Prlja, 57 Mont. 461, 189 P. 64 (1920)
- State v. Harkins, 85 Mont. 585, 281 P. 551 (1929)
- State v. Heffner, 1998 MT 181, 290 Mont. 114, 964 P.2d 736

