

SUPREME COURT OF MONTANA

State v. Bustle, 2010 MT 68, 355 Mont. 487

228 P.3d 1150 (2010) · No. DA 09-0477 · Decided April 6, 2010

SUMMARY

The Supreme Court of Montana held that the district court unlawfully imposed \$450 in justice court costs as part of Matthew Scott Bustle's sentence. The court reversed and remanded for further proceedings because simply vacating the justice court costs could alter the sentencing court's intended allocation of court costs.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Jim Rice; Chief Justice Mike McGrath; Justice W. William Leaphart; Justice Patricia O. Cotter; Justice Brian Morris
JURISDICTION	Montana
DECIDED	April 6, 2010
DOCKET	DA 09-0477
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Bustle appealed the Sixteenth Judicial District Court's sentencing order imposing Justice Court costs as part of his sentence.
STANDARD OF REVIEW	A sentence in a criminal case is reviewed only for legality. The legality of a sentence may be reviewed even if no objection was made at sentencing under the Lenihan rule.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Matthew Scott Bustle v. State of Montana

TOPICS

sentencing criminal procedure appellate procedure standard of review remedies

PRACTICE AREAS

criminal law sentencing appellate procedure criminal procedure judicial remedies

QUESTIONS PRESENTED

1. Whether the District Court had authority to impose \$450 in Justice Court costs as part of Bustle's sentence.
2. If the Justice Court cost assessment was unlawful, whether the assessment should be vacated outright or the matter remanded for resentencing or amendment of the judgment.

HOLDINGS

1. The imposition of \$450 in Justice Court costs was unlawful because the District Court did not have authority to order Bustle to pay those costs.
2. The case must be reversed and remanded for further proceedings rather than simply vacating the \$450 Justice Court cost assessment.

KEY QUOTATIONS

“Upon the State’s concession, we conclude the imposition of the Justice Court costs was unlawful.” (¶ 7)

“Simply vacating the \$450 Justice Court assessment would leave only the \$150 assessment as the unsuspended portion of the court costs, which originally totaled over \$1,000. We cannot determine whether such a result would comport with the sentencing court’s intentions with regard to the court cost assessment, making a remand necessary.” (¶ 9)

“Reversed and remanded for further proceedings consistent with this Opinion.” (¶ 11)

FACTUAL BACKGROUND

The charges arose from an April 14, 2008, crash of an Arctic Cat UTV after Bustle attended a house party in Jordan, Montana. Bustle was charged with reckless driving and obstructing a peace officer. Following a de novo trial in District Court, he was convicted of reckless driving and received a suspended jail sentence, a fine, and an order requiring payment of District Court and Justice Court costs.

PROCEDURAL HISTORY

A Garfield County Justice Court jury convicted Bustle of reckless driving and obstructing a peace officer and imposed fines, jail time, and \$450 in court costs. After Bustle appealed, the District Court conducted a de novo jury trial, convicted him of reckless driving, acquitted him of obstructing a peace officer, and ordered him to pay both District Court and Justice Court costs. Bustle appealed the sentencing order to the Montana Supreme Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion. The District Court may conduct any proceedings necessary to enter an amended judgment, including reconsidering the suspended and unsuspended portions of the court-cost assessment after removing the unlawful Justice Court costs.

CASES CITED

- State v. Strong, 2009 MT 65, ¶ 7, 349 Mont. 417, 203 P.3d 848
- State v. Lenihan, 184 Mont. 338, 343, 602 P.2d 997 (1979)
- State v. Morales, 284 Mont. 237, 943 P.2d 1286 (1997)
- City of Billings v. Smith, 281 Mont. 133, 932 P.2d 1058 (1997)

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