

SUPREME COURT OF MONTANA

State v. Sutton, 2018 MT 143

419 P.3d 1201 (Mont. 2018) · Decided June 12, 2018

SUMMARY

The Montana Supreme Court affirmed Mary Ann Reese Sutton's convictions for marijuana production, possession, paraphernalia possession, disorderly conduct, and resisting arrest. The court held that the Montana Medical Marijuana Act did not exempt Sutton from prosecution because the evidence supported a finding that she personally cultivated and possessed marijuana rather than merely being near a registered cardholder's authorized use. The court also held that sufficient evidence supported the resisting-arrest conviction.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Jim Rice; Chief Justice Mike McGrath; Justice James Jeremiah Shea; Justice Laurie McKinnon; Justice Beth Baker
JURISDICTION	Montana
DECIDED	June 12, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sutton appealed jury convictions for criminal production or manufacture of dangerous drugs, criminal possession of dangerous drugs, criminal possession of drug paraphernalia, disorderly conduct, and resisting arrest.
STANDARD OF REVIEW	The court reviewed sufficiency of the evidence de novo, viewing the evidence in the light most favorable to the prosecution and asking whether a rational trier of fact could find all essential elements beyond a reasonable doubt. Statutory interpretation was reviewed for correctness.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mary Ann Reese Sutton v. State of Montana

TOPICS

- criminal procedure
- statutory interpretation
- evidence
- suppression of evidence

PRACTICE AREAS

criminal law

criminal procedure

controlled substances

medical marijuana

evidence

QUESTIONS PRESENTED

1. Whether the Montana Medical Marijuana Act exempted Sutton from prosecution for the marijuana-related offenses because she was in the presence or vicinity of a registered cardholder's authorized marijuana use.
2. Whether sufficient evidence supported Sutton's conviction for resisting arrest.

HOLDINGS

1. The MMA did not exempt Sutton from prosecution because the evidence showed that she personally cultivated, exercised control over, and possessed the marijuana, rather than being merely in the presence or vicinity of a registered cardholder's authorized use.
2. The resisting-arrest conviction was supported by substantial evidence because a rational jury could find that Sutton knowingly used physical force or violence to prevent officers from effecting her arrest.

KEY QUOTATIONS

“Under subsection 5(a), Sutton was not exempted from prosecution here because she was not “solely ... in the presence or vicinity” of the authorized use of marijuana by a registered cardholder. Rather, she engaged in production, exercised control, and possessed the marijuana by her own cultivation activities.” (419 P.3d at 1207)

“Considering this evidence, which the jury was entitled to deem credible, Spottedbear , ¶ 8, in a light most favorable to the State, a rational trier of fact could have found that Sutton resisted arrest by physical force or violence.” (419 P.3d at 1208)

FACTUAL BACKGROUND

Police observed marijuana at Sutton's residence and later received her consent to enter and view a grow room containing nine mature plants. Sutton described herself as responsible for cultivating and maintaining the plants, although her partner was a registered medical-marijuana cardholder and Sutton's own card had expired. Officers later executed a search warrant and seized mature and seedling plants, marijuana residue, paraphernalia, scales, and growing supplies. Separately, after Sutton became confrontational with officers at a courthouse law library, she physically pulled away, pushed against a table, stiffened her body, and resisted the officers' efforts to handcuff and arrest her.

PROCEDURAL HISTORY

The State charged Sutton in the Seventeenth Judicial District Court, Valley County. The district court denied her motion to suppress evidence and dismiss the marijuana-related charges based on the Montana Medical Marijuana Act. After a jury trial, Sutton was convicted on all counts and received deferred and suspended sentences. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Criswell, 2013 MT 177, 370 Mont. 511, 305 P.3d 760
- State v. Weigand, 2005 MT 201, 328 Mont. 198, 119 P.3d 74
- State v. Spottedbear, 2016 MT 243, 385 Mont. 68, 380 P.3d 810
- State v. Sheehan, 2017 MT 185, 388 Mont. 220, 399 P.3d 314
- State v. Pirello, 2012 MT 155, 365 Mont. 399, 282 P.3d 662
- State v. Meader, 184 Mont. 32, 601 P.2d 386 (1979)
- State v. Scheffelman, 225 Mont. 408, 733 P.2d 348 (1987)
- State v. Neely, 261 Mont. 369, 862 P.2d 1109 (1993)
- State v. Skinner, 2007 MT 175, 338 Mont. 197, 163 P.3d 399
- Finley v. State, 449 S.W.3d 145 (Tex. App. 2014)
- State v. Dudley, 475 S.W.3d 712 (Mo. Ct. App. E.D. 2015)