

DA 25-0342

IN THE SUPREME COURT OF THE STATE OF MONTANA

2026 MT 196N

STATE OF MONTANA,

Plaintiff and Appellee,

v.

BUCKLEYCOLE RANDALL ACKERMAN,

Defendant and Appellant.

APPEAL FROM: District Court of the Fourth Judicial District,
In and For the County of Missoula, Cause No. DC-24-428
Honorable Jason Marks, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Buckleycole Randall Ackerman, Self-Represented, Shelby, Montana

For Appellee:

Austin Knudsen, Montana Attorney General, Brad Fjeldheim,
Assistant Attorney General, Helena, Montana

Matt Jennings, Missoula County Attorney, William Haney, Deputy
County Attorney, Missoula, Montana

Submitted on Briefs: June 24, 2026

Decided: August 18, 2026

Filed:


Clerk

Justice Laurie McKinnon delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Buckleycole Randall Ackerman (Ackerman) appeals from the May 21, 2025 Judgment entered in the Fourth Judicial District Court, Missoula County, upon his conviction for two counts of Intimidation and one count of Assault with a Weapon after a bench trial. We affirm.

¶3 In early July 2024, Ackerman worked for a private wildland fire company (Company). There, he met three younger men, C.Z., L.P., and B.M., with whom he camped on the night of July 3, 2024. Ackerman bought the young men food before the parties reached their campsite. Undisputed testimony indicated that C.Z. used multiple racial slurs against Ackerman's race, suggesting a possible motive for his later behavior. At or near the campsite, Ackerman began displaying his pistol to the young men and asked them if him possessing a firearm made them feel uncomfortable. The young men explained that they were familiar with firearms and were not initially bothered. Ackerman apparently dry fired the weapon out the window of L.P.'s truck. At the campsite Ackerman and C.Z. ingested alcohol and high-concentrate marijuana. The parties' tents were placed in a circular formation, with Ackerman's about ten feet from the other tents. L.P. retired into his tent early and the other parties stayed up later. Ackerman said something to the effect

of “[i]f anyone ever makes a move on me, I’ll just go kamikaze on [them].” Ackerman later dry fired the pistol at B.M. while holding the magazine clip in his other hand. C.Z. also alleged that Ackerman had dry fired his pistol at him. Under Company policy, the wildland firefighters were prohibited from carrying firearms at work. Ackerman was also on probation and forbidden from possessing firearms. Ackerman threatened to hunt down the young men and cause them harm if they told anyone that he possessed a firearm. B.M. testified that he was very afraid because of Ackerman’s threats and conduct, and that he could not sleep all night.

¶4 The following day the parties reported to their jobsite and completed a day of work. The young men did not report the incident from the prior night because they were fearful that Ackerman would retaliate against them. The young men reported the incident on the morning of July 5th to a supervisor, Jerald White (White). White separated Ackerman from the rest of the field crew and asked him to accompany him to Company headquarters. The Company reported the incident to the sheriff’s office, which then obtained permission from probation to conduct a probationary search of Ackerman. A sheriff’s deputy met Ackerman and his supervisors at Company headquarters where he searched Ackerman’s gear bag and found his pistol. The deputy placed Ackerman under arrest.

¶5 At a bench trial, Ackerman appeared with counsel and testified regarding his version of events the night of the incident in question. The young men, White, another Company representative, and a detective also testified. The District Court found the testimony of C.Z. to be the least credible of all the parties’ testimony because of the alcohol and marijuana he had ingested, and that Ackerman’s version of his statements regarding “going

kamikaze” were closest to what actually transpired. The court convicted Ackerman of one count of Assault with a Weapon and two counts of Intimidation and sentenced him to seven years, with five suspended, to run concurrently with each other but consecutive to another sentence entered in Lake County.

¶6 Appealing pro se, Ackerman’s alleged errors are difficult to discern except that he has categories identified as “alleged witness,” “incompetent representation,” and “illegal activity by a district court judge.” A party on appeal must support their argument with citations to the record, statutes, and provide legal authority. M. R. App. P. 12(1)(g). We are not required to “conduct legal research on behalf of a party, to guess at his or her precise position, or to develop legal analysis that may lend support to that position.” *Johnston v. Palmer*, 2007 MT 99, ¶ 30, 337 Mont. 101, 158 P.3d 998. However, after considering Ackerman’s briefing, we discern generally that Ackerman disputes the findings and conclusions of the District Court and casts broad accusations of misconduct by counsel, the district judge, and witnesses who testified against Ackerman. Thus, Ackerman’s alleged errors can be legally restated as insufficiency of the evidence and trial counsel’s ineffectiveness.

¶7 We will review alleged insufficiency of evidence claims in the light most favorable to the prosecution and whether any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *State v. Ellerbee*, 2019 MT 37, ¶ 13, 394 Mont. 289, 434 P.3d 910 (citation omitted). B.M. testified that Ackerman pointed his pistol at him numerous times and dry fired it while holding the magazine in his other hand. B.M. testified he was afraid and could not sleep all night. Ackerman did this in the presence of

others while stating that “[i]f anyone ever makes a move on me, I’ll just go kamikaze on [them].” Although Ackerman denies B.M.’s testimony, the evidence in the light most favorable to the prosecution establishes that Ackerman used a pistol to cause B.M. to reasonably fear he might be seriously injured. Section 45-5-213(1)(b), MCA.

¶8 C.Z. also testified that Ackerman dry fired his pistol at him. While the District Court found his testimony less credible, all three men testified that Ackerman told them that he would kill them or hurt them if they told anyone that he had a gun. “A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority . . . [the] inflict[ion of] harm on the person threatened or any other person.” Section 45-5-203(1)(a), MCA. Although Ackerman denies making the threat, the District Court heard the testimony from these three witnesses and found that Ackerman told them he would kill or hurt them if they told anyone that he had the gun. Accordingly, the evidence was sufficient to convict Ackerman of two counts of Intimidation.

¶9 Ineffective assistance of counsel (IAC) claims, to the extent they may be reviewed on direct appeal, present mixed questions of law and fact that this Court reviews de novo. *State v. Aker*, 2013 MT 253, ¶ 22, 371 Mont. 491, 310 P.3d 506. A petitioner raising an IAC claim has the burden of establishing by a preponderance of the evidence that counsel’s performance was deficient and that the deficient performance prejudiced his defense. *State v. Mikesell*, 2021 MT 288, ¶ 19, 406 Mont. 205, 498 P.3d 192. This Court can only review record-based IAC claims on direct appeal. *State v. Ward*, 2020 MT 36, ¶ 15,

399 Mont. 16, 457 P.3d 955. Here, Ackerman has failed to cite to any record-based errors for this Court to consider his IAC on direct appeal. Ackerman provides conclusory statements that his counsel “is a terrible attorney” whose “memory is just done for”; that he believed it took him “eleven years to finish law school [and] that there is a reason for that”; and that his attorney “personally doctors all the discovery that he gives his clients.” We have considered all of Ackerman’s accusations against counsel and the district judge and, to the extent they appear in the record, conclude that Ackerman has failed to meet his burden to prove that he received ineffective assistance of counsel or that the district judge acted inappropriately. Ackerman’s IAC claims are not record based. *Ward*, ¶ 15.

¶10 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

¶11 Affirmed.

/S/ LAURIE McKINNON

We Concur:

/S/ CORY J. SWANSON

/S/ KATHERINE M. BIDEGARAY

/S/ BETH BAKER

/S/ JIM RICE