

SUPREME COURT OF MONTANA

State v. Clark, 2008 MT 112, 342 Mont. 461

182 P.3d 62 (2008) · No. DA 07-0328 · Decided April 8, 2008

SUMMARY

The Montana Supreme Court affirmed Charles Ronald Clark's sentence for aggravated assault. The court held that his notices of appeal were timely, that Montana law did not require credit for time spent on house arrest while released on bond before trial, and that his challenge to bond conditions was not preserved for appellate review.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice W. William Leaphart; Chief Justice Karla M. Gray; Justice James C. Nelson; Justice Patricia Cotter; Justice Brian Morris
JURISDICTION	Montana
DECIDED	April 8, 2008
DOCKET	DA 07-0328
DISPOSITION	affirmed
PROCEDURAL POSTURE	Clark appealed from his sentence for aggravated assault, challenging the timeliness of his notice of appeal, the denial of credit for time spent on house arrest, and the reasonableness and legality of conditions imposed on his bond.
STANDARD OF REVIEW	A criminal sentence is reviewed for legality only, meaning whether it falls within the applicable statutory parameters. Issues raised for the first time on appeal generally are not considered.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; binding precedent in Montana.
PARTIES	Charles Ronald Clark v. State of Montana

TOPICS

- sentencing
- criminal procedure
- bail
- appellate procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Clark's notices of appeal were timely when filed within sixty days after the clerk entered the written judgment.
2. Whether the District Court imposed an illegal sentence by refusing to award credit for time spent on house arrest before conviction while Clark was released on bond.
3. Whether the District Court imposed unreasonable or unauthorized bond conditions.

HOLDINGS

1. Clark's notices of appeal were timely because the sixty-day appeal period began when the clerk filed and entered the judgment on March 27, 2007, not when the District Court signed the judgment on March 23, 2007.
2. The District Court did not impose an illegal sentence by denying credit for time Clark spent on house arrest while released on bond before trial.
3. The court declined to consider Clark's challenge to the bond conditions because he raised the issue for the first time on appeal.

KEY QUOTATIONS

“no statute requires or authorizes a district court to award credit for time served on house arrest prior to conviction or while released on bond, regardless of the formal nature of the house arrest.” (§ 21)

“We refuse to consider issues raised for the first time on appeal because it is fundamentally unfair to fault the district court for failing to rule correctly on an issue it never had the opportunity to consider.” (§ 24)

FACTUAL BACKGROUND

Clark was charged with felony aggravated assault and initially detained at the Flathead County Detention Center. The District Court later released him to formal house arrest under stipulated conditions, including a curfew, chemical-dependency treatment, supervision by a detective agency, abstention from alcohol and controlled substances, and no contact with the victim or witnesses. After Clark pleaded nolo contendere, the court imposed a fifteen-year sentence with ten years suspended, credited him for forty-one days in custody, and denied credit for his time on house arrest.

PROCEDURAL HISTORY

Clark was charged with aggravated assault, pleaded nolo contendere pursuant to a plea agreement, and was sentenced to fifteen years in prison with ten years suspended. The District Court credited him for forty-one days incarcerated but not for time spent on formal house arrest. Clark filed his notices of appeal within sixty days after the judgment was entered by the clerk. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Mingus, 2004 MT 24, ¶ 10, 319 Mont. 349, 84 P.3d 658
- State v. McCaslin, 2004 MT 212, ¶ 49, 322 Mont. 350, 96 P.3d 722
- State v. Lenihan, 184 Mont. 338, 602 P.2d 997 (1979)
- State v. Swoboda, 276 Mont. 479, 482, 918 P.2d 296, 298 (1996)
- State v. Nelson, 274 Mont. 11, 20, 906 P.2d 663, 668 (1995)
- State v. Gulbranson, 2003 MT 139, 316 Mont. 163, 69 P.3d 1187

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