

SUPREME COURT OF THE STATE OF MONTANA

Rodney Dubois v. State of Montana

Dubois, 2017 MT 8N (Supreme Court of the State of Montana 2017) · No. DA 15-0636 · Decided January 17, 2017

SUMMARY

The Montana Supreme Court affirmed the denial of Rodney Dubois’s petition for postconviction relief based on alleged ineffective assistance of trial and appellate counsel. The court held that trial counsel’s decision not to seek a new trial based on a witness’s recantation and appellate counsel’s decision not to raise certain issues were objectively reasonable. The noncitable memorandum opinion was issued pursuant to the Montana Supreme Court’s internal operating rules.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Beth Baker; Beth Baker; James Jeremiah Shea; Laurie McKinnon; Michael E. Wheat; Jim Rice
JURISDICTION	Montana
DECIDED	January 17, 2017
DOCKET	DA 15-0636
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition for postconviction relief alleging ineffective assistance of trial and appellate counsel.
STANDARD OF REVIEW	The Court reviews a district court's denial of postconviction relief to determine whether its factual findings are clearly erroneous and whether its legal conclusions are correct. Ineffective-assistance claims present mixed questions of law and fact reviewed de novo.
PRECEDENTIAL VALUE	Noncitable memorandum opinion; not precedent under Montana Supreme Court Internal Operating Rules § I, ¶ 3(c).
PARTIES	Rodney Dubois v. State of Montana

TOPICS

[post-conviction relief](#)[ineffective assistance](#)[appellate procedure](#)[criminal procedure](#)[standard of review](#)

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by failing to move for a new trial based on a prosecution witness's recantation letter.
2. Whether appellate counsel rendered ineffective assistance by declining to raise on direct appeal the denial of reassignment of counsel, the constitutional challenge to Montana Code Annotated § 45-2-203, and the discovery request for the criminal records of the State's witnesses.

HOLDINGS

1. Trial counsel did not provide ineffective assistance by declining to move for a new trial because the recantation was written under suspicious circumstances, did not materially strengthen Dubois's self-defense claim, and was unlikely to affect the verdict in light of the evidence.
2. Appellate counsel was not ineffective because counsel need not raise every colorable issue and Dubois failed to show that the omitted issues were clearly stronger than the issues counsel presented.

KEY QUOTATIONS

“Under the first prong of the two-part test we use to evaluate ineffective assistance of counsel claims, a defendant must show that counsel’s representation “fell below an objective standard of reasonableness considering prevailing professional norms.”” (¶ 10)

“As for Olson’s handling of the appeal, “appellate counsel need not raise every colorable issue on appeal.”” (¶ 12)

FACTUAL BACKGROUND

Dubois was charged with deliberate homicide for killing Dion Guckeen with a baseball bat. He admitted striking Guckeen but claimed self-defense, and a jury convicted him. After trial, a prosecution witness, Tony Sambenedetto, sent a recantation letter while housed in the same detention facility as Dubois; the letter was written under suspicious circumstances and did not support Dubois's self-defense theory. Dubois alleged that trial counsel was ineffective for failing to seek a new trial based on the letter and that appellate counsel was ineffective for omitting three issues from the direct appeal.

PROCEDURAL HISTORY

Dubois was convicted of deliberate homicide in the Cascade County District Court and sentenced to life without parole. The Montana Supreme Court affirmed his conviction on direct appeal. The District Court later denied Dubois's petition for postconviction relief, and Dubois appealed that denial. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Dubois, 2006 MT 89, 332 Mont. 44, 134 P.3d 82
- Heavygun v. State, 2016 MT 66, ¶ 8, 383 Mont. 28, 368 P.3d 707
- McGarvey v. State, 2014 MT 189, ¶ 25, 375 Mont. 495, 329 P.3d 576
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)
- State v. Turnsplenty, 2003 MT 159, ¶ 14, 316 Mont. 275, 70 P.3d 1234
- Rose v. State, 2013 MT 161, ¶ 28, 370 Mont. 398, 304 P.3d 387

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/montana-supreme-court-of-the-state-of-montana/2017/rodney-dubois-v-state-of-montana-xlt227gw>