

SUPREME COURT OF MONTANA

State v. Taylor

2009 MT 161, 350 Mont. 447 (2009) · No. DA 07-0587 · Decided May 13, 2009

SUMMARY

The Montana Supreme Court affirmed John W. Taylor’s conviction for theft of a trailer. The court held that the district court did not commit plain error by failing to declare a mistrial or change venue and did not abuse its discretion in denying Taylor’s challenge for cause to a prospective juror. The court declined to address Taylor’s ineffective-assistance claims on direct appeal because the record did not establish whether counsel’s conduct was deficient or tactical, without prejudice to a post-conviction proceeding.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice John Warner; John Warner; W. William Leaphart; Jim Rice; Brian Morris; James C. Nelson
JURISDICTION	Montana
DECIDED	May 13, 2009
DOCKET	DA 07-0587
DISPOSITION	affirmed
PROCEDURAL POSTURE	Taylor appealed his conviction for theft by unauthorized control after the Montana District Court for Petroleum County denied his motion to change the place of trial, denied his challenge for cause to a prospective juror, and entered judgment following a jury trial.
STANDARD OF REVIEW	Plain-error review is discretionary and applies sparingly when an unpreserved claim implicates fundamental constitutional rights. A denial of a challenge for cause is reviewed for abuse of discretion. Ineffective-assistance claims present mixed questions of law and fact reviewed de novo, but record-based claims may be addressed on direct appeal only when the appellate record explains counsel's challenged conduct.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion
PARTIES	John W. Taylor v. State of Montana

TOPICS

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QUESTIONS PRESENTED

1. Whether the district court committed plain error by failing sua sponte to declare a mistrial or change the place of trial based on allegedly prejudicial comments by prospective jurors.
2. Whether the district court abused its discretion by denying Taylor's challenge for cause to prospective juror Meserve.
3. Whether the record on direct appeal established that Taylor's trial counsel was constitutionally ineffective.

HOLDINGS

1. The district court did not commit plain error because the prospective jurors' comments did not result in a manifest miscarriage of justice, leave the fundamental fairness of the trial unsettled, or compromise the integrity of the judicial process.
2. The district court did not abuse its discretion in denying the challenge for cause because Meserve's responses, considered as a whole, did not demonstrate that he could not act fairly and impartially.
3. The court declined to decide Taylor's ineffective-assistance claims on direct appeal because the record did not explain why counsel acted as alleged. Taylor may assert those claims in a postconviction proceeding, where a record can be developed.

KEY QUOTATIONS

“The test requires the defendant to prove (1) that counsel’s performance was deficient, and (2) that counsel’s deficient performance prejudiced the defense.” (¶ 26)

“Affirmed, without prejudice to the assertion of a claim of ineffective assistance of counsel in a postconviction proceeding.” (¶ 29)

FACTUAL BACKGROUND

Taylor, a former Petroleum County sheriff, was accused of stealing a neighbor's car-hauler trailer after the neighbor reported it missing. Taylor did not initially report the missing trailer, but his successor entered it into a national stolen-vehicle database after Taylor's termination; Taylor was later arrested in Utah while towing the trailer with a U-Haul truck. Before trial, Taylor sought a change of venue based on local prejudice and later challenged prospective juror Meserve for cause.

PROCEDURAL HISTORY

Taylor was charged by information, arraigned, and tried before a Petroleum County jury. The jury found him guilty of theft by unauthorized control, and he was sentenced after trial. On direct appeal, he challenged the failure to change the place of trial or declare a mistrial, the denial of his challenge for cause, and the effectiveness of trial counsel. The Supreme Court of Montana affirmed without prejudice to a later postconviction ineffective-assistance claim.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No remand. The affirmance was without prejudice to Taylor's assertion of ineffective-assistance claims in a postconviction proceeding under Title 46, Chapter 21, MCA.

CASES CITED

- State v. Davis, 2003 MT 341, ¶ 19, 318 Mont. 459, 81 P.3d 484
- State v. Herman, 2009 MT 101, ¶¶ 17, 25, 28, 350 Mont. 109, 204 P.3d 1254
- State v. Normandy, 2008 MT 437, ¶¶ 13, 22, 347 Mont. 505, 198 P.3d 834
- State v. Robinson, 2008 MT 34, ¶ 7, 341 Mont. 300, 177 P.3d 488
- State v. Braunreiter, 2008 MT 197, ¶ 10, 344 Mont. 59, 185 P.3d 1024
- State v. Harville, 2006 MT 292, ¶ 9, 334 Mont. 380, 147 P.3d 222
- State v. Golie, 2006 MT 91, ¶ 10, 332 Mont. 69, 134 P.3d 95
- Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984)
- Whitlow v. State, 2008 MT 140, ¶¶ 10, 20, 343 Mont. 90, 183 P.3d 861
- State v. Russell, 2008 MT 417, ¶¶ 32-33, 347 Mont. 301, 198 P.3d 271
- State v. St. Germain, 2007 MT 28, ¶ 34, 336 Mont. 17, 153 P.3d 591
- State v. Meyers, 2007 MT 230, ¶ 10, 339 Mont. 160, 168 P.3d 645
- State v. White, 2001 MT 149, ¶ 20, 306 Mont. 58, 30 P.3d 340