

SUPREME COURT OF MONTANA

State of Montana v. S.T.M.

State v. S.T.M., 75 P.3d 1257 (Mont. 2003) · No. No. 02-315 · Decided August 25, 2003

SUMMARY

The Supreme Court of Montana affirmed the admission of hearsay statements made by a toddler alleging sexual abuse by the defendant. The court held that although the district court improperly considered corroborating evidence in its Confrontation Clause analysis, the statements independently bore particularized guarantees of trustworthiness under the totality of the circumstances. The court also held that the statements were admissible under Montana's residual hearsay exception.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; Karla M. Gray, C.J.; W. William Leaphart; James C. Nelson; Jim Regnier
JURISDICTION	Montana
DECIDED	August 25, 2003
DOCKET	No. 02-315
DISPOSITION	affirmed
PROCEDURAL POSTURE	S.T.M. pleaded guilty to sexual assault while reserving the right to appeal the District Court's ruling admitting the alleged victim's hearsay statements under the residual hearsay exception. The Montana Supreme Court reviewed the evidentiary and Confrontation Clause issues and affirmed.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Legal conclusions concerning the Confrontation Clause are reviewed de novo.
PRECEDENTIAL VALUE	published Montana Supreme Court opinion; binding state precedent
PARTIES	S.T.M. v. State of Montana

TOPICS

- hearsay
- sixth amendment
- evidence
- criminal procedure

PRACTICE AREAS

criminal law

evidence

constitutional law

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion by admitting K.M.'s hearsay statements under Rule 804(b)(5), M.R.Evid.
2. Whether admission of K.M.'s hearsay statements violated S.T.M.'s Sixth Amendment right of confrontation.

HOLDINGS

1. In child sexual-abuse cases, corroborating evidence may not be considered in determining whether hearsay has the particularized guarantees of trustworthiness required by the Confrontation Clause. The corroborative-evidence factor must therefore be removed from the J.C.E. hearsay analysis when the constitutional issue is implicated.
2. K.M.'s statements to her mother and to the social worker were supported by particularized guarantees of trustworthiness and could be admitted without violating the Sixth Amendment Confrontation Clause.
3. The District Court erred as a matter of law by relying on corroborating evidence and by failing to address the Confrontation Clause issue, but its admission ruling reached the correct result because the statements independently satisfied the Confrontation Clause reliability requirement.

KEY QUOTATIONS

"The Wright Court explained that the Confrontation Clause restricts the range of admissible hearsay, first by requiring a showing of necessity—the prosecution must demonstrate the declarant of the hearsay is unavailable to testify. Second, the declarant's statement is admissible "only if it bears adequate indicia of reliability." (1262-1263)

"The Supreme Court held that "particularized guarantees of trustworthiness" must be shown from the totality of the circumstances, but cautioned that the "relevant circumstances include only those that surround the making of the statement and that render the declarant particularly worthy of belief." (1263)

"Because we cannot conceive of a case in which the admission of the hearsay statements of an alleged victim of child sexual abuse would not implicate the Confrontation Clause as well as the rule against hearsay, we hold that the fourth factor listed in the J.C.E. guidelines—the availability of corroborative evidence—should be struck from the J.C.E. hearsay analysis in child sex abuse cases." (1264)

FACTUAL BACKGROUND

S.T.M. was charged after allegations that he licked the vagina of his approximately 35-month-old daughter, K.M. K.M. was deemed incompetent to testify, and the State sought to introduce statements she made to her mother and to a child-protection social worker. The District Court admitted the statements under the residual hearsay exception, and S.T.M. pleaded guilty while preserving his right to challenge that ruling.

PROCEDURAL HISTORY

The State charged S.T.M. with incest and related offenses in the Nineteenth Judicial District Court. After a hearing on the admissibility of hearsay statements made by the defendant's incompetent toddler daughter, the District Court admitted the statements under Rule 804(b)(5), M.R.Evid. S.T.M. pleaded guilty to sexual assault, received a ten-year sentence with incarceration suspended subject to conditions, and appealed the evidentiary ruling.

DISPOSITION

affirmed

CASES CITED

- State v. Osborne, 1999 MT 149, 295 Mont. 54, 982 P.2d 1045
- State v. J.C.E., 235 Mont. 264, 767 P.2d 309 (1988)
- State v. LaPier, 208 Mont. 106, 676 P.2d 210 (1984)
- Kottel v. State, 2002 MT 278, 312 Mont. 387, 60 P.3d 403
- Eschenbacher v. Anderson, 2001 MT 206, 306 Mont. 321, 34 P.3d 87
- Idaho v. Wright, 497 U.S. 805, 110 S.Ct. 3139, 111 L.Ed.2d 638 (1990)