

SUPREME COURT OF MONTANA

State v. Haffey

2008 MT 433N (2008) · No. DA 07-0605 · Decided December 16, 2008

SUMMARY

The Montana Supreme Court affirmed Stephen Patrick Haffey’s convictions for felony assault with a weapon and driving under the influence. The court rejected his ineffective-assistance, evidentiary, and cumulative-error claims and held that the District Court properly admitted and limited testimony concerning Haffey’s recorded conversation with his father.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	W. William Leaphart; James C. Nelson; John Warner; Jim Rice; Brian Morris
JURISDICTION	Montana
DECIDED	December 16, 2008
DOCKET	DA 07-0605
DISPOSITION	affirmed
PROCEDURAL POSTURE	Haffey appealed his convictions and sentences after a jury found him guilty of felony assault with a weapon and driving under the influence. He challenged the effectiveness of trial counsel, the admission of recorded statements made to his father while in custody, and cumulative error.
STANDARD OF REVIEW	Ineffective-assistance claims were evaluated under the deficient-performance and prejudice requirements of Strickland. Counsel's performance was measured against an objective standard of reasonableness under prevailing professional norms and the surrounding circumstances. The evidentiary ruling was reviewed for error based on the trial record.
PRECEDENTIAL VALUE	Nonprecedential; memorandum decision expressly designated as noncitable.
PARTIES	Stephen Patrick Haffey v. State of Montana

TOPICS

ineffective assistance

criminal procedure

evidence

appellate procedure

PRACTICE AREAS

criminal procedure

ineffective assistance of counsel

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Haffey was denied effective assistance of counsel because trial counsel allegedly failed to pursue an alternative-driver theory, failed to make an opening statement, and failed to call two rebuttal witnesses.
2. Whether the District Court erred by admitting limited testimony from Haffey's recorded conversation with his father while Haffey was in custody.
3. Whether cumulative error deprived Haffey of a fair trial.

HOLDINGS

1. Haffey failed to establish ineffective assistance of counsel because the record showed that counsel's challenged decisions were objectively reasonable under the circumstances, and Haffey did not demonstrate deficient performance sufficient to warrant relief.
2. The District Court did not err by allowing Haffey's father to read a limited portion of the transcript concerning Haffey's statement that the collision was accidental and that he could not stop in time.
3. Cumulative error did not prejudice Haffey's right to a fair trial.

KEY QUOTATIONS

"To succeed on an ineffective assistance of counsel claim, the defendant must demonstrate: (1) "that counsel's performance was deficient," and (2) "that the deficient performance prejudiced the defense."" (at 4)

"the "question which must be answered is whether counsel's conduct fell below an objective standard of reasonableness measured under prevailing professional norms and in light of the surrounding circumstances."" (at 4)

FACTUAL BACKGROUND

In the early morning of February 25, 2007, a small red vehicle approached a group crossing a street in downtown Missoula, reversed, and accelerated toward Chris Nyomo, striking him and throwing him onto the vehicle. Police soon stopped the vehicle and identified Haffey as the driver; he smelled of alcohol, performed poorly on sobriety tests, and had a reported blood-alcohol concentration of .11. At trial, Haffey's father read portions of a recorded custodial conversation in which Haffey said the incident was an accident and that he could not stop in time.

PROCEDURAL HISTORY

A jury in the Fourth Judicial District Court for Missoula County convicted Haffey of felony assault with a weapon and DUI. The District Court later held a hearing on Haffey's post-verdict ineffective-assistance claims,

found that counsel provided competent representation, and rejected the claims. Haffey was sentenced and appealed to the Montana Supreme Court, which affirmed in a noncitable memorandum decision.

DISPOSITION

affirmed

CASES CITED

- Whitlow v. State, 2008 MT 140, ¶¶ 10-11, 20, 343 Mont. 90, 183 P.3d 861
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)