State v. Madsen, 2013 MT 281

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The term “prisoner” in Mont. Code Ann. § 45–5–204(1) is not facially ambiguous. Correct application of the canons of statutory interpretation give the term “prisoner” the plain meaning of a person whose liberty is restrained by law enforcement personnel, for any reason, including by reason of a conviction and sentence to a state prison.

The State charged Thomas Madsen, a Gallatin County Sheriff’s Deputy, with mistreating prisoners on September 4, 2012. The parents of K.J., a female juvenile, brought her to the Gallatin County Law and Justice Center and requested law enforcement assistance in transporting her to a residential treatment facility.

On February 9, 2011, K.J. was placed in a small interview room with her hands cuffed to a waist belt and her legs shackled. K.J. attempted to turn off the light in the room and lay down when Madsen, who was outside, ordered her to sit at the table with the lights on and warned her that if she did not she would “find [herself] in a whole world of hurt.” K.J. did not comply and Madsen entered the room, grabbed her by the neck and pushed her against the wall banging her head. Another officer entered and separated them.

On September 4, 2012 the State charged Madsen with mistreating prisoners, a felony, under Mont. Code Ann. § 45–5–2–04. The district court granted Madsen’s motion for summary judgment determining that K.J. was not a “prisoner” under the statute. In reaching its decision the district court determined that the term “prisoner” was ambiguous and reviewed the amendment history of the various statutes incorporated in the current statute. The district court determined that the legislature intended the term “prisoner” to mean only those who are serving a sentence at the State prison or another State facility as the result of a conviction. Citing the fact that K.J. was a juvenile, that she had not been convicted of an offense, and that she was not being held in a State facility, K.J. was not a “prisoner” that Madsen could have mistreated under the statute.

The Montana Supreme Court reversed, finding fault with the district court’s approach to statutory construction. The Court found that statutory terms must be interpreted reasonably and logically. Terms must be given the natural and popular meaning by which they are usually understood. Citing the *Merriam–Webster Collegiate Dictionary* the Court concluded that the word “prisoner” is commonly understood to mean a person whose liberty is restrained by law enforcement personnel, for any reason, including by reason of a conviction and sentence to a state prison. The majority held that “a court’s function is to determine legislative intent, and where that can be determined from the plain meaning of the words used, the plain meaning controls and a court need not go further or apply other means of interpretation.” The narrow approach applied by the district court would omit a wide variety of people detained by law enforcement in institutional settings, thus denying them the full protection of law.

In his dissent Justice Rice eschewed the majority’s reliance on a “lay approach” to determining the plain meaning of terms codified in a statute. Justice Rice agreed with the district court that the term “prisoner” was ambiguous and that an analysis of the statutory context and legislative history was appropriate, therefore the Court should apply the rule of lenity in favor the district court.

*State v. Madsen* clarified the cannons of statutory interpretation. The Montana practitioner should be cognizant of the plain meaning of commonly used terms and apply that meaning when terms can be reasonably and logically interpreted to support an otherwise intelligible statute.

Honorable Holly J. Brown, District Court of the Eighteenth Judicial District.

For Appellant: Timothy C. Fox, Montana Attorney General; Barbara C. Harris, Assistant Attorney General; Tammy K. Plubell, Assistant Attorney General, Helena, Montana.

For Appellee: Al Avignone and Lisa A. Banick of Avignone, Banick & Williams, PLLC, Bozeman, Montana.

For Amicus: Anna Conley from ACLU of Montana, Missoula, Montana.