

SUPREME COURT OF MONTANA

City of Great Falls v. Morris

2006 MT 93 (Mont. 2006) · No. No. 04-829 · Decided May 4, 2006

SUMMARY

The Supreme Court of Montana affirmed Gayle Abraham Morris’s convictions for misdemeanor driving under the influence and careless driving. The court held that Montana’s statutory provision permitting an inference of impairment from refusal to submit to sobriety testing did not unconstitutionally shift the burden of proof when considered with the jury instructions and the statute as a whole. The court also upheld the refusal to give a weaker-evidence instruction and concluded that the evidence supported the careless-driving conviction.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice W. William Leaphart; W. William Leaphart; Nelson; Cotter; Rice; Morris
JURISDICTION	Montana
DECIDED	May 4, 2006
DOCKET	No. 04-829
DISPOSITION	affirmed
PROCEDURAL POSTURE	Following jury convictions in Great Falls Municipal Court for misdemeanor driving under the influence and careless driving, Morris appealed to the Eighth Judicial District Court, Cascade County. After the District Court affirmed, Morris appealed to the Supreme Court of Montana.
STANDARD OF REVIEW	Jury instructions are reviewed for abuse of the trial court's broad discretion. Constitutional challenges to statutes are reviewed under a presumption of constitutionality, with the challenger bearing the burden of proving unconstitutionality beyond a reasonable doubt. Whether due process was violated is reviewed as a question of law for correctness. Sufficiency of the evidence is reviewed by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements beyond a reasonable doubt.

PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Montana; precedential.
PARTIES	Gayle Abraham Morris v. City of Great Falls

TOPICS

criminal procedure jury instructions burden of proof evidence statutory interpretation

PRACTICE AREAS

criminal law criminal procedure DUI appellate law municipal law

QUESTIONS PRESENTED

1. Whether Montana Code Annotated § 61-8-404(2), and a jury instruction based on it, unconstitutionally shifted the burden of proof by allowing the jury to infer impairment from a defendant's refusal to take a sobriety test.
2. Whether the municipal court erred by refusing to instruct the jury to distrust weaker and less satisfactory evidence because the State did not present a video recording of Morris's driving.
3. Whether the evidence was sufficient to support Morris's careless-driving conviction under Montana Code Annotated § 61-8-302(1).

HOLDINGS

1. Section 61-8-404(2), MCA, as applied through Jury Instruction 10, did not unconstitutionally shift the burden of proof to Morris. The instruction properly allowed the jury to infer impairment from refusal while preserving the State's burden to prove guilt beyond a reasonable doubt.
2. The municipal court did not err by refusing Morris's proposed instruction concerning weaker and less satisfactory evidence because Montana Code Annotated § 26-1-602(6) presumes the existence of actual and identifiable evidence, and no video recording of Morris's driving existed.
3. The evidence was sufficient to support Morris's careless-driving conviction; careless driving does not require proof that the defendant came into close proximity to another vehicle, driver, or pedestrian.

KEY QUOTATIONS

“Reviewing the instructions as a whole, which the court specifically directed the jury to do, we conclude that the burden of proof did not unconstitutionally shift to Morris.” (134 P.3d 695)

“Analyzing this statute as a whole, we conclude that subsection (2) must be read as requiring the production of other competent corroborating evidence of a DUI.” (134 P.3d 696)

“Section 61-8-302(1), MCA, requires careful and prudent driving at all times.” (134 P.3d 697)

“The statutory concern with “endanger[ment]” does not require that the driver come into close proximity to another vehicle or pedestrian for there to be carelessness.” (134 P.3d 697)

FACTUAL BACKGROUND

After finishing a late shift at his bar and supper club, Morris drove home after consuming approximately two or three amaretto drinks. Officer Travis Palmer observed Morris swerve severely, make sharp corrective turns, and nearly strike a median before stopping him. Officers testified that Morris had slurred speech, glassy red eyes, and an odor of alcohol, and Morris refused field-sobriety and breath tests. At trial, Morris denied impairment and attributed his driving and appearance to other causes; the State presented no video of his driving.

PROCEDURAL HISTORY

A municipal-court jury convicted Morris of misdemeanor DUI and careless driving. The Eighth Judicial District Court affirmed the convictions, and the Montana Supreme Court affirmed the District Court's decision.

DISPOSITION

affirmed

CASES CITED

- State v. McCaslin, 2004 MT 212, 322 Mont. 350, 96 P.3d 722
- State v. Black, 2003 MT 376, 319 Mont. 154, 82 P.3d 926
- State v. Leverett, 245 Mont. 124, 799 P.2d 119 (1990)
- Francis v. Franklin, 471 U.S. 307 (1985)
- Farrier v. Teachers' Retirement Board, 2005 MT 229, 328 Mont. 375, 120 P.3d 390
- State v. Martel, 273 Mont. 143, 902 P.2d 14 (1995)
- Colmore v. Uninsured Employers' Fund, 2005 MT 239, 328 Mont. 441, 121 P.3d 1007