

ORIGINAL

FILED

06/19/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 18-0519

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 18-0519

FILED

JUN 19 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

TODD STEINFELDT,

Defendant and Appellant.

This matter comes before the Court on an appeal of Appellant Todd Steinfeldt from an order by the Twenty-Second Judicial District, Stillwater County. On May 3, 2018, Steinfeldt was convicted by a jury in Stillwater County Justice Court of (1) failure to obtain landowner's permission for hunting, in violation of § 87-6-415, MCA; (2) failure to validate tag in violation of § 87-6-411(2), MCA; and (3) unlawful possession/transportation of game animal, in violation of § 87-6-202(1), MCA.

Steinfeldt appealed to the District Court for a trial de novo. Several days prior to a scheduled arraignment, his counsel withdrew, and the District Court rescheduled the arraignment. On July 26, 2018, Steinfeldt failed to appear for the arraignment, and the District Court Granted the State's oral motion to dismiss. The State then filed a Motion to Dismiss [Steinfeldt's] Appeal, pursuant to § 46-17-311(5), MCA. On August 15, 2018, the District Court issued a written order granting the State's Motion and dismissing Steinfeldt's appeal.

Steinfeldt argues the District Court erred in dismissing his appeal before the time allotted for him to file an answer brief to the State's motion to dismiss his appeal had

expired.¹ Steinfeldt requests that this Court reverse and remand the appeal to the District Court with instructions to allow Steinfeldt to file his answer brief in opposition to the State's Motion, along with supporting documents. The State argues the District Court exercised its discretion and properly dismissed Steinfeldt's appeal based on his failure to appear.

"If, on appeal to the district court, the defendant fails to appear for a scheduled court date or meet a court deadline, the [district] court may, except for good cause shown, dismiss the appeal on the court's own initiative or on a motion by the prosecution" Section 46-17-311(5), MCA. "Good cause is generally defined as a 'legally sufficient reason' and is referred to as the burden placed on a litigant . . . to show why a request should be granted or an action excused." *State v. Ziolkowski*, 2014 Mont. 58, ¶ 14, 374 Mont. 162, 321 P.3d 816 (citations omitted).

In *State v. Ziolkowski*, this Court affirmed a district court's dismissal of an appeal from a justice court conviction when a defendant failed to appear at a scheduled hearing. *Ziolkowski*, ¶¶ 10, 13-14. The defendant had been provided multiple opportunities to comply with and to appear at court proceedings, and she failed to do so. *Ziolkowski*, ¶¶ 3-10. Further, this Court was able to conclude from the record, namely the defendant's own admissions, that the defendant failed to show good cause for her failure to appear. *Ziolkowski*, ¶ 14. However, inherent in this Court's finding that the defendant failed to show good cause is that the defendant should be *afforded the opportunity* to show good cause. See *Ziolkowski*, ¶ 14.

Here, neither party disputes that Steinfeldt missed the arraignment and that the District Court then dismissed Steinfeldt's appeal pursuant to the State's Motion to Dismiss. However, nothing in the record decisively shows good cause, or lack thereof, for the missed arraignment. Following the State's Motion to Dismiss, Steinfeldt should have been afforded the opportunity to respond and to attempt to show good cause for the delay prior to the

¹ Because the parties do not dispute the applicability of M. Unif. Dist. Ct. R. 2 to this case, we do not address whether M. Unif. Dist. Ct. R. 2 applies.

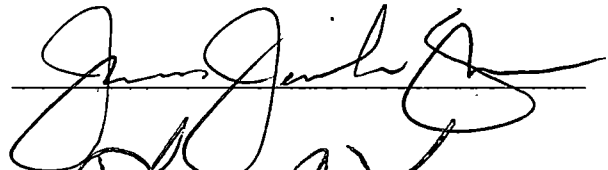
District Court's decision regarding whether to dismiss his appeal. *See* § 46-17-311(5), MCA; *Ziolkowski*, ¶ 14; *see also State v. Luke*, 2014 MT 22, ¶ 15, 373 Mont. 398, 321 P.3d 70.

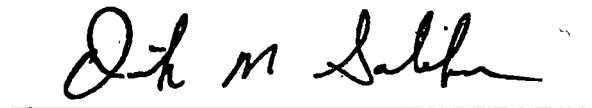
IT IS THEREFORE ORDERED that Steinfeldt's appeal is DISMISSED WITHOUT PREJUDICE and REMANDED to the Twenty-Second Judicial District, with instructions to allow Steinfeldt to file his answer brief in opposition to the State's Motion to Dismiss.

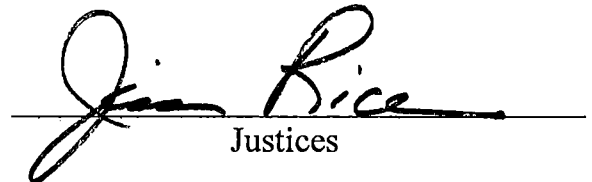
IT IS FURTHER ORDERED that the Clerk of this Court shall give immediate notice of this Order to all counsel of record and to the Hon. Matt Wald². The Clerk shall return the District Court Record to the Clerk of the District Court.

DATED this 19th day of June 2019.


Chief Justice


Justice


Justice


Justices

² The Hon. Blair Jones has retired and the Hon. Matt Wald now presides.