

SUPREME COURT OF THE STATE OF MONTANA

State v. Heuer

2015 MT 325N · No. DA 14-0383 · Decided November 17, 2015

SUMMARY

The Montana Supreme Court affirmed Matthew Heuer’s conviction for violating a protective order. The court held that sufficient evidence established that Heuer indirectly contacted the protected person and disturbed her peace by remaining at a restaurant where she worked after learning of her presence. The memorandum opinion was designated noncitable and issued pursuant to the court’s internal operating rules.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Jim Rice; Mike McGrath; Patricia Cotter; Beth Baker; Michael E. Wheat
JURISDICTION	Montana
DECIDED	November 17, 2015
DOCKET	DA 14-0383
DISPOSITION	affirmed
PROCEDURAL POSTURE	Heuer appealed the Eleventh Judicial District Court's order affirming his Justice Court conviction for violation of a protective order, challenging the sufficiency of the evidence.
STANDARD OF REVIEW	When a justice court established as a court of record is appealed to the district court, the district court acts as an intermediate appellate court limited to review of the record and questions of law. The Montana Supreme Court independently reviews the justice court's decision under the same scope and applies the relevant standard of review.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; not citable under Montana Supreme Court Internal Operating Rules § I, ¶ 3(c).
PARTIES	Matthew Heuer v. State of Montana

TOPICS

- criminal procedure
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether sufficient evidence supported the finding that Heuer violated the protective order's prohibition against harassing, annoying, or disturbing Leya's peace.
2. Whether sufficient evidence supported the finding that Heuer violated the protective order's prohibition against direct or indirect contact with Leya.

HOLDINGS

1. Sufficient evidence supported the Justice Court's finding that Leya's peace was disturbed during the June 8, 2013 occurrence. The testimony that she was not harassed, annoyed, or disturbed referred to the earlier May 5 occurrence, not the June 8 occurrence.
2. Sufficient evidence established that Heuer had indirect contact with Leya, in violation of the protective order, even though the State did not prove telephone, email, text-message, social-network, or similar communication.

KEY QUOTATIONS

“Because the scope of the district court’s review and this Court’s review is the same, we review the justice court’s decision as if the appeal originally had been filed in this Court.” (¶ 2)

“do[] not open the door for Defendant to knowingly create a situation where he would come into contact with Petitioner or her children, as he did in the instant case.” (¶ 9)

FACTUAL BACKGROUND

A five-year protective order prohibited Heuer from harassing, annoying, or disturbing the peace of Misty Anderson and her children and from directly or indirectly contacting or communicating with them. On June 8, 2013, Heuer entered a restaurant with his children, knowing after they identified her that Anderson's daughter, Leya Storkson-Anderson, was working there. He remained at the restaurant until Leya's employer asked him to leave, and the Justice Court found that Leya was afraid and that her peace had been disturbed.

PROCEDURAL HISTORY

The Justice Court convicted Heuer of violating a protective order based on his presence at a restaurant where the protected person's daughter worked. The Eleventh Judicial District Court affirmed the conviction. The Montana Supreme Court independently reviewed the Justice Court record and affirmed the District Court's order.

DISPOSITION

affirmed

CASES CITED

- State v. Hodge, 2014 MT 308, ¶ 11, 377 Mont. 123, 339 P.3d 8

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