

No. 02-393

IN THE SUPREME COURT OF THE STATE OF MONTANA

2003 MT 148N

WILLIAM J. BAKER,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Respondent.

APPEAL FROM: District Court of the Eighth Judicial District,
In and for the County of Cascade, Cause No. BDC-98-527
The Honorable Marge Johnson, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

William J. Baker, *Pro Se*, Deer Lodge, Montana

For Respondent:

Hon. Mike McGrath, Attorney General; Jennifer Anders,
Assistant Attorney General, Helena, Montana

Brant Light, Cascade County Attorney; Susan Weber, Deputy
County Attorney, Great Falls, Montana

Submitted on Briefs: May 8, 2003

Decided: May 23, 2003

Filed:

Clerk

Chief Justice Karla M. Gray delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court 1996 Internal Operating Rules, the following decision shall not be cited as precedent. It shall be filed as a public document with the Clerk of the Supreme Court and shall be reported by case title, Supreme Court cause number and result to the State Reporter Publishing Company and to West Group in the quarterly table of noncitable cases issued by this Court.

¶2 In 1999, William J. Baker was convicted of robbery, misdemeanor theft and carrying a concealed weapon. We affirmed his conviction on appeal. *State v. Baker*, 2000 MT 307, 302 Mont. 408, 15 P.3d 379. In 2001, Baker petitioned the Eighth Judicial District Court, Cascade County, for postconviction relief, asserting he was denied effective assistance of counsel both at trial and on appeal. The District Court denied relief, and Baker appeals. We affirm.

¶3 On appeal, Baker argues the District Court's denial of his petition for postconviction relief is contrary to federal law under *Strickland v. Washington* (1984), 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674.

¶4 We have determined to decide this case pursuant to our Order dated February 11, 2003, amending Section 1.3 of our 1996 Internal Operating Rules and providing for memorandum opinions. On the face of the record and the briefs, it is manifest that the appeal is without merit because there clearly is sufficient evidence to support the District Court's finding of fact that the record and

the affidavits submitted by Baker's public defender and appellate defender establish that Baker was given effective assistance of counsel as required under *Strickland* in the underlying criminal proceedings and on appeal.

¶5 Affirmed.

/S/ KARLA M. GRAY

We concur:

/S/ JAMES C. NELSON
/S/ PATRICIA COTTER
/S/ W. WILLIAM LEAPHART
/S/ JIM REGNIER