

SUPREME COURT OF WYOMING

Chad Faron Mebane v. The State of Wyoming

2014 WY 72 (Wyo. 2014) · No. S-14-0048 · Decided June 9, 2014

SUMMARY

The Wyoming Supreme Court affirmed the denial of Chad Mebane’s motion to correct an illegal sentence under Wyoming Rule of Criminal Procedure 35(a). The court held that separate convictions and consecutive sentences for delivering a controlled substance on two different dates did not violate the federal or Wyoming constitutional protections against double jeopardy because each offense required proof of a distinct date and transaction.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Burke, Justice; Kite, C.J.; Hill, J.; Burke, J.; Davis, J.; Fox, J.
JURISDICTION	Wyoming
DECIDED	June 9, 2014
DOCKET	S-14-0048
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a motion to correct an illegal sentence under Wyoming Rule of Criminal Procedure 35(a), asserting that two convictions and consecutive sentences for delivery of a controlled substance violated double-jeopardy protections.
STANDARD OF REVIEW	The question whether a defendant's constitutional protection against double jeopardy has been violated is reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Chad Faron Mebane v. The State of Wyoming

TOPICS

- double jeopardy
- sentencing
- criminal procedure
- post-conviction relief
- constitutional law

PRACTICE AREAS

- criminal procedure
- constitutional law
- sentencing
- post-conviction relief

QUESTIONS PRESENTED

1. Whether separate convictions and sentences for two deliveries of a controlled substance occurring on different dates violate the Double Jeopardy Clauses of the United States and Wyoming Constitutions.
2. Whether the separate delivery convictions constituted an illegal sentence correctable under Wyoming Rule of Criminal Procedure 35(a).

HOLDINGS

1. Separate convictions and sentences for two deliveries of a controlled substance do not violate double-jeopardy protections when the deliveries occurred on different dates and constituted separate criminal acts.
2. The sentence was not illegal because it did not impose multiple terms of imprisonment for the same offense or otherwise violate constitutional law.

KEY QUOTATIONS

“the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not.” (¶ 12)

“Each of several successive sales constitutes a distinct offense, however closely they may follow each other.” (¶ 13)

FACTUAL BACKGROUND

Mebane participated in two controlled-buy transactions involving delivery of methamphetamine, one on June 8, 2010, and another on July 13, 2010. After the second transaction, investigators obtained a search warrant and found methamphetamine in his home. He was convicted and sentenced separately for each delivery, with the sentences ordered to run consecutively, as well as for possession.

PROCEDURAL HISTORY

Mebane was convicted of two felony counts of delivery of a controlled substance and one misdemeanor count of possession of a controlled substance. The Wyoming Supreme Court affirmed his convictions on direct appeal. Mebane later moved to correct an illegal sentence, arguing that the two delivery convictions constituted multiple punishments for the same offense. The district court denied the motion, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Mebane v. State, 2012 WY 43, ¶ 21, 272 P.3d 327, 330 (Wyo. 2012)
- Daniel v. State, 2008 WY 87, ¶ 7, 189 P.3d 859, 862 (Wyo. 2008)
- Meyers v. State, 2005 WY 163, ¶ 8, 124 P.3d 710, 714 (Wyo. 2005)

- McDaniel v. State, 2007 WY 125, ¶ 7, 163 P.3d 836, 838 (Wyo. 2007)
- Brown v. State, 2004 WY 119, ¶ 7, 99 P.3d 489, 491 (Wyo. 2004)
- Ferguson v. State, 2013 WY 117, ¶ 8, 309 P.3d 831, 833 (Wyo. 2013)
- Gould v. State, 2006 WY 157, ¶ 9, 151 P.3d 261, 265 (Wyo. 2006)
- Geiser v. State, 920 P.2d 1243, 1244 (Wyo. 1996)
- Jerskey v. State, 546 P.2d 173, 186 (Wyo. 1976)
- Jackson v. State, 522 P.2d 1356, 1359 (Wyo. 1974)
- Brown v. State, 703 P.2d 1097, 1099 (Wyo. 1985)
- Sweets v. State, 2013 WY 98, ¶¶ 45, 49, 307 P.3d 860, 874-75 (Wyo. 2013)
- Blockburger v. United States, 284 U.S. 299, 301-04, 52 S. Ct. 180, 181-82, 76 L. Ed. 306 (1932)

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