

DA 09-0614

IN THE SUPREME COURT OF THE STATE OF MONTANA

2010 MT 109N

LAWRENCE ROEDEL,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

APPEAL FROM: District Court of the Eleventh Judicial District,
In and For the County of Flathead, Cause No. DV 08-1313(B)
Honorable Katherine R. Curtis, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Larry Roedel, (self-represented litigant); Shelby, Montana

For Appellee:

Hon. Steve Bullock, Montana Attorney General; John Paulson,
Assistant Attorney General; Helena, Montana

Edward J. Corrigan, Flathead County Attorney; Kalispell, Montana

Submitted on Briefs: April 21, 2010

Decided: May 18, 2010

Filed:

Clerk

Justice W. William Leaphart delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(d)(v), Montana Supreme Court 1996 Internal Operating Rules, as amended in 2006, the following memorandum decision shall not be cited as precedent. It shall be filed as a public document with the Clerk of the Supreme Court, and its case title, Supreme Court 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 Lawrence Roedel appeals the order of the District Court denying his petition for postconviction relief. In the underlying case, a Flathead County jury convicted Roedel of deliberate homicide for shooting his wife. We affirmed the conviction in *State v. Roedel*, 2007 MT 291, 339 Mont. 489, 171 P.3d 694.

¶3 Roedel petitioned for postconviction relief, alleging ineffective assistance of counsel, as well as misconduct by police and prosecutors. The District Court denied Roedel's petition, reasoning that it was not only technically defective, but also that it lacked substantive merit. On appeal Roedel repeats his ineffective-assistance-of-counsel and prosecutorial-misconduct arguments. Summarizing his appeal, Roedel insists, "The State has no evidence not born out of fabrication and perjured testimony."

¶4 We review a denial of postconviction relief to determine whether the district court's findings of fact are clearly erroneous and whether its conclusions of law are correct. *Robinson v. State*, 2010 MT 51, ¶ 10, 355 Mont. 326, ___ P.3d ___. We review ineffective-assistance-of-counsel claims de novo. *Id.*

¶5 We have decided to dispose of this case pursuant to Section I, Paragraph 3(d)(i) of our 1996 Internal Operating Rules, as amended in 2006, which provides for memorandum opinions. It is manifest on the record before us that the District Court's factual findings were supported by sufficient evidence and its legal conclusions supported by settled law. We therefore affirm.

/S/ W. WILLIAM LEAPHART

We concur:

/S/ MIKE McGRATH
/S/ JAMES C. NELSON
/S/ MICHAEL E WHEAT
/S/ BRIAN MORRIS