

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 23-0188

BANNER LEE BOYD,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

BRIEF OF APPELLEE

**On Appeal from the Montana Sixteenth Judicial District Court,
Custer County, The Honorable Michael B. Hayworth, Presiding**

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STATEMENT OF THE ISSUE

Whether the district court erred when it denied Boyd's petition for postconviction relief.

STATEMENT OF THE CASE

On February 14, 2019, a jury convicted Appellant Banner Lee Boyd of felony assault on a peace officer, in violation of Mont. Code Ann. § 45-5-210(1)(a) and felony attempted deliberate homicide, in violation of Mont. Code Ann. §§ 45-5-102 and 45-4-103. (Docs. 1-3, 63, 64, 67.) On October 1, 2019, the district court sentenced Boyd to the Montana State Prison for 10 years for assault on a peace officer and 80 years for attempted deliberate homicide to run concurrently, none suspended. (Doc. 97.)

Boyd appealed his attempted deliberate homicide conviction on two grounds and challenged the sentencing conditions imposed. Boyd, however, did not challenge his assault on a peace officer conviction. Ultimately, this Court concluded that, when viewing the evidence in the light most favorable to the State, the State did not present sufficient evidence to convict Boyd of attempted deliberate homicide. *State v. Boyd*, 2021 MT 323, ¶¶ 23-24, 407 Mont. 1, 501 P.3d 409. This Court also remanded the matter to the district court “to strike the

conditions from the oral pronouncement of sentence, but leave Boyd’s written judgment and sentence undisturbed.” *Id.* ¶ 28.

Boyd timely filed a pro se petition for postconviction relief (PCR), accompanied with a memorandum and affidavit, on January 17, 2023. (PCR Docs. 1-3; 4 at 4.) Boyd now appeals the district court’s denial of his PCR petition based on his failure to state a claim upon which he would be entitled to postconviction relief. (PCR Doc. 4 at 4-6.)

STATEMENT OF THE FACTS

I. The offense

On the evening of July 27, 2018, Boyd was at the Olive Bar. (2/13/19 and 2/14/19 Trial Tr. (Trial Tr.) at 222-24, 263, 320.) The owner of the bar, Jesse Nelson (Nelson), asked Boyd to leave. (*Id.* at 166, 223-28, 233, 263-64.) Boyd was defensive and repeatedly asked why he needed to go. (*Id.* at 264-65.)

Boyd remained outside the bar and kept saying “Come here. Come here. Come here. I want to talk to the owner.” (Trial Tr. at 268, 455.) After Boyd returned to the porch, Nelson leaned out the bar door to again tell Boyd to leave. (Trial Tr. at 228-29, 410, 455; Ex. 4, Cam 3 at 06:29:45-06:31:00.) Boyd motioned for Nelson to come outside, Nelson followed him down the stairs off the porch,

and the verbal altercation continued in the street. (Trial Tr. at 232, 410, 456-57; Ex. 4, Cam 3 at 06:30:50-06:31:00; Ex. 4, Cam 5 at 06:30:50-06:33:50.)

In the street, Boyd repeatedly poked Nelson in the chest, and said “Come on, baby boy, let’s go to the river.” (*Id.* at 234, 275, 296-97, 456; Ex. 4, Cam 5 at 6:31:00-6:33:45.) Jeremy Smith, a bar patron, overheard Boyd tell Nelson “I’m going to bury you.” (*Id.* at 222-23, 232, 234.)

Eventually, Boyd crossed the street, went up the exterior stairs of an apartment building, and disappeared from view. (*Id.* at 237, 251-52, 299-300, 458; Ex. 4, Cam 2 at 6:32:38-6:34:20.) As Boyd walked away, he passed by Amanda Desjarlais (Desjarlais), the apartment manager who rented Boyd his room. (Trial Tr. at 381-85; Ex. 4, Cam 2 at 6:32:38-6:34:20.) Desjarlais had watched Boyd’s altercation with Nelson in the street from the south side balcony of the building. (Trial Tr. at 381-83, 397, 453.) She heard Boyd threaten Nelson. (*Id.* at 380-84, 388, 395-99, 453.) “He told him that he was going to get a knife or a gun and he was going to kill him, more or less.” (*Id.* at 384.)

Nelson walked back to the sidewalk near the Olive Bar. (Ex. 4, Cam 5 at 6:33:40-6:33:55.) A few moments after Boyd walked away, Nelson approached a patrol vehicle that was driving by on the street. (*Id.* at 236, 252, 298-300, 308-09, 321, 360-61, 384-85; Ex. 4, Cam 5 at 6:34:20-6:34:30.) Miles City Police Officer Ryan Ketchum (Officer Ketchum), who was driving the patrol vehicle, had driven

by, seen the altercation in the street, then circled back around to speak with Nelson. (Trial Tr. at 277-78, 318, 322-25, 360-61.)

Less than a minute after Boyd had left the street, he reappeared and began to walk down the stairs on the outside of the apartment building. (Trial Tr. at 327, 458; Ex. 4, Cam 2 at 6:35:00.) Boyd stopped for a few seconds near the bottom of the stairs. (Trial Tr. at 386, 458; Ex. 4, Cam 2 at 6:35:09.) Nelson saw Boyd and motioned with his arm to come talk to the officer. (Trial Tr. at 279, 301, 309, 362, 458-59; Ex. 4, Cam 5 at 6:35:10-6:35:15.) Officer Ketchum drove toward Boyd, and Boyd continued down the stairs towards the street. (*Id.* at 302, 327, 362-64, 459; Ex. 4, Cam 2 at 6:35:14-6:35:30; Ex. 4, Cam 5 at 6:35:10-6:35:20.) Nelson returned to the sidewalk outside the Olive Bar. (Trial Tr. at 301-02.)

Desjarlais saw Boyd as he was coming down the stairs with “something in his hand” that appeared to be “shiny” that he put in his pants. (*Id.* at 385-86, 390, 393, 400-05.) Officer Ketchum drove toward Boyd and met him with his vehicle near the bottom of the apartment stairs. (*Id.* at 302, 327, 362-64; Ex. 4, Cam 2 at 6:35:15-6:35:30; Ex. 4, Cam 5 at 6:35:10-6:35:20.)

After speaking with Boyd for a few moments, Officer Ketchum got out of his patrol car. (Trial Tr. at 302-03, 332, 363, 459; Ex. 4, Cam 2 at 6:35:25-6:36:05.) Officer Ketchum observed that Boyd appeared agitated but was not immediately hostile. (Trial Tr. at 332.) Officer Ketchum asked Boyd what happened and asked

for identification. (*Id.* at 332, 363-64, 385, 459-60.) Boyd did not want to provide identification and said he wanted to go back to his room to get his credentials because he was a federal agent. (*Id.* at 332-34, 364-65, 390.) As Boyd turned around to go back to his room, Officer Ketchum noticed Boyd had a wallet in his pocket and asked if the wallet contained his identification. (*Id.* at 333-34, 364-65.) After which, Boyd provided his identification to Officer Ketchum. (*Id.* at 334-35, 365.)

Officer Ketchum attempted to call dispatch to run Boyd's information through the computer system. (*Id.* at 336, 365-66.) Boyd subsequently became aggressive, hit Officer Ketchum's hands to prevent the call, and knocked the radio microphone off Officer Ketchum's lapel. (*Id.* at 336, 366.) In response, Officer Ketchum guided Boyd to a wall of the apartment building and grabbed Boyd's left hand. (*Id.* at 336-37, 367-68.) Officer Ketchum told Boyd he was going to place him in handcuffs, but Boyd "went on the fight." (*Id.* at 337-38, 368, 461.)

Boyd then wrapped his legs around Officer Ketchum's legs, pushed back, and they both fell. (*Id.* at 240, 281-85, 338-39, 368, 461.) Although Officer Ketchum maintained control of Boyd's left hand, he was unable to control Boyd's right hand. (*Id.* at 284, 339, 368.) Boyd "continued to reach and grab [Officer Ketchum's] gun." (*Id.* at 339; *see also id.* at 240-41, 244-45, 284, 357, 374-77.)

Eventually, Officer Ketchum was able to secure his gun, move Boyd to his stomach, and gain the top position. (Trial Tr. at 339-41.) Nelson, who was observing the interaction between Officer Ketchum and Boyd from outside the Olive Bar, rushed across the street to help. (*Id.* at 281-85, 302-04; Ex. 4, Cam 2 at 6:37:00-6:37:20.)

After Boyd was handcuffed, Officer Ketchum picked Boyd up and pushed him against the wall. (Trial Tr. at 369-70, 463; Ex. 2 at 20:04:15-20:04:25.) Officer Ketchum asked Boyd if he had “any weapons or anything that’s gonna hurt me.” (Ex. 2 at 20:04:20-20:04:25.) Boyd told Officer Ketchum he had a knife. (Trial Tr. at 370-71; Ex. 2 at 20:04:20-20:04:30.) While Officer Ketchum looked for weapons, Boyd continued to try to break away and repeatedly yelled to Nelson, “Come on baby boy!” (Trial Tr. at 370; Ex. 2 at 20:04:20-20:05:25.) Boyd also yelled “I’m gonna win the fight.” (Ex. 2 at 20:04:40-20:04:50.) Due to Boyd’s resistance, Officer Ketchum did not find any weapons during this initial search. (Trial Tr. at 343-44, 348; Ex. 2 at 20:04:20-20:05:25.)

Officer Ketchum then began to move Boyd to the patrol vehicle. (Trial Tr. at 344, 371-72; Ex. 2 at 20:05:20-20:05:30.) As he approached the street curb, Boyd wrapped his leg around Officer Ketchum, and they fell backward to the ground a second time. (Trial Tr. at 243-44, 255-58, 260, 285, 287-88, 310-11, 344, 372, 393-94, 464, 480-82; Ex. 2 at 20:04:30-20:04:35.) On the ground, Boyd again

reached for Officer Ketchum's duty belt despite being handcuffed. (Trial Tr. at 254-55, 291, 345, 374-77, 482-83; Ex. 2 at 20:05:45-20:06:05.) Officer Ketchum pushed away, and Nelson again assisted Officer Ketchum to gain control of Boyd. (Trial Tr. at 285-86, 346, 372-73, 394; Ex. 2 at 20:06:00-20:06:15.)

Once Boyd was contained on the ground, Officer Ketchum used the patrol vehicle radio to call for more officers, and Boyd yelled out that he surrendered. (Trial Tr. at 286, 349-50, 373-74; Ex. 2 at 20:06:30-20:06:50.) Both Officer Ketchum and Nelson picked Boyd off the ground and escorted him into the back of the patrol vehicle. (Trial Tr. at 285-86, 346-47, 374, 464; Ex. 2 at 20:06:50-20:07:05.) Officer Ketchum searched Boyd again while he was in the patrol vehicle and found a ten-inch kitchen knife concealed in the front waistband of Boyd's pants. (*Id.* at 177, 245-46, 258-59, 288-89, 344, 346-48; Ex. 2 at 20:07:20-20:08:00.)

Throughout the incident, Boyd made threatening and aggressive statements to Nelson, referring to him as "baby boy." (Trial Tr. at 259, 287, 289, 349, 480.) Boyd continued to talk to Nelson from the back of the patrol car. (Ex. 2 at 20:07:00-20:07:55.) Nelson asked Boyd what he was going to do with the knife. (Trial Tr. at 247-48, 259, 289, 352; Ex. 2 at 20:08:30-20:08:40.) Boyd responded to Nelson, "I was going to come back and stab you right in the heart." (Trial Tr. at 289; *see also id.* at 247-48, 259, 352, 394, 483.)

After Boyd was secured in the patrol vehicle, two additional patrol cars arrived. (*Id.* at 350; Ex. 4, Cam 2 at 6:42:35-6:42:45.) Officer Ketchum departed the scene with Boyd in custody and transported him to the jail. (Ex. 4, Cam 2 at 6:47:40-6:48-20.) At the jail, Officer Ketchum was “fairly shaken” and a “little stirred up.” (Trial Tr. at 164.) Officer Ketchum had scraped and bloody knuckles, the knee of his pants was torn, and his knee was scraped and bloody. (*Id.* at 164-65, 356-57.)

II. Postconviction proceeding

On January 17, 2023, Boyd petitioned the district court for postconviction relief. (PCR Doc. 1.) In his petition, Boyd raised three grounds. First, Boyd argued that his assault on a peace officer conviction was fruit of the poisonous tree because the Montana Supreme Court reversed the concurrent attempted deliberate homicide conviction. (*Id.* at 4.) Second, Boyd argued that he was entitled to postconviction relief because there was no medical report provided and no medical wounds of the alleged victims. (*Id.*) Third, Boyd argued that his conviction was the result of perjury and illegal tampering by the judge and court reporter. (*Id.* at 5.) Boyd further stated that he had discovered new evidence on January 30, 2022, and stated the new evidence was that subpoenas must show up to the court and that he must have medical records. (*Id.*)

Boyd also submitted a memorandum in support of his PCR petition, in which he checked the template boxes for ineffective assistance of trial counsel, ineffective assistance of appellate counsel, and the prosecutor's failure to disclose material evidence. (PCR Doc. 2.) Additionally, Boyd filed an affidavit in support of his PCR petition. (PCR Doc. 3.) In his affidavit, Boyd stated "physical fact, lies and Extortion of one Myself U.S. Citizen Banner Lee Boyd Fruits of Poison Tree, interference with Legal proceedings Etc." (*Id.* at 2.)

The district court issued its order denying Boyd's PCR petition on January 27, 2023. (PCR Doc. 4.) First, the district court concluded that Boyd's petition was timely filed. (*Id.* at 4.) Next, the district court found that Boyd's PCR petition lacked sufficient detail that would allow the district court to understand Boyd's claims. (*Id.* at 4-5.) Finally, to the extent the district court was able to discern the claims, the district court found that Boyd had not raised those claims on appeal, precluding the district court from considering the claims because they would be procedurally barred pursuant to Mont. Code Ann. § 46-21-105(2). (*Id.*)

STANDARD OF REVIEW

This Court reviews a district court's denial of a petition for postconviction relief to determine whether the court's findings of fact are clearly erroneous and

whether its conclusions of law are correct. *Marble v. State*, 2015 MT 242, ¶ 13, 380 Mont. 366, 355 P.3d 742.

SUMMARY OF THE ARGUMENT

The issues raised in Boyd’s opening brief are not appropriate for appellate review because Boyd either did not raise those issues to the district court in his PCR petition or he has not developed those issues on appeal.

Since Boyd’s PCR petition failed to state any claim upon which the district court could have granted Boyd postconviction relief, the district court correctly denied Boyd’s petition.

ARGUMENT

I. Boyd’s claims are not appropriate for appellate review because the claims were not raised below and/or lack any supporting analysis.

In his four-page opening brief, Boyd seemingly raises the following issues: (1) whether Boyd’s sentence was invalid; (2) whether “resolution of evidence” requires information outside the trial, sentencing, or district court records; (3) whether “resolution of the issue” requires information obtained by Boyd since his conviction; (4) whether his trial counsel and his appellate counsel were ineffective; (5) whether Boyd met the one-year filing deadline; and (6) whether the

district court reviewed Boyd’s PCR petition too quickly before denying the petition without a response from the State. (Appellant’s Br. at 1-2.)

The only claims Boyd can challenge on appeal, however, are the timeliness of his PCR petition, whether the district court spent sufficient time reviewing Boyd’s PCR petition, and his ineffective assistance of counsel claims. The remaining claims—whether information outside the record supports reversing his conviction, whether information obtained post Boyd’s conviction would reverse the assault on a peace officer conviction, and whether his sentence is invalid—were not raised to the district court during Boyd’s postconviction proceeding. Accordingly, any relief on these grounds is barred. *See* Mont. Code Ann. § 46-21-105(1)(a).

Even so, this Court declines to consider “unsupported arguments” as it does not “have an obligation to formulate arguments or locate authorities for parties on appeal.” *Herman v. State*, 2006 MT 7, ¶ 22, 330 Mont. 267, 127 P.3d 422. Because Boyd provides insufficient legal and factual analysis in support of his claims, this Court should decline to review the issues he seemingly raises on appeal.

A. Invalid sentence

Boyd argues that his sentence was imposed in violation of the law because the district court lacked jurisdiction to impose the sentence and the sentence imposed was in excess of the maximum sentence authorized by the law.

(Appellant's Br. at 1.) Boyd, however, does not provide any supporting analysis establishing that the district court lacked jurisdiction to sentence Boyd for his assault on a peace officer conviction. Furthermore, Boyd cannot establish that his ten-year term of imprisonment at MSP was in excess of the maximum allowed because the sentence imposed was the maximum sentence allowed pursuant to Mont. Code Ann. § 45-5-210(2).

B. Evidence outside of the record or obtained after his conviction claims

Boyd questions whether resolution of his PCR claims required the district court to consider evidence outside the record from Boyd's criminal proceeding or evidence obtained after Boyd's conviction. (Appellant's Br. at 1.) Boyd, however, does not clearly articulate what information outside the record or that he obtained after his convictions would entitle him to have his assault on a peace officer conviction vacated.¹ Nor did Boyd provide, or otherwise explain, to the district court the external evidence that would have supported the district court granting

¹Boyd attaches to his opening brief a letter, labeled as opening argument, that was sent to Judge Susan Watters and filed with the federal district court. (Appellant's Br., Opening Argument to Judge Watters.) Although that letter was not part of his state court record, Boyd seems to argue in the letter that his assault on a peace officer conviction should be overturned because this Court reversed his attempted deliberate homicide conviction. (*Id.* at 1-3.) Boyd seemingly attempted to raise a similar argument in his PCR petition. (PCR Doc. 1 at 5.) Despite Boyd's assertions otherwise, however, the reversal of one conviction does not render the remaining conviction fruit of the poisonous tree. (*See* PCR Doc. 1 at 5; Appellant's Br., Opening Arguments to Judge Waters at 1-3.)

Boyd's PCR petition. Because Boyd has not articulated any facts or law in support of his claim, this Court should decline to consider Boyd's underdeveloped issue on appeal.

C. Ineffective assistance of trial and appellate counsel

Likewise, Boyd does not sufficiently support, with facts or law, his ineffective assistance of trial and appellate counsel claims in his opening brief. In support of these issues, Boyd argues that his ineffective assistance of counsel claim was non-record based and, therefore, not procedurally barred from consideration in his postconviction proceeding. (Appellant's Br. at 2.) Boyd further argues that Judge Hayworth intimidated Boyd's trial counsel, whom Boyd asserts is employed² by Judge Hayworth, into not upholding the law, which has caused Boyd to assert an ineffective assistance of counsel claim.³ (*Id.* at 3.)

Boyd, however, does not assert what actions either his trial counsel or appellate counsel took or failed to take that would have rendered their respective performances deficient. Even if Boyd did provide how his respective counsel's performances were deficient, Boyd also has not articulated how he was prejudiced by his trial counsel's or appellate counsel's performance. And, although Boyd is

²Boyd's trial counsel was employed by the Office of the State Public Defender. (Doc. 7.)

³Boyd also asserts that he failed to use his option of having Judge Hayworth disqualified from Boyd's PCR proceeding, but does not otherwise sufficiently raise a judicial bias claim against Judge Hayworth. (*See* Appellant's Br. at 4.)

correct that non-record based IAC claims may be raised in postconviction, Boyd does not provide any factual or legal support that the district court erred in not considering Boyd's IAC claim when Boyd failed to sufficiently plead it in his PCR petition.

D. Timeliness

Boyd argues that his PCR petition was timely filed. (Appellant's Br. at 2.) Boyd's issue on appeal is moot, however, because the district court *did* find that Boyd had timely filed his PCR petition. (*See* PCR Doc. 4 at 4.)

Boyd further argues that the district court did not spend sufficient time reviewing Boyd's PCR petition before it denied the petition on January 27, 2023, ten days after Boyd filed the petition. (Appellant's Br. at 3.) In support of his argument, Boyd cites to *State v. Jackson*, 2007 MT 186, 338 Mont. 344, 165 P.3d 321. (*Id.*) The issue on appeal in *Jackson*, however, was whether the district court violated Jackson's due process rights by changing his sentencing from a six-year Department of Corrections commitment to six years incarceration at the Montana State Prison. *Jackson*, ¶ 6. This Court reversed, concluding that due process precludes a district court from imposing a more burdensome sentence when resentencing a defendant. *Id.* ¶¶ 14-16. Simply put, *Jackson* does not support

Boyd's assertion that the district court did not devote sufficient time to considering Boyd's PCR petition.⁴

Because Boyd either provides insufficient facts and law in support of his claims or did not raise certain claims in his PCR petition, this Court should decline to review Boyd's issues on appeal. Even if this Court finds that Boyd's issues are appropriate for appellate review, however, Boyd cannot establish that the district court erred when it denied Boyd's PCR petition.

II. The district court did not err when it denied Boyd's PCR petition because Boyd failed to state any claims upon which he could receive postconviction relief.

The postconviction statutes are demanding in their pleading requirements. *Ellenburg v. Chase*, 2004 MT 66, ¶ 12, 320 Mont. 315, 87 P.3d 473. A petition for postconviction relief must "identify all facts supporting the grounds for relief set forth in the petition and have attached affidavits, records, or other evidence establishing the existence of those facts." Mont. Code Ann. § 46-21-104(1)(c). The petition must also "be accompanied by a supporting memorandum, including

⁴Nor could Boyd establish that the district court did not thoroughly review Boyd's PCR petition. Boyd's PCR petition, affidavit, and memorandum were all incredibly short and could easily be reviewed by the district court within 10 days. Furthermore, the district court summarized, including stating specific statements from Boyd's PCR petition, in its thorough order denying Boyd's petition.

appropriate arguments and citations and discussion of authorities.” Mont. Code Ann. § 46-21-104(2).

A district court may dismiss a petition for postconviction relief without holding an evidentiary hearing if the petition fails to satisfy the procedural threshold set forth in Mont. Code Ann. § 46-21-104(1)(c). *Hamilton v. State*, 2010 MT 25, ¶ 10, 355 Mont. 133, 226 P.3d 588. Additionally, a district court may dismiss a petition for postconviction relief without ordering a response if the petition, files, and records “conclusively show that the petitioner is not entitled to relief.” Mont. Code Ann. § 46-21-201(1)(a). Alternatively, the court may order a response and, after reviewing the response, “dismiss the petition as a matter of law for failure to state a claim for relief or it may proceed to determine the issue.” Mont. Code Ann. § 46-21-201(1)(a); *Hamilton*, ¶ 12.

Here, the district court properly exercised its discretion by denying Boyd’s PCR petition because Boyd failed to state any claim in which he could be entitled to relief. As the district court correctly set forth, Boyd’s petition, itself, raised only three grounds for postconviction relief. Boyd asserted ground one for relief was fruit of the poisonous tree and stated that the fact in support of this claim was that this Court reversed his attempted deliberate homicide conviction. Boyd alleged his second ground for relief was because there were no medical wounds on the alleged victims, asserting that he had no medical report. Finally, Boyd’s third ground in his

PCR petition was perjury and illegal tampering, alleging in support that it was directed by the judge and court reporter.

On the face of the petition, therefore, Boyd did not assert any claim that the district court could have discerned, let alone could have granted, him postconviction relief. Furthermore, even if the district court could have understood Boyd's claims, other than Boyd's ineffective assistance of counsel claims, they should have been raised on direct appeal of Boyd's criminal proceeding. Instead, Boyd, on appeal, challenged only the sufficiency of the evidence of his attempted deliberate homicide conviction and the conditions of his sentence.

Boyd's memorandum and affidavit filed in support likewise did not state a claim. In his affidavit, Boyd strings together a combination of words and phrases that provide no support to the claims in his petition. And, in his memorandum, Boyd merely checks the boxes that he received ineffective assistance of trial counsel, ineffective assistance of appellate counsel, and that the prosecutor failed to disclose evidence. Boyd, however, does not assert any basis as to how his trial counsel or his appellate counsel were ineffective. Nor does Boyd assert what evidence the prosecutor failed to disclose. The district court, therefore, did not err when it denied Boyd's PCR petition, finding, that after its thorough review of Boyd's pleadings, Boyd had failed to state a claim resulting in the pleadings conclusively showing that Boyd was not entitled to relief. (*See* PCR Doc. 4 at 6.)

CONCLUSION

The State respectfully requests this Court affirm the district court’s denial of Boyd’s PCR petition.

Respectfully submitted this 7th day of September, 2023.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this principal brief is printed with a proportionately spaced Times New Roman 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 4,006 words, excluding cover page, table of contents, table of authorities, certificate of service, certificate of compliance, signatures, and any appendices.

/s/ Cori Losing
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CERTIFICATE OF SERVICE

I, Cori Danielle Losing, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellee's Response to the following on 09-07-2023:

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