

SUPREME COURT OF NORTH DAKOTA

State v. Irwin

2010 ND 132 · No. 20100082 · Decided July 13, 2010

SUMMARY

The North Dakota Supreme Court affirmed the denial of Craig Allen Irwin’s motion to withdraw his guilty plea to a fifth DUI offense within seven years. The court held that prior DUI convictions could support the enhanced offense level even though one conviction was entered after the subsequent DUI conduct, and that withdrawal was not necessary to correct a manifest injustice. The court also rejected Irwin’s argument that the DUI statute was an unconstitutional bill of attainder.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Gerald W. VandeWalle, Chief Justice; Dale V. Sandstrom; Daniel J. Crothers; Mary Muehlen Maring; Carol Ronning Kapsner
JURISDICTION	North Dakota
DECIDED	July 13, 2010
DOCKET	20100082
DISPOSITION	affirmed
PROCEDURAL POSTURE	Craig Allen Irwin appealed the district court’s order denying his motion under N.D.R.Crim.P. 32(d) to withdraw his guilty plea to a fifth DUI offense in seven years.
STANDARD OF REVIEW	The determination whether a manifest injustice exists is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential
PARTIES	Craig Allen Irwin v. State of North Dakota

TOPICS

- criminal procedure
- statutory interpretation
- constitutional law
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether withdrawal of Irwin's guilty plea was necessary to correct a manifest injustice because his fourth DUI conviction had not been entered when he committed the Morton County DUI.
2. Whether N.D.C.C. § 39-08-01 constituted an unconstitutional bill of attainder by allowing Irwin to be convicted of a fifth DUI offense in seven years.

HOLDINGS

1. After a court accepts a guilty plea and imposes sentence, withdrawal is permitted only when the motion is timely and withdrawal is necessary to correct a manifest injustice. The district court did not abuse its discretion in finding no manifest injustice because Irwin had four prior DUI convictions within the relevant seven-year period when the Morton County plea was accepted.
2. The district court did not abuse its discretion in rejecting Irwin's bill-of-attainder argument and denying withdrawal of the guilty plea because Irwin was not punished without the benefit of a trial; he pleaded guilty to both DUI charges and thereby waived his right to trial.

KEY QUOTATIONS

“After a court accepts a guilty plea and imposes a sentence, the defendant cannot withdraw the plea unless the motion is timely and withdrawal is necessary to correct a manifest injustice.” (¶ 6)

“a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of a judicial trial.” (¶ 10)

FACTUAL BACKGROUND

Irwin was arrested for DUI in Burleigh County on June 13, 2007, and was charged with a fourth DUI in seven years. Two weeks later, he was arrested and charged in Morton County with a fifth DUI in seven years, a class C felony. He pleaded guilty to the Burleigh County charge before pleading guilty to the Morton County charge; the Morton County court imposed a five-year concurrent sentence.

PROCEDURAL HISTORY

Irwin pleaded guilty to a Morton County DUI charge and was sentenced to five years in the custody of the Department of Corrections, concurrent with his sentence for a separate Burleigh County DUI. Two years later, he moved to withdraw his guilty plea, arguing that withdrawal was necessary to correct a manifest injustice because his fourth DUI conviction was not yet entered when he committed the Morton County offense and because the DUI statute was an unconstitutional bill of attainder. The district court denied the motion, and the North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Blurton, 2009 ND 144, ¶ 7, 770 N.W.2d 231
- State v. Lium, 2008 ND 33, ¶¶ 17, 20, 744 N.W.2d 775
- State v. Skarsgard, 2007 ND 159, ¶ 7, 740 N.W.2d 64
- Nixon v. Administrator of General Services, 433 U.S. 425, 468 (1977)
- United States v. Brown, 381 U.S. 437, 445, 447 (1965)
- United States v. Lovett, 328 U.S. 303, 315-16 (1946)
- Ex parte Garland, 4 Wall. 333, 377 (1867)
- Cummings v. Missouri, 4 Wall. 277, 323 (1867)
- Jensen v. Heckler, 766 F.2d 383, 386 (8th Cir. 1985)