

DA 23-0545

IN THE SUPREME COURT OF THE STATE OF MONTANA

2026 MT 199N

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CHARLES GALEN LANE,

Defendant and Appellant.

APPEAL FROM: District Court of the Sixth Judicial District,
In and For the County of Park, Cause No. DC 2020-115
Honorable Brenda R. Gilbert, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Kelli A. Cummings, KA Cummings, Law, PLLC, Great Falls,
Montana

For Appellee:

Austin Knudsen, Montana Attorney General, Roy Brown, Assistant
Attorney General, Helena, Montana

Chad B. Glenn, Park County Attorney, Livingston, Montana

Submitted on Briefs: August 5, 2026
Decided: August 18, 2026

Filed:


Clerk

Justice Jim Rice 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 Charles G. Lane appeals his judgment of conviction, entered after a jury trial, of criminal possession of dangerous drugs pursuant to § 45-9-102, MCA. Lane challenges the sufficiency of the evidence to support his conviction and the failure of the judgment to provide credit for time served in the amount of 133 total days, rather than the 33 days awarded. The State concedes that Lane is entitled to a credit for time served of 133 days toward his sentence.

¶3 On the evening of October 15, 2020, Lane approached the cashier's "cage," a horseshoe-shaped counter, in the Lucky Lil's Casino in Livingston, and asked Aubrey Wiles, the Assistant Manager, to make some change. Wiles was familiar with Lane as a regular customer of the casino. Wiles was "floor runner" that evening, waiting on customers, serving drinks, and cashing tickets. After the transaction with Lane, Wiles noticed a small bag containing a white substance on the floor in front of the cashier's cage. Wiles picked up the bag, locked it in the safe in the casino office, and contacted police. Police field-tested the white substance, which tested positive for methamphetamine. Later testing at the crime lab also identified the substance as methamphetamine.

¶4 Wiles had been walking back and forth through the casino that evening, and testified that there was nothing on the floor “about five minutes prior” to her interaction with Lane at the cashier’s cage. Wiles initially gave to police the names of two customers, Lane and another person, who were the last people in the area of the counter prior to her discovery of the bag. After reviewing the closed-circuit video of the area, Wiles ruled out the other customer and identified Lane as the customer she believed dropped the bag, and testified from still photographs taken from the video that Lane moved away from the counter while the bag was on the floor beside his foot. She also testified after reviewing the video that no other customers aside from Lane had approached the cashier counter after the time she had walked through five minutes prior, and noted nothing was then on the floor.

¶5 Wiles did not witness and the video did not capture the bag’s journey to the floor. The video was played for the jury and showed Lane arriving at the cashier counter at 8:09:21 p.m., rummaging through his pockets to pull out cash at 8:09:45 p.m., and then walking away from the counter at 8:10:20 p.m., at which point the bag containing a white substance is visible on the dark carpet next to where Lane had been standing. The video showed that no other customer approached the counter in the nine minutes prior to Lane approaching the counter.

¶6 Lane was charged with criminal possession of dangerous drugs. He was convicted after a jury trial was conducted in May 2023, and received a four-year deferred sentence. Lane appeals, challenging the sufficiency of the evidence to prove beyond a reasonable doubt that he committed the charged offense.

¶7 “We review de novo whether sufficient evidence supports a conviction.” *State v. Christensen*, 2020 MT 237, ¶ 11, 401 Mont. 247, 472 P.3d 622 (citation omitted). When considering a challenge based on the sufficiency of the evidence, we determine “whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Christensen*, ¶ 11 (citation omitted). “A jury may consider all direct and circumstantial evidence, as well as any legitimate inferences that may be legally drawn therefrom, to determine a defendant’s culpability.” *Christensen*, ¶ 118 (citation omitted). “The jury, exclusively, draws inferences from circumstantial evidence and should determine its conclusions on elements of the crime if ‘warranted by the evidence as a whole.’” *Christensen*, ¶ 118 (citation omitted).

¶8 Lane contends the State failed to carry its burden of proving he committed the charged offense because no rational trier of fact could convict him based upon the evidence presented. He argues that “[t]he State could not produce a single witness who saw Mr. Lane handling the bag of meth. That is because no one saw him hold it, drop it, or leave it behind Ms. Wiles was the closest to witnessing whoever dropped the bag of meth, yet she did not see it either.”

¶9 It is not contested that the State proved the white substance in the bag was methamphetamine, a dangerous drug. Lane’s focus on the absence of direct evidence that he dropped the bag on the floor does not account for the circumstantial evidence presented by the State. Wiles’s testimony and the closed-circuit video offered evidence that the white bag was not on the floor in the area of the cashier counter for five minutes and nine minutes,

respectively, prior to Lane approaching the counter. No other person approached the counter during this time. In the course of a minute, Lane conversed with Wiles, rummaged in his pockets, completed a transaction for change, and walked away, while the white bag is seen lying on the ground beside his foot and remaining on the floor after he departs. “The jury, exclusively, draws inferences from circumstantial evidence and should determine its conclusions on elements of the crime if ‘warranted by the evidence as a whole.’” *Christensen*, ¶ 118 (citation omitted). Further, “[t]he existence of a mental state may be inferred from circumstantial evidence, including the acts of the accused and facts and circumstances surrounding the offense.” *State v. Ernst*, 2025 MT 89, ¶ 22, 421 Mont. 441, 567 P.3d 944 (citation omitted). We conclude the State presented sufficient evidence from which a rational jury could conclude that Lane committed the elements of the offense of criminal possession of dangerous drugs, § 45-9-102, MCA.

¶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 The conviction is affirmed, and the matter is remanded for entry of an amended judgment granting a total credit of 133 days for time served toward the sentence.

/S/ JIM RICE

We Concur:

/S/ CORY J. SWANSON

/S/ KATHERINE M. BIDEGARAY

/S/ BETH BAKER

/S/ INGRID GUSTAFSON