

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID ALAN JEFFORDS,

Defendant and Appellant.

REDACTED BRIEF OF APPELLANT

On Appeal from the Montana Twelfth Judicial District Court,
Liberty County, the Honorable David Cybulski, Presiding

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STATEMENT OF THE ISSUES

Issue One: Whether the oral sentence condition banishing Appellant from seven counties of Montana while on parole or probation is illegal.

Issue Two: Whether the inclusion of probation conditions 38 and 39 in the written judgment, which restrict Appellant's contact with minors, is nonconforming to the oral sentence and illegal.

STATEMENT OF THE CASE

After a jury trial, David Jeffords was found guilty of felony sexual intercourse without consent. (6/13/18 Tr. at 83; D.C. Docs. 36, 46.) The victim was an adult female. (6/11-6/12/18 Tr. at 223.)

The district court orally sentenced Mr. Jeffords to 80 years in Montana State Prison with 30 years suspended, imposing restitution and designating him a Level 2 sex offender. (8/15/18 Tr. at 31, 35, attached as App. A.) The district court subsequently entered a written judgment. (D.C. Doc. 67, attached as App. B.)

At sentencing, the district court, sua sponte, orally imposed a broad banishment condition to apply to Mr. Jeffords's release on parole or probation. (8/15/18 Tr. at 32.) The condition banished Mr. Jeffords

from living in “Liberty, Toole or Glacier counties or adjoining counties during the entire term of your probation and if there’s parole during anytime of parole.” (8/15/18 Tr. at 32.) The district court imposed other conditions of probation that prohibited Mr. Jeffords’s contact with the victim and required that his residence be approved by his probation officer. (D.C. Doc. 67 at 3, 8.)

The district court’s sole reasoning for the banishment condition was to decrease the odds of the adult victim running into Mr. Jeffords after his release. (8/15/18 Tr. at 32.) Although Mr. Jeffords has children living in Liberty County (6/11-6/12/18 Tr. at 440-41), the district court did not see “any advantage” to him living in Liberty, Toole, Glacier, or adjoining counties.¹ (8/15/18 Tr. at 32.) Although imposed in the oral pronouncement of sentence, the banishment condition does not appear in the written judgment. (*See* D.C. Doc. 67.)

During the pronouncement of sentence, the district court identified recommended probation conditions 38, 39, and 56—which restricted Mr. Jeffords’s contact with minors—as falling into a category

¹ The adjoining counties to Liberty, Toole, and Glacier counties are Hill, Chouteau, Pondera, and Flathead counties.

not applicable to this case. (8/15/18 Tr. at 33.) “This wasn’t a kid[]s offense,” the district court stated. (8/15/18 Tr. at 33.) Thus, these conditions “didn’t seem to be---have any nexus to this crime.” (8/15/18 Tr. at 33.) The State had “no strong position on this” but responded the rationale was “kids are vulnerable people” and the adult victim was also part of “a vulnerable population.” (8/15/18 Tr. at 33-34.)

The district court rejected that nexus rationale: “I don’t think we have the nexus to make that a probation condition.” (8/15/18 Tr. at 34.) Nonetheless, the written judgment includes recommended conditions 38 and 39, but not recommended condition 56. (D.C. Doc. 67 at 8-9, 11.) Condition 38 in the written judgment prohibits Mr. Jeffords’s unsupervised contact with minors without prior approval while on probation. (D.C. Doc. 67 at 8-9.) Condition 39 prohibits Mr. Jeffords from frequenting places where children congregate unless accompanied by an approved adult. (D.C. Doc. 67 at 9.)

Mr. Jeffords filed a timely appeal. (D.C. Doc. 70.)

STATEMENT OF THE FACTS

This conviction arose from a single incident on the evening and early morning of May 10-11, 2017, in Chester. A.R., roughly 30 years-

old, who lived in Shelby, drove to Chester to hang out with her friend's roommate, Roger Cruz, and she became extremely intoxicated. (6/11-6/12/18 Tr. at 223, 236-37, 243-46.) Mr. Jeffords, who lived in Chester with his wife and children, came over to Roger's after Roger, who knew Mr. Jeffords through work, contacted him about getting more beer. (6/11-6/12/18 Tr. at 427, 435-41.) A.R. and Mr. Jeffords had not met before. (6/11-6/12/18 Tr. at 247.) After hanging out and playing strip poker, A.R. testified Mr. Jeffords and Roger subjected her to a non-consensual sexual encounter with them. (6/11-6/12/18 Tr. at 245-53.)²

Prior to sentencing, Mr. Jeffords had a psychosexual evaluation. (D.C. Doc. 65, attached Psychosexual Evaluation (hereinafter, "Eval.").³)

Mr. Jeffords, [REDACTED]

[REDACTED]

[REDACTED]

² Roger was separately charged and found guilty of felony sexual assault by a jury. (D.C. Docs. 40-41.) His appeal to this Court was recently dismissed. *State v. Cruz*, DA 18-0640, Order (April 21, 2020).

³ Under § 46-18-113(1), MCA, the PSI (which includes the psychosexual evaluation) is not open for public inspection. Pursuant to M. R. App. P. 10(7)(a)-(b), Mr. Jeffords's counsel has, therefore, redacted information obtained directly from the PSI and the attached psychosexual evaluation from the public version of this brief.

means available and less restrictive means actually employed in this sentence, to achieve the compelling state interests implicated. The overly broad, unduly severe, and punitive liberty restriction at issue here makes this case singularly appropriate for plain error discretionary review. Mr. Jeffords requests the Court hold the oral banishment condition illegal and void.

The written judgment illegally increases Mr. Jeffords's sentence from the oral pronouncement by including probation conditions 38 and 39, restricting his contact with minors. Orally, the district court expressed its intent to exclude those conditions from the sentence since they lacked a nexus to this adult-victim crime. The nonconforming inclusion of those conditions in the written judgment is illegal. The Court must remand with instructions to strike the conditions.

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ARGUMENT

I. The oral sentence condition banishing Mr. Jeffords from seven counties of Montana while on parole or probation is illegal.

The district court imposed, as a condition of Mr. Jeffords's sentence, "I'm going to banish you": "I'm not going to allow you to live in Liberty, Toole or Glacier counties or adjoining counties during the entire term of your probation and if there's parole during anytime of parole." (8/15/18 Tr. at 32.) The district court cited the traumatic impact of the offense on the victim, and further explained:

I think that your impact on her would be devastating if she were to see you walking the streets, even if you've done your time. I don't see any advantage to you living in those counties. You're not from those counties, you have no ties to those counties and so I'm going to order that you are banned from that. Just not being in those counties because the odds of her running into you would be higher then.

(8/15/18 Tr. at 32.)

"While probation is a matter of grace, the probationer is entitled to fair treatment, and is not to be made the victim of whim or caprice."

Burns v. United States, 287 U.S. 216, 223 (1932). Montana's statutory sentencing scheme both defines and constrains sentencing authority.

State v. Hicks, 2006 MT 71, ¶ 41, 331 Mont. 471, 133 P.3d 206.

Sentences that exceed statutory mandates are illegal and must be vacated. *Muhammad*, ¶ 23. When no contemporaneous objection is made to a sentencing condition, this Court can exercise its inherent authority under the common law plain error doctrine to review errors implicating fundamental rights “where failing to review the claimed error may result in a manifest miscarriage of justice, may leave unsettled the question of the fundamental fairness of the trial or proceedings, or may compromise the integrity of the judicial process.” *State v. Akers*, 2017 MT 311, ¶ 13, 389 Mont. 531, 408 P.3d 142 (citation omitted).

When a sentencing condition restricts fundamental constitutional rights, this Court subjects the provisions to “special scrutiny” to determine whether or not they are tailored to and fall within the ambit of a reasonable limitation.” *State v. Fogarty*, 187 Mont. 393, 406, 610 P.2d 140, 148 (1980), *overruled in part on other grounds*, *State v. Burke*, 235 Mont. 165, 171, 766 P.2d 254, 257 (1988); *State v. Melton*, 2012 MT 84, ¶ 18, 364 Mont. 482, 276 P.3d 900 (citing *United States v. Davis*, 452 F.3d 991, 995 (8th Cir. 2006) (“Where a condition of supervised release

would impose ‘sweeping restrictions on important constitutional rights,’ we review the condition more closely.” (citation omitted))).

The seven-county exclusion at issue here exceeds the statutory mandate set forth in Mont. Code Ann. § 46-18-202(1) by being far broader than necessary to protect the victim and by having no relation to the goal of rehabilitation. The banishment condition also violates Mr. Jeffords’s right to substantive due process under the Fourteenth Amendment of the United States Constitution and Article II, Section 17, of the Montana Constitution because it is much more restrictive of liberty than necessary to affect the State’s legitimate interest of community safety.

A. The banishment sentence condition exceeds the statutory mandate in Mont. Code Ann. § 46-18-202(1).

Since sentencing authority is defined and constrained by statute, a court “has no power to impose a sentence in the absence of specific statutory authority.” *Hicks*, ¶ 41. Thus, “[a] sentence not based on statutory authority is an illegal sentence.” *Hicks*, ¶ 41 (citation omitted).

Under Mont. Code Ann. § 46-18-202(1), a sentencing judge is authorized to impose conditions on a suspended sentence that are “necessary to obtain the objectives of rehabilitation and the protection of the victim and society.” *Melton*, ¶ 17; *see also*, Mont. Code Ann. § 46-18-201(4)(p). These restrictions can include restrictions on the freedom of association and movement and other conditions “reasonably related to the objectives of rehabilitation and the protection of the victim and society.” Mont. Code Ann. § 46-18-202(1)(g). The condition excluding Mr. Jeffords from a seven-county area violates Mont. Code Ann. § 46-18-202(1).

In *Muhammad*, this Court vacated a similar, but less-restrictive condition of the sentence. Muhammad pled guilty to sexual intercourse without consent in Cascade County. *Muhammad*, ¶¶ 7-9. On probation, the district court restricted the defendant from residing in Cascade County. *Muhammad*, ¶ 12. Although the record did not state the reasons for the condition, the Court reasoned the condition was presumably imposed to protect the victim, and noted the district court had stated at a revocation hearing, “I did not want to subject this victim to ever seeing you in this county.” *Muhammad*, ¶ 28.

This Court held the condition violated the reasonable relationship provision of Mont. Code Ann. § 46-18-202(1) as it was “not reasonably related to the goals of rehabilitation and is broader than necessary to protect the victim.” *Muhammad*, ¶ 28. The defendant had family in Cascade County and was residing there when he was sentenced.

Muhammad, ¶ 28. No provision was made to allow the defendant to temporarily lift the restriction. *Muhammad*, ¶ 28. The district court imposed other less restrictive means to ensure rehabilitation and protection of society, including having no contact with the victim.

Muhammad, ¶ 28. This Court held the condition was “unduly severe and punitive to the point of being unrelated to rehabilitation.”

Muhammad, ¶ 28. Like *Muhammad* and this case, the State conceded a three-county residence restriction included in a plea agreement was illegal when challenged under plain error review in *State v. Langley*, DA 17-0730, Order (November 13, 2019).

Here, like in *Muhammad*, ¶ 28, the banishment condition is “unduly severe and punitive to the point of being unrelated to rehabilitation.” The district court included seven counties in its banishment condition although the crime only possibly touched upon

Toole County, the victim's county of residence, and Liberty County where the crime occurred. Although originally from Georgia, Mr. Jeffords had children and a job in Liberty County. (6/11-6/12/18 Tr. at 427, 440-41.) Thus, the district court's finding that Mr. Jeffords had "no ties" to Liberty County is erroneous and contradicted by the record. (8/15/18 Tr. at 32.) The seven-county exclusion had no relation to Mr. Jeffords's rehabilitation. Although the district court obviously did not wish for Mr. Jeffords to be rehabilitated in that seven-county area, an area bigger in size than nine states,⁴ that proposition was not rationally related to the overall goal of rehabilitating Mr. Jeffords. The State did not even request such a condition be imposed in this case.

The district court made no factual findings that Mr. Jeffords would for some reason be incapable of rehabilitation in those seven

⁴ Liberty, Toole, Glacier, and the four adjoining counties comprise a combined area of 20,238 square miles. Montana State Library, "Area of Montana Counties," http://geoinfo.msl.mt.gov/geography/geography_facts/area_of_montana_counties.aspx (accessed April 13, 2020). That combined area is bigger than each of the following states: Maryland, Hawaii, Massachusetts, Vermont, New Hampshire, New Jersey, Connecticut, Delaware, and Rhode Island. 1keydata.com, "List of US States By Size," <https://state.1keydata.com/states-by-size.php> (accessed April 16, 2020). The largest of these, Maryland, is 12,407 square miles. These facts are appropriate for judicial notice. Mont. R. Evid. 201(b).

counties, or that other concerns trumped rehabilitation. The district court's only justification to decrease "the odds of [the victim] running into [Mr. Jeffords]" (8/15/18 Tr. at 32) was not sufficient to justify banishment from a single county in *Muhammad*. Even more so here, merely decreasing the statistical odds of the victim running into Mr. Jeffords did not justify banishing Mr. Jeffords. The district court made no provision allowing the condition to be temporarily lifted for the purpose of seeing family. Forcing Mr. Jeffords to stay away from his children and potential grandchildren and move to a faraway community upon his release had no relation to rehabilitation.

Community protection is not served by the seven-county restriction. The restriction merely shifts the costs of community protection to a different, far away community through the exile of Mr. Jeffords, without providing protections for the actual victim or the community at large above that which was already ordered, and unduly punishes Mr. Jeffords by forcing him far from his home and children.

Nor was the seven-county exclusion rationally tied to the protection of the victim. Mr. Jeffords is independently prohibited from having any contact with the victim. (D.C. Doc. 67 at 8.) Mr. Jeffords

also must have his residence approved by his probation officer. (D.C. Doc. 67 at 3.) These two conditions sufficiently addressed victim protection concerns by ensuring the parties would not communicate or be in each other's presence. In contrast, the seven-county exclusion condition does nothing to protect the victim were she ever to move.

This Court in *Muhammad* reversed a single county residence restriction because it was broader than necessary to protect the victim where a no contact condition would suffice. *Muhammad*, ¶ 28. The condition that Mr. Jeffords must endure here is far more extreme. Mr. Jeffords's banishment condition bears no connection to the actual victim but rather arbitrarily bans him from living in a huge geographic area regardless of where the victim is located. The district court's banishment condition is not necessary or reasonably related to the objectives of rehabilitation and is broader than necessary to protect the victim in violation of Mont. Code Ann. § 46-18-202(1).

One particular aspect of the district court's banishment condition is separately illegal, which is the application of the condition to Mr. Jeffords's parole. (8/15/18 Tr. at 32.) The district court lacked authority to apply the already-illegal banishment condition to Mr.

Jeffords's parole, because a district court lacks authority to impose conditions of parole. *E.g.*, *State v. Birthmark*, 2013 MT 86, ¶ 23, 369 Mont. 413, 300 P.3d 1140 (citing *State v. Burch*, 2008 MT 118, ¶¶ 24-26, 342 Mont. 499, 182 P.3d 66). Restricting Mr. Jeffords's parole with the overly-broad banishment condition is separately illegal on that basis.

B. The banishment sentence condition violates Mr. Jeffords's right to substantive due process.

The Fourteenth Amendment to the United States Constitution and Article II, Section 17 of the Montana Constitution guarantee that no person shall be deprived of liberty without due process of law. “The essence of substantive due process is that the State cannot use its police power to take unreasonable, arbitrary or capricious action against an individual.” *State v. Egdorf*, 2003 MT 264, ¶ 21, 317 Mont. 436, 77 P.3d 517 (quoting *Raisler v. Burlington N. Ry. Co.*, 219 Mont. 254, 263, 717 P.2d 535, 541 (1985)). The Due Process Clause “serves as a check on oppressive governmental action.” *Egdorf*, ¶ 19. “Due process requires that a defendant's liberty interest, and risk of unjust deprivation of that liberty interest, be balanced against the State's interest in protecting the community.” *State v. Webb*, 2005 MT 5, ¶ 18, 325 Mont. 317, 106

P.3d 521. “[T]he rights of the defendant must be protected and due process must be observed in sentencing hearings.” *Webb*, ¶ 18.

Montana’s sentencing policy is consistent with substantive due process in that it relates the liberty restrictions of criminal defendants to the legislative goal of protecting the community.

Montana’s correctional and sentencing policy is to:

- (a) punish each offender commensurate with the nature and degree of harm caused by the offense and to hold an offender accountable;
- (b) protect the public, reduce crime, and increase the public sense of safety by incarcerating violent offenders and serious repeat offenders;
- (c) provide restitution, reparation, and restoration to the victim of the offense; and
- (d) encourage and provide opportunities for the offender’s self-improvement to provide rehabilitation and reintegration of offenders back into the community.

Mont. Code Ann. § 46-18-101(2).

Montana’s statutory requirement that conditions of sentences be “reasonably related to the objectives of rehabilitation and the protection of the victim and society,” ensure that sentences comport with Montana’s sentencing policy and codifies the requirement that they comport with substantive due process. Mont. Code Ann. § 46-18-202(1)(g); *see also*, Mont. Code Ann. § 46-18-201(4)(p). The condition at

issue here violates both objectives. Mr. Jeffords's seven-county banishment condition runs counter to the State's legitimate interests in protecting the public, providing restitution, and fostering rehabilitation and is only arbitrarily related to protecting the victim.

As discussed above, the crime occurred in Liberty County and the victim lived in Toole County. There was no rational basis to exile Mr. Jeffords from five different counties or to restrict Mr. Jeffords from living in the entire 20,238 combined square miles of Toole, Liberty, Glacier, Flathead, Pondera, Chouteau and Hill counties. The restriction is far broader in scope and punitive in nature than necessary to achieve any of the State's interests. The legitimate concern of protecting the victim is addressed in the other existing conditions in Mr. Jeffords's sentence prohibiting contact with the victim and requiring residence approval by his probation officer. The concern of protecting the public is not addressed at all by the condition as it merely shifts the risk of Mr. Jeffords reoffending to a different community. Mr. Jeffords paying his restitution is actually hindered by the condition because it forces Mr. Jeffords away from his job in Liberty County and requires him to re-establish elsewhere. And rehabilitation is hindered by the condition as,

instead of being reintegrated into his community and family, Mr. Jeffords is forced to relocate away from his children and possible grandchildren to a faraway different community.

The facts of this record establish that the banishment restriction is overly broad, unduly severe, and serves no legitimate purpose in rehabilitating Mr. Jeffords or protecting the victim or society. The condition violates due process because it broadly and arbitrarily restricts Mr. Jeffords's liberty without furthering the legitimate interests of the State. *Webb*, ¶¶ 18, 21.

C. The sentence is reviewable under the plain error doctrine.

To reverse under plain error, the defendant must first demonstrate the claimed error implicates a fundamental right. *Akers*, ¶ 13. Here, as explained above, the district court's seven-county banishment condition implicates Mr. Jeffords's fundamental right to due process under the Montana and U.S. Constitutions. In addition, failing to review the error would result in a manifest miscarriage of justice, leave unsettled the question of the fundamental fairness of the

proceedings, and compromise the integrity of the judicial process.

Akers, ¶ 13.

The district court prohibited Mr. Jeffords from living in a geographic area larger than Switzerland without a legitimate basis on which to do so.⁵ Substantive due process requires a balancing of defendants’ liberty interest with the State’s interest in protecting the community. *Webb*, ¶¶ 18, 21. Although the State had a legitimate interest in protecting the community, the seven-county restriction bore no relation to that interest, which was already served by a no-contact condition with the victim and a requirement that any residence be approved by a probation officer. A seven-county banishment condition is an extremely broad restriction of liberty that does not meaningfully function to protect the victim. Neither does the condition serve the legitimate interest of rehabilitating Mr. Jeffords when it drives him away from his children and job. Failing to review such a broad, unduly severe, and punitive liberty restriction with no basis in facts—leaving

⁵ Switzerland is 15,936 square miles, roughly 4,000 square miles smaller than the district court’s banishment condition here. World Population Review, “Largest Countries in the World 2020,” <https://worldpopulationreview.com/countries/largest-countries-in-the-world/> (accessed April 14, 2020).

Mr. Jeffords subject to it—would result in a manifest miscarriage of justice, leave unsettled the question of the fundamental fairness of the proceedings, and compromise the integrity of the judicial process, justifying this Court’s exercise of plain error review.

Although the banishment condition was not restated in the subsequent written judgment, the oral banishment condition remains the legally effective sentence. *State v. Hamilton*, 2018 MT 253, ¶ 50, 393 Mont. 102, 428 P.3d 849. As such, the illegal banishment condition is currently part of Mr. Jeffords’s sentence. Mr. Jeffords requests the Court hold the banishment condition of his oral sentence illegal and void.

II. The inclusion of probation conditions 38 and 39 in the written judgment is nonconforming to the oral pronouncement of sentence and illegal.

The sentence orally pronounced before the defendant is the legally effective criminal sentence. *Hamilton*, ¶ 50. The Court will remand for the written judgment to be conformed to the oral pronouncement if the defendant was not afforded an opportunity to respond to the additional written portions of the judgment at sentencing, and the new portions

substantively increase the defendant's loss of liberty or sacrifice of property. *Hamilton*, ¶¶ 51-52.

Furthermore, to fulfill the statutory mandate of Mont. Code Ann. § 46-18-202(1), probation conditions must bear “a nexus to either the offense for which the offender is being sentenced, or to the offender himself or herself.” *State v. Mehan*, 2019 MT 100, ¶ 8, 395 Mont. 383, 440 P.3d 25 (quoting *State v. Ashby*, 2008 MT 83, ¶ 15, 342 Mont. 187, 179 P.3d 1164). “When the requisite nexus is ‘absent or exceedingly tenuous,’ this Court will reverse the condition.” *Mehan*, ¶ 8 (quoting *Melton*, ¶ 18).

Here, the district court stated, “I’m not aware of any reason why it would be appropriate for you to not have contact with kids,” and specifically identified recommended probation conditions 38, 39, and 56, which related to Mr. Jeffords’s contact with minors, as falling into that category. (8/15/18 Tr. at 33.) [REDACTED]

[REDACTED]

[REDACTED] (D.C. Doc. 65 at 13.) [REDACTED]

[REDACTED]

[REDACTED] (D.C. Doc. 65 at

13.) [REDACTED]

[REDACTED]

[REDACTED] (D.C. Doc. 65 at 15.) The proposed conditions [REDACTED]

[REDACTED]

[REDACTED]

The district court reasoned these conditions “didn’t seem to be--- have any nexus to this crime.” (8/15/18 Tr. at 33.) Upon the State explaining (though it lacked a “strong position on this”) the rationale was this adult victim and children were both “vulnerable,” the district court rejected that argument. (8/15/18 Tr. at 33-34.) “I don’t think we have the nexus to make that a probation condition.” (8/15/18 Tr. at 34.)

The district court’s plain intent during oral pronouncement was to exclude recommended conditions 38, 39, and 56, from the sentence, which all fell into the category of restricting Mr. Jeffords’s contact with minors on probation, which the district court held lacked the required nexus. Similarly, this Court in *Mehan*, ¶¶ 10-12, 14, held a district court abused its discretion in finding a nexus for probation conditions restricting the defendant’s contact with minors in a sexual offense case where the victim was an adult female. Yet, here, recommended

conditions 38 and 39, two of the three conditions the district court explicitly identified as falling within the no-nexus category, appear in the subsequent written judgment. (D.C. Doc. 67 at 8-9.)

The inclusion of probation conditions 38 and 39 in the written judgment conflicts with the oral pronouncement. The district court orally held Mr. Jeffords could not be subject to those conditions on probation because they lacked the required nexus. The inclusion of the conditions in the written judgment conflicts with the oral pronouncement and substantively increases Mr. Jeffords's loss of liberty from the oral pronouncement of sentence without notice, rendering the conditions illegal. *Hamilton*, ¶ 51. As a result, the Court should remand with instructions to correct the written judgment by striking the conditions from the judgment. *Hamilton*, ¶ 52.

CONCLUSION

For the foregoing reasons, Mr. Jeffords's respectfully requests that this Court hold the banishment condition in Mr. Jeffords's oral sentence is illegal and void.

Furthermore, Mr. Jeffords respectfully requests the Court remand to district court with instructions to issue an amended judgment

striking probation conditions 38 and 39, prohibiting Mr. Jeffords's contact with children, from the written judgment.

Respectfully submitted this 22nd day of April, 2020.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this primary brief is printed with a proportionately spaced Century Schoolbook text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 4,477, excluding Table of Contents, Table of Authorities, Certificate of Service, Certificate of Compliance, and Appendices.

/s/ Kristen L. Peterson
KRISTEN L. PETERSON

APPENDIX

Oral Pronouncement of Sentence.....	App. A
Judgment and Sentence	App. B

CERTIFICATE OF SERVICE

I, Kristen Lorraine Peterson, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellant's Opening to the following on 04-22-2020:

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