

SUPREME COURT OF THE STATE OF MONTANA

State of Montana v. Billy Joe Watts

State v. B. Watts, 2016 MT 331 (2016) · No. DA 15-0645 · Decided December 20, 2016

SUMMARY

The Montana Supreme Court affirmed the denial of Billy Joe Watts’s motion to dismiss his felony Partner Family Member Assault conviction and reduce it to a misdemeanor. The court held that Watts’s voluntary guilty plea waived nonjurisdictional challenges, including his constitutional challenge to the former PFMA statute, and that the Lenihan rule did not permit review of the underlying conviction.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Mike McGrath; James Jeremiah Shea; Beth Baker; Michael E. Wheat; Jim Rice
JURISDICTION	Montana
DECIDED	December 20, 2016
DOCKET	DA 15-0645
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the denial of a motion to dismiss a felony Partner Family Member Assault conviction and reduce it to a misdemeanor at sentencing.
STANDARD OF REVIEW	Rulings on criminal motions to dismiss and whether prior convictions may be used for sentence enhancement are reviewed de novo; constitutional challenges to statutes are reviewed for correctness.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Billy Joe Watts v. State of Montana

TOPICS

- criminal procedure
- plea bargaining
- appellate procedure
- sentencing
- constitutional law

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure
- sentencing

QUESTIONS PRESENTED

1. Whether a defendant who pleaded guilty to felony PFMA and waived appellate rights may challenge the constitutionality of the underlying PFMA statute after the plea.
2. Whether the Lenihan rule permitted appellate review of Watts's challenge despite his failure to preserve it.
3. Whether Watts was entitled to dismissal of the felony conviction and reduction of the charge to a misdemeanor.

HOLDINGS

1. A voluntary and knowing guilty plea waives all nonjurisdictional defects and defenses, including an independent constitutional challenge to the statute underlying the conviction; the defendant may challenge only the voluntary and intelligent character of the plea unless the issue was otherwise properly preserved.
2. The Lenihan rule, which permits review of an allegedly illegal or statutorily excessive sentence even without a sentencing objection, does not permit a defendant to attack the underlying felony conviction after pleading guilty.

KEY QUOTATIONS

“where a defendant voluntarily and knowingly pleads guilty to an offense, the plea constitutes a waiver of all non-jurisdictional defects and defenses, including claims of constitutional rights violations which occurred prior to the plea.” (¶ 9)

“The Lenihan rule allows “an appellate court to review any sentence imposed in a criminal case, if it is alleged that such sentence is illegal or exceeds statutory mandates, even if no objection is made at the time of sentencing.”” (¶ 11)

FACTUAL BACKGROUND

The State charged Watts with his fifth PFMA offense, a felony, based on conduct occurring June 23, 2014. Watts had four prior PFMA convictions and was subject to a persistent-felony-offender notice based on two prior felony PFMA convictions. He pleaded guilty under an agreement withdrawing the PFO notice and expressly waiving appellate rights except for ineffective assistance of counsel. At sentencing, he challenged the constitutionality of the PFMA statute and sought reduction of the felony to a misdemeanor.

PROCEDURAL HISTORY

Watts pleaded guilty to felony Partner Family Member Assault under a plea agreement that withdrew the State's persistent-felony-offender notice and waived appellate rights except for ineffective-assistance claims. At sentencing, he moved to dismiss the felony conviction and reduce the charge to a misdemeanor, arguing that the PFMA statute was unconstitutional. The District Court denied the motion, and Watts appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Burns, 2011 MT 167, ¶ 17, 361 Mont. 191, 256 P.3d 944
- State v. Maine, 2011 MT 90, ¶ 12, 360 Mont. 182, 255 P.3d 64
- State v. Knudson, 2007 MT 324, ¶ 12, 340 Mont. 167, 174 P.3d 469
- State v. Lindsey, 2011 MT 46, ¶ 19, 359 Mont. 362, 249 P.3d 491
- State v. Pavey, 2010 MT 104, ¶ 11, 356 Mont. 248, 231 P.3d 1104
- State v. Kelsch, 2008 MT 339, ¶ 8, 346 Mont. 260, 194 P.3d 670
- State v. Rytky, 2006 MT 134, ¶ 7, 332 Mont. 364, 137 P.3d 530
- State v. Gordon, 1999 MT 169, ¶ 23, 295 Mont. 183, 983 P.2d 377
- State v. Turcotte, 164 Mont. 426, 524 P.2d 787 (1974)
- State v. Wheeler, 285 Mont. 400, 948 P.2d 698 (1997)
- State v. Hilton, 183 Mont. 13, 597 P.2d 1171 (1979)
- State v. Deserly, 2008 MT 242, 344 Mont. 468, 188 P.3d 1057
- State v. Krebs, 2016 MT 288, ¶ 6, 385 Mont. 328, ____ P.3d ____
- State v. Lenihan, 184 Mont. 338, 602 P.2d 997 (1979)
- State v. Ellis, 2007 MT 210, 339 Mont. 14, 167 P.3d 896
- State v. Strong, 2009 MT 65, 349 Mont. 417, 203 P.3d 848

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