
STATE OF MONTANA

Plaintiff and Appellee,

v.

CHRISTOPHER PARIS STOCKDALE,

Defendant and Appellant.

REPLY BRIEF OF APPELLANT

On Appeal from the Montana First Judicial District Court,
Lewis and Clark County, the Honorable Michael F. McMahon,
Presiding

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INTRODUCTION

The State of Montana concedes that Christopher Stockdale's 20-year DOC sentence with 10 years suspended violates § 46-18-201 MCA (2019) and requests the Court remand this case to district court for resentencing. (*See* Appellee's Br. at 15-16). Both Christopher Stockdale (hereinafter referred to as "Christopher" or "Appellant") and the State agree on this request.

Additionally, the State concedes that Christopher should be granted credit for time served from October 17, 2019 until June 10, 2020 pursuant to § 46-18-403. (Appellee's Br. at 14-15 and 29). The State calculates this time as **206** days while Appellant counsel had calculated this time as **237** days. It appears the State made a mathematical error because a close review of the time between October 17, 2019 and June 10, 2020 confirms that it equals **237** days. We invite this Court to review the time between these dates for accuracy if needed. Regardless, both Appellant and the State agree that Christopher should be granted credit for time served between these two dates.

The point of disagreement is whether Christopher should also be granted credit for time served from June 10, 2020 through August 26, 2020, which is another 77 days. The State argues that because Christopher was sentenced on a petition to revoke for a separate charge on June 10, 2020, he would have been held in custody even if he posted bail on the subject charge (referred to in Appellee’s Br. as the “Drug Distribution case”). Therefore, the State argues, Christopher should not be granted credit for this time that he spent in jail before sentencing. In making this argument, the State requests the Montana Supreme Court overturn its prior rulings in *State v. Mendoza*, 2021 MT 197, 405 Mont. 154, 492 P.3d 509; *Killam v. Salmonsens*, 2021 MT 196, 405 Mont. 143, 492 P.3d 512; *State v. Pitkanen*, 2022 MT 231, ___ Mont. ___, ___ P.3d ___; and *State v. Spagnolo*, 2022 MT 228, ___ Mont. ___, ___ P.3d ___. *Killam* and *Mendoza* were both published on November 23, 2021, barely a year prior to this Reply Brief. The *Pitkanen* and *Spagnolo* opinions were issued on November 15, 2022 and have yet to be formally released for publication at this time.

ARGUMENT

- I. Remand to the District Court with instructions to provide a sentence in accordance with § 46-18-201(3) MCA 2019.**

The judgment against Christopher should be reversed and remanded to correct the ten-year active Department of Corrections sentence he received because the applicable statute at the time prohibited an active department of corrections sentence of more than five years. The State has conceded on this issue (Appellee's Br. at 1, 13, and 15.) Christopher requests the Court remand to the district court with instructions to provide a sentence in accordance with the 2019 version of MCA § 46-18-201(3).

II. Remand to the District Court to ensure that Christopher is granted 314 days credit for time served according to the principle of stare decisis

The judgment against Christopher should also be reversed and remanded to provide credit for the entire time Christopher served in jail prior to sentencing in accordance with existing case law and the principle of stare decisis. This time equals **314 days total** (237 days from October 17, 2019 through June 10, 2020 and another 77 days from June 10, 2020 to August 26, 2020).

The arguments for and against reversing *Killam* and *Mendoza* have been thoroughly briefed and argued previously before this Court. For the sake of brevity, they will not be restated here. Instead,

Christopher simply requests the Court follow its previous ruling that when faced with more than one viable interpretation of a statute, it is preferable to adhere to principles of stare decisis because reliance on precedent “promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decision, and contributes to the actual and perceived integrity of the judicial process.” *State v. Spagnolo*, 2022 MT 228, at ¶ 8 (quoting *Payne v. Tennessee*, 501 U.S. 808, 827, 111 S. Ct. 2597, 2609, 115 L.Ed. 2d 720 (1991)).

The State provides a somewhat lengthy background review of MCA § 46-18-201(9), including a description of the committees, meetings, and individuals that were involved in the drafting of the statute. (Appellee’s Br. at 6–13). Through this historical review, the State argues that the legislative intent of MCA § 46-18-201(9) is unclear and that this Court has inaccurately interpreted the statute in its previous decisions (Appellee’s Br. at 16-24). This argument is not new. In Appellee’s Response in *Spagnolo*, it included as an Appendix the minutes from the Statute Review Subcommittee meeting on August 29, 2016. It appears that the difference here is that the State conducted a more thorough analysis of the meeting in its Response in the present

matter. However, the State is still arguing that the Court is misinterpreting the statute. This argument was already rejected in the four previously cited cases. As the Court previously explained, “if the Legislature disagrees with our interpretation of a statute, it is free in the exercise of its constitutional prerogative “to override our interpretation and effect the proper legislative intent.” ” *State v. Spagnolo*, 2022 MT 228, at ¶ 8, (quoting *State v. Wolf*, 2020 MT 24, ¶ 23, 398 Mont. 403, 457 P.3d 218.

CONCLUSION

For the foregoing reasons and for the principle of stare decisis, Christopher respectfully requests the Court reverse and remand this judgment with instructions for resentencing that include compliance with § 46-18-201(3) MCA 2019 and that Christopher be given credit for 314 days served in jail prior to sentencing.

Respectfully submitted this 28th day of November, 2022.

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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 Schoolbox 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 is 954, excluding Table of Contents, Table of Authorities, Certificate of Service, Certificate of Compliance, and Appendices.

CERTIFICATE OF SERVICE

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