No. 03-111

IN THE SUPREME COURT OF THE STATE OF MONTANA

2004 MT 2N

STATE OF MONTANA,

Plaintiff and Respondent,

v.

ALLISON CHAPMAN,

Defendant and Appellant.

APPEAL FROM: District Court of the Twelfth Judicial District,
In and For the County of Chouteau, Cause No. DC 2002-06
Honorable John Warner, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Allison Chapman, *Pro Se*, Geraldine, Montana

For Respondent:

Honorable Mike McGrath, Attorney General; Robert Stutz, Assistant Attorney General, Helena, Montana

Stephen A. Gannon, Chouteau County Attorney, Fort Benton, Montana

---

Submitted on Briefs: December 11, 2003

Decided: January 13, 2004

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 Allison Chapman appeals from the judgment entered by the Twelfth Judicial District Court, Chouteau County, on a jury conviction of the misdemeanor offense of disorderly conduct. We affirm.

¶3 Chapman raises two issues on appeal: whether the evidence was sufficient to support the conviction and whether the speech at issue was constitutionally protected.

¶4 Chapman first argues the evidence was insufficient to support the conviction of disorderly conduct because no one's peace was disturbed. We review the sufficiency of the evidence in a criminal case to determine whether the evidence, viewed in the light most favorable to the prosecution, would allow any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. *State v. Bay*, 2003 MT 224, ¶ 10, 317 Mont. 181, ¶ 10, 75 P.3d 1265, ¶ 10 (citation omitted).

¶5 The testimony at trial disproves Chapman's first argument. The prosecution presented evidence that Chapman came out into a public road shouting at five youths seated in two vehicles, with the admitted purpose of chasing them away. Chapman’s words were to the effect of "You can't come to town and drive around at night. Get the fuck out of my town. You're going to jail tonight. I filed a complaint." Three of the young people testified at trial.

They stated that, as a result of Chapman's behavior, they were "confused and shaken up," "kind of scared" and "kind of scared because I didn't know what was going to happen next." Because this established a disturbance of the status quo for those three individuals, we conclude it was sufficient to support a jury finding that Chapman was guilty of disorderly conduct. *See City of Columbia Falls v. Bennett* (1991), 247 Mont. 298, 301, 806 P.2d 25, 27; *City of Billings v. Batten* (1985), 218 Mont. 64, 71-72, 705 P.2d 1120, 1125.

¶6 Chapman makes a second, one-sentence argument that the word "fuck" is "Fully Protected Speech as ruled by the United States Supreme Court." The only "authority" advanced is a copy of a brief in which the Idaho Association of Criminal Defense Lawyers and the American Civil Liberties Union of Idaho argued to the Idaho Supreme Court that the words "fuck you" are protected under the First Amendment to the United States Constitution.

¶7 A copy of a brief to another court clearly is not authority to support an argument to this Court as required by Rule 23(a)(4), M.R.App.P. Therefore, we decline to address Chapman's second argument. *See State v. Davis*, 2003 MT 341, ¶ 29, 318 Mont. 459, ¶ 29, ___P.3d ___, ¶ 29 (citations omitted); *State v. Strauss*, 2003 MT 195, ¶ 51, 317 Mont. 1, ¶ 51, 74 P.3d 1052, ¶ 51 (citations omitted).

¶8 Affirmed.

/S/ KARLA M. GRAY

We concur:

/S/ JIM REGNIER
/S/ JAMES C. NELSON
/S/ PATRICIA O. COTTER
/S/ JIM RICE