

DA 13-0861

IN THE SUPREME COURT OF THE STATE OF MONTANA

2014 MT 303N

STATE OF MONTANA,

Plaintiff and Appellee,

v.

LISA R. HUEY,

Defendant and Appellant.

APPEAL FROM: District Court of the Fourth Judicial District,
In and For the County of Missoula, Cause No. DC-03-162
Honorable Robert L. Deschamps, III, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Lisa R. Huey (Self-Represented), Butte, Montana

For Appellee:

Timothy C. Fox, Montana Attorney General, C. Mark Fowler, Assistant
Attorney General, Helena, Montana

Fred Van Valkenburg, Missoula County Attorney, Missoula, Montana

Submitted on Briefs: October 29, 2014
Decided: November 18, 2014

Filed:

Clerk

Chief Justice Mike McGrath delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(d), 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 Lisa Huey appeals from the District Court's order of December 4, 2014, denying her motion to reconsider the sentence imposed upon her after a probation violation. We affirm.

¶3 In January 2012 the District Court revoked Huey's probation and sentenced her to a term of imprisonment pursuant to her original sentence. Huey contested the amount of credit she received for time served. The District Court denied Huey's request for additional credit for time served in a hand-written order dated March 1, 2012. Huey filed a motion to reconsider that order and the District Court denied that motion in another handwritten order dated December 4, 2014 (sic, should be 2013). On appeal Huey contends that the order denying the motion to reconsider is unlawful because it was handwritten and illegible. Huey does not appeal from the underlying order of March 1, 2014, denying her request for additional credit for time served.

¶4 Huey has not presented any legal reason why the order denying her motion to reconsider was unlawful and the District Court's handwriting is clearly legible. While Huey cites the Uniform District Court Rules and the Rules of the Montana Fourth

Judicial District, she provides no authority under those rules to invalidate the order that is at issue in this case. Further, even if the order at issue were unlawful, the District Court's prior order denying the requested relief is of record and Huey did not appeal from it.

¶5 We have determined to decide this case pursuant to Section I, Paragraph 3(d) of our Internal Operating Rules, which provides for memorandum opinions. The issues in this case are controlled by settled Montana law, which the District Court correctly interpreted.

¶6 Affirmed.

/S/ MIKE McGRATH

We Concur:

/S/ MICHAEL E WHEAT
/S/ PATRICIA COTTER
/S/ JAMES JEREMIAH SHEA
/S/ JIM RICE