

DA 18-0585

IN THE SUPREME COURT OF THE STATE OF MONTANA

2019 MT 133N

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

MATTHEW LAWRENCE GRAM,

Defendant and Appellant.

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APPEAL FROM: District Court of the Sixteenth Judicial District,  
In and For the County of Rosebud, Cause No. DC 1533  
Honorable Nickolas C. Murnion, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Matthew Lawrence Gram, Self-Represented, Glendive, Montana

For Appellee:

Timothy C. Fox, Montana Attorney General, Madison L. Mattioli, Assistant  
Attorney General, Helena, Montana

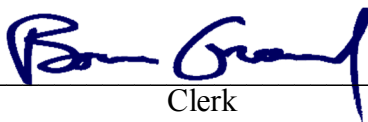
C. Kristine White, Rosebud County Attorney, Forsyth, Montana

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Submitted on Briefs: April 10, 2019

Decided: June 4, 2019

Filed:

  
Clerk

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Justice James Jeremiah Shea delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), 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 Matthew Lawrence Gram appeals the Order of the Sixteenth Judicial District Court, Rosebud County, denying his Motion to Stop Department of Corrections Garnishment of [] Gram's Inmate Trust Account (Motion). We affirm.

¶3 On August 7, 1985, Gram pled guilty to felony criminal mischief, in violation of § 45-6-101, MCA (1978). On August 29, 1985, the District Court sentenced Gram to five years, with all but thirty days suspended. As a condition of his suspended sentence, Gram was ordered to pay \$4,123.32 in restitution. On September 25, 1986, the State filed a Motion to Revoke and a Report of Violation, alleging, among other things, that Gram failed to make payments on the restitution ordered. On October 2, 1986, the District Court revoked Gram's suspended sentence and sentenced him to five years at the Montana State Prison (MSP), with credit for time served. On or about September 2, 1991, Gram's sentence on the criminal mischief charge expired. Since 2004, Gram has been in and out of confinement at MSP for unrelated offenses, and Gram's inmate trust account at MSP has been garnished to pay the owed restitution since 2010. On September 17, 2018, Gram filed his Motion pro se, alleging that the State was illegally garnishing his inmate trust

account at MSP and his Montana State income tax refund to pay the restitution. On September 18, 2018, the District Court denied Gram's Motion. Gram appeals.

¶4 We review a district court's denial of a postconviction relief (PCR) petition to determine whether its findings of fact are clearly erroneous and its conclusions of law are correct. *Wilkes v. State*, 2015 MT 243, ¶ 9, 380 Mont. 388, 355 P.3d 755 (citation omitted). We will not reverse where the district court reached the right result, even if it reaches the right result for the wrong reason. *State v. Ellison*, 2012 MT 50, ¶ 8, 364 Mont. 276, 272 P.3d 646 (citation omitted).

¶5 PCR remains the exclusive remedy for collaterally attacking the validity of a conviction and sentence. Section 46-21-101, MCA. To determine whether a PCR petition is timely, we look to the statute of limitations in effect at the time the PCR petition is filed, not to the statute in effect at the time of the conviction. *Hawkins v. Mahoney*, 1999 MT 82, ¶ 9, 294 Mont. 124, 979 P.2d 697 (citations omitted). A PCR petition may be filed at any time within one year of the date that the conviction becomes final. Section 46-21-102(1), MCA. A conviction becomes final for purposes of PCR when the time for appeal to this Court expires. Section 46-21-102(1)(a), MCA.

¶6 Here, the District Court analyzed the merits of Gram's Motion, treating it as a request to modify the judgment. However, Gram's Motion, although not styled as such, is functionally a PCR petition. *See* § 46-21-101, MCA. Gram's revoked sentence on his criminal mischief conviction became final when his time for appeal to this Court expired. *See* § 46-21-102(1)(a), MCA; *see also* M. R. App. P. 4(5)(b). Gram was required to file

his Motion as a PCR petition within one year of his conviction becoming final. *See* § 46-21-102(1), MCA. Gram's Motion was filed thirty-three years after his original sentence was imposed and thus is time barred. *See* § 46-21-102(1)(a), MCA; *Hawkins* ¶ 9. Accordingly, we decline to address the merits of Gram's Motion. The District Court correctly denied Gram's Motion, albeit for the wrong reason. *See Ellison*, ¶ 8.

¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review. We affirm.

/S/ JAMES JEREMIAH SHEA

We Concur:

/S/ MIKE McGRATH  
/S/ LAURIE McKINNON  
/S/ BETH BAKER  
/S/ JIM RICE