

SUPREME COURT OF MONTANA

State of Montana v. Grant Alan West

2026 MT 13 · No. DA 23-0137 · Decided February 3, 2026

SUMMARY

The Montana Supreme Court affirmed Grant Alan West’s convictions for robbery, aggravated kidnapping, and criminal possession of dangerous drugs. The court rejected his claims concerning delayed disclosure of a witness’s hearing impairment, insufficiency of the robbery evidence, prosecutorial misconduct, ineffective assistance of counsel, and cumulative error.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Beth Baker; Beth Baker; Cory J. Swanson; James Jeremiah Shea; Jim Rice; Ingrid Gustafson
JURISDICTION	Supreme Court of Montana
DECIDED	February 3, 2026
DOCKET	DA 23-0137
DISPOSITION	affirmed
PROCEDURAL POSTURE	West directly appealed his jury convictions and sentences for robbery, aggravated kidnapping, and criminal possession of dangerous drugs. The Montana Supreme Court affirmed.
STANDARD OF REVIEW	Constitutional questions, including Brady claims, are reviewed plenary. Sufficiency-of-the-evidence, ineffective-assistance, and preserved prosecutorial-misconduct claims are reviewed de novo. Unpreserved prosecutorial-misconduct claims are reviewed for plain error, although plain-error review was denied here because it was first requested in a reply brief.
PRECEDENTIAL VALUE	published
PARTIES	Grant Alan West v. State of Montana

TOPICS

- criminal procedure
- evidence
- prosecutorial misconduct
- ineffective assistance
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the State's three-day delay in disclosing that a key witness was hearing impaired violated Brady and required exclusion of the witness's testimony.
2. Whether the evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational juror to find the essential elements of robbery beyond a reasonable doubt.
3. Whether the State committed reversible prosecutorial misconduct by eliciting testimony concerning West's alleged drug addiction or by displaying an overlay of two surveillance videos during closing argument.
4. Whether West's ineffective-assistance claims could be reviewed on direct appeal.
5. Whether cumulative error deprived West of a fair trial.

HOLDINGS

1. The three-day delay in disclosing Coker's hearing impairment did not establish a Brady violation requiring exclusion of her testimony because West had the opportunity to cross-examine her and failed to show a reasonable probability that earlier disclosure would have changed the verdict.
2. The evidence was sufficient for a rational juror to find beyond a reasonable doubt that West committed robbery.
3. West waived his challenge to testimony about his alleged drug addiction by failing to object at trial and by raising plain error for the first time in his reply brief.
4. The State's use of the overlay video during closing argument did not warrant reversal because, on the record available, West failed to demonstrate that the prosecutor's use of the admitted videos and related argument prejudiced his substantial rights.
5. West's ineffective-assistance claims were not appropriate for review on direct appeal because the record did not reveal counsel's reasons for the alleged omissions.
6. The cumulative-error doctrine did not apply because West failed to establish individual error or resulting prejudice.

KEY QUOTATIONS

“A defendant must prove three elements to succeed on a Brady claim: “(1) the State possessed evidence, including impeachment evidence, favorable to the defense; (2) the prosecution suppressed the favorable evidence; and (3) had the evidence been disclosed, a reasonable probability exists that the outcome of the proceedings would have been different.”” (¶ 12)

“A defendant is entitled to dismissal only if, viewing the evidence in the light most favorable to the prosecution, no rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (¶ 18)

“To succeed on an ineffective assistance of counsel claim, a defendant must prove “(1) that counsel’s performance was deficient, and (2) that counsel’s deficient performance prejudiced the defense.”” (¶ 42)

FACTUAL BACKGROUND

A masked and armed man entered a pharmacy in Columbia Falls, demanded Percocet, and directed three employees into a bathroom while he fled with the drug. One employee, Coker, identified West based on his voice and familiarity with his gait; officers later found prescription bottles, a black handgun with orange markings, a holster, and shoes resembling those associated with the robber at West’s home. West denied involvement, offered an alibi, and asserted that his medical condition and prescribed Percocet explained the evidence linking him to the crime.

PROCEDURAL HISTORY

The State charged West in the Eleventh Judicial District Court, Flathead County, with robbery, aggravated kidnapping, and criminal possession of dangerous drugs. A jury found him guilty on all counts, and the district court imposed concurrent sentences of forty years for robbery, ten years for aggravated kidnapping, and five years with the Department of Corrections for drug possession. West appealed, challenging a delayed Brady disclosure, sufficiency of the robbery evidence, prosecutorial misconduct, ineffective assistance of counsel, and cumulative error.

DISPOSITION

affirmed

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- State v. Ilk, 2018 MT 186, 392 Mont. 201, 422 P.3d 1219
- State v. Weisbarth, 2016 MT 214, 384 Mont. 424, 378 P.3d 1195
- McGarvey v. State, 2014 MT 189, 375 Mont. 495, 329 P.3d 576
- State v. Severson, 2024 MT 76, 416 Mont. 201, 546 P.3d 765
- Kyles v. Whitley, 514 U.S. 419 (1995)
- State v. Swann, 2007 MT 126, 337 Mont. 326, 160 P.3d 511
- State v. Hicks, 2006 MT 71, 331 Mont. 471, 133 P.3d 206
- State v. McWilliams, 2008 MT 59, 341 Mont. 517, 178 P.3d 121
- State v. Haithcox, 2019 MT 201, 397 Mont. 103, 447 P.3d 452
- State v. McDonald, 2013 MT 97, 369 Mont. 483, 299 P.3d 799
- State v. Mercier, 2021 MT 12, 403 Mont. 34, 479 P.3d 967
- State v. Ritesman, 2018 MT 55, 390 Mont. 399, 414 P.3d 261
- State v. Strizich, 2021 MT 306, 406 Mont. 391, 499 P.3d 575
- State v. Racz, 2007 MT 244, 339 Mont. 218, 168 P.3d 685

- State v. Lawrence, 2016 MT 346, 386 Mont. 86, 385 P.3d 968
- State v. Aker, 2013 MT 253, 371 Mont. 491, 310 P.3d 506
- State v. Beaudet, 2014 MT 152, 375 Mont. 295, 326 P.3d 1101
- State v. MacKinnon, 1998 MT 78, 288 Mont. 329, 957 P.2d 23
- Brunette v. State, 2016 MT 128, 383 Mont. 458, 372 P.3d 476
- Rieger v. Coldwell, 254 Mont. 507, 839 P.2d 1257 (1992)
- Moralli v. Lake County, 255 Mont. 23, 839 P.2d 1287 (1992)
- State v. Wright, 2021 MT 239, 405 Mont. 383, 495 P.3d 435
- State v. Ward, 2020 MT 36, 399 Mont. 16, 457 P.3d 955
- State v. Hinshaw, 2018 MT 49, 390 Mont. 372, 414 P.3d 271
- State v. Kougl, 2004 MT 243, 323 Mont. 6, 97 P.3d 1095
- State v. Sartain, 2010 MT 213, 357 Mont. 483, 241 P.3d 1032
- State v. Meyers, 2007 MT 230, 339 Mont. 160, 168 P.3d 645
- State v. Cunningham, 2018 MT 56, 390 Mont. 408, 414 P.3d 289
- State v. Ellerbee, 2019 MT 37, 394 Mont. 289, 434 P.3d 910
- State v. Hardman, 2012 MT 70, 364 Mont. 361, 276 P.3d 839
- State v. Warwick, 158 Mont. 531, 494 P.2d 627 (1972)
- City of Missoula v. Forest, 236 Mont. 129, 769 P.2d 699 (1989)
- United States v. Olano, 62 F.3d 1180 (9th Cir. 1995)
- People v. Taylor, 2011 IL 110067, 956 N.E.2d 431
- Irwin v. State, 229 N.E.3d 567 (Ind. Ct. App. 2024)
- Covey v. Brishka, 2019 MT 164, 396 Mont. 362, 445 P.3d 785
- State ex rel. State Highway Commission v. Hill, 373 S.W.2d 666 (Mo. Ct. App. 1963)