

DA 12-0630

IN THE SUPREME COURT OF THE STATE OF MONTANA

2013 MT 117N

STATE OF MONTANA,

Plaintiff and Appellee,

v.

WILLIAM F. LONGFELLOW,

Defendant and Appellant.

APPEAL FROM: District Court of the Eighth Judicial District,
In and For the County of Cascade, Cause No. CDC-05-102
Honorable Kenneth R. Neill, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

William F. Longfellow (Self-Represented), Shelby, Montana

For Appellee:

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

John W. Parker, Cascade County Attorney, Susan Weber, Deputy County
Attorney, Great Falls, Montana

Submitted on Briefs: April 17, 2013

Decided: April 30, 2013

Filed:

Clerk

Justice Laurie McKinnon 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 This is an appeal of a denial of a motion to compel production of a plea agreement filed by Appellant William Flynn Longfellow.

¶3 Longfellow was convicted by a jury on October 6, 2006, of sexual intercourse without consent before the Honorable Kenneth R. Neill, Eighth Judicial District Court, Cascade County. The District Court sentenced Longfellow to Montana State Prison for fifty years, with ten years suspended. Longfellow's conviction was affirmed by this Court on October 9, 2008. *See State v. Longfellow*, 2008 MT 343, 346 Mont. 286, 194 P.3d 694.

¶4 Longfellow filed a petition for postconviction relief which was denied by the District Court on November 12, 2010. The denial of Longfellow's petition for postconviction relief was affirmed by this Court in a memorandum opinion issued July 29, 2011. *See Longfellow v. State*, 2011 MT 181N.

¶5 On September 4, 2012, Longfellow filed in the District Court a Motion to Compel the prosecutor's office and his former attorneys to produce copies of alleged plea agreements, written and oral, which may have been allegedly used during his 2005-2006 trial proceedings. On September 12, 2012, the District Court denied Longfellow's

request stating that “Longfellow [has] exhausted his remedies of appeal. There is no pending matter before this Court. Longfellow has no meritorious reason needing any communications and written plea agreements.” Longfellow filed a motion for reconsideration which was denied by the District Court on September 26, 2012. Longfellow appeals to this Court the order denying his Motion to Compel.

¶6 The standard of review for the issue Longfellow raises is an abuse of discretion. *State v. Ross*, 269 Mont. 347, 889 P.2d 161 (1995) (applying the standard of abuse of discretion to matters of trial administration); *Bartlett v. Allstate Ins. Co.*, 280 Mont. 63, 929 P.2d 227 (1996) (alleged discovery violations in a civil trial are reviewed for an abuse of discretion). Longfellow has not alleged any facts which would indicate that the information he seeks actually exists, let alone that the District Court has abused its discretion in denying his request for the purported plea agreement. This Court has repeatedly held that it will not consider unsupported issues or arguments on appeal. *State v. Ochadleus*, 2005 MT 88, ¶ 32, 326 Mont. 441, 110 P.3d 448; *State v. Rodarte*, 2002 MT 317, ¶ 15, 313 Mont. 131, 60 P.3d 983.

¶7 We have determined to decide this case pursuant to Section I, Paragraph 3(d) of our Internal Operating Rules, which provides for noncitable memorandum opinions. The issues in this case are ones of judicial discretion and there clearly was not an abuse of discretion.

¶8 Affirmed.

/S/ LAURIE McKINNON

We Concur:

/S/ MIKE McGRATH

/S/ JIM RICE

/S/ PATRICIA COTTER

/S/ BETH BAKER