

SYNOPSIS OF THE CASE

2019 MT 56: DA 17-0576, CITY OF HELENA, Plaintiff and Appellee, v. **RONALD SCOTT PARSONS**, Defendant and Appellant.¹

In a 4-3 decision, the Montana Supreme Court today reversed and remanded for a new trial Ronald Scott Parsons's conviction on the misdemeanor offenses of negligent endangerment and reckless driving in the Helena Municipal Court.

The City of Helena prosecuted Parsons after he pulled his pickup and towed boat trailer across a main thoroughfare in Helena in March 2016 to block the escape of a motorcyclist fleeing from pursuing Helena police in an extended high-speed chase through the city. The fleeing motorcyclist was injured and then immediately apprehended by police after losing control and crashing when he was unable or unwilling to stop at the roadblock.

The Supreme Court held that the Municipal Court erroneously refused to instruct the jury and allow evidence and argument on the authority of private citizens to make a citizen's arrest as a factual consideration, among others, under the totality of the circumstances in determining whether Parsons committed the charged offenses as alleged. The Court noted, however, that it was not holding or suggesting that the authority to make a citizen's arrest provides or implies either a right to interfere or intervene in official law enforcement operations or immunity from criminal liability for independently defined criminal offenses.

Three members of the Court dissented, asserting that the citizen's arrest statute does not authorize an individual like Parsons to inject himself into an active police pursuit. They asserted that a private citizen does not have the right to take it upon himself to secure the arrest of a suspect if a law enforcement officer already is at the scene.

¹ This synopsis is for public convenience only. It is not part of the Court's Opinion and may not be cited as precedent.