

SUPREME COURT OF THE STATE OF MONTANA

Gratzer v. State

316 Mont. 335, 2003 MT 169 (2003) · No. No. 02-455 · Decided June 19, 2003

SUMMARY

The Montana Supreme Court affirmed the denial of Steven Kurt Gratzer’s petition for postconviction relief following his felony DUI conviction. The Court held that an officer’s allegedly misleading testimony concerning whether a Chevrolet Caprice could be operated without an ignition key was not material to the verdict because the officer independently testified that he saw Gratzer driving and exiting the vehicle.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice W. William Leaphart; Chief Justice Karla M. Gray; Justice James C. Nelson; Justice Jim Regnier; Justice Jim Rice; Justice Patricia O. Cotter; Justice John Warner
JURISDICTION	Montana
DECIDED	June 19, 2003
DOCKET	No. 02-455
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gratzer appealed the Montana District Court's denial of his petition for postconviction relief alleging that a police officer gave false testimony in violation of his due process rights.
STANDARD OF REVIEW	The court reviews denial of postconviction relief to determine whether the trial court's findings of fact are clearly erroneous and whether its conclusions of law are correct.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; binding precedent in Montana unless subsequently limited or overruled.
PARTIES	Steven Kurt Gratzer v. State of Montana

TOPICS

- state post-conviction relief
- post-conviction relief
- due process
- evidence
- criminal procedure

PRACTICE AREAS

Montana criminal law

postconviction relief

constitutional criminal procedure

evidence

QUESTIONS PRESENTED

1. Whether the District Court erred in denying Gratzner's petition for postconviction relief based on his claim that Officer Eggett provided false or misleading testimony concerning operation of the vehicle without an ignition key.
2. Whether the challenged testimony was sufficiently false and material to the verdict to establish a Fourteenth Amendment due process violation.

HOLDINGS

1. To prevail on a due process claim based on allegedly false testimony, a postconviction petitioner must establish that the testimony was actually false, material to the verdict, and known or believed by the prosecutor to be false.
2. The allegedly misleading testimony was not material to the verdict and therefore did not violate Gratzner's due process rights.
3. The District Court did not err in denying Gratzner's petition for postconviction relief.

KEY QUOTATIONS

“To prevail on this claim, Gratzner must establish that: (1) Officer Eggett’s testimony was actually false; (2) the testimony was material to the verdict; and (3) the prosecutor knew or believed the testimony to be false.” (¶ 11)

“In light of Officer Eggett’s testimony that he witnessed Gratzner both driving and exiting the vehicle, we conclude that Eggett’s statements regarding his personal ownership of a Chevy Caprice were not material to the jury’s verdict and that Gratzner’s due process rights were not violated.” (¶ 13)

FACTUAL BACKGROUND

A police officer testified that he saw Gratzner drive a Chevrolet Caprice, park it, exit the vehicle, and remain the only person associated with it. Gratzner denied driving and argued that he could not have been in actual physical control because no ignition key was found on him or nearby; an acquaintance testified that the acquaintance had driven the vehicle and left the scene. In postconviction proceedings, the officer clarified that a Chevrolet Caprice he had been issued could be operated without a key under certain circumstances, and another officer corroborated that testimony.

PROCEDURAL HISTORY

A jury convicted Gratzner of felony DUI, and the District Court sentenced him to thirteen months in prison followed by four years of supervised probation. Gratzner initially appealed but voluntarily dismissed that appeal and filed a petition for postconviction relief. After an evidentiary hearing, the District Court denied relief, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Graham, 2002 MT 237, ¶ 10, 311 Mont. 500, 57 P.3d 54
- Mallak v. State, 2002 MT 35, ¶ 12, 308 Mont. 314, 42 P.3d 794
- Curran v. State of Delaware, 259 F.2d 707, 713 (3d Cir. 1958)
- Gollehon v. State, 1999 MT 210, 296 Mont. 6, 986 P.2d 395
- Fuller v. Johnson, 114 F.3d 491, 496 (5th Cir. 1997)
- Westley v. Johnson, 83 F.3d 714, 726 (5th Cir. 1996)
- Giglio v. United States, 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972)
- Napue v. Illinois, 360 U.S. 264, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959)
- Brady v. Maryland
- United States v. Keogh, 391 F.2d 138, 148 (2d Cir. 1968)