

SUPREME COURT OF MONTANA

Slavin v. State, 2005 MT 306, 329 Mont. 424

127 P.3d 350 (2005) · No. No. 03-802 · Decided December 6, 2005

SUMMARY

The Supreme Court of Montana affirmed the denial of Lenorse L. Slavin's petition for postconviction relief. Slavin argued that constitutionally infirm prior partner or family member assault convictions could not support his later felony conviction and sentence. The court held that the claim was nonjurisdictional, was waived by his guilty plea, and was barred because it could have been raised on direct appeal.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Chief Justice Karla M. Gray; Justice John Warner; Justice Patricia O. Cotter; Justice W. William Leaphart; Justice James C. Nelson
JURISDICTION	Montana
DECIDED	December 6, 2005
DOCKET	No. 03-802
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition for postconviction relief challenging the use of two prior partner or family member assault convictions to elevate a third offense to a felony.
STANDARD OF REVIEW	The court reviews the denial of postconviction relief to determine whether the district court's findings are clearly erroneous and whether it correctly interpreted the law, including constitutional questions. The court may affirm a correct result reached for the wrong reason.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion
PARTIES	Lenorse L. Slavin v. State of Montana

TOPICS

- state post-conviction relief
- post-conviction relief
- sentencing
- right to counsel
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Slavin's claim that his prior PFMA convictions were constitutionally infirm and therefore could not support felony treatment of his 2001 PFMA offense was jurisdictional or instead a nonjurisdictional sentencing claim.
2. Whether Slavin's guilty plea waived the challenge to the prior convictions.
3. Whether Montana's postconviction procedural bar under § 46-21-105(2), MCA, barred the claim because it could have been raised on direct appeal.

HOLDINGS

1. A claim that prior convictions could not support felony treatment of a subsequent PFMA offense concerns the district court's statutory authority to impose the sentence, not its power or capacity to exercise subject matter jurisdiction in the first instance; therefore, the claim is nonjurisdictional.
2. A knowing and voluntary guilty plea waives nonjurisdictional defects and defenses arising before the plea; Slavin therefore waived his challenge to the use of his prior convictions when he pleaded guilty to felony PFMA.
3. Section 46-21-105(2), MCA, barred Slavin's sentencing-related claim because he could have challenged the legality of his sentence on direct appeal but did not do so.

KEY QUOTATIONS

“An error in sentencing does not divest a district court of subject matter jurisdiction over the case before it.”
(¶ 11)

“It is well-established that a guilty plea which is entered knowingly and voluntarily constitutes a waiver of all nonjurisdictional defects and defenses which arose prior to the plea.” (¶ 13)

FACTUAL BACKGROUND

Slavin pleaded guilty to PFMA in 1992 and 1993, then pleaded guilty to a third PFMA charge in 2001; the third offense was charged as a felony because of the two prior convictions. He did not appeal the resulting sentence. In postconviction proceedings, he argued that the prior convictions were constitutionally infirm because he had not knowingly waived counsel and that his 2001 counsel had failed to investigate or challenge them. He withdrew the ineffective-assistance claim, and after an evidentiary hearing the district court denied relief.

PROCEDURAL HISTORY

Slavin pleaded guilty to a third PFMA charge in 2001, which was classified as a felony based on two prior PFMA convictions. He later filed a petition for postconviction relief, alleging that the prior convictions were constitutionally infirm because he had not knowingly waived his right to counsel and that counsel in the 2001 case had been ineffective. He withdrew the ineffective-assistance claim after an evidentiary hearing, and the Eighteenth Judicial District Court denied relief. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Ellenburg v. Chase*, 2004 MT 66, 320 Mont. 315, 87 P.3d 473
- *State v. Snell*, 2004 MT 334, 324 Mont. 173, 103 P.3d 503
- *Camarillo v. State*, 2005 MT 29, 326 Mont. 35, 107 P.3d 1265
- *State v. Moorman*, 279 Mont. 330, 928 P.2d 145 (1997)
- *Peña v. State*, 2004 MT 293, 323 Mont. 347, 100 P.3d 154
- *State v. LaPier*, 1998 MT 174, 289 Mont. 392, 961 P.2d 1274
- *State v. Gordon*, 1999 MT 169, 295 Mont. 183, 983 P.2d 377